

### **FAMINE AND WAR**

#### **I. Introduction**

When famine breaks out during an armed conflict, the natural, spontaneous reaction is to help the victims by dispatching and distributing food.

Over the past ten years, considerable efforts have been made to improve such relief operations. But despite marked progress, and irrespective of whatever improvements might still be made, the fact must be faced that food aid alone will never eliminate famines nor the suffering they cause. It still falls short of meeting the victims' needs and appears essentially inadequate to solve their problems.

It is therefore necessary to analyse the precipitating factors of famine during armed conflicts so as to have a better understanding of the real nature of the problems involved and to determine how to adapt humanitarian responses accordingly.

It might at first sight seem difficult to prevent certain conflict situations from resulting in disastrous famines. However, a closer scrutiny of war/famine situations shows that in most cases famine is linked to disrupted access to sources of food that are usually available, rather than to their absence. Working on that basis, there are two approaches to humanitarian aid in war/famine situations, and in practice they are often complementary:

- The first approach consists in tackling the causes of famine by analysing why access to food has been disrupted and by proposing practical solutions to the problem;
- The second approach concerns food assistance as such, which should be seen as the last means of helping famine victims, to be resorted to once it becomes clear that normal access to food cannot be restored.

To examine these two approaches, the ICRC organized a seminar in Annecy (France) from 21 to 23 March 1991 on the subject "Famine and War". Its purpose was to collect data to define more clearly the

foundations of a global humanitarian policy for dealing with famine in armed conflicts.

The seminar was attended by some forty people invited in their personal capacity, on account of their experience of the war/famine problem from a particular viewpoint. Although their areas of experience varied they were considered complementary, e.g.:

- the phenomenon of famine;
- chain of information about famine, from the early warning stage to the event being reported in the media;
- international humanitarian law (IHL) and famine in armed conflict situations;
- relief operations.

## **II. The work of the seminar**

The seminar was extremely productive. The present article will, however, include only points of direct and immediate operational importance, i.e. the phenomenon of famine and IHL as it relates to famine during armed conflicts. The overall work of the seminar will later take the form of a detailed published report.

### **1. The phenomenon of famine<sup>1</sup>**

From what the experts had to say, it was clear that the word famine, taken in its strict definition as widespread death due to the lack of food, conveys only the most spectacular aspect of the phenomenon, namely that of disaster. Moreover, if humanitarian aid is governed by this definition, it arrives too late to be effective.

Famine has its own momentum, modulated by climatic and economic factors. It does not suddenly appear overnight, but develops gradually. Few famines are the immediate result of a single event. Hence the idea of an early warning system whereby a series of indicators are identified to detect impending famine as quickly as possible. Although this is a praiseworthy attempt at disaster prevention, it is undoubtedly in early detection, and in the measures it suggests, that the greatest number of problems are encountered:

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<sup>1</sup> Based on studies by John Seaman and Frances D'Souza.

- What most humanitarian organizations try to prevent is widespread loss of life through lack of food. Objectives and remedies are likely to be inappropriate because, although not all famines lead to the deaths of large numbers of people, they do all imply an impoverishment of the population. It is this impoverishment which must be tackled well in advance.
- Famine is a process which slowly renders ineffective the alternative plans that man develops to adapt to misfortunes. During the process, the community becomes more and more dangerously impoverished. Yet it is relatively rare that the final outcome is absolute destitution and death by starvation. The causes of famine may very well disappear at one phase of adaptation or another, and the problem is solved for the time being. This largely explains the poor performance of indicators.
- The appropriate response to the different aspects of famine is frequently complex and variable. Furthermore, since situations differ, it is almost impossible to devise an early warning system which can be applied universally.

