

# Famine as international crime

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# **FAMINE AS INTERNATIONAL CRIME**

Master Thesis

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# Famine as International Crime

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## Summary

In this thesis, it is going to be presented what famine is, how famine happens in terms of origin of its causes and what are the differences in cases of famines that occurred in different periods and different parts of the world. Some legal solutions how famine should be treated in international law will be provided. It is important to differentiate human made and natural made famines, and why are some occurrences regarded as famines while others are not. This part is mostly elaborated in Chapter 1. *Famine in general*, particularly paragraph 1.2. *Causes of the famine and historic overview*.

In Chapter 2. under the Title - *Faminogenic behaviour*, an overview of some historic famines is provided alongside the *prof. David Marcus*' research on faminogenic behaviours. Different degrees of faminogenic behaviours are explained through the citations of *Marcus*' article *Famine crimes in international law*.

The Chapter that follows, Chapter 3, *Crimes of famine*, is the descriptive part of this Thesis. It consists of descriptions of some of the worst famines throughout the history; Famines in China (1958-1962), Russia (1941-1944) and the Ukraine (1932-1933). Each famine is enlisted under its own paragraph.

In the Chapter 4 the emphasis is on famines in 21<sup>st</sup> century. Paragraph 4.1. under the subtitle *Never Again* explains why the underlined famines in this Thesis, particularly those listed in the Chapter 3, are unrepeatable in today's world, while the paragraph 4.2. *Modern Threats* warns about contemporary threats and processes which could cause famines in the future. Final paragraph in this Chapter - 4.3. *A Way Forward* is mostly based on the work of *dr. Sunčana Roksandić*, and it critically assesses her proposals and provides the legal framework and possible solutions for prosecuting criminal offences and irresponsible (illegal) behaviours of individuals that may cause famine that were committed with necessary *mens rea*.

In the *Conclusion*, there is a brief overview of the Thesis with emphasis on most important conclusions and ideas from previous chapters.

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# 1. Famine in General

## 1.1. Definition

According to definitions provided in dictionaries, understanding what famine is, should be rather simple. Famine is mostly defined as an extreme scarcity of food. It could be caused by several factors, including war and natural disasters. Here, I would underline the one provided in *Encyclopedia Britannica*, famine is „a *severe and prolonged hunger in a substantial proportion of the population of a region or country, resulting in widespread and acute malnutrition and death by starvation and disease.*”<sup>1</sup>

Although the definition above is rather detailed, it lacks a certain context. In my opinion, severe and prolonged hunger refers more to hunger as an individual’s sensation than to the “condition” of famine. Hence, in this Thesis the famine is understood as a state or a condition of severe and prolonged hunger in a substantial proportion of the population of a region or country, resulting in widespread and acute malnutrition and death by starvation and disease.

Why this condition occurred and when it should be considered as international crime should be determined with precision.

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<sup>1</sup> <https://www.britannica.com/science/famine>

## 1.2. Causes of Famine and Historic Overview

Events that are causing famine could be various. There is rarely a single cause of famine. More often these events appear simultaneously, either preceding or overlapping each other. Most of the causes have their origin in natural events, such as in natural disasters. Draughts, floods, and other disastrous events are most obvious examples. On the other hand, one could not disregard a certain human factor as a cause too. Warfare or political incompetence in prevention and relief are examples of it. In many cases, famine is combination of both of those groups of causes, but some famines had their causes purely natural or purely artificial. In this section, some patterns in the occurrence of famine are underlined.

### *Natural causes*

First recorded famines date from Ancient Rome and for tens of centuries, in cases of most recorded famines, the causes were natural. Technological development of past times left no place for an effective prevention of famine. The understanding of human life as an expendable good in ancient and medieval times did not help to develop predictions of periods of hunger in the society that would occur due to natural causes, and in the same time support larger interventions by the society itself to effectively prevent such periods of scarcity. While even the negligence in preventing and helping affected persons when famine occurs is to some extent criminalized today, throughout the history, it was not recognized as a responsibility of the individual except in some cases.

Natural causes of famine became somewhat preventable over the time as the technology developed, but not to the level of disappearance. They still occur occasionally. The most infamous example of naturally caused famine in the modern times is the *Great Famine in Ireland* (1845-1849). Irish famine was caused by an outbreak of potato blight<sup>2</sup> which infected potato crops and caused failed harvest in 1845, leaving one million people dead and more than another million relocated during the next four years, decreasing Ireland's population by 20 to 25%. With the death toll so high, it is clear that there were inadequate responses from the government at the time, but from the today's perspective, as accepted by some of the established Irish historians,<sup>34</sup> the blight was the main, overarching cause of this famine. English authority, wide-scale poverty in Ireland,

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<sup>2</sup> *Phytophthora infestans*, lat.

<sup>3</sup> Ó Gráda, Cormac (2000) *Black '47 and Beyond: The Great Irish Famine in History, Economy, and Memory*

<sup>4</sup> Kennedy, Liam (2012) "Sunday Sequence" BBC Radio Ulster, 10.12.2012.

dependency on potato and failed economic policies could only count as contributing factors, but not only causes of this famine.

Although it holds truth that famines caused by nature are declining over the last centuries, they are still occurring in impoverished regions around the world. In the time of writing this Thesis, famine-like conditions exist in Ethiopia, Madagascar, South Sudan and Yemen, with the threat of situation possibly escalating to “biblical” proportions.<sup>5</sup> Climate changes that left certain countries without a proper rain season, are seen as the main cause,<sup>6</sup> although not the only one.

### *Human made causes*

Without disregard for natural causes, human made famines are the main subject of this Thesis. Certain divisions could be made between different behaviours that are causing famine are explained more in detailed in the Chapter 2: *Faminogenic behaviour*. It should be underlined that some of the actions causing famine could be classified in two distinct groups:

1. Actions consisting of either indifference, negligence or inadequacy of governing officials in predicting and handling humanitarian crises (both acts of commission and/or omission);
2. Actions consisting of willingness and intention of creating, prolonging or maintaining famine (both acts of commission and/or omission).

During the course of history, in my opinion, not enough analysis was given to the first group of causes of famine. Hence, different cultures viewed responsibility of ruling class differently. Mentioned Great Famine in Ireland could possibly fall into this group. However, famine-like conditions were omnipresent in the United Kingdom during that part of 19<sup>th</sup> century, and the two governments acted in the terms of help and relief in dealing with this famine, at least to some extent.<sup>7</sup> On the other hand, the *Great Chinese Famine* (1958-1962) is arguably one of the clearest examples for the first group according to the above provided division. Aforementioned famine was

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<sup>5</sup> <https://www.deccanherald.com/science-and-environment/world-food-programme-warns-of-biblical-famine-without-action-1003255>.

<sup>6</sup> <https://www.bbc.com/news/world-africa-58303792>, Madagascar on the brink of climate-change induced famine

<sup>7</sup> Kennedy, *ibid*. “*There is no case for genocide when you think of, as part of British government policies in Ireland, three-quarters of a million people working on public relief schemes. When you have three million people at one stage receiving soup from soup kitchens right across Ireland in their locality.*”

caused by a combination of failed agricultural policies, economic mismanagement and natural disasters<sup>8</sup>. Other similar and notable examples are famine in Cambodia during the *Khmer Rouge* regime<sup>9</sup> (1975-1979) and the North Korean Famine<sup>10</sup> (1994-1998) also known as the *Arduous March*. The *Great Chinese Famine*, because of its scale, death toll ranging from fifteen up to fifty million, according to cited sources and the question of potential responsibility of the officials is analysed further on.

