

The Impact of Armed Conflicts on the Food Security of its Non-Combatant Parties - Starvation in Gaza Model.

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Abstract:

Food security is an important dimension of human security, which affects human existence. But it is also an element affected by particular factors, including political instability. And as the current reality confirms that armed conflicts lead to massive famines affecting their parties, especially non-combatants, if the policy of starvation is adopted as a method of warfare to weaken the opponent. This raises the idea of a legal ban on starving civilians during wars and its legal implications. This research aims to open up the debate about the impact of the conflict in "Gaza" on the food security of civilians and how international law and international bodies responded to this crisis.

Key words: Food Security, Armed Conflicts, Starvation, Impacts, Responsibility.

Introduction:

Armed conflicts come in many forms, and have complex causes, especially at the internal level, where people resort to violence because of a wide range of threats to their human security, such as changing their environment or falling under the threat of hunger. However, the argument that there is a relationship between armed conflict and food insecurity does not take only the form as mentioned before, but can be quite the opposite. That is, armed conflicts that arise for political reasons, may entail costs and human suffering related to access to adequate food. The parties to the conflict in particular threaten civilians.

Referring to the current international security situation, it is clear that weakening the food security of the warring parties has become the first means of weakening the adversary, as the legalization of this act, expressed in starvation, has become necessary to impose control, but its first victim will not be the combatants, but the innocent party that is not already involved in the conflict.

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Perhaps the most common humanitarian example this period is what civilians in “Gaza” have been suffering since Operation “Toufan Al-Aqsa” at the beginning of October 7, 2023. All humanitarian organizations insist that Israel's actions related to preventing food from reaching civilians in Gaza under the pretext of necessity are nothing but an attempt to genocide the rest of Palestinian people on one hand. And it is a flagrant violation of their right to food on the other hand, which is supposedly legally guaranteed and whose violation entails further legal action against violators.

From the introduction above, we face the following problem: **Do armed conflicts affect the food security of their non-combatant parties?**

In an attempt to answer this problem, we rely on a descriptive and analytical approach. And this shall be in accordance with the following sections:

Section 1: Violation of the Right to Food During Armed Conflicts.

Section 2: The Consequences of Violating the Right to Food During Armed Conflicts.

SECTION I: Violation of the Right to Food During Armed Conflicts

Food is one of the basic elements to ensure human life, and therefore the survival of the latter's life has been linked to the availability and quality of food. Access to adequate food has become codified and binding on all States in all circumstances.

First Requirement: Starvation as a Weapon of War in Armed Conflict is Prohibited by Law

In this element, we will discuss the laws that approved the right to food and prohibited its infringement.

Paragraph 1: The Right to Food and the Prohibition of Starvation in Accordance with the Rules of International Law

The will of States has gradually tended to realize the right to food and guarantee it to everyone, as reflected in most of the international human rights instruments, which explicitly or implicitly mention it.

At the top of these instruments is the Charter of the United Nations in its first article, paragraphs 3 and 55, (The United Nations Charter 1945) which affirm in general the fundamental human rights, including the right to food, and that all States must commit themselves individually and collectively to cooperate with the Organization in this regard. (بناصر 2001-2000، 38) As well as the Universal Declaration of Human Rights in its article 25. (General Assembly of the United Nations 1948) Article 11 of the International Covenant on Economic, Social and Cultural Rights recognizes that everyone has the right to be free from hunger and sets out the measures necessary to achieve this. (the International Covenant of Economic, Social and Cultural Rights, 1966) Same thing with Food and agriculture organization. (FAO 2004).

After the Declaration of the Rights of the Child stated in its fourth principle: "Every child has the right to food". (United Nations 1959) This right has become guaranteed to children and

women in all circumstances – armed conflict – and even prevails over most provisions of the Declaration on the Rights of Women and Children in Emergency and Armed Conflict. (United Nations General Assembly 1965)

The right to food is part of customary international law and has become a (*jus cogens* norm), non-derogable and subject to immediate realization as a prerequisite for the realization of the right to life, and non-compliance with this right can only be justified in very limited cases such as force majeure from which the state of armed conflict emerges. (the Committee of Economic 2000) In other words, armed conflict is not a sufficient cause for violating the human right to food, but is rejected according to the provisions of international humanitarian law, starting with the two protocols annexed to the four Geneva Conventions of 1949, where articles 54/2 and 3 of Protocol I of 1977 relating to the protection of victims of international armed conflicts and 14/1 of Additional Protocol II on the protection of victims of non-international armed conflicts expressly prohibit starvation of civilians during armed conflicts.