It is therefore not easy for any organization to detect that famine is on the way, and above all to assess whether it will resolve itself on its own or whether it will end in disaster. Nevertheless, from the viewpoint of intervening on humanitarian grounds, the phenomenon of famine has at least three clear characteristics:

- (a) Adaptation to emergent famine can be detected by an economic analysis of the use of resources. This adaptation leads sooner or later to the impoverishment of the people concerned, which means they have less and less access to sources of food. The final stage is total destitution, with the population reduced to begging.
- (b) Many famines go unnoticed because they do not end in disaster. Either the causes of famine have disappeared sufficiently early or the authorities have taken adequate steps to ensure sufficient access to food until the crisis passes. It has been proved that effective action of this kind can be taken in peacetime only, and only when the government is open to democracy.
- (c) Most famines, especially those which kill, occur during armed conflicts. There is a very simple explanation: apart from those climatic and economic factors which generally give rise to famines, the loss of access to food resources is largely the result of intentional acts. These are mainly of two kinds:

- acts which directly or indirectly deprive the population of its own resources and of the means to adapt, for instance displacement of the population, restrictions on production activities, the severance of lines of communication and the pillaging and destruction of resources;
- acts which prevent access to food from being restored, such as those banning the provision of food aid, the transfer of resources and the creation of employment.

The fact that in 1987 the food system of seventeen countries with a combined population of 425 million people was severely disrupted because of war — either through deliberate acts of aggression or as the result of conflict — is a clear illustration of these phenomena.

This brings us to the second main subject of the seminar: IHL and famine during armed conflicts.

## **2. IHL and famine during armed conflicts<sup>2</sup>**

The key issue of the seminar was to study the balance between action to avert a crisis and action to limit damage once a disaster has occurred. In situations of armed conflict, loss of access to resources and the destitution that follows are generally the result of deliberate acts. Since, in general, all action is governed by legislation, what then are the legal safeguards to protect people against acts affecting their resources and against the ensuing destitution?

IHL is extremely clear in this connection:

- Starvation of civilians as a method of warfare is prohibited (Additional Protocol I, Article 54 (1));
- It is prohibited to attack, destroy, remove or render useless objects indispensable to the survival of the civilian population, such as foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works, for the specific purpose of denying them for their sustenance value to the civilian population or to the adverse Party, whatever the motive, whether in order to starve out civilians, to cause them to move away, or for any other motive (Additional Protocol I, Article 54 (2)).

Moreover, the corresponding provisions in Additional Protocol II are virtually the same.

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<sup>2</sup> Based on the paper by Peter Macalister-Smith.

- The displacement of the civilian population shall not be ordered for reasons related to the conflict unless the security of the civilians involved or imperative military reasons so demand. Should such displacements have to be carried out, all possible measures shall be taken in order that the civilian population may be received under satisfactory conditions of shelter, hygiene, health, safety and nutrition (Additional Protocol II, Article 17 (1)).
- It is recommended that, for the civilian population, relief actions which are exclusively humanitarian and impartial should be accepted when these people lack supplies essential for their survival (Additional Protocol I, Article 70; Additional Protocol II, Article 18).

Underlying this formulation is the principle that belligerents cannot legally use every possible means to place the enemy at their mercy. With regard to the civilian population, it is based on the established distinction between combatants and those not taking part in hostilities. This distinction - or principle - has become a legal prohibition, codified in Article 48 of Protocol I additional to the Geneva Conventions, that civilians shall not be the object of direct military attack. The prohibition also applies to civilian objects (Protocol I, Article 52).

Considering that IHL is a compromise between military requirements and humanitarian considerations, it is frequently difficult to apply *stricto sensu* the above-mentioned principles. The reasons are as follows:

- In modern warfare, virtually the whole of enemy territory and virtually the entire economic infrastructure may become a legitimate military target. As the law stands, the dividing line between what is military and what is civilian is extremely blurred.
- Objects which under normal circumstances are purely civilian in nature, even including crops and farmland, may legally become military objectives if a Party to a conflict uses them for military purposes.
- Since starvation is permitted as a method of combat against soldiers, this may incite them to attack and remove objects indispensable to the survival of civilians.

As a result, the “line of defence” of IHL frequently collapses. Relief operations then become necessary. The provisions of IHL concerning assistance to people in need are also an important means of giving substance to the principle of protection of the civilian population: assistance is the active counterpart of protection, and both

concepts are complementary and closely interlinked. As in providing protection against destitution, the provisions of IHL concerning humanitarian aid for the civilian population are relatively weak in the context of contemporary armed conflicts. Furthermore, putting these provisions into practice always involves a degree of interpretation of the law — generally in difficult circumstances.

The fact still remains that the principles which IHL defends render it a powerful tool. While flexible enough to adapt to each specific situation, it can be universally applicable. Persuasion should precede prohibition.

