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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Right to food

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the right to food, Michael Fakhri, in accordance with General Assembly resolution [78/198](#) and Human Rights Council resolution [52/16](#).

* [A/79/150](#).



**Report of the Special Rapporteur on the right to food,
Michael Fakhri**

**Starvation and the right to food, with an emphasis on the
Palestinian people's food sovereignty**

Summary

The present report establishes the relationship between the right to food and starvation prevention in a way that contributes both towards the common goal of ensuring that everyone has the power to determine what is adequate food for their community and to access that food. In the present report the Palestinian people's food sovereignty is emphasized since the Palestinian liberation struggle exemplifies how starvation is a human rights issue.

I. Introduction

1. On 9 October 2023, Israel announced its starvation campaign against Gaza. By December, Palestinians in Gaza made up 80 per cent of the people in the world experiencing famine or catastrophic hunger.¹ Never in post-war history had a population been made to go hungry so quickly and so completely as was the case for the 2.3 million Palestinians living in Gaza.²

2. In the present report, there is an emphasis on the Palestinian people's food sovereignty, since the Palestinian liberation struggle exemplifies how starvation is a human rights issue. Food sovereignty is an expression of communities' and Indigenous Peoples' power to determine how they grow, prepare, share and eat food and a reflection of their relationship to land and water. The more that power is equitably shared among all people in a food system, the more likely people will have access to adequate food; and the more that people's relationship with land and water is based on care and reciprocity, the easier it is for people to establish relationships with each other based on care and reciprocity.

3. Starvation is one of the most brutal ways to attack the food sovereignty of a community or people. Starvation methods include blockades, water deprivation, food system destruction and the general destruction of civil infrastructure. Starvation often leads to forced mass internal displacement and forced migration. Unfortunately, the prevalence of starvation around the world is increasing.

4. Like in Palestine, the famine in the Sudan was possible because of a protracted crisis and long-standing structural issues in its food system.³ The famine in the Sudan is causing an unprecedented number of people to suffer.⁴ Over 25 million civilians in the Sudan and fleeing the Sudan are being starved and require urgent humanitarian assistance because of the war between the Sudanese Armed Forces and Rapid Support Forces.⁵ Both parties are using food as a weapon against civilians, committing crimes against humanity and creating a risk of genocide.⁶

5. Globally, over 281.6 million people face high levels of acute food insecurity in approximately 41 countries or territories.⁷ For example, Mali, Palestine, South Sudan and the Sudan remain at the highest concern level. Chad, the Democratic Republic of the Congo (eastern provinces), Myanmar, the Syrian Arab Republic and Yemen are of very high concern. Burkina Faso, the Central African Republic, Ethiopia, Lebanon, Malawi, Mozambique, Nigeria, Sierra Leone, Somalia, Zimbabwe and Zambia are hot spots with precarious food systems.⁸

6. In the present report, the relationship between the right to food and starvation prevention is established in a way that contributes both towards the common goal of

¹ See <https://www.ipcinfo.org/ipcinfo-website/alerts-archive/issue-97/en/>.

² Food Security Information Network and Global Network against Food Crises, *Global Report on Food Crises 2024: Joint Analysis for Better Decisions* (Rome, 2024), p. 7.

³ Joshua Crazem Kholood Khair and Raga Makawi, "Sudan starves", *The New York Review of Books*, 23 June 2024.

⁴ See <https://www.wfp.org/news/sudan-facing-unprecedented-hunger-catastrophe-say-un-agency-chiefs>.

⁵ See <https://www.ohchr.org/en/press-releases/2024/06/using-starvation-weapon-war-sudan-must-stop-un-experts>.

⁶ Human Rights Watch, "The Massalit will not come home: ethnic cleansing and crimes against humanity in El Geneina, West Darfur, Sudan", 2024.

⁷ Food Security Information Network and Global Network against Food Crises, *Global Report on Food Crises 2024*.

⁸ World Food Programme and Food and Agriculture Organization of the United Nations, "Hunger hotspots: FAO–WFP early warnings on acute food insecurity: June to October 2024 Outlook". Rome, 2024.

ensuring that everyone has the power to determine what is adequate food for their community and to access that food. The report focuses on the right to food, but starvation also denies people's rights to water, health and housing, among others. The Special Rapporteur would like to thank all States, civil society organizations and experts who provided input and is especially grateful to those in Gaza who spoke to him directly.

7. Words cannot capture certain aspects of the horror of Palestinian life during the current starvation campaign by Israel. Nor do words alone adequately provide a vision for a better future for the Palestinian people and the world. The Special Rapporteur has therefore prepared a graphic report, illustrated by Omar Khouri, a renowned artist. The illustrations are essential to the present report and can be found on the Special Rapporteur's United Nations web page.⁹

8. The Special Rapporteur thanks all the United Nations staff who supported the use of graphic reporting in the spirit of promoting universal human rights. Based on prior approval, he integrated these graphics into the report. He was, therefore, disappointed to be notified, after the submission of the report, that the Secretariat would not allow the inclusion of artwork in any part of the report. This decision caused delays in its issuance. The Special Rapporteur recalls that the content of the report is, and should remain, the sole responsibility of the mandate holder, constituting an essential part of his independent work and assessment. The Special Rapporteur requests the Secretary-General to clarify the application of the existing rules related to maps, figures and photographs to enable the use of artwork, such as illustrations, comics and graphic art, in official United Nations documents.

II. Framing famine and starvation

A. What is at stake

9. The world produces enough food to feed 1.5 times the current population, and yet prevalence of hunger, malnutrition and famine are on the rise.¹⁰ Hunger and famine are not production problems, they are always caused by acts and omissions which deny people access to food. Famines are most often triggered by conflict, economic shocks and drought. But these triggers reflect underlying social relationships based on dependency and extraction. Ultimately, the concentration of power and absence of accountability in food systems increases the risk of famine.

10. Famines should therefore always be understood as a political problem; they are human-made and are always the result of one group starving another. This also means that famines are predictable and preventable. The consensus is that the increasing prevalence of famine reflects an international system that does not promptly and adequately respond to warnings and evidence. The Special Rapporteur warns against States and other actors waiting to act until there is an official "declaration" of famine. Moreover, he reminds States and others of their duty to prevent starvation.

11. What is usually at stake in starvation campaigns is power over land. As such, starvation is often used as a technique of displacement, dispossession and occupation. The relationship that people have with the land determines the realization of their right to food (see [A/HRC/52/40](#), paras. 74–77, and [A/78/202](#), paras. 96–100). Starvation was a common tactic of colonial Powers of the past, and those same tactics

⁹ See www.ohchr.org/sites/default/files/documents/issues/food/2024-08-27-visuals-palestinian-people-food-sovereignty.pdf.

¹⁰ Eric Holt-Giménez and others, "We already grow enough food for 10 billion people ... and still can't end hunger", *Journal of Sustainable Agriculture*, vol. 36, No. 6 (2012).

are used today to colonize, conquer or dominate different territories. Businesses also raise serious concerns when they acquire control over growing amounts of land and territory, heightening the risk of famine.¹¹

12. Famine is usually framed in the international system as a humanitarian crisis, in part because armed conflict is the leading trigger of famine. While humanitarian aid is necessary during famine, framing famine as a humanitarian crisis does not provide sufficient guidance to prevent starvation and to tackle its root causes. In his previous work, the Special Rapporteur has outlined the limits of international humanitarian law in preventing starvation since it is a legal regime designed to organize violence, not end violence (see [A/HRC/52/40](#), paras. 63–67).

13. The degree to which international criminal law acts as a deterrent or a source of justice remains unclear. This is even more true for starvation, since this crime has never been prosecuted at the International Criminal Court. For the first time ever, however, the Court Prosecutor is seeking to charge alleged perpetrators with starvation by requesting arrest warrants against Israeli officials.

14. It is therefore important to analyse armed conflict within the context of protracted crises in food systems ([A/HRC/52/40](#)). States have recognized that protracted crisis usually arises through some combination of conflict, occupation, insurgency, disasters, climate change, inequality, pervasive poverty and governance factors – all of which lead to acute food insecurity and malnutrition.¹²

15. The Special Rapporteur outlines herein how starvation is always part of a protracted crisis and is international, structural and long-lasting. He then explains how starvation is best understood as a human rights issue, including a matter of genocide, crime against humanity and torture.

B. Famines are international, structural and long-lasting

16. As explained, famines are political. The politics, however, almost always include an international dimension. Generally, third parties who are involved directly or indirectly in national protracted crises may be complicit in starvation. For example, the war in the Sudan is between two national parties, however, third-party States and foreign businesses have played a significant role in the protracted crises that have led to the current conflict. Thus, some of these external actors are likely complicit in starvation in the form of genocide and crimes against humanity. The famine in Yemen was caused, to some degree, by opposing factions in the civil war using food as a weapon, but primarily driven by the externally-led blockade that was supported with weapons from third-party States (see [A/HRC/52/40](#), paras. 57–60).

17. More specifically, perpetrators of starvation are usually supported by foreign States and corporations, making those third parties complicit in starvation. For example, in Gaza, third-party countries and businesses are not only responsible for the illegal supply of weapons for Israel’s starvation campaign and genocide, but businesses have been complicit for years in the illegal destruction of the Palestinian food and water systems, and the illegal settlements of Palestinian territories.¹³ Another example is the Lachin corridor, connecting the region of Nagorno-Karabakh

¹¹ Submission from FoodFirst Information and Action Network (FIAN).