Article 27 of the Hague Regulations of War on Land 1907 prohibited methods affecting the lives of civilians, including starvation. Customary law has strictly prohibited starvation and has (nternational Committee of the Red Cross n y) even affirmed that if the civilian population is threatened with starvation due to insufficient supply, humanitarian relief organizations are entitled to provide their services and the party concerned to the conflict must approve them. (International Committee of the Red Cross, Commentary n y)

In the same context, the United Nations Security Council adopted on May 24, 2018 a resolution condemning the use of starvation of civilians as a method of warfare, as well as the unlawful denial of humanitarian access and the deprivation of civilians of the indispensable objects for their survival. The (UN Security Council 2014) International Criminal Court has also condemned this method as a crime that it has jurisdiction over and that takes the description of a crime against humanity or a crime of genocide that can coincide with or outside armed conflicts, or be described as a war crime, which essentially requires the existence of an armed conflict. (the International Criminal Court 2002)

Paragraph 2: Methods of Starving Civilians in International Armed Conflicts

As mentioned above, the prohibition of infringing on the right to food under any circumstances was not enough to prevent this. During armed conflicts, human food security can be threatened by indirect methods to starve them.

1. Starvation by Attacking Vital Targets:

starvation of the population of an area of a State under the control or occupation of another State, as provided for in Article 49/2 of Additional Protocol I, falls within the prohibition mentioned in Article 54.2 of Additional Protocol I. Which prohibits attacking or attempting to destroy or useless objects vital to the lives of civilians, especially if their aim is to "deprive the subsistence value". (Rene Provost 1992, 604)

The same article in its third paragraph also permits the destruction of vital objects of the parties as an exception in accordance with the principle of military necessity, if they are used exclusively for members of the armed forces or if the targets are in direct support of military measures in a manner that has nothing to do with the subsistence value of the target. (D'Alessandro et Gillet November 2019, 11)

2. Starvation Through Siege:

It should be noted at the outset that the siege is part of the besieged, as the latter is what the fighting forces do to surround an area, and then cut off the basic equipment to force its residents to surrender, which certainly includes a siege to prevent the movement of residents and the circulation of the necessities of life such as water and food.

After the famine suffered by civilians during the two world wars, under the pretext of the legitimacy of the siege war to strip the hostile party of the equipment on which it relies in the war, it is the appropriate way to hasten surrender. It has become necessary to consider the legality of starving civilians, just like combatants to impose hegemony, as it is completely contrary to the requirements of human rights law and humanitarian law. (Tom Danenbaum 2021, 370-372) Article 23/1 of the Fourth Geneva Convention thus requires "free passage for shipments of essential foodstuffs" among other things. (On the contrary, Article 17 of the same agreement stipulated local treaties to evacuate certain groups from besieged areas and allow the passage of medical equipment, which confirms the inadequacy of the protection that the agreement grants to civilians.)

Article 55 of the Geneva Convention established that the occupying power was obliged to provide food and medical supplies to the population of the occupied territories, and even prohibited their seizure. Therefore, blockades are aimed at preventing civilians from accessing food in order to starve them. It is no longer legal in international armed conflicts. It is noted that the siege of military zones is outside the prohibition, which leads to the possibility of depriving civilians of food if we assume that the city has become a shelter for fighters. Food shortages due to the blockade threaten civilians more than combatants, especially if they do not take part in hostilities. (Jelena Pejic, 2001, 1103-1104)

In short, the siege goes beyond the exhaustion of food supplies for the enemy in order to subdue it, but extends to starvation of civilians, which is a violation of the above article as it is illegal once resorted to and not to cause famine. For example, in 1990, when the defunct Baath government invaded Kuwait. The UN Security Council has imposed a total trade boycott on Iraq, with the exception of medical supplies and food, in order to convince the Iraqi people to resist Saddam Hussein's regime and withdraw from Kuwait. However, in the same year, the Security Council turned this boycott into a comprehensive blockade of food supplies as well, disrupting the food security of the civilian population in Iraq and Kuwait. (محمد و كريم دت، 11)

Second Requirement: The Impact of the Armed Conflict in Gaza on the Food Security of Civilians

After addressing the methods of starvation adopted against civilians in armed conflicts of an international character, the conflict in Gaza was chosen to drop the study. Whether this conflict is actually causing food insecurity for civilians.

Paragraph 1: The Classification of the Conflict in Gaza Strip

Knowing under which category this conflict is involved, it is essential to know the applicable legal rules in order to ascertain whether their violation is indeed a violation of international humanitarian law's rules, or only a breach of international obligations.