### III. Conclusions reached by the seminar

The working groups' main conclusions were as follows:

#### 1. Background

- The terms “*famine*”, “*assistance*” and “*violence*” cover a wide range of concepts, facts and activities that cannot be encompassed by any narrow definition.
- Humanitarian organizations are increasingly faced with situations which have the following characteristics:
  - War is an important factor favouring the emergence of famine and limiting the possibilities for taking remedial action.
  - The warring parties have difficulty in perceiving the civilian population and humanitarian assistance as unrelated to any military interest.
  - Too often, the *raison d'être* of military operations is to destroy the population's livelihood, not merely to attack strictly military objectives.
  - Under the threat of famine, people fear destitution as much as starvation.
  - Destitution results from attacks on resources, social structures and the peoples' cultural identity, and the accentuation of this trend is resulting in a growing synergism of famine and hostilities.

## **2. Practical consequences**

- Humanitarian assistance should try to combat the progressive destitution caused by armed conflict.
- The victims in need of assistance are those who are reduced to a state of destitution by the warring parties. In its most extreme form, this destitution is characterized by a high mortality rate.
- The objective of humanitarian assistance is not only to keep people alive, but to keep them alive for a viable future; that is to secure them a sustainable livelihood.
- Owing to the reality of warfare, protection and assistance are inevitably and inextricably linked.
- Warring parties' perception of humanitarian assistance is changing. Of necessity, humanitarian agencies are having to reassess the way in which they conduct their activities.
- Access to the victims remains the main problem of any humanitarian operation.
- To implement policies geared to any given situation, the ability to identify needs and to take practical action to address those needs is essential.

## **3. Consequences for IHL**

More specifically as regards IHL, the participants came to the following main conclusions:

- Compliance with the rules of IHL is a key to preventing famine during armed conflicts; food aid should be considered only as the last resort when the belligerents fail to abide by IHL.
- Respect for the rules of IHL diminishes the risk of famine. However, this alone cannot completely eliminate such risk, nor can it supply all the means required for effective assistance.
- The displacement of persons is a factor which engenders or aggravates famine. Respect for the rules of IHL could in many cases prevent such displacements.
- Starvation of military personnel as a method of combat is not prohibited. However, it may incite them to steal food and to use any means possible to obtain it. This point should be considered for the future development of IHL.
- Donors should not withhold food aid as a means of putting pressure on the authorities to show better respect for IHL. The civilian population would be the first victims of such a measure. Furthermore, donors should be urged not to wait until civilians are dying of starvation before taking appropriate action.

- Emphasis should be placed on the dissemination of IHL in peacetime and a system for dissemination among NGOs working in war situations should be set up.
- Also for dissemination purposes, the dialogue between the ICRC, other organizations and the armed forces should be intensified with reference to the problem of famine during armed conflicts. It is essential to convince the military that respect for the rules of IHL is in no way contrary to their military interests.

#### **IV. General conclusion**

In addressing the phenomenon of famine and the relevant parts of IHL, the seminar “Famine and War” had several merits:

- It pinpointed the exact nature of needs arising from famine during armed conflict.
- It identified the limits to food aid while also demonstrating that a many-sided approach, ranging from protection to assistance, is needed to curb the process leading to destitution.
- It made it clear that merely to keep people alive is not enough; on witnessing their destitution, responsibility must be assumed for ensuring, directly or indirectly, that they have the prospects of a viable future.
- It gave prominence again to protection as a measure to avert famine, a factor which is generally overlooked or neglected. Undoubtedly this is the most difficult approach and requires the greatest courage.
- It gave a reminder that one of the primary tasks of the Red Cross and Red Crescent is to disseminate knowledge of IHL and to seek to obtain compliance with it. Popular and readily acceptable relief operations are in fact nothing better than failures when they serve to palliate violations of the principles of IHL.

The seminar “Famine and War” will certainly be followed up:

- A draft resolution will be submitted to the 26th International Conference of the Red Cross and Red Crescent restating the main aspects of the work of the seminar with regard to IHL’s basis, role and potential for protecting famine victims during armed conflict.
- An in-depth report will be published on the work of the seminar.

- A complete analysis will be made of the seminar's findings in order to lay the foundations for a global humanitarian policy on famine during armed conflicts.
- Informal working relations will be established with the participants so as to continue examining the problem of famine and war. This is essential in view of the speed with which the modern world is changing.

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