¹² Committee on World Food Security, “Framework for Action for Food Security and Nutrition in Protracted Crises”, paras. 2 and 3.

¹³ See <https://www.ohchr.org/en/press-releases/2024/02/arms-exports-israel-must-stop-immediately-un-experts>; <https://www.ohchr.org/en/press-releases/2024/06/states-and-companies-must-end-arms-transfers-israel-immediately-or-risk>; <https://www.somo.nl/business-as-usual-in-palestine-human-rights-due-diligence/>; submission from People’s Water Forum.

to Armenia, which remained blocked for several months in 2023. The blockade caused severe shortages of food and basic supplies for the population, resulting in malnutrition and instances of starvation. Despite the presence of Russian peacekeeping forces deployed to protect the Lachin corridor, no effective measures were undertaken to alleviate the crisis.¹⁴

18. In sum, starvation has unfortunately become a common tactic, as it has been widely used by competing major Powers and their allies as a weapon of warfare. This may explain why the international community has been slow to name and respond to famines.

19. Starvation is structural, in that there are certain political economic conditions and legal frameworks that make it possible for actors to effectively starve or try to starve a population. Food systems create conditions that make people vulnerable to famine when the system includes endemic cases of oppression, exploitation and occupation. Some signs of fragile food systems include high concentration of corporate power; high concentration of land ownership; significant dependency on imports or exports especially for cereals; dependency on humanitarian aid or charity; weak labour laws that do not adequately protect workers; weak farmers' rights that do not guarantee the freedom to freely save, use, exchange and sell seeds; weak land tenure rights that do not adequately protect the right to land of peasants and other peoples living in rural areas; or weak Indigenous Peoples' rights that do not adequately protect their territorial rights and right to free, prior and informed consent.

20. Moments of famine are usually triggered by external shocks that are symptoms of long-standing underlying issues; in turn, famine has a long-term impact. As such, famine is a form of slow violence. Famine causes lasting physical and psychological harm to survivors; studies also suggest that famine affects gene transmission and may harm the health of descendants for generations.¹⁵ Famine is also a social trauma that reverberates across an entire community, passing through future generations. Survivors of famine experience the unique shame of having had to make existential choices of whom to feed or not, whom to share food with or deny it to, in times of profound destitution. The fact that there are so few public famine memorials reflects the difficulty of commemorating this particular horror. Moreover, many starvation tools – such as the destruction of the food system – have long-term environmental and infrastructure consequences.

C. Starvation is a human rights issue

21. Starvation reflects a State's fundamental abandonment of its human rights obligations. The right to food includes the right to be free from hunger, thus free from starvation. Put in terms that address the root causes of hunger and starvation, it means the right to be free from oppression, exploitation and occupation. Therefore, realizing the right to food, cooperating around the right to food and tracking right to food violations are the most effective ways that States meet their obligation to prevent starvation. When a State or any other actor systemically violates the right to food, this is an early warning that indicates some degree of intention to starve a population – thereby triggering a duty to prevent starvation.

22. The best way to prevent starvation is to actively listen to affected communities and prioritize the perspective of vulnerable people. The Special Rapporteur provides

¹⁴ See <https://www.ohchr.org/en/press-releases/2023/08/un-experts-urge-azerbaijan-lift-lachin-corridor-blockade-and-end>.

¹⁵ See [https://www.cell.com/cell/fulltext/S0092-8674\(14\)00806-X?_returnURL=https%3A%2F%2Flinkinghub.elsevier.com%2Fretrieve%2Fpii%2FS009286741400806X%3Fshowall%3Dtrue](https://www.cell.com/cell/fulltext/S0092-8674(14)00806-X?_returnURL=https%3A%2F%2Flinkinghub.elsevier.com%2Fretrieve%2Fpii%2FS009286741400806X%3Fshowall%3Dtrue).

two contexts – sexual and gender-based violence, and displacement – that can provide an early warning that there is a famine or a high risk of famine. He also explains why the first death of a person, especially a child, from malnutrition or dehydration confirms that there is a famine.

1. Sexual and gender-based violence

23. Mass starvation and sexual and gender-based violence are mutually reinforcing atrocities (A/HRC/54/55, para. 50).¹⁶ Moreover, tolerating discrimination against women in the workplace invites violence and harassment. Working in male-dominated environments or, as is often the case on farms and plantations, in workplaces managed solely by male supervisors also increases the risk of violence. Many employers use their power to hire and fire to demand sexual favours from workers, especially seasonal workers, as a condition for employment or for renewal of their employment contracts. Physically isolated workers, such as plantation workers, are exposed to more risk of bodily harm due to a poor working environment and conditions (A/HRC/52/40, paras. 50–56).

2. Displacement

24. There is a direct correlation between displacement and hunger and malnutrition. The highest number of children suffering from acute malnutrition are in countries with the largest internally displaced populations.¹⁷ Mass displacement not only indicates an imminent risk of famine because of the inherent food insecurity of displaced people, but because it is usually connected to attacks that prevent access to productive land in food systems.¹⁸ For example, in Tigray, Ethiopia, at least 700,000 people currently remain displaced without sustained and unhindered access to humanitarian aid, unable to access fields during the planting and harvest seasons (*meher*).¹⁹ In South Sudan, the timing of certain attacks and seasonality of organized violence during the planting and harvest periods was used to force displacement, exacerbated the preexisting situation of hunger, and led to additional months of food insecurity (A/HRC/45/CRP.3, para. 9). Similarly, in Gaza, repeated directives to evacuate en masse, likely constituting forced displacement,²⁰ have affected at least 67 per cent of the territory, forcing the abandonment of cultivated land and other food production means.²¹ Thus, directions for mass evacuation for entire areas, even if permissible or even required under international humanitarian law, are in tension with the right to food.

3. Mortality

25. The most popular mechanisms for measuring famine are the Integrated Food Security Phase Classification and the Famine Early Warning System Network, which use compatible metrics. The Integrated Food Security Phase Classification requires very high thresholds of hardship and death to be reached, erring on the side of

¹⁶ Submission from CARE; Dyan Mazurana and others, “Sex, gender, age, and mass starvation” in *Accountability for Mass Starvation*, Bridget Conley and others, eds. (Oxford, Oxford University Press, 2022).

¹⁷ See <https://www.fsinplatform.org/sites/default/files/resources/files/GRFC2024-focus-displacement.pdf>.

¹⁸ Submission from Yousuf Syed Khan.

¹⁹ Office for the Coordination of Humanitarian Affairs, *Ethiopia: Situation Report*, 10 June 2024. <https://reports.unocha.org/en/country/ethiopia>.

²⁰ See <https://www.justsecurity.org/89617/the-directive-to-evacuate-northern-gaza-advance-warning-or-forced-displacement>.

²¹ See <https://www.securitycouncilreport.org/whatsinblue/2024/02/briefing-on-food-security-risks-in-gaza.php>.

avoiding false positives.²² Moreover, they are limited by a dark irony given that the required data are harder to collect and confirm in hostile conditions, especially where access is restricted and humanitarian aid is blocked, i.e. under conditions where there is the highest risk of famine.

26. From a human rights perspective, the surest sign that there is a starvation campaign is when the first individual is reported to have died from malnutrition or dehydration. This is because these deaths are always preventable and reflect weakened health, social, economic, cultural and political structures. During starvation campaigns, it is always the most vulnerable in a community that are initially killed, such as children, older persons, people with disabilities and displaced people. Of the most vulnerable, children are often the first to be killed by starvation campaigns. The death of the first child from malnutrition and dehydration is the clearest indication that a community's core structures have been critically attacked, that there is a famine and that the right to food is grossly violated.

D. Starvation as a tactic of genocide, extermination or torture

27. Starvation is perpetrated at all scales, ranging from the starving of individuals and small groups to the starving of entire communities and peoples. Starvation is made possible through social relations of dependency and control. Since starvation is political, international, structural and long-lasting it is always intentional through acts or omissions. Therefore, every instance of mass starvation is a form of genocide or extermination, and every instance of starving an individual is torture.

28. Starvation is common as a form of torture especially in prisons, where there is a high degree of control over individuals and their food system.²³ Similarly, the European Court of Human Rights has recognized the vulnerability of refugees and asylum-seekers and their dependence on the authorities of the host State, thereby finding that starving them amounts to ill-treatment.²⁴

29. In the context of genocide, starvation always causes serious bodily and mental harm to members of a group; starvation is a sure way of deliberately inflicting conditions of life on the group, calculated to bring about physical destruction in whole or in part; and sometimes starvation can be a measure intended to prevent births within the group.²⁵ When starvation is a crime against humanity it is understood as a deprivation of food, medicine and other items essential to life that is an intentional inflection of conditions of life calculated to bring about the destruction of part of a population.²⁶

30. Certain actions inherently increase the risk of starvation and indicate intent to starve a population.

²² Daniel Maxwell and Peter Hailey, "Analysing famine: the politics of information and analysis in food security crises", *Journal of Humanitarian Affairs*, vol. 3, No. 1 (2021).