1. Legality of Israel's Presence in Gaza

It can be said that Article 42 of the Hague Regulations of 1907 (Article 42 of the Hague Convention Respecting the Rights and Duties of Neutral Powers and Persons in Case of War

On land, 1907) expressly expresses the status of the Palestinian territories as being subject to a state of belligerent occupation. This entails the applicability of the Fourth Geneva Convention of 1949 relative to the Protection of Civilian Persons in Time of War. However, the Israeli side has always denied the applicability of this Convention, arguing that the decisions of the Israeli authorities accompanying the entry of troops into the Palestinian territories are of priority and that the provisions of the aforementioned Convention do not enjoy superiority and preference over Israeli law and the instructions of the military command. (149 ,2024-2023 غزال)

If we accept for the sake of argument that the partition resolution 181 of 1947, which is the legal basis for the establishment of the State of Israel, is a sound decision, and that the presence of Jews in the Palestinian territory is legitimate. Despite the formal and substantive defects in this formality, such as its transgression of the limits of the trusteeship system and the competence of the General Assembly, its lack of legal validity (35 ,2016 ديسمبر 3-2 بلفاسم) or even its conflict with the requirements of the mandate. How can it be justified to exceed the limits granted under this resolution after the 1967 war?

That date was the second indicator confirming the illegality of the Israeli presence in the Palestinian territories. It was a year of the Arab-Israeli war, which ended with the signing of a peace agreement between Jordan, Egypt and Israel, in return for which the territory of Palestine fell under the control of the forces. Israel, which extended to the borders of the partition resolution (277 ,2015 المجالي و النصور) based on a number of legal theories, defensive invasion and filling the void of sovereignty (152-150 ,2024-2023 غزال) However, they cannot be considered legal grounds in this case, since the circumstances in which the Arabs' war against Israel took place were only contrary to the provisions of Article 51 of the Charter of the United Nations regarding the conditions of legitimate defense. (37 ,2016 ديسمبر 3-2 بلفاسم)

2. Legal Status of the Parties to the Dispute

The acquisition of territories by force, legal or illegal. It is completely contrary to the principles and rules of international law. Accordingly, the United Nations, based on resolutions 242 and 338, (UN Security Council 1973) recognized the presence of Israel since 1967 in the Palestinian territories as the occupation of East Jerusalem, the Gaza Strip, and the West Bank, after the defeat of Egypt and Jordan, with the support of the United States of America. Considering that military occupation by force is incompatible with Article 2/4 of the Charter,

It is also an illegal war that is described as a crime against international peace and security. The same is confirmed by the principle of non-recognition, which holds that law does not arise from injustice. This principle is based on the non-recognition of territorial changes created by force and the non-recognition of governments whose establishment is contrary to international public and private obligations. (stated by the US n y)

The UN Special Rapporteur on the situation of human rights in Gaza has stressed that the territories occupied since 1967 constitute a form of collective punishment. (Michael Lynk 2020) Due to the imposed closure of the Palestinians' freedom of movement and interaction with the outside.

If we turn our attention to the extent of Israeli control over the Gaza Strip, international organizations and human rights groups have all highlighted Israel's methods of controlling the Strip. We find that a series of reports in this regard detail the failure to break Israel's control over the Gaza Strip, but only changed its form and content, as Israel's incursions are sporadic

but remain familiar, with the entry of forces and the imposition of significant control over land crossings and airports, as well as space and territorial waters. The hegemony has extended to preventing Palestinians from benefiting financially from their land and coast, as well as monitoring the supply of water, electricity and fuel to the residents there and all electronic communication lines. It does not exclude all tax policies and tax revenue transfers, as well as preventing the passage of people and goods between the West Bank and the Gaza Strip and even the wider world. (Gross s.d., 71)

If we say that Israel is in an occupation situation, then “ Hamas”, which forms the Palestine Liberation Organization and controls the Gaza Strip after the end of the alliance with “ Fatah” and the dissolution of the national unity government, takes the description of the resistance, or more precisely the "liberation movement," which struggles against colonial regimes and foreign domination. (Baconi 2018) (Lyndall Herman n y)

With logical and legal proof based on UN Recommendation 2621, which states: (People under colonial and alien domination and racist regimes struggle for their right to self-determination), a legitimate struggle that is fully consistent with the principles of international law, and that any attempt to wrest the struggle against colonial domination is contrary to the Charter of the United Nations and international law. (United Nations General Assembly 1970)