Concerning the second group, actions containing willingness and intention in creating famine in part or in whole of population were seen as an inevitable part of a warfare. Ever since the first battles involving the sieges of settlements and castles, the disruption of food supplies was a common situation. In other words, starvation and creation of famine-like conditions were considered legitimate. First besieging ever recorded happened during the *Battle of Megiddo*<sup>11</sup> in 1500 BC. Instead of forcing attacks, *Thutmose III* of the Egyptian Kingdom built motte and a wooden palisade around Canaanites' settlement and the defenders surrendered after seven months of starvation.<sup>12</sup> Since then, even when warfare developed, such behaviour sustained for most of the time. In his article<sup>13</sup>, prof. *Tom Dannenbaum* points out that "*Starvation of civilians as a method of warfare is a relative latecomer to international criminal law*".<sup>14</sup> Dannenbaum also emphasises that there were attempts of criminalization of intentional starvation after the first world war, but the crime (of starvation) was never established. Second world war also witnessed starvation during the sieges. *Siege of Leningrad* (1941-1944) is the example as the most lethal siege in the history, with the death toll around one million<sup>1516</sup> inhabitants of whom most died of

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<sup>8</sup> Kai-sing Kung, James/ Yi Fu, Lin (2003) „*The causes of China's great leap famine 1959-1961*“ Economic Development and Cultural Change Vol. 52. Issue 1, (2003) pp. 51-73.

<sup>9</sup> Heuveline, Patrick (2001). "*The Demographic Analysis of Mortality Crises: The Case of Cambodia, 1970–1979*" Art. *Forced Migration and Mortality*. National Academies Press. pp. 102-146.

<sup>10</sup> Noland, Marcus (2004). "*Famine and Reform in North Korea*". Asian Economic Papers. Vol. 3. Issue 4, (2004) pp. 1-40.

<sup>11</sup> Cline, Eric (2000) "*The Battles of Armageddon: Megiddo and the Jezreel Valley from the Bronze Age to the Nuclear Age*"

<sup>12</sup> Cline (2000), *ibid.* pp. 21.

<sup>13</sup> Dannenbaum, Tom (2021). *Siege Starvation: A War Crime of Societal Torture*, Chicago Journal of International Law, vol. 22, 2022.

<sup>14</sup> Dannenbaum, (2021). *ibid.* p. 377.

<sup>15</sup> Glantz, David (2001) "*The Siege of Leningrad 1941–44: 900 Days of Terror*"

<sup>16</sup> Bidlack, Richard; Lomagin, Nikita (2012) "*The Leningrad Blockade, 1941–1944: A New Documentary History from the Soviet Archives*." Translated by Schwartz, Marian. Yale University Press. p 1.



starvation, and with its length of 872 days.<sup>17</sup> Dannenbaum underscores that “*Nazi defendants were convicted at Nuremberg of starving prisoners of war, occupied populations, the enslaved, and others under their control. However, starvation in the conduct of hostilities was treated quite differently.*”<sup>18</sup> Said different treatment of the defendants regarding Leningrad siege and (or) famine is elaborated in the same-named paragraph. Only after the second world war, international humanitarian law underwent a significant revision. In 1977, United Nations adopted two additional protocols to the Geneva Conventions of 1949 and each of them included prohibition of starvation of civilians as a method of warfare. Protocols which have been ratified by 174 (Protocol I – International Armed Conflicts), and 169 states (Protocol II – Non-International Armed Conflicts) marked first codified criminalization of starvation during the sieges.<sup>19</sup> Breaches of protocols and humanitarian law were still committed, as in the *Siege of Sarajevo*<sup>20</sup> in 1995, prompting the work of the International Criminal Court (hereinafter: ICC) to codify starvation methods as a war crime.

On the other hand, *Holodomor* (1932-1933), also known as the *Terror-Famine*<sup>21</sup> may be the case of intentional creation of famine during the peacetime period. While similar with the Great Chinese Famine in terms of negligence and inadequacy of government officials, *Holodomor* surpassed those terms to the extents of pre-thought and intention, regardless of the fact that it had ten times smaller death toll. Such statements were underlined by the Kyiv Court of Appeals which in 2010 ruled that *Holodomor* was an act of genocide. Scarcity of reliable sources about the famine and work of the Soviet propaganda possibly covered up the real extents of this man-made famine which took around 3.5 to 5 million<sup>22</sup> lives in Ukrainian SSR. Controversy around it, built on the opposing stands of other countries, different estimates of the death toll<sup>23</sup> and the alleged genocide

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<sup>17</sup> Bidlack; Lomagin (2012), *ibid.* p. 1.

<sup>18</sup> Dannenbaum, (2021). *ibid.* p. 377.

<sup>19</sup> <https://www.justsecurity.org/29157/siege-warfare-starvation-civilians-war-crime/>

<sup>20</sup> Dannenbaum, (2021) *ibid.* p. 390. underscores that *in evaluating the siege of Sarajevo, a U.N. Commission of Experts found itself “faced with the unpalatable fact that, unless there is a neutral arbiter, the only way to starve-out a besieged military force, a legitimate act of war, is to starve the civilian population.” Given that “the intermingling of military forces and the civilian population” precluded discriminating in the deprivation methods, the Commission found the criminality of the siege of Sarajevo to be “debatable.”*

<sup>21</sup> Baumeister, Roy (1999). *Evil: Inside Human Violence and Cruelty*. New York: Henry Holt and Company.

<sup>22</sup> The margin of error measures in hundreds of thousands, possibly millions. see following footnote!

<sup>23</sup> “*Joint statement by the delegations of Azerbaijan, Bangladesh, Belarus, Benin, Bosnia and Herzegovina, Canada, Egypt, Georgia, Guatemala, Jamaica, Kazakhstan, Mongolia, Nauru, Pakistan, Qatar, the Republic of Moldova, the Russian Federation, Saudi Arabia, the Sudan, the Syrian Arab Republic, Tajikistan, Timor-Leste, Ukraine, the United Arab Emirates and the United States of America on the seventieth anniversary of the Great Famine of 1932–1933 in Ukraine (Holodomor) to the United Nations addressed to the Secretary-General*” declared 7 to 10 million deaths, doubling the initial numbers of 3.5 to 5.

qualifications make *Holodomor* indispensable for this thesis. The *Holodomor* is thoroughly elaborated in the same name paragraph. Regardless of the differences between man-made causes of famine, given examples of these tragical happenings annihilated the general opinion that only nature and natural disasters can cause famine.

## 2. Faminogenic Behaviour

In the previous paragraph, the division was provided based on actions that could contribute to famine. Inspired by the work of *prof. David Marcus*,<sup>24</sup> the effort on distinguishing actions was merely an attempt for a reader to comprehend that human made famines can be caused either by negligence or with the intention. *Marcus*, by his own words, coined the term of Faminogenic behaviour. He described it as a behaviour of “*creating or aiding in the creation of famine.*”<sup>25</sup> With such concise definition, it is clear that all those behaviours mentioned in the second part of par. 1.2. should be classified as faminogenic behaviours.

*Marcus’* work, however, does not stop at coining new expressions. Further in his article, he distinguished faminogenic behaviours on the basis of their intensity and *mens rea*, and proposed criminalisation of some. *Marcus* underlined the following:

*“Four degrees of government conduct related to famine form an analytical framework that can explain where famine erupts and why. Fourth-degree faminogenic behavior is the least deliberate. Typically, incompetent or hopelessly corrupt governments, faced with food crises created by drought or price shocks, are unable to respond effectively to their citizens’ needs. Starvation follows, although the government itself may not desire this result. Third-degree faminogenic behavior is marked by indifference. Authoritarian governments, impervious to the fate of their populations even though arguably possessing the means to respond to crises, turn blind eyes to mass hunger. While deplorable, the behavior of government officials responsible for mismanagement in these countries is often not characterized by the *mens rea* for criminal responsibility and therefore does not necessarily implicate criminal responsibility under international criminal law. Recklessness is the *mens rea* for second-degree faminogenic behavior. Governments implement policies that themselves engender famine, then recklessly continue to pursue these policies despite learning that they are causing mass starvation. Finally, first-degree faminogenic behavior is intentional. Governments deliberately use hunger as a tool of extermination to annihilate troublesome populations.”*<sup>26</sup>

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<sup>24</sup> Marcus, David (2003) “*Famine Crimes in International law*”, *The American journal of international law*, vol. 97, Issue 2, pp. 245-281.