²³ United Nations Standard Minimum Rules for the Treatment of Prisoners, rule 22.1; article 5 of the Resolution on the Right to Food and Nutrition in Africa; Human Rights Committee, *Raul Sendic Antonaccio V. Uruguay*, Decision of 28 October 1981, Communication No. R.14/63; European Court of Human Rights, *Moisejevs V. Latvia*, Application No. 64846/01, Judgment of 15 June 2006; www.ohchr.org/sites/default/files/documents/issues/food/statements/20240214-com-statement-venezuela-sr-food-en.pdf.

²⁴ European Court of Human Rights, *M.S.S. v. Belgium and Greece*, Application No. 30696/09, Judgment of 21 February 2011.

²⁵ Convention on the Prevention and Punishment of the Crime of Genocide, article II.

²⁶ Rome Statute of the International Criminal Court, articles 7 (1) (b); 7 (2) (b).

31. The most well-recognized starvation act is the weaponizing of humanitarian aid.²⁷ This can be the restriction and blocking of humanitarian aid, or it can be using humanitarian aid as leverage for political negotiations or means to control local populations.

32. Occupation always increases the risk of starvation and often accompanies a starvation campaign, whether it is Russia's occupation of Ukrainian and Georgian territory, Israel's occupation of Palestinian territory, or corporate land grabs displacing local communities and Indigenous Peoples.

33. When food systems are attacked, whether in times of peace or war, this indicates a clear intent to starve, for this not only creates an immediate crisis but also has long-term impact. This includes acts such as razing or polluting agricultural lands; destroying agro-food facilities; destroying or poisoning water sources; or systemically targeting peasants, pastoralists and fishers. This is happening not only in Gaza and the West Bank, but also in Ukraine, the Syrian Arab Republic and Lebanon.²⁸ Relatedly, the wide-scale destruction of civil infrastructure, including roads, ports and educational facilities, inherently weakens food systems. Environmental pollution and destruction also raise the risk of famine. For example, "sacrifice zones" – which are extremely contaminated areas through which communities are exposed to pollution and hazardous substance – in effect starve local communities by completely denying them access to a clean and healthy environment ([A/HRC/49/53](#)).

34. Blockades are unfortunately becoming more popular. These can arise in the form of economic blockades or unilateral coercive measures. Or they can be in the form of sieges, meaning that they are part of a campaign to attack or occupy – as in Gaza, Palestine; Mariupol, Ukraine ([A/HRC/55/66](#));²⁹ Madaya, Aleppo and Ghouta, Syrian Arab Republic ([A/HRC/31/68](#); [A/HRC/34/64](#) and [A/HRC/38/CRP.3](#));³⁰ and Yemen ([A/HRC/52/40](#), paras. 57–60). Sieges are technically lawful under international humanitarian law if directed at combatants. But since military, humanitarian and civilian supply chains are interlinked, it is almost impossible for modern sieges to be lawful. In sum, blockades in any form increase the risk of starvation; sieges always indicate an intent to starve a population.

35. Often these actions are used together: first, a siege is laid against civilians; second, civilian infrastructure is attacked; and third, the food system is attacked.³¹

III. Starvation as a tactic in Gaza

36. Israel made its intentions to starve everyone in Gaza explicit, implemented its plans and predictably created a famine throughout Gaza. Tracking the geography of Israel's starvation tactics alongside Israeli officials' statements confirms its intent. Israel opened with a total siege that weakened all Palestinians in Gaza. Then, Israel used starvation to induce forcible transfer, harm and death against people in the north, pushing people into the south, only to starve, bombard and kill people in newly created refugee camps in the south.

37. What is at stake is nothing less than Israel's attempt to annex Gaza, as the current Government has indicated on multiple instances. Israel has considered the annexation of Gaza on at least two occasions prior to 2023: during the Lausanne conciliation

²⁷ Security Council resolution [2417 \(2018\)](#).

²⁸ Submissions from Badil, eyewitness, Pax, Global Rights Compliance, among others.

²⁹ Submission from Global Rights Compliance.

³⁰ Independent International Commission of Inquiry on the Syrian Arab Republic, "Sieges as a weapon of war: encircle, starve, surrender, evacuate".

³¹ Submission from Global Rights Compliance.

talks in 1949 and after the 1967 war (see A/HRC/56/CRP.4, paras. 30–32).³² In fact, on 30 October 2023 the State of Israel awarded 12 licences to six companies for natural gas exploration off of Gaza’s coast, violating Palestinian sovereignty.³³

38. The Special Rapporteur first provides an account of how Israel is using starvation as a tactic in the current moment of its genocide against the Palestinian people in Gaza. He then explains how Israel had made starvation a possible tool by outlining the current political economy of starvation and genocide in Gaza.

39. It is important to note that Israel is not only attacking Palestinians in Gaza, but is also increasing its attacks against Palestinians in the West Bank, East Jerusalem and refugee camps in the region by undermining their right to food and food sovereignty.

40. In 2023, Israel seized more Palestinian land than in any given year in the past 30 years.³⁴ Concurrently, it was also the highest level of Israeli settler violence in the West Bank, including East Jerusalem, causing a record number of Palestinians to be displaced. The forcible transfer of Palestinians, many of whom were farmers and herders, was mostly caused by settler violence and access restriction with the approval or acquiescence of the Israeli authorities.³⁵

41. On 18 January 2024, the Israeli authorities informed United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) that 12 out of 30,000 UNRWA staff were allegedly involved in Hamas’ 7 October attacks. Based on this unsubstantiated claim, and with no further evidence, 16 of the largest donors to UNRWA immediately threatened to withhold their future funding. Since UNRWA is the main source of humanitarian aid in Gaza, this immediately increased the risk of starvation in Gaza.³⁶ And since more than 1.5 million individuals live in 58 recognized Palestine refugee camps in Jordan, Lebanon, the Syrian Arab Republic, the Gaza Strip and the West Bank, including East Jerusalem, this was clearly an act of collective punishment against the Palestinian people as such, with food and other essentials of life and dignity, like education and water, made precarious.³⁷ Moreover, UNRWA continues to hold some of the most comprehensive records of Palestinian refugee properties. These deeds evidence private claims to repossess homes and plots of land and are inherently connected to the Palestinian people’s communal right to return. It is therefore important to understand that attempts to undermine and potentially terminate UNRWA are usually part of an attack against the Palestinian people’s right of return and a campaign to undermine the ability of the United Nations to repatriate people back to Palestine.

³² Reuters, “Israeli ministers join ultranationalist conference urging Gaza resettlement”, 26 January 2024.

³³ Murat Temizer, “Israel grants gas exploration license in areas considered to be within Palestine’s maritime boundary”, Anadolu Agency, 15 February 2024.

³⁴ Julia Frankel, “Israel turbocharges West Bank settlement expansion with largest land grab in decades”, The Associated Press, 3 July 2024.

³⁵ See <https://www.unocha.org/publications/report/occupied-palestinian-territory/over-4000-palestinians-displaced-west-bank-2023>; <https://www.ohchr.org/en/documents/country-reports/flash-report-human-rights-situation-west-bank-including-east-jerusalem-7>; <https://palestine.un.org/en/262773-un-human-rights-chief-deplores-new-moves-expand-israeli-settlements-occupied-west-bank>; <https://www.hrw.org/news/2024/04/17/west-bank-israel-responsible-rising-settler-violence>.

³⁶ See <https://www.unrwa.org/newsroom/official-statements/statement-commissioner-general-unrwa-general-assembly>.

³⁷ See <https://www.ohchr.org/en/press-releases/2024/05/relief-agency-unrwa-targeted-politically-over-partiality-claims-funding-must>.

A. Starvation as a genocidal tactic

42. Israeli security forces started carrying out air strikes in the Gaza strip in the early hours of 7 October 2023, in response to the Hamas-led attack into Israel that same day. On 8 October, Israel announced the commencement of a major military operation. On 9 October, Israel announced and implemented a total siege against Gaza and immediately blocked the entry of all food, water, electricity and fuel into Gaza (see A/HRC/56/CRP.4, paras. 266–273).

43. There is clear evidence that Israeli officials have used starvation both as a war crime and as a crime against humanity (A/HRC/56/26).³⁸ Israel has failed to enable and ensure the unhindered provision of urgently needed basic services and humanitarian assistance, as well as medical supplies and medical care, to the Palestinian people in the Gaza Strip. Accordingly, the International Criminal Court prosecutor is seeking a warrant for the arrest of Benjamin Netanyahu, the Prime Minister of Israel, and Yoav Gallant, the Minister of Defence of Israel, both for starvation war crimes and for extermination, including in the context of deaths caused by starvation as a crime against humanity.³⁹ There is also clear evidence that Israel has committed genocide against the Palestinian people since at least October 2023 (A/HRC/56/26).⁴⁰

44. The Special Rapporteur highlights how Israel has used starvation with the intent to destroy, in whole or in part, the Palestinian people by “(b) Causing serious bodily or mental harm to Palestinian people; (c) Deliberately inflicting on the Palestinian people conditions of life calculated to bring about their physical destruction in whole or in part” (Convention on the Prevention and Punishment of the Crime of Genocide, art. II).

45. This is evidenced through the mass destruction that Israel has wrought in Gaza causing gross and systemic violations of the Palestinian people’s rights to food, water, housing and health.