All this refutes Israel's claims that it is in a legitimate defense against a terrorist movement. It affirms that what has been happening now in Gaza since October 7, 2023 after Operation “Toufan Al-Aqsa” (internet 2023) is an international armed conflict within the meaning of Article 2 common to the four Geneva Conventions of 1949 relative to the protection of victims of armed conflicts, and Article 1/1 of Protocol I thereto of 1977 relating to the protection of victims of international armed conflicts, which represents the natural field of application of the rules of international humanitarian law. on both sides of the conflict. (Additional Protocol 1978)

Paragraph 2: Israel Undermines Food Security of Civilian in Gaza

Prior to this phase of the conflict, which began on 7 October, the collapse of all productive sectors and social services in Gaza was worrying, with poverty and food insecurity affecting 59.4 percent and 63 percent respectively on the population in the Strip. Large-scale and ongoing security, political and economic turmoil in the West Bank. The land, air and sea blockade of the Gaza Strip has led to economic stagnation, loss of land and restricted trade and access to resources. These conditions continue in the already dire humanitarian situation has worsened and poses serious challenges to the achievement of the Sustainable Development Goals (SDGs) in terms of food security and improved nutrition. (Halmaghi, Cirdei and Metea 2023, 334)

The blockade imposed since the beginning of the war has made the proportion of food entering Gaza very low, generating only 2%, all of which are necessary for survival rather than adequate food. Oxfam also considered that starvation is being used as a weapon of war against civilians and renewed its call to allow the entry of food supplies, fuel and other necessities. which had previously been entered, according to estimates, by 104 trucks on a daily basis, at the rate of a truck every 14 minutes, now it has diminished frighteningly, as every 3 hours and 12 minutes one truck is allowed to enter. (oxfam n.d.)

In the context of systematic operations aimed at exacerbating the food crisis, which reached its peak after the seventh of October 2023. This is done by denying access to food and

supplies, not only by the blockade, but also by attacking the vital targets adopted by the people of Gaza to meet their needs.

The Euro-Med Monitor team documented Israel's deliberate bombing of bakeries in the Gaza Strip, most notably the Maghazi bakery, which was targeted hours after it was supplied with flour by the United Nations Relief and Works Agency for Palestine Refugees (UNRWA). The latter has not spared its facilities from attacks, as Israeli shelling in the northern Gaza Strip in the early days of the military offensive affected one of its food stores.

The Observatory also stressed that Israel deliberately targets markets at a time of peak movement of residents to buy their needs, demonstrating the intention to paralyze the ability of civilians to access these centers in order to secure their food needs. It also deliberately targets alternative water extensions that municipalities have worked on to deliver water to communities and shelters, demonstrating the intention to deprive civilians of their right to access water. According to the World Health Organization, the average water use in Gaza before the war was 84 liters per person, of which only 27 are suitable for human use, and currently it is estimated at only 3 liters. (Monitor 2023)

The purchasing power of Gaza residents was already fluctuating and declined further in the face of the global food crisis in the aftermath of the conflict in Ukraine, after exhausting all means of adaptation to fill the gap, even by a small percentage. Today, 33.6 per cent of the population is food insecure, especially among women, with 36 per cent of female-headed households suffering from food insecurity, especially in the Gaza Strip. Accordingly, the Palestinian Ministry of Foreign Affairs called on the United Nations to officially declare "the existence of a real famine that threatens the life of the residents of the Gaza Strip." It called on the UN Security Council to compel Israel to stop the siege imposed by its forces on the Gaza Strip by implementing Resolution 2720 (UN Security Council 2023).

The food crisis and malnutrition are causing overlapping nutritional problems: according to national surveys, 50% of those assessed had very low levels of essential minerals and vitamins. (world food program 2024) This is the same as the report known as the "Integrated Food Security Phase Classification", which includes an analysis of food security in Gaza according to data from the World Food Program me (WFP), relevant UN agencies and NGOs. (news 2023)

In addition, the report of the World Nutrition Group entitled "Analysis of the fragility of nutrition and the nutritional situation in Gaza" concluded that the situation is more dangerous in the northern part of the Gaza Strip, where aid has been almost completely cut off since the beginning of February 2024, and according to the United Nations Children's Fund (UNICEF) and the findings of tests conducted in shelters and health centers in the north that 15.6% Or 1 in 6 children under 2 are acutely malnourished, 3 of whom are severely emaciated. In Rafah, southern Gaza, where humanitarian aid is most available, similar tests found that 5 percent of children under two were malnourished. This led these actors to emphasize the need for humanitarian access. (entenet 2024)

SECTION II: The Consequences of Violating the Right to Food During Armed Conflicts

Far from describing what is happening as a clear attempt to eliminate what remains of the Palestinian people. It also has violated its obligations as an occupying power under the four Geneva Conventions of 1949 which it has accepted. This makes it subject to legal accountability

before the competent judicial authority, and even extends its responsibility so that its leaders are subject to judicial prosecution as well.