<sup>25</sup> Marcus (2003), *ibid.* p 245, fn. 9.

<sup>26</sup> Marcus (2003), *ibid.* pp. 246-247

In the next paragraph, I will use *Marcus*' divisions of the degree of faminogenic behaviour and assign it to the above mentioned famines. Coincidentally, the order of appearance of famines in the thesis matches their proposed division to a certain extent. As *Marcus* already underlined, fourth degree faminogenic behaviour is the least deliberate and the first degree faminogenic behaviour is intentional. Second and third degrees of faminogenic behaviour fall in between.

*Great Irish Famine* (1845-1849) falls in either fourth or third-degree group. Some amounts of hopelessness matched with equal-to-less amounts of indifference paint the accurate picture of this famine. However, this famine occurred almost 200 years ago when the legal and societal order were not developed as they are today. *Marcus*' article<sup>27</sup> itself gives the emphasis on the 20<sup>th</sup> century and the overarching human factor. Also, while we live in the area of recognized human rights, primarily rights to life, liberty, and security of person. In the same vein, especially due to principle of legality in criminal law, the *mens rea* and *actus reus* of governing officials in that time could not be assessed from today's criteria and requirements. Historic context is very important, but revisionism should be taken with a great caution.

According to the established media outlets, current and ongoing Madagascar famine is caused by drought and climate change.<sup>2829</sup> Madagascar has not had a proper rain season for years, and most of the population is malnourished or even starved because of the seemingly never-ending drought which destroyed most of the agricultural production of the country.<sup>3031</sup> There is little to nothing to attribute to Madagascar government and the president *Rajoelina* concerning the cause of the famine, since the causes of the famine are undoubtedly natural. Although corruption is on the high levels in Madagascar, (Corruption Perception Index ranks Madagascar as 149<sup>th</sup> out of 180 countries with the score of 25 out of 100)<sup>32</sup> and public funds have been spent irresponsibly, in the terms of causing with the famine, their efforts have been at least sufficient for the standards of the

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<sup>27</sup> „Some of the worst human right catastrophes of the 20th century were famines created or manipulated by the governments.“

<sup>28</sup> <https://www.economist.com/middle-east-and-africa/madagascar-is-on-the-brink-of-famine/21804098>

<sup>29</sup> <https://www.financialtimes.com/why-famine-in-madagascar-is-an-alarm-bell-for-the-planet/>

<sup>30</sup> <https://www.euronews.com/green/2022/03/20/how-climate-change-is-turning-once-green-madagascar-into-a-desert/>

<sup>31</sup> <https://gjia.georgetown.edu/madagascar's-famine-is-more-than-climate-change/>

<sup>32</sup> Transparency. org./cpi/2021 interactive map.

country on the LDC list. (Worst twelve countries score below 20).<sup>33</sup> The question might arise concerning the dealing with famine if, due to corruption, some policies and measures could not be implemented due to potential embezzlement.

*Great Chinese Famine* (1958-1962) (hereinafter: GCF) on other hand, not only fits into the second-degree group, but it seems to me that *Marcus* had the GCF on mind while describing second-degree actions. The policies which engender this famine were indeed reckless<sup>34</sup>, and even after the outbreak, blind obedience of those policies continued. As a result, tens of millions of people perished because of detrimental agricultural campaigns which lasted too long.<sup>35</sup>

North Korean (1994-1998) and Cambodian (1975-1979) famines fall into the same category. Dissolution of Soviet Union sparked economic crisis in North Korea which exacerbated by floods and droughts peaked in 1994 causing nationwide famine. According to sources,<sup>36,37</sup> leadership which was indifferent about the living condition of the general population for most of the times did nothing, or did worse,<sup>38</sup> or in *Marcus*' words: "*The responses by the North Korean Government to the food shortages range from the laughable to the counterproductive to the criminal.*"<sup>39,40</sup>

Concerning the Famine in Cambodia, it is worth mentioning that Khmer Rouge regime seized power in Cambodia following the *coup* in 1975 and through the dictatorship of *Pol Pot*, it is hard to disregard the nature of the regime in describing the role of ruling party in the famine. Although Cambodian famine has many resemblances with the GCF, according to sources,<sup>41</sup> Cambodia was a very poor country even before famine occurred, and policies which caused famine were not as detrimental and reckless as they were in China.

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<sup>33</sup> A list of developing countries that, according to the United Nations, exhibit the lowest indicators of socioeconomic development, with the lowest Human Development Index ratings of all countries in the world.

<sup>34</sup> Great Leap Forward (1958-1962), Four Pests Campaign (1958)

<sup>35</sup> Infamous Four Pests campaign was absurd to the mater that one must ask themselves, was there a single person in the whole CCP who took a single biology class?

<sup>36</sup> Noland (2004), *ibid.*

<sup>37</sup> *Marcus* (2006), *ibid.* p. 260

<sup>38</sup> "*Songun*" – Military first policy. Army members were prioritized even before elderly and children.

<sup>39</sup> *Marcus* (2003), *op. cit.* p. 260.

<sup>40</sup> By laughable, *Marcus* probably had in mind „Let's eat two meals a day“ campaign from 1991.

<sup>41</sup> Heuveline (2001), *ibid.*

Remaining *Leningrad Famine* (1941-1944) and the *Holodomor* (1932-1933) are undoubtedly cases that fall in the first category of Marcus' division, as they were both carried out as means of extermination.

While *Marcus'* gradation may seem clear for differentiation of certain famines, in some cases the situation is too complex to make a distinction between categories in a clear way. For example, North Korea as a country is constantly struggling with the population's malnutrition.<sup>4243</sup> Policies which isolated the country in an attempt to make it self-sufficient and self-reliable have been in force for more than fifty years by now. In such situations, a margin which distinguishes indifference and reckless governance is currently not clear enough. It is, without any doubt, important notice because *Marcus* suggests international criminalization of the first two categories. *Marcus* suggests that formal criminalisation of faminogenic behaviours is needed, or that the solution could be provided through the specific codification of crimes against humanity because by his own words, the "*current criminalization of faminogenic conduct resembles a patch-work-coverage that typifies customary law of crimes against humanity.*"<sup>44</sup>

It seems reasonable to counter *Marcus* with the claim that the indifference of leading individuals cannot longer be significant in the 21<sup>st</sup> century. Other constructive criticism includes the work of *dr. Roksandić* who points out that *Marcus'* proposed definition of actions that should be criminalized as international crimes that are categorized in the Group 2 and described as "the second-degree"<sup>45</sup> do tend to represent the acts of crimes against humanity, but on the other hand do not meet the criteria already set by the Statute of International Criminal Court (hereinafter: ICC) for crimes against humanity.<sup>46</sup>

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<sup>42</sup> Demick, Barbara (2010). *Nothing to Envy: Love, Life and Death in North Korea*. Sydney: Fourth Estate.

<sup>43</sup> <https://www.koreaherald.com/un-says-42-percent-of-north-koreans-undernourished>.

<sup>44</sup> Marcus, (2003) p. 247.

<sup>45</sup> "Governments implement policies that themselves engender famine, then recklessly continue to pursue these policies despite learning that they are causing mass starvation." Marcus (2003), *ibid.* p 247.

<sup>46</sup> Roksandić Vidlička, Sunčana (2017) „*Prosecuting Serious Economic Crimes as International Crimes: A new mandate for the ICC?*“ Research Series of the Max Planck Institute for Foreign and International Criminal Law, Balkan Criminology, Duncker and Humblot, Berlin, pp. 405-406.