46. The Special Rapporteur has received direct accounts of the destruction of the food system, which is also well documented⁴¹ and recognized by the Food and Agriculture Organization of the United Nations and the Committee on World Food Security.⁴² Moreover, Israel has created a buffer zone along its border into Gaza and along the middle of the strip, encroaching on 32 per cent of territory in Gaza.⁴³

47. By destroying and poisoning agricultural land, decimating ports and fishing vessels, Israel has destroyed approximately 93 per cent of the economy of the agriculture, forestry and fishing sector.⁴⁴ Military necessity can in no way justify such

³⁸ <https://www.ohchr.org/en/statements-and-speeches/2024/02/turk-calls-end-carnage-gaza>.

³⁹ <https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-kc-applications-arrest-warrants-situation-state>.

⁴⁰ <https://www.ohchr.org/en/statements-and-speeches/2024/02/turk-calls-end-carnage-gaza>.

⁴¹ <https://www.ohchr.org/en/press-releases/2024/01/over-one-hundred-days-war-israel-destroying-gazas-food-system-and>; <https://www.theguardian.com/world/2024/feb/27/un-israel-food-starvation-palestinians-war-crime-genocide>; <https://www.hrw.org/news/2023/12/18/israel-starvation-used-weapon-war-gaza>; <https://forensic-architecture.org/investigation/ecocide-in-gaza>; <https://www.washingtonpost.com/investigations/interactive/2024/gaza-israel-agriculture-food-fisheries/>; <https://www.aljazeera.com/news/longform/2024/7/2/how-israel-destroyed-gazas-ability-to-feed-itself>.

⁴² <https://openknowledge.fao.org/server/api/core/bitstreams/ea99cfa4-a841-44b3-928c-823eca7c3da7/content>; https://www.fao.org/fileadmin/templates/cfs/CFS51/Report/Endorsed_Report_CFS51/CFS_51_Final_Report_Nov_2023.pdf; <https://www.csm4cfs.org/urgent-call-for-action-to-address-the-genocide-and-starvation-in-gaza/>; <https://www.fao.org/cfs/resources/detail/en/c/1679727/>.

⁴³ <https://www.aljazeera.com/news/2024/5/31/israel-has-encroached-on-32-of-gaza-al-jazeera-investigation-shows>.

⁴⁴ <https://thedocs.worldbank.org/en/doc/ce9fed0d3bb295f0363d690224d1cd39-0280012024/original/Palestinian-Econ-Upd-May2024-FINAL-ENGLISH-Only.pdf>, p. 6.

destruction, since the intended and achieved result has been a complete halt of the production of agricultural products, forcing the entire population to depend on humanitarian assistance for food.⁴⁵ In turn, Israel then used humanitarian aid as a political and military weapon to harm and kill the Palestinian people in Gaza.

48. The destruction of Gaza's food system inherently weakens the ability of Palestinians in Gaza to feed themselves for decades into the future, profoundly undermining the Palestinian people's right to food, making the economic, social and political cost of a dignified life egregious for decades to come. In more general terms, the World Bank and United Nations economic agencies have noted that the shock to Gaza's economy caused by the current siege is one of the largest observed in recent economic history and will require the largest recovery effort since 1945.⁴⁶

49. Prior to 7 October 2023, approximately half of the people in Gaza were food insecure and more than 80 per cent relied on humanitarian aid; the total siege was an immediate catalyst for starvation. Coupled with repeated dehumanizing statements and calls for the total annihilation of Gaza by Israeli officials, Israel's starvation campaign fulfilled the actus reus and mens rea of the Convention on the Prevention and Punishment of the Crime of Genocide and thereby triggered all States' obligation to prevent genocide.⁴⁷

50. From 9 to 21 October 2023, the total siege on the Gaza Strip imposed by Israel and the closure of the Rafah border by Egypt effectively blocked all aid and commercial traffic coming into the territory and vastly reduced the aid and humanitarian deliveries entering the Gaza Strip (A/HRC/56/CRP.4, para. 282). Kerem Shalom, the main point of entry from Israel to the Gaza Strip, was closed by Israel from 7 October to 17 December 2023. Following intense international pressure, Israel announced that it had opened the crossing for aid trucks. Senior Israeli political and military officials indicated on several occasions that the siege and other restrictions had been imposed deliberately and punitively, while Israel also used humanitarian relief as a bargaining chip throughout the siege.⁴⁸

51. Aid resumed mostly to southern and central Gaza after 21 October. It has been reported to the Special Rapporteur by humanitarian workers that Israel's inspection and control of humanitarian relief had been slow, opaque and absurd (see A/HRC/56/CRP.4, paras. 284–295). Israel has not only denied and restricted the delivery of humanitarian aid and violated its obligations to ensure that the aid that is let through reaches the population, it has also created a climate of horror by targeting humanitarian workers and civilians seeking humanitarian aid (see A/HRC/56/CRP.4, paras. 230–255).⁴⁹

⁴⁵ <https://thedocs.worldbank.org/en/doc/14e309cd34e04e40b90eb19afa7b5d15-0280012024/original/Gaza-Interim-Damage-Assessment-032924-Final.pdf>, p. 15.

⁴⁶ <https://thedocs.worldbank.org/en/doc/14e309cd34e04e40b90eb19afa7b5d15-0280012024/original/Gaza-Interim-Damage-Assessment-032924-Final.pdf>; <https://www.aljazeera.com/news/2024/5/2/gaza-will-need-largest-post-war-reconstruction-effort-since-1945-un-says>; <https://unctad.org/publication/preliminary-assessment-economic-impact-destruction-gaza-and-prospects-economic-recovery>.

⁴⁷ <https://www.ohchr.org/en/press-releases/2023/10/gaza-un-experts-decry-bombing-hospitals-and-schools-crimes-against-humanity>.

⁴⁸ <https://www.ohchr.org/en/press-releases/2024/03/un-experts-condemn-flour-massacre-urge-israel-end-campaign-starvation-gaza>; A/HRC/55/28, para. 20; A/HRC/56/26, para. 53; <https://news.sky.com/story/israeli-body-says-it-would-get-aid-into-gaza-if-its-government-opened-more-border-crossings-13088587>.

⁴⁹ <https://www.ohchr.org/en/press-releases/2024/03/un-experts-condemn-flour-massacre-urge-israel-end-campaign-starvation-gaza>; <https://www.un.org/unispal/document/un-human-rights-office-pr-1mar24/>.

52. From 8 to 15 October, Israel completely shut off all three water pipelines to Gaza, almost 75 per cent of Gaza's supply of potable water. By the end of October water was restored, but in very limited amounts and only to central and southern Gaza, denying people in northern Gaza potable water. The Israeli Minister for Energy and Infrastructure stated that restoring the water supply to the south of Gaza and depriving people in the north of water "will push the civilian population to the southern [part of the] Strip".⁵⁰

53. On 13 October, Israel ordered the 1.1 million people in northern Gaza to evacuate. The Secretary-General of the United Nations responded by stating that "moving more than one million people across a densely populated warzone to a place with no food, water, or accommodation, when the entire territory is under siege, is extremely dangerous – and in some cases, simply not possible".⁵¹ The World Health Organization described the order as a death sentence.⁵²

54. By December, every person in Gaza was hungry, and famine was spreading across the entire strip; northern Gaza was still under total siege and closest to disaster. The Office for the Coordination of Humanitarian Affairs described Gaza as "apocalyptic".⁵³

55. Meanwhile, on 29 December, South Africa commenced proceedings at the International Court of Justice, claiming that Israel was committing genocide against the Palestinian people in Gaza, requesting the Court to pronounce emergency provisional measures and order Israel to take all measures within its power, including the rescinding of relevant orders of restrictions and/or of prohibitions, to end the starvation.⁵⁴

56. On 26 January, the Court took note of the situation of death, despair and starvation in Gaza, the incriminating statements made by Israeli officials and the alarm raised by the United Nations human rights system.⁵⁵ The Court considered the deteriorating and "catastrophic humanitarian situation in the Gaza Strip"⁵⁶ and therefore ordered in part that Israel "shall take immediate and effective measures to enable the provision of urgently needed basic services and humanitarian assistance to address the adverse conditions of life faced by Palestinians in the Gaza Strip".⁵⁷ The Court also found that there was a plausible case that the Palestinian people's right to be protected from genocide was at stake, thereby heightening the alarm for the risk of genocide.⁵⁸

57. Israel ignored the Court's orders, and attacks against humanitarian convoys continued (A/HRC/56/CRP.4, paras. 237–239). Owing to the lack of security for both the aid workers and recipients, the World Health Organization had to stop delivering medical supplies to northern Gaza's largest hospital, Al-Shifa, on 22 January; UNRWA, which delivers the bulk of the relief supplies in Gaza, had to stop aid on

⁵⁰ <https://www.timesofisrael.com/israel-says-it-is-restarting-water-supply-to-southern-gaza-strip/>.

⁵¹ See <https://www.un.org/sg/en/content/sg/speeches/2023-10-13/secretary-generals-remarks-the-press-the-situation-the-middle-east>.

⁵² See <https://www.who.int/news/item/14-10-2023-evacuation-orders-by-israel-to-hospitals-in-northern-gaza-are-a-death-sentence-for-the-sick-and-injured>; https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Gaza_Acute_Food_Insecurity_Nov2023_Feb2024.pdf.

⁵³ See <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-61>.

⁵⁴ <https://www.icj-cij.org/sites/default/files/case-related/192/192-20231228-app-01-00-en.pdf>; para. 144.