First Requirement: The Effects of Violating the Right to Food from the Perspective of International Human Rights Law

In this element, several specialized human rights bodies will be addressed, as well as those that are directly related to the human right to food, whether in peace or in the event of war.

Paragraph1: The United Nations Human Rights Council's Role in Protecting the Right to Food for Civilians in Gaza

It is well known that the Human Rights Council has a number of protective mechanisms, some of which are periodic in certain periods - the universal periodic review - and some of them are not restricted to a specific time, such as the complaints procedure and special procedures. Since the Council does not have any binding means to enforce the implementation of its resolutions, which are essentially merely recommendations on the one hand, and the threats to their food security are grave and widespread that do not allow them to be considered individually or even collectively.

In this case, he resorted to adopting a resolution, with 28 countries in favor and rejecting 6 others, calling for Israel to be held accountable for all violations of international humanitarian law and international human rights law that it continues to commit in Gaza, and to stop supplying it with weapons through trafficking.

This is the first time that the Human Rights Council has taken a position on the war in the Gaza Strip.(The UN Human Rights Council approves a resolution calling for Israel to be held accountable for possible "war crime" in Gaza, the session of human rights council at the United Nations Offices in Geneva, Switzerland, 23-01-2024.) The Human Rights Council could request the UN to establish an international commission of inquiry that would provide independent investigations and historical records that would serve judicial work later if possible. One example is the UN Independent Commission of Inquiry on the Gaza Conflict, established by the same council in 2014. (UNHRC 2014)

Paragraph2: The United Nations Food and Agriculture Organization's Role in Protecting the Right to Food for Civilians in Gaza

In the open debate led by the UN Security Council, on the protection of civilians in armed conflict. FAO Director-General has underlined the low levels of food security following the conflict and the risk of famine. The restoration of humanitarian space in the Gaza Strip, represented by the immediate repair of water lines, electricity distribution and the rehabilitation of health facilities, was also called for to be able to provide humanitarian assistance and basic services. The FAO Representative presented an in-depth study of the impact of the conflict on agricultural and food systems in the Gaza Strip. (Meeting of security council at request of Switzerland and Guyana after the UN office for the coordination of humanitarian affairs circulated a white paper dated 22-02-2024, on food insecurity in the Gaza strip, in accordance with resolution 2417, which re 2124)

Not only that, but Italy, the Ministry of Foreign Affairs and International Cooperation, participated in a humanitarian initiative entitled "Food for Gaza" in coordination with other bodies such as the World Food Program and the International Federation of Red Cross and Red Crescent Societies. This is done with the aim of providing wider and smoother access to humanitarian assistance. It was agreed to establish a coordination office for all actors and entities that express their desire to contribute, and to put forward the humanitarian corridor project expected to be established by the European Union and the United States from Cyprus, which is about 370 km from Gaza.

Since 7 October, 16 tons of relief items have been delivered and an Italian naval unit (the Vulcano) has sent a well-equipped hospital on board, and Italy has supported UN bodies as part of Italian funding to the Food and Agriculture Organization of the United Nations (FAO) €20 million for humanitarian interventions in the sector, including deliveries of fodder, seeds, water tanks, animal vaccines and animal shelters. (Italian Ministry 2024)

Second Requirement: The Effects of Violating the Right to Food from the Perspective of International Responsibility

It is natural that the occupying power is responsible for the famine that has affected the Gaza residents since the seventh of October. Accordingly, the responsibilities directed at Israel for violating the rules of conduct of war relating to the protection of civilians and the availability of adequate means of prosecution will be discussed.

Paragraph 1: The International Responsibility of the Israeli Occupation at the International Court of Justice

Despite Israel's signing of the Geneva Convention in 1949 in 1951, and the Third Additional Protocol on the Use of the Emblem in 2005 in 2007.(Israel signed the four Geneva Conventions on 08-12-1949, and ratified them on 06-01-1952, But it did not issue any local legislation to enforce and consider them as local laws.) However, the number of violations committed by it against the Palestinian people, including the policy under study - starvation - has left a grave and irreparable damage even in long times.