### 3. Crimes of Famine

In this Chapter, I have chosen three well known cases of famine from the 20<sup>th</sup> century to be analysed if potentially they could be considered as crimes of famine, particularly from the perspective of needed types of *mens rea*. While every example is unique in its own way and needs a different and comprehensive approach to fully research its significance, they all share many similarities, and it must be emphasized here that, according to available data, not a single individual was prosecuted on any bases for more than 50 million deaths combined.<sup>474849</sup> It is also important to address that every of these crimes should be classified as international crime, not because they involve two countries breaching the rules of international law, but rather because the actions and the consequences were significant internationally, according to available resources.<sup>50</sup>

Currently, under the international codification there is not a criminal act of inducing or conducting famine. It is stated in the par. 4.3. *A Way Forward* that actions of inducing, conducting or prolonging famine could be prosecuted on the counts of the ICC Statute regarding war crimes (Article 8) or crimes against humanity (Article 7) depending on the modalities and circumstances of committed actions. While some of the actions which caused famines in the past fulfilled different requirements of different crimes (*Holodomor* and Leningrad famine for example fulfil the requirements for genocide, GCF does not) such uncertainty proved to be rather dangerous because most of the famines went unprosecuted. Possible formal criminalization, a proper introduction of a certain crime which should be named *Crime of Inducing Famine* could possibly fill the current gaps. In my opinion, *Marcus'* understanding of the matter from 2006 is still vital because there were not enough attempts on the international level to criminalise faminogenic conducts and actions.

Although, even with the formal introduction and creation of the aforementioned crime, jurisdiction of such crime remains questionable. Possible solutions in terms of establishing another international court is elaborated in the par. 4.3. *A Way Forward*.

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<sup>47</sup> Yi Fu; Kai-sing Kung (2003) *ibid*.

<sup>48</sup> Glantz, (2001) *ibid*.

<sup>49</sup> Wolowyna, (2021) *ibid*.

<sup>50</sup> Marcus (2006), *ibid*, Wolowyna, (2021) *ibid*, Bidlack; Lomagin (2012) *ibid*, Glantz (2001) *ibid*.

### 3.1. Great Chinese Famine

Isolated for centuries from the West, except for the United Kingdom, in the beginning of the 20<sup>th</sup> century, China was mostly rural and agricultural country. Most of the inhabitants were farmers, and with the exceptions of industrial cities such as Beijing, Shanghai and Hong Kong, which was in a fact a British territory, greatest number of people lived in villages and worked on farms. Relevant demographic data of the time was either unavailable or not disclosed.<sup>51</sup> After all, there were not any periodical censuses. Estimated population ranged between 500 to 550 million in 1950.<sup>52</sup> On the political plan, two parties were significant. First significant faction was gathered around the Chinese Nationalist Party named *Kuomintang*. Other faction, directly opposed to them, was the Chinese Communist Party (hereinafter: CCP). The long history of civil wars and mutual conflicts slightly ceased during the invasion of Chinese lands in second world war, but it also continued shortly after the war ended. With the support of victorious USSR, the CCP swiftly took over the rule in mainland China and *Kuomintang* was exiled to the island of Taiwan. First of October 1949 marks the date when CCP chairman *Mao Zedong* proclaimed a Peoples' Republic of China (hereinafter: PRC), virtually a new state, successor of the Republic of China.<sup>53</sup>

With the CCP as the ruling party, the fundamentals of communism were introduced. Moreover, the CCP, now a factual debtor of the CPSU<sup>54</sup>, was considered as the minor partner between the two World's most important communist parties. While a lot can (and will<sup>55</sup>) be said about Soviet economic policies, at the time they seemed relevant and valuable to the CCP leading regime. Having monolithic one-party system and being in a fact, a dictatorship, also helped a bit. After country was prepared for the significant economic restructuring and the first positive impressions on the future cooperation were made, it did not take much for a proper implementation of Soviet policies to begin. The first of the infamous, *Stalin's* five-year production plans was set to begin in 1953.

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<sup>51</sup> Jowett, A.J. (1984) „*The growth of China's population, 1949-1982 (with special reference to the Demographic Disaster of 1960-61)*“, The Geographical Journal, vol. 150, Issue 2, pp. 155-170.

<sup>52</sup> Jowett (1984), *ibid.* p. 155.

<sup>53</sup> At least for the mainland China, since the Republic of China still exists on the island of Taiwan and presents unique international matter of duality of the same country.

<sup>54</sup> Communist party of the Soviet Union.

<sup>55</sup> See 3.3. Holodomor, p. 24.

### *First five-year plan (1953-1957)*

After the numerous plenums of CCP and its national congresses, the leadership consisting of chairman *Mao*, premier *Zhou Enlai* and other party champions came out with dozens of campaigns aimed at social and economic development. First five-year plan highlighted the tasks of constructing around 700 mid-sized industrial projects, laying out the foundations of industrial socialization, nationalization of private-owned industry and commerce and socialist transformation of agricultural producers.<sup>56</sup> The latter was the most problematic task due to significant agricultural tradition in China. Before the reforms took place, most of the people living in the villages farmed their own pockets of land and provided for their families which soon became undesirable for a government with socialist tendencies. Collectivization began even before the first plan and reached its peak with the establishment of the largest agricultural collectives in 1956. The So-called “higher cooperatives” counted anywhere from 100 to 300 families.<sup>57</sup>

In 1957, only four years into the plan, all the tasks have been fulfilled and the plan officially ended. Out of all concerns, mostly related to maintaining the efficiency levels, no one expected that the omnipresent enthusiasm and subjectivity would eventually lead to the worst famine and humanitarian disaster in history. The second plan, *Great Leap Forward* was scheduled for 1958.

### *Second five-year plan – Great Leap Forward (1958-1962)*

*Great Leap Forward* set goals higher than the first five-year plan. It was aimed at further development of heavy industry, especially metallurgy. Interestingly, the said industrialization ought to have been carried out at the expense of the renowned agronomy. If there were Chinese peasants or workers which expected to be awarded for their efficiency in the past four years, bad news for them was that the same opinions were shared among the CCP officials who had an actual authority to reward. The result – The ultimate reward for the PRC through the abolition of private property in 1958. While the abolition of private property was not an integral part of the plan, it is worth noting that it was introduced just after unsuccessful implementation of *Hundred Flowers Campaign* which was set to promote and encourage criticism<sup>58</sup>. In terms of the impending famine,

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<sup>56</sup> Dikötter, Frank (2010). “Mao’s Great Famine, *The History of China’s most devastating catastrophe, 1958-62.*” Walker & Company

<sup>57</sup> Dikötter, (2010). *ibid.*

<sup>58</sup> Dikötter, (2010). *ibid.*



abolition was significant, but the critical moment had not yet occurred. The most important novelty was that the peoples' communes factually became deprived of their land and other property and placed under the government control.

Following campaigns were even more harmful for the common Chinese people. The crop production yields were average, but the trade agreements with the USSR were prioritised. Also, ever since the metallurgy became priority, *Mao* encouraged the establishment of small backyard steel furnaces in every commune and in each urban neighbourhood.<sup>59</sup> The operators of those furnaces were mostly selected between the farmers so the operational agricultural capacity of the communes furtherly reduced. With such reductions, even the trade export quotas become endangered. In order to increase much needed wheat and rice production, ridiculous improvements have been attempted:

*“On the communes, a number of radical and controversial agricultural innovations were promoted at the behest of Mao. Many of these were based on the ideas of now discredited Soviet agronomist Trofim Lysenko and his followers. The policies included close cropping, whereby seeds were sown far more densely than normal on the incorrect assumption that seeds of the same class would not compete with each other. Deep plowing (up to 2 meters deep) was encouraged on the mistaken belief that this would yield plants with extra-large root systems.”*<sup>60</sup>

The most ridiculous and certainly the most harmful measures were taken as a part of the infamous *Four Pests Campaign* of 1958. The four pests to be eliminated were rats, sparrows, flies and mosquitoes. Extermination of sparrows produced horrible consequences when smaller pests reproduced massively in the absence of their natural predators. Mainly due to the influence and the constant pressure of ornithologist *Tso-hsin Cheng*, officials eventually stopped the campaign in 1960 and resorted to importing 250,000 sparrows from the Soviet Union to replenish their population.<sup>61</sup> Regardless, ecological imbalance already took place and the crops sustained huge damages. The floodings which were common occurrence in some regions furtherly deprived yields. In 1958, there was a notable regional flood of the Yellow River which affected parts of Henan and Shandong Provinces. Naturally, hunger of individuals became more common with every passing day and a massive-scale famine became imminent.