⁵⁵ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Request for the indication of provisional measures, Order, International Court of Justice, 26 January 2024, General List No. 192.

⁵⁶ *Ibid.*, para. 72.

⁵⁷ *Ibid.*, paras. 72 and 86.

⁵⁸ *Ibid.*, paras. 54, 58 and 59, 86.

23 January; the World Food Programme (WFP) suspended deliveries on 20 February.⁵⁹ One day later, WFP resumed aid to Gaza, Israeli security forces killed 112 people and wounded another 760 who were seeking humanitarian aid, mostly flour; the “flour massacre” was the apotheosis of attacks against humanitarian aid since October 2023 (see A/HRC/56/CRP.4, paras. 240–255).⁶⁰

58. In March, humanitarian aid to the north was sporadic.⁶¹ Most concerning, earlier that month, Israel solidified its separation of northern Gaza from the rest of the Strip. It had completed the Netzarim corridor, which was a roughly 6.5 km stretch of a militarized road buffered by razed land just south of Gaza City, stretching from the Israeli border to the Mediterranean Sea.⁶²

59. Because Israel was continuing its starvation campaign, on 28 March 2024 the International Court of Justice issued a second set of provisional measures, this time focusing on starvation and famine. The Court observed that Palestinians in Gaza were no longer facing only a risk of famine, but that famine was setting in.⁶³ Most notably, the Court framed the entirety of its orders on Israel’s obligations under the Genocide Convention, in terms of “in view of the worsening conditions of life faced by Palestinians in Gaza, in particular the spread of famine and starvation”. The Court was implicitly holding the State of Israel responsible for not preventing the starvation of the Palestinian people in Gaza in the context of a plausible genocide. The underlying legal argument was therefore that starvation was central to a plausible genocide.

60. Israel allowed for more humanitarian aid to enter Gaza in April and withdrew from southern Gaza, but maintained its troops in the north.⁶⁴ Nevertheless, in late April and early May, officials from the United States of America and the Executive Director of WFP recognized the fact that there was a “full-blown famine” in northern Gaza because of the denial of humanitarian aid.⁶⁵

61. Days after the statement by WFP, Israel invaded the Rafah crossing in the south, taking control of border crossing. Kerem Shalom was technically open but no humanitarian aid was going through, leaving all of Gaza under a total siege again.⁶⁶ This marked a new phase in Israel’s tactics, to inflict further harm on all the

⁵⁹ See <https://www.voanews.com/a/un-if-no-cease-fire-widespread-famine-in-gaza-is-near-certain/7505522.html>.

⁶⁰ See <https://www.ohchr.org/en/press-releases/2024/03/un-experts-condemn-flour-massacre-urge-israel-end-campaign-starvation-gaza>.

⁶¹ https://www.wfp.org/news/wfp-food-deliveries-northern-gaza-face-further-setbacks?utm_source=twitter&utm_medium=organicpost&utm_campaign=newsrelease&utm_content=staticimage; <https://news.un.org/en/story/2024/03/1147482>; <https://x.com/antonioguterres/status/1771653572846870970>; <https://www.bbc.com/news/world-us-canada-68715254>.

⁶² <https://www.newarab.com/news/what-israels-netzarim-corridor-splitting-gaza-two>; <https://www.cnn.com/2024/03/08/middleeast/israel-building-road-splitting-gaza-cmd-intl/index.html>; <https://www.washingtonpost.com/world/2024/05/17/gaza-israel-netzarim-corridor-war-hamas/>.

⁶³ <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240328-ord-01-00-en.pdf>, para. 21.

⁶⁴ https://www.haaretz.com/israel-news/2024-04-07/ty-article/.premium/israeli-army-withdraws-from-southern-gaza-after-four-months-of-fighting/0000018e-b8ac-db6c-a9ee-fc97880000?utm_source=mailchimp&utm_medium=Content&utm_campaign=israel-at-war&utm_content=bd0f540546.

⁶⁵ <https://www.devex.com/news/exclusive-usaid-officials-say-israel-breached-us-directive-on-gaza-aid-107545>; <https://apnews.com/article/gaza-israel-famine-humanitarian-aid-children-8a4cb5736c42caf50b6e204f40d83a91>.

⁶⁶ <https://www.bbc.com/news/world-middle-east-68975398>; <https://press.un.org/en/2024/db240508.doc.htm>.

Palestinians in Gaza, the vast majority of whom had been forcibly transferred, corralled and concentrated in southern Gaza.

62. For all of May, very little to no aid entered Gaza.⁶⁷ On 24 May 2024, the Court issued a third order on provisional measures, ordering Israel to immediately stop its military operations in Rafah Governate, ensure humanitarian assistance and provide access to Gaza for United Nations-mandated commissions of inquiry in order to prevent genocide.⁶⁸

63. Instead, two days after the Court issued its provisional measures, Israel forces set ablaze a tent camp sheltering displaced people in a designated safe zone in Rafah, killing at least 46 Palestinians and causing international outcry.⁶⁹ On 8 June, Israeli forces killed at least 274 people and injured more than 500 by the Nuseirat refugee camp in southern Gaza.⁷⁰

64. At the time of the present report in July 2024, some aid delivery to the north has improved, but aid is still not adequately entering Gaza and Israel's starvation campaign shows no sign of abating.⁷¹ The United Nations independent experts declared a famine spreading across the entire Gaza Strip on 9 July.⁷²

B. Political economy of hunger and genocide

65. A political economic understanding of genocide can help to explain what is unfolding in Gaza.⁷³ The total siege that began on 9 October 2023 was a continuation of Israel's 24-year blockade, and 75-year attack against Gaza's food system. The total siege of October began two weeks after the Israeli Prime Minister, Benjamin Netanyahu, delivered a speech at the General Assembly about the "New Middle East", during which he held up a map, purportedly of Israel, that suggested an annexation of Gaza, the West Bank and East Jerusalem.⁷⁴

66. After the 1967 war, Israel not only occupied Palestinian territory but also created an economic system that increasingly disconnected Gaza, the West Bank and East Jerusalem from one another, making Palestinians increasingly dependent on the State of Israel, further undermining their food sovereignty.

67. Following the first intifada, which began in 1987, Israel began strangling access in Gaza, depriving the inhabitants of objects indispensable to their survival, deliberately making conditions of life increasingly difficult. Starting in 1991, Israel placed restrictions on the movement of Palestinian people and goods between Israel, Gaza, the West Bank and East Jerusalem.

⁶⁷ <https://www.unrwa.org/resources/reports/unrwa-situation-report-108-situation-gaza-strip-and-west-bank-including-east-jerusalem>; <https://www.unocha.org/news/ocha-appeals-security-council-end-humanitarian-catastrophe-gaza>; <https://thecradle.co/articles-id/25087>.

⁶⁸ <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240524-ord-01-00-en.pdf>.

⁶⁹ See <https://www.ohchr.org/en/press-releases/2024/05/un-experts-outraged-israeli-strikes-civilians-sheltering-rafah-camps>.

⁷⁰ See <https://www.ohchr.org/en/press-releases/2024/06/un-experts-condemn-outrageous-disregard-palestinian-civilians-during-israels>.

⁷¹ See <https://news.un.org/en/story/2024/05/1150486>; <https://media.un.org/unifeed/en/asset/d321/d3213549>; <https://press.un.org/en/2024/db240619.doc.htm>; https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Gaza_Strip_Acute_Food_Insecurity_MaySept2024_Special_Snapshot.pdf.

⁷² See <https://www.ohchr.org/en/press-releases/2024/07/un-experts-declare-famine-has-spread-throughout-gaza-strip>.

⁷³ See <https://lpeproject.org/blog/genocide-and-political-economy-reconstructing-the-relationship/>.

⁷⁴ See <https://www.washingtonpost.com/world/2023/10/16/new-new-middle-east-israel-region-saudi-relations-future/>.

68. In response to the second intifada, Israel tightened its grip and began its blockade in 2000, significantly restricting the movement of goods and people into and out of Gaza. While sporadic closures were placed on Gaza from 1991, post-2000 the closure became the new normal, with the implementation of a complete, “hermetic closure”, during certain periods. To clamp down on Palestinian resistance, Israel’s military destroyed between 10 and 20 per cent of Gaza’s agricultural land, uprooted 226,000 trees and restricted fishers’ access to the sea.⁷⁵ Accordingly, the number of children that suffered from malnutrition doubled from 2000 to 2002.⁷⁶

69. Israel’s policy up until the early 2000s was to use its military to occupy Gaza and use its economic power to impose an illegal blockade and weaken the Palestinian people in Gaza. With the end of the second intifada in 2005, Israel withdrew its troops from Gaza and dismantled the illegal settlements. Israel, however, continued its illegal blockade.⁷⁷ The difference now was that Israel claimed that it no longer occupied Gaza, even though such an argument contravened international law. Israel granted itself more power to restrict the movement of people and goods by treating its border with Gaza as an international one and people in Gaza as foreigners.⁷⁸ In 2007, after the election of Hamas, Israel described Gaza in war-like terms as “hostile territory”.⁷⁹ Describing the blockade as a “siege” after 2005 does not suggest that Israel no longer occupied Gaza but rather highlights the precise means through which the occupation of Gaza was carried out and how the State of Israel considered most Gazans as an enemy.