On the basis of the provisions of international law relating to the breach by subjects of international law of their international obligations by committing wrongful acts, which entails the establishment of international responsibility of the occupying Power for such crimes, by attributing the acts of the acting parties on its behalf and on its behalf, even if it exceeds the limits of its authority or violates instructions, in accordance with articles 4 and 7 of the Commission's final draft on international responsibility of 2001, including those occurring during armed conflicts. (Articles 2001)

Foremost among them are the actions of the legislative authority, which is entrusted with the primary obligation to repeal all domestic laws that are contrary to the international obligations accepted by the State and not to invoke through them its internal rules in the face of international law. Rather, it is forced to enforce it internally. (Crawford 2013, 120-121) The first violation attributed to Israel was through its legislative authority, "The Knesset", which issued laws that violated the rights of the occupied people, neglected to issue domestic laws to ensure compliance with the Geneva Convention internally and did not abolish domestic laws that contradict it, as mentioned earlier.

The articles also implicitly recognized the responsibility of the State for acts committed by members of its armed forces where it was not engaged in an armed conflict. According to Article 91 of Additional Protocol I of 1977, the State must bear responsibility for the actions of its armed forces represented in the siege and targeting of vital installations necessary for the survival of civilians. (Article 1977) Article 03, second paragraph, of the Hague Convention IV respecting the Laws and Customs of War on Land of 1907, provides for the liability of a belligerent party in breach of the provisions of the regulations as a result of all acts of persons belonging to its armed forces. (Although Israel has not officially joined the Hague Convention f 1907, it often expresses its commitment to its principles and laws in its practices. The distinction of this agreement is that it has a decidedly customary nature. Therefore, in both cases, whether Israel is a party or not, it is bound by this regulation as a custom.)

The international responsibility of the Israeli occupier for violating an international obligation under the Geneva Convention and other laws and customs of war must be brought before a judicial body, and since the pattern of responsibility here is the civil responsibility of the state, it is one of the exclusive competencies of the International Court of Justice in accordance with Article 34/1 of its Statute. (Although Israel has not officially joined the Hague Convention f 1907, it often expresses its commitment to its principles and laws in its practices. The distinction of this agreement is that it has a decidedly customary nature. Therefore, in both cases, whether Israel is a party or not, it is bound by this regulation as a custom.) Since it is not a criminal court, it has no prosecutor or any authority to deal with the dispute on its own initiative except at the request of one or more States. States Parties shall accept the jurisdiction of the Court to consider the dispute in one of the following ways:

- The conventions in question contain clauses providing for the undertaking of States to accept the jurisdiction of the Court in the event of a dispute over the interpretation or application of a treaty.

- Recognition of the jurisdiction of the Court by two or more States having a dispute over a particular case by way of an agreement involving the submission of the dispute to the International Court of Justice.

The State recognizes the jurisdiction of the International Court of Justice in all cases to which it is a party by express declaration. There are 74 States that recognize their competence in this way. (On the basis of the declaration of acceptance, the issue of the dispute over the land and sea borders between "Nicaragua" and "Honduras" in the "Caribbean Sea" was opened.)

- The implicit acceptance of the court's jurisdiction when the respondent party does not object, and its decision thus becomes binding on the State. (In the "Corfu Strat" case between "Britain" and "Albania", Britain, the defendant, did not object, and its recognition of the court's jurisdiction was implicit)

If the 1949 Geneva Conventions are invoked, it is difficult to hold Israel accountable as it is keen to remain unaccountable by evading the tacit acceptance of the court's jurisdiction by submitting its objection as a defendant, nor is it one of the 74 countries above that recognize the court's jurisdiction. Even if there had been an article in the 1949 Geneva Conventions allowing the jurisdiction of the Court to be triggered when a High Contracting Party had violated their obligations, it would have made a reservation to it.

It is true that the Geneva Conventions do not directly contain an article allowing the jurisdiction of the Court to be triggered like article 9 of the Convention on the Prevention and

Punishment of the Crime of Genocide, but the extrapolation of article 48/1 of the International Law Commission's draft on responsibility of States for their wrongful acts of 2001 confirms that: Any State other than the injured party may invoke the responsibility of another State if the obligation breached targets the international community as a whole.

It is clear according to common article 1 of the Geneva Conventions that the rules of international humanitarian law belong to category of obligations that facing all. (Tihomir Kamenov 1989, 206) Therefore, in case of violation of international humanitarian law - Articles 54 relating to the prohibition of starvation and Articles 33, 56 and 59 of the Fourth Geneva Convention of 1949 - in this regard, (Articles 1949) "any State without acting and coordinating with the affected State" may (and must, under common Article 1), (Sassoli 2002, 257) demand that the Israeli occupying power stop its illegal practice, by refraining from continuing to blockade the area, and restore the situation to the status quo ante, which requires that the Israeli occupying power return to the status quo ante of Gaza territory. and the property of its inhabitants and its demographic and geographical conditions to what they were before they began to carry out their armed aggression before 2008. Or it may claim financial compensation in favor of the affected State, since it is impossible to restore the population of the occupied territory to their previous situation, whether in terms of destruction caused as a result of the conflict, or the lives lost as a result of famine or diseases that affected many of them due to malnutrition.