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<sup>59</sup> Zhi-Sui, Li (2011) *“The Private Life of Chairman Mao.”* Random House Publishing Group, pp. 272–274.

<sup>60</sup> Dikötter, (2010). *ibid.* p. 39.

<sup>61</sup> Shapiro, Judith Rae (2001). *“Mao's War Against Nature: Politics and the Environment in Revolutionary China.”* Cambridge University Press. (Studies in Environment and History, pp. 269-287.)

It is not wrong to conclude that life conditions of a regular commune member deteriorated rapidly from 1958 to 1960. Even if they adapted to life in collectives, abolition of private property simply diminished any chance of creating and retaining surpluses. Instead, surpluses were seized and stored by local authorities and redistributed to the local communes. Failed agricultural policies made yields even lower and it was clear that the communes became fully depended on the wheat and rice provided by the local authorities. Ironically, it was the same wheat and rice communes produced. Simply, with the huge amounts of crop already allocated for the trade agreements and with an increased number of commune members redeployed to the metallurgical assignments, there was not enough crop left for the communes and most of the stored surpluses were not handed out. It is probably a good guess that the first case of deprivation of state-provided crops marked the official beginning of the Great Chinese Famine.

Initial reactions were shameful, Local party leaders, for their part, conspired to cover up shortfalls and reassign blame in order to protect their own lives and positions.<sup>62</sup> Higher officials were mostly unaware of the severity of the situation. Probably the best example of such cowardly behaviour of the local party leaders happened in the Anhui province, one of the most stricken provinces with estimated death toll of 18% of the total population.

*“Anhui, having a radical pro-Mao government, was led by Zeng Xisheng who was "dictatorial", with ties to Mao. Zeng firmly believed in the Great Leap Forward and tried to build relationships with higher officials rather than maintain local ties. Zeng proposed agricultural projects without consulting colleagues, which caused Anhui's agriculture to fail terribly. Zhang Kaifan, a party secretary and deputy-governor of the province, heard rumors of a famine breaking out in Anhui and disagreed with many of Zeng's policies. Zeng reported Zhang to Mao for such speculations. As a result, Mao labeled Zhang "a member of the 'Peng Dehuai anti-Party military clique'" and he was purged from the local party. Zeng was unable to report on the famine when it became an emergency situation, as this would prove his hypocrisy. For this he was described as a "blatant political radical who almost single-handedly damaged Anhui.”*<sup>63</sup>

According to the same source, there were also opposite examples. Some of the regional leaders opposed Mao's ideas and avoided implementing harmful policies. Jiangxi, the neighbouring

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<sup>62</sup> Yang, Dali L. (1996). *“Calamity and Reform in China: State, Rural Society, and Institutional Change Since the Great Leap Famine”* Stanford University Press. p. 65.

<sup>63</sup> Manning, Kimberley Ens; Wemheuer, Felix (2011). *“Under the Same Maoist Sky: Accounting for Death Rate Discrepancies in Anhui and Jiangxi”* UBC Press. p. 213.

province of Anhui, suffered minimal damages even though it shared very similar natural conditions with Anhui. Given example diminished significance of possible natural causes of famine.

*“Jiangxi encountered a situation almost opposite to that of Anhui. The leaders of Jiangxi publicly opposed some of the Great Leap programs, quietly made themselves unavailable, and even appeared to take a passive attitude towards the Maoist economy. As the leaders worked collaboratively among themselves, they also worked with the local population. By creating an environment in which the Great Leap Forward did not become fully implemented, the Jiangxi government “did their best to minimize damage”. From these findings, scholars Manning and Wemheuer concluded that much of the severity of the famine was due to provincial leaders and their responsibility for their regions”<sup>64</sup>*

While Jiangxi leaders were a bright example, they remained a minority. Throughout China, pathetic and shameful charades of abundance were played in front of the visiting committees which only made things worse. Death toll from 1958 to 1962 was estimated from 15 to 55 million deaths.<sup>65</sup> The worst stricken provinces after Anhui with 18% were Chongqing (15%), Sichuan (13%), Guizhou (11%) and Hunan (8%).<sup>67</sup> The problem with precise estimate of the death toll and real consequences lays in numerous reasons. For propaganda reasons for instance, starvation was forbidden as a cause of death for most of the 1958 and 1959.<sup>68</sup> Isolationism was the second reason since there were not many independent or foreign reporters allowed at the time. Most importantly, lack of criticism and collective negation of the events were among the remaining reasons. Eventually, the highest officials, chairman *Mao* and premier *Enlai* became aware of the severity of situation and *Seven Thousand Cadres Conference* was scheduled for January 1962. The biggest ever CCP working conference was focused on the issues of failed Great Leap Forward. After the strong arguments from other high officials, such as vice-Chairman *Liu Shaoqi* who attributed 30% of the famine to natural disasters and 70% to man-made mistakes<sup>69</sup>, *Mao* semi-retired, at least *de jure* and *Shaoqi* together with *Deng Xiaoping* was put in charge for most of the following policies, including the most useful *Reform and Opening-up Programme* from 1978 which fundamentally changed agricultural and industrial system, this time, for the better.

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<sup>64</sup> Manning; Wemheuer (2011) op. cit. p. 216.

<sup>65</sup> Ó Gráda, Cormac (2007) "Making Famine History" *Journal of Economic Literature*. Vol. 45, Issue 1, pp. 5–38.

<sup>66</sup> Various sources provided numbers, I found the explanation in Ó Gráda (2007).

<sup>67</sup> Manning; Wemheuer (2011) *ibid*.

<sup>68</sup> Becker, Jasper (1997) *Hungry Ghosts: Mao's Secret Famine*. Free Press. p. 44.

<sup>69</sup> Zhi-Sui, (2011) *ibid*.

## *Responsibility and Aftermath*

As already stated, the exact number of deaths will remain unknown indefinitely, although every respectable projection included no less than tens of millions of victims. According to the same source<sup>70</sup> that provided the population projection of 1950, around the beginning of famine, the projected population ranged between 650 to 680 million. If we use 35 million as the arithmetic mean of most common assessments (15-55) it leads us to the conclusion that 5% of the population died, meaning one out of twenty Chinese did not live to see the end of the Great Leap Forward in February 1962. In accordance with that, agricultural production plummeted, birth-rates dropped drastically, and nation-wide anomie ensued for most of the following years. Losses in all aspects of daily life were pervasive. Naturally, in a dictatorial state such as PRC, there were not many prosecutions of those responsible for the famine. Most of the indictments only had political purposes and even the helpful *Shaoqi* and *Xiaoping* were indicted on false grounds soon after their appointments<sup>71</sup>. *Mao* demoted himself and semi-retired in order to avoid further resentments, but *de facto* remained the most powerful individual in the country up to his death in 1976. *Socialist Education Movement* from 1963 and *Cultural Revolution* from 1966 once again placed *Mao* in his dictatorial role. According to sources<sup>72</sup>, irresponsible provincial leaders such as Anhui's *Zheng Xisheng* were mostly demoted after 1962 and those demotions were only sanctions against them. Comprehensive criticism of the policies wasn't made until decades after, and even today, the official standpoint of modern China<sup>73</sup> greatly minimizes the responsibility of the government and province officials from the past. Most of the sources and data for the matter were provided by independent authors, dissident Chinese and moderate former party members.<sup>74</sup> Abolition of private property, although common for autocratic states at the time, represents one of the worst breaches of basic human rights provided by the Universal Declaration of Human Rights from 1948. Article 17 of the UDHR which states that "*everyone has the right to own property alone as well as in association with others*" and that "*no one shall be arbitrarily deprived of his property*"<sup>75</sup> was not respected at all. Although breaches of the UDHR of this kind tend to represent political rather than

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<sup>70</sup> Jowett, (1984), *ibid*.