70. After 2005, Israel controlled Gaza’s borders (except for the Rafah crossing, controlled by Egypt), exercising almost-complete control over conditions of life in Gaza. Most Gaza-bound food, fuel and aid was checked through Israeli-controlled crossings. Israel created a buffer zone from the border 150 to 500 metres into Gaza, destroying agricultural land. According to Israel’s policy, farmers and herders were permitted to enter the strip of land between 100 and 300 metres from the fence. In practice, Israel created a buffer zone of approximately 1.5 kilometres from the border, covering approximately 62.6 km² – approximately 35 per cent of Gaza’s cultivable land and 85 per cent of its maritime area – making these areas totally or partially inaccessible to Palestinians.⁸⁰

71. The siege included using food as a weapon. According to Dov Weisglass, an adviser to the Prime Minister of Israel at the time, Ehud Olmert, “the idea is to put the Palestinians on a diet, but not to make them die of hunger”.⁸¹ Between 2007 and 2010, Israel’s policy was to allow only enough goods to enter Gaza so that it made people hungry but did not cross a “red line” and trigger a humanitarian crisis. The Ministry of Health calculated the calories needed for different age and gender groups in Gaza, then used this to determine the quantity of staple foods that it would allow into the Strip every day, as well as the number of trucks needed to carry this quantity.⁸² It was also a policy to deny people their dignity since Israel allowed only limited

⁷⁵ Neve Gordon and Muna Haddad, “The road to famine in Gaza”, *New York Review of Books* (30 March 2024); <https://www.peasantjournal.org/news/agrarian-annihilation/>.

⁷⁶ See <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1172086/>.

⁷⁷ See <https://reliefweb.int/report/occupied-palestinian-territory/opt-un-envoy-says-gaza-siege-breaks-human-rights-law>.

⁷⁸ Submission from Neve Gordon and Muna Haddad.

⁷⁹ See <https://www.un.org/unispal/document/auto-insert-195603/>.

⁸⁰ <https://features.gisha.org/closing-in/>; <https://www.ohchr.org/en/press-releases/2011/07/systematic-human-rights-violations-continue-occupied-territories-says-un?LangID=E&NewsID=11271>.

⁸¹ Conal Urquhart, “Gaza on brink of implosion as aid cut-off starts to bite”, *The Guardian*, 15 April 2006.

⁸² Mya Guarnieri Jaradat, “Government releases ‘Red Lines’ document detailing Gaza food restrictions”, *+972 Magazine*, 17 October, 2012; <https://www.gisha.org/UserFiles/File/publications/redlines/red-lines-presentation-eng.pdf>.

quantities of what it listed as “basic food items” and banned foods such as chocolate, coriander, olive oil, honey and certain fruits.⁸³

72. Things changed when Israel killed 10 activists on the *Mavi Mara*, a ship that was part of the solidarity Gaza Flotilla breaking the Israeli siege and bringing 10,000 tons of humanitarian aid to Gaza. Afterwards, Israel allowed for civilian goods to re-enter Gaza to improve its international image. It continued its siege through a system of designating and restricting certain items as “dual use”, that is items that could be used for civilian and military purposes. The problem, however, was that the list of what is “dual use” was and remains broad, vague and ever-changing.⁸⁴

73. Since 2014, Israel has frequently levelled, bombed, cleared and bulldozed agricultural land in Gaza. It has also routinely sprayed herbicides and other chemicals from the air on the lands, killing vegetation and agricultural crops located in the buffer zone, damaging and destroying vast areas of land and Palestinian farmers’ crops over the years, using military arguments to justify serious right to food violations.⁸⁵ To appreciate the attacks against Palestinian food sovereignty in Gaza, turn to the graphic report, “Gaza fishers”, available on the website.⁸⁶

74. The graphic report summarizes and illustrates the first-hand testimony of Zakaria Fadel Hasan Baker, an activist and specialist in Gaza’s fishing sector: like in any coastal community, life in Gaza is defined by the sea. Small-scale fishers are the heart of that life. Before October 2023, Gaza’s fishing community was made up of 4,500 regular workers, approximately 1,500 seasonal workers, 1,050 motorboats and 900 rowboats. They had five marinas at which to dock their fishing boats: North Gaza, Gaza City, Deir el Balah, Khan Younes and Rafah. Since 7 October, Israel has denied all fishers access to the sea and destroyed over 75 per cent of the fishing sector. All this destruction is yet another way that Israel is committing genocide against Palestinians since 1991. Under the Oslo Accords, Palestinians were supposed to be able to fish within 20 nautical miles from the shore. Israel, through the blockade, limited fishers to about 6 nautical miles from the shore, where fishing was not easy due to shallow waters with sandy and rocky sea floors. They were also regularly shot at and arrested by Israeli forces simply for fishing in Palestinian territorial waters. The life of fishers tells you a lot about a place. In Gaza, it is telling us that the starvation of the Palestinian people is not a sudden and unpredictable consequence of the latest aggressions by the occupation forces but a gradual and deliberate strategy that was set in motion many years ago.

C. Solidarity

75. Acts of solidarity not only respond to immediate human needs but also aim at working around or disrupting the power structures that enable the starvation in the first place. Localized mutual aid is often the most effective means to provide support against starvation, as in the Sudan with Emergency Response Rooms and in Palestine with the Union of Agricultural Work Committees and the Arab Group for the Protection of Nature. The Freedom Flotilla Coalition is an internationally coordinated effort to attempt to deliver humanitarian aid defying the Israeli siege. Seed libraries like the Palestine Heirloom Seed Library exemplify how saving, sharing and growing heirloom seeds is an act of steadfastness, protecting against starvation and genocide.

⁸³ Gordon and Haddad, “Road to famine”.

⁸⁴ See <https://gisha.org/en/checking-the-dual-use-list-twice/>.

⁸⁵ Al-Mezan Center for Human Rights, *The Gaza Bantustan: Israeli Apartheid in the Gaza Strip*, 2021.

⁸⁶ Available at www.ohchr.org/sites/default/files/documents/issues/food/2024-08-27-visuals-palestinian-people-food-sovereignty.pdf#page=2.

76. The Special Rapporteur welcomes the global trade union support of Palestinian workers.⁸⁷ The Special Rapporteur commends States that have combined their recent humanitarian assistance with political, diplomatic and legal action supporting the Palestinian people's right to self-determination, including their right to food and food sovereignty.⁸⁸

IV. Palestine

A. What is at stake

77. Israel's recent siege and attack against Gaza is best understood within the broader context of the question of Palestine. The Palestinian people's food sovereignty arises from the people's long-standing and continuous relationship to the territory of Palestine. The question of Palestine has been and remains: which Governments – and what forms of government – should rule the territory of Palestine. To understand Palestinian food sovereignty, it is important to contextualize it within the history of the continuous wrongdoing against the Palestinian people.⁸⁹

78. Over the past 76 years, the State of Israel has continuously dislocated and dispossessed Palestinians from their land, regularly expanding its own occupation and settlements. The corollary is that Israel has created a complex set of different legal regimes that not only denigrate and discriminate against Palestinians, but also fragment Palestinians into legal categories such as: Israeli citizen; East Jerusalemites living under occupation; West Bank Palestinians living under occupation and military rule spread across Areas A, B and C; Palestinians in occupied Gaza living under siege; displaced Palestinians in Israel, East Jerusalem, West Bank or Gaza; international refugees living in camps or otherwise.

79. The Special Rapporteur provides an account of how starvation, and the creation of a constant risk of starvation, is a structural element of the State of Israel's genocidal logic integral to its settler-colonial project in Palestine (A/HRC/55/73, para. 7). Even before the current crisis, over 1.8 million Palestinians in the Occupied Palestinian Territories were food insecure, covering 53 per cent of the population in Gaza and 11 per cent in the West Bank.⁹⁰ In Gaza, over 80 per cent relied on humanitarian aid.⁹¹ Nevertheless, Palestinians still remained steadfast and asserted some degree of power over their food system.⁹²

80. The State of Israel has deployed the full range of techniques of hunger and starvation throughout its entire history, perfecting the degree of control, suffering and death that it can cause through food systems, leading to this moment of genocide. What is notable about Israel is that the techniques and rhetoric that it has used to deny Palestinians their freedom from hunger are the same techniques used by colonial Powers pre-Second World War to control local populations and dislocate and dispossess peoples from their land and territory. The portrayal of Indigenous land as "empty", "under-utilized" and "dead" and the attempt to legitimize colonialism by

⁸⁷ See <https://www.iuf.org/wp-content/uploads/2024/05/Global-Unions-Palestine-Solidarity-Mission-Final.pdf>.

⁸⁸ Submissions from Chile, Indonesia, Luxembourg, Spain and Switzerland.

⁸⁹ Zeina Jallad and Arnulf Becker Lorca, "Beyond genocide", *London Review of International Law*, <https://doi.org/10.1093/lril/lrae012> (2024).

⁹⁰ See <https://openknowledge.fao.org/server/api/core/bitstreams/12b7b28d-db65-4acd-9445-45a850a76bce/content>.

⁹¹ See <https://views-voices.oxfam.org.uk/2023/11/world-cannot-stand-by-starvation-gaza/>.