Paragraph 2: The International Criminal Responsibility of Israeli Leaders at the International Criminal Justice

As noted, starvation of civilians as a means of warfare is prohibited in all written and unwritten sources of international humanitarian law. Therefore, it is forbidden to attack or disable objects necessary for the survival of civilians, and is governed not only by Article 54 but by the basic principles of humanitarian law, such as the principle of distinction, proportionality and the principle of precaution when attacking. (The International Committee of Red Cross n y)

States parties to armed conflict also have the primary responsibility to meet the needs of the civilian population within their territory or under their control or to agree to humanitarian relief provided by others if the food supply is inadequate (Articles 1949), and any denial of such assistance constitutes a breach of customary rules 55, 53 and 56 of international humanitarian law. (Jazmi Adlan Bohari 2015, 61-62)

Projecting the above on what happens during the armed conflict in Gaza as well as other violations against civilians in the Strip. The deliberate starvation of Gaza civilians entails the criminal responsibility of the Israeli party for its violations of the relevant rules of international humanitarian law is an international crime that imposes the intervention of international criminal justice in most of its quarters, as follows:

1. The International Criminal Responsibility of Israeli Leaders at the ICC

The International Criminal Court in The Hague has jurisdiction in this regard. It may prosecute crimes committed in or from the Occupied Palestinian Territory, on the understanding that Palestine is a party to the ICC in order to meet the requirements of the referral procedure set out in Article 13 of the Statute of the International Criminal Court.

Whereas, since October 7, 2023, all the violations practiced by the Israeli occupation against the Palestinian people with regard to starving civilians through the siege, attacking objects necessary for life and preventing the passage of humanitarian aid, especially in Gaza, since October 7, 2023 to the present day, take the description of an integrated war crime under the Statute of the Court in its Article 8/2B25. (صناع الجوع 2021, 108-97) Its physical pillar was the deliberate bombing and attacks and the prevention of the basics of life, causing serious harm to civilians and civilian objects, which was proven through the evidence transmitted by the agencies and entities present there. (وكالة الأنباء الفلسطينية 2023)

Its moral element is hollow in Article 30 of the Statute of the International Criminal Court, which is the availability of intent to commit conduct and knowledge of possible consequences under the normal course of events. The frequency of violent attacks on civilian facilities can only be expected to cause such damage, (Mankova 2020, 134-135) which is confirmed by the statements of officials on the Israeli side, which lead to the commission of crimes with awareness and will. It should be noted that the international pillar has been proven by proving the existence of an armed conflict involving a liberation movement against an occupying power. (Beatrice Bonafé 2009, 90)

Articles 87 and 91 of Additional Protocol I of 1977 stipulate the responsibility of commanders to ensure that their subordinates respect the rules of armed conflict. Article 03 of the Hague Convention on Land War of 1907 mentioned above. The existence of a full-fledged crime confirms that the International Criminal Court is the primary body with jurisdiction over such crimes and to hold the perpetrators accountable, as commanders and presidents.

As is well known, the Prime Minister, the Minister of Defense and the Chief of Staff of the Army are the supreme authority in Israel, and every act taken by their armed forces is attributed to them, whether it is by order or by them they failed to prevent it. According to Article 28 of the above system, "the superior is criminally liable if he does not exercise control over his subordinates, or knows or is supposed to know that his subordinates are committing or about to commit a crime and does not take the necessary measures to prevent it. (Beatrice Bonafé 2009, 132) Also, according to Article 25/3b of the same system, a person is criminally liable for any crime within the jurisdiction of the court if he orders its commission.

According to the Appeals Chambers of the Rwanda Tribunal in the "Gacumbetsi" case and the Yugoslav Tribunal in the "Kordić" case: "Proof of the order is not required as long as it is proved that the accused has the authority to issue it." As the Rwandan Appeals Chamber emphasized in 2005 in the "Kamuhanda" case: "The order does not have to be issued in a particular form, but its existence can be established by inference from the circumstances", (Cassese 2013, 370-371) which can be confirmed in the case of the case through the speeches of these leaders.

The ICC Prosecutor is overseeing an ongoing investigation opened by the former Prosecutor in 2021 into possible war crimes in Palestine. The latter has received numerous letters of demand for a clear official statement regarding the applicability of the Court's jurisdiction to the current situation, (Baldwin 2023) which would serve as a clear signal that all those involved in the crimes may face prosecution. They considered that effective accountability was a vital condition for ending atrocities.