<sup>71</sup> Yang, (1996) *ibid*.

<sup>72</sup> Manning; Wermheuer (2011) *ibid*.

<sup>73</sup> <https://www.theguardian.com/commentisfree/2021/nov/14/xi-jinping-has-rewritten-chinas-history-but-even-he-cant-predict-its-global-future>

<sup>74</sup> Zhi-su, (2011), Yang (1996), Manning, Wermheuer (2011).

<sup>75</sup> <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

legal matter, it is worth noting that PRC has not signed and therefore has not accepted or ratified International Covenant of Economic, Social and Cultural Rights until 1997.

### 3.2. The Leningrad Famine

While the Great Chinese Famine could be described as a national crisis, the *Leningrad Famine* (1941-1944) was a desired and planned consequence of the Leningrad siege. Commenced in the early years of second world war, siege lasted 872 days and it was recognized as the longest siege in modern history.<sup>76</sup> This case of famine is significant because it was created deliberately during the international armed conflict.

Everything started with the Third Reich's invasion on the USSR in 1941. The strategic target of Army Group North was Leningrad (modern day Saint Petersburg). Beside the symbolic significance, Leningrad was important strategic stronghold of USSR. Kronstadt, city's impenetrable naval port served as the main base of the Baltic fleet, and many garrisons were present around the city. Moreover, Leningrad produced 11% of the total Russian industrial output at the time.<sup>77</sup> The geographical position of the city situated on the 50 km stretch between Lake Ladoga from the eastern side and Baltic Sea shores from another, accompanied with the Finnish presence on the north made encirclement and the impending siege a valid military strategy, although the length of almost three years was not included in plans. After all, *Hitler's* ultimate plan was to *raze Leningrad to the ground and give areas north of the River Neva to the Finns*.<sup>7879</sup>

#### *The Siege*

Army Group North under Field Marshal *Wilhelm Ritter von Leeb* advanced towards its primary objective, Leningrad. *Leeb's* forces were able to take Kingisepp and Narva on August 17<sup>th</sup>. Army Group reached Chudovo on August 20<sup>th</sup>, severing the rail link between Leningrad and Moscow.

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<sup>76</sup> Bidlack; Lomagin (2012), *ibid.*

<sup>77</sup> Glantz (2001), *ibid.* pp. 13 -14.

<sup>78</sup> Hannikainen, Olli; Vehviläinen (2002). *Finland in the Second World War: between Germany and Russia*. Palgrave Macmillan.

<sup>79</sup> Reid, Anna (2011) "*Leningrad: Tragedy of a City under Siege, 1941-44.*" London: Bloomsbury Publishing p. 133.

The last rail connection to Leningrad was cut on August 30<sup>th</sup> when the German forces reached the River Neva. In early September, *Leeb* was confident Leningrad was about to fall.<sup>80</sup>

Amidst the news of the evacuation of the city, von *Leeb* received new orders which included embattling the Red Army forces surrounding the city. While conducted in a haste, battles were due to be concluded by September 15<sup>th</sup>, since 4<sup>th</sup> Panzer Group of the Army Group North was to be transferred to the Army Group Centre so it could participate in a renewed offensive towards Moscow.<sup>81</sup> *Von Leeb* realised that he might not take the city that easily as the plans predicted. A lack of the Panzer Group 4 which consisted of eight divisions and counted 12 000 personnel<sup>82</sup> was very significant. Two remaining armies, 16<sup>th</sup> and 18<sup>th</sup> remained under *von Leeb*, and the heavy battles continued throughout October and November.

### *The Famine and other terrors*

The siege itself was accounted from September 8<sup>th</sup> since the city on that date became factually besieged and cut-off.<sup>83</sup> The mentioned *Hitler's* ultimate plan was still viable, but the modalities were discussed. Eventually, on the meeting of German High Command on September 21<sup>st</sup>, starvation and bombardment as a means of war were accepted:

*"On 21 September, German High Command considered how to destroy Leningrad. Occupying the city was ruled out "because it would make us responsible for food supply". The resolution was to lay the city under siege and bombardment, starving its population. "Early next year, we [will] enter the city (if the Finns do it first we do not object), lead those still alive into inner Russia or into captivity, wipe Leningrad from the face of the earth through demolitions, and hand the area north of the Neva to the Finns."*<sup>84</sup>

The said meeting would be discussed in the Nuremburg trials in 1945, as it marked the date when German High Command resorted to forgotten methods dating from medieval times. The bombardment continued, and even Soviet general *Zhukov* described it as a *"terror which lasted 900 days and nights."*<sup>85</sup>

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<sup>80</sup> Klink, Ernst (1998). "The Army and the Navy". *Germany and the Second World War: Attack on the Soviet Union*. Vol. IV. Oxford and New York: Clarendon Press. pp. 631-637.

<sup>81</sup> Klink (1988), *ibid.* p. 638.

<sup>82</sup> Melvin, Mungo (2010) *"Manstein: Hitler's Greatest General."* London: Weidenfeld & Nicolson. p. 189.

<sup>83</sup> Glantz (2001), *ibid.* p. 13.

<sup>84</sup> Reid (2011), *ibid.*

<sup>85</sup> Zhukov, Georgy (1974) *"Marshal of Victory"*, Vol 1. Pen and Sword Books Ltd. pp. 399, 415, 425.

A genocidal qualification of committed atrocities probably came from the directive sent by *Hitler* and signed by *Jodl* on October 7<sup>th</sup>. In said directive *Alfred Jodl*, chief of the operations staff of the German Army High Command reminded Army Group North's von Leeb not to accept possible capitulations of the city.

Specific questions arose after directive was made public in 1945. First, why the invading army, which recently occupied dozens of cities on its way, now doesn't want the ultimate target to officially surrender? Why was it forbidden for von Leeb to accept the possible capitulation? What could be the possible justifications of prolonging the very costly siege? Naturally, answers were obvious, and although the crime of genocide wasn't codified and thus not known at the time, later historians recognized the genocidal intentions coming from the highest Nazi instances. Those intentions were mostly carried out through the constant bombardment of the city and its inhabitants. Survivors of the attacks were faced with everlasting and omnipresent famine.

Ever since the full-encirclement and the actual beginning of the siege on September 8<sup>th</sup>, 1941, the city of approximately 2,9<sup>8687</sup> million people was without utilities, water, energy and food supplies.<sup>88</sup> Civilians in the city suffered extreme starvation, especially in the winter of 1941–42. From November 1941 to February 1942 the only food available to the citizens was 125 grams of bread per day, of which 50–60% consisted of sawdust and other mostly inedible admixtures.<sup>89</sup> Deaths peaked from January to February 1942 at around 100,000 per month, mostly from starvation. People often died on the streets, and citizens soon became accustomed to the sight of death.<sup>90</sup> A lot of crimes happened in besieged city since the despair was at the highest levels and cannibalism began. The NKVD, secret police of USSR tried to suppress and cover up cases of cannibalism because even the second-hand stories about it became a real problem for the remaining morale and humanity that was still present in the city. Their records about the matter were declassified in 2004, and since then it is known that the first case was recorded on December 13<sup>th</sup>, 1941. The cannibalism problem was serious since there was no penal code for the crime of eating human flesh, so all of the indictments and convictions were carried out through the article “special

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<sup>86</sup> [https://en.wikipedia.org/wiki/Demographics\\_of\\_Saint\\_Petersburg](https://en.wikipedia.org/wiki/Demographics_of_Saint_Petersburg); Retrieved: Sep 2022.