⁹² See <https://openknowledge.fao.org/server/api/core/bitstreams/12b7b28d-db65-4acd-9445-45a850a76bce/content>.

invoking the supposed productivity and improvement of the land by settlers has been a recurring feature of settler colonialism from Australia to Turtle Island and from Hawaii to Palestine. All those techniques of hunger and starvation are commonly used today by different actors and should be familiar to all communities and Indigenous Peoples experiencing significant levels of hunger and malnutrition, even if they are not facing an immediate risk of starvation.

B. Palestine pre-1967

81. The first wave of European Jewish emigration to Palestine began during the rule of the Ottoman in the late nineteenth century. From the beginning, agriculture and food were central to Zionist colonial techniques, mimicking agricultural colonies in Algeria, Egypt and Tunisia, triggering conflicts between Palestinian peasants defending their grazing rights against settlers asserting a right to access farmland.⁹³

82. Starting in 1905, Zionists in Europe used their newly created Jewish National Fund and Palestine Land Development Company (today, the Israel Land Development Company) to begin purchasing Palestinian land for settlement. Pre-dating any independent State structure, Zionist corporations purchased land from absentee landlords who had amassed relatively large tracts in Palestine.⁹⁴ The result of those land grabs was that Indigenous Palestinian peasants were pushed off their territory, their local land tenure rights ignored, in favour of private property rules and foreign capital – much like land grabs today. Starting in 1910 and throughout the British mandate, Zionists settlers began to arrive and establish kibbutzim as agricultural settler outposts.⁹⁵ In the final years of the British mandate, kibbutzim provided important recruitment and bases for Zionist paramilitary groups.⁹⁶

83. During the First World War, the French and British Governments secretly divided up parts of the declining Ottoman among themselves through the 1916 Sykes-Picot Agreement. In 1917, the British took military control of and occupied Palestine until 1920. Also in 1917, Lord Balfour, in his capacity as the British Foreign Secretary, issued a statement on behalf of the Government indicating support for a “national home for the Jewish people” in Palestine, referring to Indigenous Palestinians merely as “non-Jewish communities” who would retain civil and religious rights. The Balfour Declaration, as it has come to be known, forever changed the region, aligning the British Empire with Zionism. The political purpose of the Sykes-Picot Agreement and dictates of the Balfour Declaration were formalized when the League of Nations granted mandatory powers to Great Britain over Palestine and to France mandatory power over Syria and Lebanon.

84. Soon after the end of the Second World War, the British Government requested the United Nations to answer the question of how Palestine was to be governed after the British mandate ended. In 1947, the General Assembly adopted resolution [181 \(II\)](#) and recommended the partition of the territory of Palestine into a “Jewish State” and “Arab State”, with Jerusalem placed under international administration.

85. Because of the political boundaries and economic interdependence, the Arab State would have been inherently subordinate to and dependent on the Jewish State. Although people of the Jewish faith comprised only 33 per cent of the population of Palestine at this point (the majority of whom were recent immigrants), the proposed Jewish State was 67 per cent of mandatory Palestine. What made the United Nations

⁹³ Victor Kattan, *From Coexistence to Conquest* (London, Pluto Press, 2009), p. 22.

⁹⁴ Rashid Khalidi, *The Hundred Years' War on Palestine* (New York, Metropolitan, 2022), p. 27.

⁹⁵ Areej Sabbagh-Khoury, *Colonizing Palestine* (Stanford, Stanford University Press, 2023).

⁹⁶ Alison M. Bowes, “The experiment that did not fail: image and reality in the Israeli kibbutz” *International Journal of Middle East Studies*, vol. 22, No. 1 (February 1990), p. 85.

proposal even more unfair was the fact that 84 per cent of agricultural land was to go to the Jewish State, leaving only 16 per cent to the Arab State.⁹⁷

86. The General Assembly's partition plan immediately triggered riots between Palestinians and Zionist Jews, setting the conditions for the Nakba. Because of the Nakba and the creation of Israel in 1948/49, between one half to two thirds of the Palestinian people became refugees and have been denied their right to return to their villages, towns and cities of origin ever since. The new State of Israel ultimately expelled about 90 per cent of its Indigenous Arab population, and a quarter of those who remained within the new State of Israel were internally displaced.⁹⁸

87. Until 1966, Israel governed all Palestinians within its borders under military rule, controlling the minutiae of daily life. Palestinian refugees and residents in Gaza were in effect under Egyptian governance. Refugees and residents in the West Bank and East Jerusalem were in effect under Jordanian governance. Other Palestinian refugees were scattered to nearby Arab countries.

C. Creating a food system denying Palestinians the right of return

88. In 1948, in the midst of the Arab-Israeli war, the General Assembly recognized all displaced Palestinians as refugees, recognized their right to return to their homes or to choose to receive equitable compensation. Despite the Nakba and Palestinian refugee crisis, Israel was granted membership by the United Nations in May 1949. In less than a year after its creation, it was clear that Israel was already starving Palestinian refugees. In December 1949, the General Assembly created UNRWA because it was now "necessary to prevent conditions of starvation and distress" among all refugees of Palestine in the region.⁹⁹

89. Nevertheless, Israel ensured that Palestinians refugees would always be precarious and live with the risk of starvation by denying them a right of return, erasing them from the land and disconnecting them from neighbouring Arab countries and communities. Israel did this in large part by converting Palestinian land into Israeli land for Jewish settlement. In 1945, Jews owned 5.6 per cent of property within the bounds of Mandatory Palestine; by 1949, 93 per cent of what was Israel was taken from Palestinian hands.¹⁰⁰

90. Israel began this process by deeming Palestinian refugees as "absentee", thereby converting private Palestinian property to Israel State-owned property to be sold exclusively to Jews.¹⁰¹ Meanwhile, Israel pushed remaining Palestinians off their land by preventing Palestinians from cultivating their agricultural land, and in turn seizing those lands that Israel labels as "wastelands" or "dead" and providing those lands to Israeli settlers.¹⁰²

91. Israel also continues to create food systems and natural habitats that dispossess Palestinians from their land by creating monocrop agricultural systems,¹⁰³ imposing

⁹⁷ Kattan, *Coexistence*, p. 152.

⁹⁸ Khalidi, *Hundred Years*, p. 58; Kattan, *Coexistence*, p. 170; <https://www.alhaq.org/advocacy/21510.html>.

⁹⁹ General Assembly resolution 302 (IV), para. 5.

¹⁰⁰ Ardi Imseis, *The United Nations and the Question of Palestine* (Cambridge, Cambridge University Press, 2023), p. 129.

¹⁰¹ Emergency Regulations (Absentee's Property) (1948).

¹⁰² Noura Erakat, *Justice for Some* (Stanford, Stanford University Press, 2019), p. 56; Alexandre Kedar and others, *Emptied Lands* (Stanford, Stanford University Press, 2018); Cultivation of Wastelands (1948); Land Acquisition Law (1953).

¹⁰³ Whitney Bauck, "They kept us alive for thousands of years: could saving Palestinian seeds also save the world?", *The Guardian*, 29 March 2024.

strict foraging laws,¹⁰⁴ and using conservation management as means of Palestinian dispossession.¹⁰⁵

92. Israel has also denied Palestinians access to land through citizenship laws that still apply today. It automatically grants citizenship to any Jewish person in the world, thereby granting them the right to settle on seized Palestinian property. In turn, Israel makes it virtually impossible for Palestinian refugees to seek Israeli citizenship.

D. Governance since 1967 and the Oslo Accords

93. After the 1967 Arab-Israeli war, Israel occupied the remaining Palestinian territories, proceeded to expropriate land and establish settlements shortly afterwards. Today, Israel is illegally occupying the 1967 Palestinian territories of Gaza and the West Bank, including East Jerusalem (A/77/328).¹⁰⁶ It is well documented that the State of Israel has today created a regime of racial discrimination and oppression – an apartheid regime – that governs the entire territory of Palestine (E/ESCWA/ECRI/2017/1 and A/77/356).¹⁰⁷ In 2018, the Israeli legislature passed the Basic Law: Israel as the Nation-State of the Jewish People in which it claimed that the “land of Israel” is the historic homeland of the Jewish people and that the State of Israel is the uniquely the expression of Jewish self-determination. This is a claim to convert the entire territory of Palestine to an exclusively Jewish territory and State.

94. The most recent political conditions that enabled this claim were the Oslo Accords and consequent regulatory frameworks. The Accords brought Palestinians under further subjugation, effectively handing over direct and indirect control of Palestinian territory and economy to Israel, managed through the Palestinian Authority. The Accords also deepened the social fragmentation and inequality amongst Palestinians in Gaza, the West Bank and East Jerusalem (the latter of which was left out of the Accords).

95. The Declaration of Principles on Interim Self-Government Arrangements (Oslo I Accord) (1993) outlined the framework for peace. The Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip (Oslo II Accord) (1995) allocated governing powers over territories and the economy, and incorporated the 1994 Protocol on Economic Relations (Paris Protocol). The underlying logic of the Oslo Accords was that Palestinians would be given part of historic Palestine back in return for denouncing armed resistance – “land for peace”. The reality proved to be otherwise.

1. Land

96. The Oslo Accords further divided the West Bank into non-contiguous Areas A, B and C. Area A constitutes 18 per cent of the West Bank and is under Palestinian

¹⁰⁴ <https://www.oxfordsymposium.org.uk/wp-content/uploads/2020/06/Eghbariah.pdf>; <https://www.adalah.org/en/content/view/9794>; <https://www.adalah.org/he/content/view/9935> in Hebrew; <https://static.parks.org.il/wp-content/uploads/2023/01/AKUBIT-GALGAL.pdf> in Hebrew; <https://www.parks.org.il/new/origanum-syriacum/> in Hebrew.