The investigations have recently resulted in: a statement by the Prosecutor of the Pre-Trial Chamber of the ICC, requesting the issuance of arrest warrants in connection with the situation

in the State of Palestine. The second part concerns the Israeli side represented by Prime Minister “Benjamin Netanyahu” and Defense Minister “Yoav Galant”, as the first crimes attributed to them were starving civilians and deliberately causing severe suffering or causing serious harm to body or health in violation of Article 8/2 (a) 3 and (b) 25. (ICC prosecutor Karim A.A Khan KC 2024)

2. The International Criminal Responsibility of Israeli Leaders at the Ad Hoc Tribunals

Special international tribunals (Ad Hoc) are an important development in contemporary international criminal mechanisms. The “Nuremberg” trials after the end of World War II opened the door to this kind of accountability. Ad hoc tribunals record successful experiences in the files they have targeted to prosecute war crimes and genocide, such as the 1993 Yugoslavia Tribunal and Rwanda 1994, which were established by Security Council resolutions 827 and 995, through which many perpetrators have already been punished. The most serious international crimes ever. (the ICTY 2024)

The Special International Governor has priority over national courts, which makes it distinct from the ICC as its jurisdiction is complementary to national jurisdiction, as it can act only after it is proven that national judicial organs are unable or unwilling to exercise their jurisdiction.

As a result, a special international tribunal may be established to investigate crimes in the Gaza Strip without the consent of any party. It is also highly credible because its judges and officials are not from the States where the crimes were committed but are based outside the countries under investigation. Since starvation as a method of warfare is a war crime under the Rome Statute, the perpetrator could be tried under a new Statute of a Special Court. (Jazmi Adlan Bohari 2015, 68-71) .

Iranian President “Ebrahim Raisi” proposed the formation of a special court during the Arab-Islamic summit held in Riyadh. The idea of establishing a special tribunal within the framework of the Organization of Islamic Cooperation or under the auspices of the United Nations is legally possible, and a scientific and realistic step to prosecute Israeli war criminals. (القمة العربية والإسلامية 2023) However, the establishment of such a court always remains subject to almost the same conditions facing the work of the International Criminal Court, foremost of which are the allies of the Israeli side in the security field, especially since such a court is established by a decision issued by the International Security Council, and therefore there is an almost certain possibility of an American veto in the event of going to the Council for this purpose.

Conclusion

As a conclusion to this topic, it can be said that food security is a human dimension threatened by many factors, foremost of which are armed conflicts in all their forms. Where it always causes losses amounting to human beings, as is the case under study, especially if one of the parties to the conflict is the only one affected.

From the foregoing, we find that:

- Food is an essential element for survival that the international community has tried to enshrine through many instruments. whether in times of peace or war.

- Conflicts necessarily exacerbate food insecurity, especially for civilians. Their chances of obtaining adequate food are reduced. This leads to the spread of famines, including an increase in the number of deaths.
- Food insecurity in armed conflict has many causes, including policies that one party applies to the other in order to subdue it, such as besieging civilian areas, or attacking subsistence facilities essential to the survival of civilians.
- The above findings related to the food insecurity of civilians during armed conflicts are tangible and apparent, when projected on what Gaza residents suffer due to the policy of starvation practiced by Israel on them since the October 2023 war.
- The international judicial and non-judicial bodies directly and indirectly related to human rights, despite their diversity, their effectiveness in this case depends on the availability of mechanisms for the implementation of the resolution, which, even if any, remain flawed by double standard.

Based on the previous results, we put a number of suggestions:

- Review the legal system on the human right to food. To create more effective organs of an executive nature, even by military force, to ensure the protection and realization of this right for the benefit of all groups at all times.
- Increase work on measures to deliver humanitarian aid to the population in Gaza, under international pressure on Israel by all possible means. Or by encouraging international humanitarian initiatives such as those undertaken by Italy, within the framework of strengthening international relations in the humanitarian field.
- As a last resort to avoid famine in the occupied area as well as other violations, it is necessary to recall the 1950 resolution of (the Union for Peace) adopted by the UN General Assembly, which allows it to intervene in the maintenance of international peace and security when the original competent person is incapacitated.
- Not only does it prosecute Israel to urge Israel to reverse its inhumane practice in the Gaza Strip, but also through boycotts or by monitoring its bilateral and collective trade agreements.
- The movement of courts with global criminal jurisdiction, as demonstrated by Germany's experience in trying those accused of war crimes suspects in "Syria" after proving their affiliation with a militia affiliated with the "Assad" regime, proved to be the best option to avoid obstacles to international courts mentioned in the study.

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