<sup>87</sup> Number of those early evacuated overlapped with the number of reinforcements, around 600,000.

<sup>88</sup> Reid (2011), *ibid.*

<sup>89</sup> Reid (2011), *ibid.*

<sup>90</sup> Reid (2011), *ibid.*



category banditry”. Also, the records kept some of the statistics, so according to the NKVD, there were two distinct groups of cannibals, corpse-eaters and person-eaters. The first ones were sent to prison while the latter were executed because the coined term for the person-eaters –(*lyudoyedstvo*) meant that people were still alive when eaten. Rest of the data included profiling of prosecuted cannibals; 44% of them were unemployed, 64% were female and 90% were illiterate or without basic education. Interestingly, only 2% had any criminal records. Total number arrested cannibals in 1942 was 2,105.<sup>91</sup> While that number may seem worryingly high, other crimes related to food sources also occurred. Since most of the cannibals weren’t murderers (corpse-eaters outnumbered person-eaters approximately 20 to 1)<sup>92</sup> murders were more common as a mean of getting rationing cards. In the first half of 1942, approximately 1,200 such murders were committed.<sup>93</sup> Given the scope of mass starvation, the conclusion is that both cannibalism and food related murders were relatively rare after all. In the beginning, the Red Army efforts in breaking the siege were mediocre at best. More important for both, the army and the civilians, was to secure the supply lines, especially during the winter. The route passing through the southern parts of Lake Ladoga and a strip of land unoccupied by Germans was established.<sup>94</sup> The lake was crossed by water operated transport in warmer months and by the trucks when the ice thickened.

As for the later attempts of relief, three major campaigns were undertaken by Red Army. First, *Sinyavino Offensive* coincided with the *Operation Nordlicht*, a German attempt to capture the city. Since they happened almost simultaneously<sup>95</sup> in late summer of 1942, neither offensive was successful and there were around 150,000 deaths combined.<sup>96</sup> Second, the *Operation Iskra* in early 1943 succeeded in opening a 10-12 km corridor south of the Lake Ladoga although the siege was not broken.<sup>97</sup> Finally, much needed relief came a year later. *Leningrad – Novgorod* strategic offensive, a joint attempt of Leningrad, Volkov and the two Baltic Red Army fronts expelled German forces from the southern outskirts of the city and the other German forces in the vicinity were routed. The day was January 14<sup>th</sup>, 1944. 873<sup>rd</sup> day since the beginning of the Leningrad siege.

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<sup>91</sup> Reid (2011), *ibid.*

<sup>92</sup> Reid (2011), *ibid.*

<sup>93</sup> Reid (2011), *ibid.*

<sup>94</sup> Reid (2011), *ibid.*

<sup>95</sup> Nordlicht was actually abandoned and the reinforcements were used against Sinyavino offensive forces.

<sup>96</sup> Klink (1988), *ibid.*

<sup>97</sup> Klink (1988), *ibid.*



## *Responsibility and Aftermath*

The consequences of the Siege were brutal. Leningrad which had 2.9 million inhabitants prior to siege lost around 95% of that number. While the estimates may differ, numbers of deaths range from 1 to 1,5 million civilians and army combined with another 1 to 1,4 million refugees.<sup>98</sup> Most of those deaths happened due to famine.<sup>99</sup> Moreover, Economic destruction and human losses in Leningrad on both sides exceeded those of the Battle of Stalingrad, the Battle of Moscow, or the bombing of Tokyo. The siege of Leningrad ranks as the most lethal siege in World history.<sup>100101</sup> In the last year of the siege, population fell to around 546,000, lowest ever since the 1865. Population of 3 million was reached sometime in 1959, fifteen years after the siege ended, and it was mostly due to the fanatic Soviet reparation efforts and demographic policies which included involuntary relocations.<sup>102</sup>

As for the responsibility of the crimes committed, aside from other war crimes such as excessive shelling, crimes against humanity and crimes against peace it is clear that there were deliberate efforts of creating and sustaining famine and famine-like conditions. In addition, it is also clear that all of the orders came from the German High Command, and directives sent to the Army Group North commanders, *von Leeb* and *Georg von Küchler*, served as a proof of their genocidal intentions. As already stated in par. 1.2. *Causes and historic overview*, codification of International Humanitarian Law in the beginning of the war was not as developed as it is today. An article<sup>103</sup> states that most of the starvations carried out through the modern-day sieges were never prosecuted. *Dannenbaum*, one of the authors of the article, underscores in another source<sup>104</sup> that *starvational siege was a tactic that Allies used*. At the end of the war, through Nuremburg and High Command Trials, most of the officials included were prosecuted on various bases. Some of the defendants were significant in terms of guilty, even without their involvement in the Leningrad siege. For instance, *Alfred Jodl* was indicted on charges of conspiracy to commit crimes against

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<sup>98</sup> Various sources throughout this paragraph, mostly; Reid (2011), Glantz (2001), Bidlack; Lomagin (2012)

<sup>99</sup> Ibid. Reid; Glantz; Bidlack; Lomagin

<sup>100</sup> Ibid. Reid; Glantz; Bidlack; Lomagin

<sup>101</sup> Ibid. Reid; Glantz; Bidlack; Lomagin

<sup>102</sup> Wiki. Demographics, *ibid*.

<sup>103</sup> *Dannenbaum Tom; de Waal, Alex; Maxwell, Daniel (2022) Starvation, a war crime never yet punished, in Ukraine and elsewhere/justice.info.net*

<sup>104</sup> *Dannenbaum, (2011) ibid.*

peace, planning, initiating and waging wars of aggression, war crimes and crimes against humanity, and was sentenced to death by hanging in 1946. Field marshal *Georg von Kuechler* was sentenced in 1948 to twenty years imprisonment for war crimes and crimes against humanity committed in the Soviet Union. His sentence was reviewed in 1951 and reduced to 12 years. He was released from prison in 1953. Field Marshal *Wilhelm von Leeb* was found guilty only on one act - transmitting the *Barbarossa Decree*,<sup>105</sup> and its criminal application by subordinate units. He was sentenced to time already served in jail (1945-1948). Genocide as a crime, and genocidal intention were not recognized yet in 1945. They were coined as a term in 1944,<sup>106</sup> but first convictions for genocide came almost fifty years later. Convictions of *Jean Paul Akayesu*<sup>107</sup> and *Radislav Krstić*<sup>108</sup> from 1998 at International Criminal Tribunals for Ruanda and Yugoslavia, were the first convictions for the crime of genocide. It is also worth noticing that *Krstić's* rank of a major-general of the Army of Republika Srpska, mostly matches *Von Leeb's* and *Von Kuechler's* field marshal ranks in terms of chain of command responsibility.<sup>109</sup>

### 3.3. The Holodomor

The famine in Ukrainian SSR (1932-1933) was neither national nor international matter. Possible answer would be that it was a federal matter. A more important dispute would be about its genocidal qualification, not counting Ukraine and other 15 states which in 2006 officially recognized *Holodomor* as a genocide against the Ukrainian people, carried out by the Soviet regime. Even the total death toll is nowhere near the certain numbers. While the earliest estimates varied greatly, the span of 3.5 to 5 million deaths became usual. Only after the joint statement of 25 countries to the United Nations in 2003 those numbers doubled and 7 to 10 million became official assessment, at least for those 25 countries. If there is a consensus, it would be on the opinion that *Holodomor* was probably the worst man-made famine in a peacetime period, carried out rather intentionally than culpably.