¹⁰⁵ Irus Braverman, *Settling Nature: The Conservation Regime in Palestine-Israel* (Minneapolis, University of Minnesota Press, 2023).

¹⁰⁶ See <https://www.ohchr.org/en/press-releases/2023/07/international-community-must-act-end-israels-annexation-occupied-west-bank>.

¹⁰⁷ See <https://www.un.org/unispal/document/ceirpp-legal-study2023/>; <https://www.alhaq.org/advocacy/16183.html>; <https://www.mezan.org/uploads/files/16381763051929.pdf>; https://www.btselem.org/publications/fulltext/202101_this_is_apartheid; <https://www.amnesty.org/en/latest/campaigns/2022/02/israels-system-of-apartheid/>; and <https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution>.

administrative and police control. The Palestinian Authority exercises administrative control over Area B (22 per cent), but shares security control with Israeli authorities.

97. Most land available for development and agriculture is within Area C (60 per cent) and is administered by Israel. The land in Area C has been systematically rendered unsuitable for farming, putting Palestinians in an even more precarious situation, because most springs, wells and agricultural land are in Area C. Palestinians require permits from the Israeli authorities to access land and water in Area C.¹⁰⁸

98. Restrictions in Area C that deny access for Palestinian herders to more than 85 per cent of their pre-1967 pastures have led to an unsustainable ratio of livestock per dunum, resulting in overgrazing and environmental degradation. Israel's control over Area C denies Palestinians the ability to tackle desertification, including barring them from accessing water resources and banning afforestation.¹⁰⁹

99. The Oslo II Accords created a 50-metre buffer zone within the Gaza Strip, but in practice Israel has created a 1.5 km buffer zone throughout the border region by attacking civilian individuals and property in the buffer zone. This has effectively denied and restricted Palestinians access to approximately 35 per cent of Gaza's cultivable land and 85 per cent of its maritime area.¹¹⁰

2. Trade

100. The Paris Protocol granted Israel a great deal of control over Palestine's borders. Movement restrictions have caused Palestinian farmers to suffer huge financial losses due to restricted movement of goods and the closing of trade crossing points.¹¹¹

101. Since 2007, Israel has banned all export from Gaza, including shipments to the West Bank, international and Israeli markets, with the exception of a limited number of seasonal agricultural crops that were permitted for export to Europe as part of an aid initiative. On 6 November 2014, Israel allowed the sale of Gaza's agricultural products in the West Bank. The average monthly export of agricultural products from the Gaza Strip in 2015 was 13.5 truckloads, mainly strawberries and vegetables that were exported to European markets. The monthly average of goods exported from Gaza in 2016 was only 17 per cent of the quantity of goods exported before the imposition of the blockade.¹¹²

102. As the occupation denies Palestinians 63 per cent of the West Bank's agricultural resources, including the most fertile land and best grazing land, they are forced to import goods, 85 per cent of which come from Israel. Israel's control over planning and building also prevents Palestinians from constructing vital water storage and irrigation systems needed for agriculture.¹¹³

103. Israel also allows for the labelling and export of products made in the occupied Palestinian Territories as Israeli products, with Palestinian farmers receiving little to

¹⁰⁸ See https://www.undp.org/sites/g/files/zskgke326/files/2022-11/resilience_series_-_agriculture_in_area_c_-_final.pdf.

¹⁰⁹ See https://www.undp.org/sites/g/files/zskgke326/files/2022-11/undp-papp-research-prc_building_resilience_in_area_c_2.pdf.

¹¹⁰ Al-Mezan Center for Human Rights, "The access-restricted areas ("Buffer-zone" in the Gaza Strip). Factsheet.

¹¹¹ See <https://paltrade.org/uploads/15951034871868344640.pdf>; https://www.undp.org/sites/g/files/zskgke326/files/2022-11/resilience_series_-_agriculture_in_area_c_-_final.pdf.

¹¹² See <https://paltrade.org/uploads/15951034871868344640.pdf>.

¹¹³ See https://www.undp.org/sites/g/files/zskgke326/files/2022-11/undp-papp-research-prc_building_resilience_in_area_c_2.pdf.

none of the profits. The inability to brand Palestinian produce reduces its marketability, especially elsewhere in the Middle East.¹¹⁴

V. Dignity despite suffering

104. Today, people in Gaza are still expressing their dignity through how they cook and eat and in how they continue to celebrate holidays even when surrounded by suffering. The Special Rapporteur received an account from Um Ahmad in Gaza wherein she described how she continued to cook summaqiyyah, a quintessential Gazan festive dish dating back to the eleventh century CE, with indigenous sumac berries (after which the dish is named). To feed people during Eid al-Adha, she had to improvise without access to most of the usual ingredients. People like Um Ahmad, who carry and create recipes like this, hold knowledge about a people's ongoing relationship to the land, territory and history. This knowledge comes from the struggle of cooking and feeding one's family and community, regenerating life itself. This knowledge is critical for the realization of people's right to food.

105. To understand what is at stake, turn to the graphic report, "Dignity despite suffering".¹¹⁵ In the graphic report, the Special Rapporteur shares the stark difference between two ingredient lists from two recipes for summaqiyyah before and after this war in Gaza.

106. The ingredients currently available in Gaza markets are acquired at exorbitant prices. These recipes, like many recipes, are embedded in knowledge about the Palestinian people's ongoing relationship with their land, territory and history.¹¹⁶ Collecting and sharing recipes is so much more than developing a cooking guide since it is a practice that preserves local knowledge, and changes as more people cook. Cooking, along with the collecting and sharing of recipes, is also a practice of being steadfast and adaptable in moments of profound pain and suffering while expressing one's sense of dignity, reciprocity, care and self-determination.

VI. Conclusions and recommendations

107. **The graphic report, "Palestinian people's food sovereignty", summarizes the specificities of the Palestinian people's food sovereignty and the universal struggle for the realization of the right to food. It is available on the website.**¹¹⁷

108. **The graphic report illustrates the following account: how States and international institutions are responding to Gaza is redefining the very nature of international law. In parallel, an extraordinary global wave of solidarity movements supporting the Palestinian people's right to self-determination is rolling across the world. Millions of people recognize that the tools and techniques that will free the Palestinian people from occupation, oppression and exploitation will ultimately be the same ones that can free us all. By fighting Israel's starvation campaign against the Palestinians, people are in effect also fighting for their own freedom from hunger. Most of the world's population**

¹¹⁴ See <https://www.wilsoncenter.org/article/food-insecurity-palestine-future-farmers>.

¹¹⁵ Available at www.ohchr.org/sites/default/files/documents/issues/food/2024-08-27-visuals-palestinian-people-food-sovereignty.pdf#page=6.

¹¹⁶ Laila Haddad and Maggie Schmitt, *The Gaza Kitchen* (Washington D.C., Just World Books, 2021).

¹¹⁷ See www.ohchr.org/sites/default/files/documents/issues/food/2024-08-27-visuals-palestinian-people-food-sovereignty.pdf#page=9.

suffer under food systems that harm or kill them through slower forms of violence than in Gaza today.

109. People want to transform these systems to become based on care and reciprocity. The challenge with transformation does not lie in a scarcity of solutions. We already know what States must do to realize the right to food – agrarian land must be redistributed more fairly, while recognizing and respecting strong tenure and territorial rights. Labour laws should be enacted and enforced to ensure dignity in the workplace. Territorial markets should be supported so that local communities and regions are better connected and less vulnerable to global markets. Solidarity economic enterprises should be supported because they prioritize social purpose over profits. Solutions abound.

110. The main challenge lies in stopping corporations and States from continuing to amass great amounts of power, which they use to manufacture scarcity and cause harm through food systems. Viewing the current “war” from that perspective, we can understand that Israel is not “defending itself” against a “terrorist organization” but is attacking the Indigenous Palestinians as a people. This past year, Israeli settlers and armed forces inflicted record rates of violence against peasants and pastoralists in the occupied West Bank. As a result, peasants were not able to harvest their olives. Olives are of course an important source of food and livelihood. But the Palestinian people’s relationship to olive trees, which can live for hundreds of years, is also about their relationship to their ancestors and to their future, just as small-scale fishing is an integral part of a life of harmony with the sea and not only a means to gather food, or foraging for wild za‘tar is not just a culinary choice but a practice that retains an inherent connection to the land.

111. Food sovereignty means that the Palestinian people, as a people, have the right to their lands, territories and resources to compensate for a long history of illegal and unjust dispossession. The power of food sovereignty does not derive from the political form of a State or a national authority. It arises from people’s long-standing relationship with the land, with the rivers and the sea, and their capacity to feed their own communities, in opposition to the prevailing, yet cracking, international system in place today. Once this cracking system crumbles, what might we build from the salvage?

112. The General Assembly should recognize that:

(a) Every instance of mass starvation is a form of genocide or extermination, and every instance of starving an individual is torture;

(b) The right to be free from hunger means the right to be free from oppression, exploitation and occupation;

(c) The Palestinian people’s right to return to Palestine is a precondition to fulfil their right to food and food sovereignty;

(d) Israel has engaged in an intentional starvation campaign against the Palestinian people which evidences genocide and extermination.