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<sup>105</sup> Decree prior Operation Barbarossa where it was stated that the future war would be war of extermination.

<sup>106</sup> Andrassy, Juraj; Bakotić, Božidar; Lapaš Davorin; Seršić, Maja, *Međunarodno pravo* 2 (2012), Školska knjiga.

<sup>107</sup> <https://www.internationalcrimesdatabase.org/Case/50/Akayesu/>

<sup>108</sup> <https://www.icty.org/en/press/radislav-krstic-becomes-first-person-be-convicted-genocide-icty-and-sentenced-46-years>

<sup>109</sup> <https://www.icty.org/bcs/case/krstic>

## *USSR Agriculture*

Regardless of the harsh climate and large areas of permanently frozen land, USSR was in a fact an agricultural country. Most of the agricultural production was located on the southern banks of big rivers of Volga and Dnipro. Farmers have been farming their plots of land and paying certain amounts of state and federal taxes. Yields of grains such as wheat and rye were mostly sufficient, even though scarcities periodically occurred. In 1928, a major setback prompted reforms. According to the sources<sup>110111</sup> during the so-called *grain procurement crisis*, quantities of the produced grain became insufficient to support the country's growing urban population. *Stalin* hastened collectivization, which was already part of the first five-year production plan (1928-1932) and had already been introduced slowly across the Union. On December 8<sup>th</sup>, 1929, *Stalin* appointed *Yakov Yakovlev* as a new People's commissar for Agriculture. *Yakovlev* only had one job, to finish the collectivization process as soon as possible.

*"Stalin needed a comrade as ruthless as himself as Commissar for Agriculture. In 1929 he chose Yakov Yakovlev, deputy head of Rabkin, for the job. Anastas Mikoyan, Commissar for Trade, became head of the grain procurements. Politburo members were made responsible for grain collections in specific regions."*<sup>112</sup>

The ruthlessness of *Yakovlev* possibly could be expressed in numbers; Between September and December 1929, collectivization increased from 7.4% to 15%, but in the first two months of 1930, 11 million households joined collectivized farms, pushing the total to nearly 60% almost overnight.<sup>113</sup> Of course, there was some expected resistance from the peasants, but the deployment of *Udarniks* – super productive strike breakers paired with the covert work of the NKVDs predecessor – OGPU ceased those uprisings. Since collectivization was going way better than expected, enthusiasm became omnipresent among the party leaders. Even the *Stalin* himself issued an article called "Dizzy with success" in the *Pravda* newspaper where he warned those who were too much thrilled with the recent successes:

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<sup>110</sup> Davies, Robert; Wheatcroft, Stephen (2004). *The Years of Hunger: Soviet Agriculture, 1931–1933*. The Industrialisation of Soviet Russia. Vol. 5. Palgrave Macmillan.

<sup>111</sup> Wolowyna, Oleh (2021). "A Demographic Framework for the 1932–1934 Famine in the Soviet Union". *Journal of Genocide Research*. Vol, 23 issue 4, pp. 501–526.

<sup>112</sup> McCauley, Martin (2007) „*The rise and the fall of the Soviet Union*“ Routledge, google books, p. 141.

<sup>113</sup> McCauley (2007), *ibid*.

*“But the successes have their seamy side, especially when they are attained with comparative “ease” “unexpectedly” so to speak. Such successes sometimes induce a spirit of vanity and conceit: “We can achieve anything!”, “There is nothing we can’t do!” People not infrequently become intoxicated by such successes; they become dizzy with success, lose all sense of proportion and the capacity to understand realities; they show a tendency to overrate their own strength and to underrate the strength of the enemy; adventurist attempts are made to solve all questions of socialist construction “in a trice.” In such a case, there is no room for concern to consolidate the successes achieved and to utilise them systematically for further advancement. Why should we consolidate the successes achieved when, as it is, we can dash to the full victory of socialism “in a trice” “We can achieve anything! ”There is nothing we can’t do!”<sup>114</sup>*

### *The Famine*

Collectivization process in Ukrainian SSR was extremely harsh. More policies were implemented there, and such policies included swapping familiar crops of wheat and rye to unfamiliar like cotton and sugar beets. Moreover, Ukrainian collectives were given a far smaller number of tractors and other agricultural tools, while their livestock was confiscated.<sup>115</sup> In addition, there was a certain lack of the motivation of veteran farmers who now worked just as hired workers. All of this caused a lower production compared to previous years.<sup>116</sup> While it may seem that other regions outside of Ukraine were doing well or at least slightly better, this was not the case as the struggle with motivation was country-wide problem. After all, as already stated in the par. 3.1. *Great Chinese Famine*, abolition of private property represents a breach of some of the basic human rights. A top of that, seasonal droughts occurred in 1930 and 1931 and the production was soon at the lower levels than it was before the collectivization. Mikoyan’s procurement office was not doing well, especially in Ukraine:

*“From the 1932 harvest, Soviet authorities were able to procure only 4.3 million tons as compared with 7.2 million tons obtained from the 1931 harvest. Rations in towns were drastically cut back, and in winter 1932–33 and spring 1933, people in many urban areas starved.”<sup>117</sup>*

Since the procured grain was much needed for industrialization to continue, and Ukraine, flagged as the kulak-uprising point was still one of the richest republics of USSR, Procurement measures in Ukraine very soon became unbearable. The first reports of mass malnutrition and deaths from

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<sup>114</sup> Stalin, J.V. *Works*, Vol. 12, pp. 197-205, Foreign Languages Publishing House: Moscow, 1955. Pravda No 60, March 2, 1930, provided by marxist.org

<sup>115</sup> Davies; Wheatcroft (2004) *ibid*.

<sup>116</sup> Davies; Wheatcroft (2004), *ibid*.

<sup>117</sup> Davies; Wheatcroft (2004), *ibid*. p. 18.

starvation emerged from two urban areas of the city of Uman, reported in January 1933 by Vinnytsia and Kyiv oblasts. By mid-January 1933, there were reports about mass difficulties with food in urban areas, which had been undersupplied through the rationing system, and deaths from starvation among people who were refused rations.<sup>118</sup> By the beginning of February 1933, according to reports from local authorities, the most affected area was Dnipropetrovsk oblast. Odessa and Kyiv oblasts were second and third, respectively. By March 1933, most of the reports of starvation originated from Kyiv. In April 1933, Kharkov oblast reached the top of the most affected list, while Kiev, Dnipropetrovsk, Odessa, Vinnytsia, and Donetsk oblasts and the Moldavian SSR were following.<sup>119</sup>

Suddenly, among nation-wide-famine, once prosperous Ukrainian SSR was targeted heavily, and imposed terror was even supported by legislation. The infamous *Law of the Spickelets* which provided judicial repression for stolen collective properties, including smallest amounts of produced grains, was probably used for prosecutions in Ukraine more often than in every other of the republics combined. Sentences for the prosecuted included putting their whole collective on the blacklists, so-called board of infamies. Along with this systematic abuse of the peasants, there was also a widespread purge of Ukrainian Communist party officials at all levels. According to the *prof. Oleh Wolowyna*, 390 "anti-Soviet, counter-revolutionary insurgent and chauvinist" groups were eliminated resulting in 37,797 arrests, that led to 719 executions, 8,003 people being sent to Gulag camps, and 2,728 being put into internal exile. 120,000 individuals in Ukraine were reviewed in the first 10 months of 1933 in a top-to-bottom purge of the Communist party resulting in 23% being eliminated as perceived class hostile elements.<sup>120</sup>

### *Responsibility and Aftermath*

Real extents of the catastrophe were not known at the time, and the Soviet authorities gave their best to hide the real scale of the disaster. Denying the existence of the famine was the Soviet state's position and reflected in both, Soviet propaganda and the work of some western journalists and

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<sup>118</sup> "Голод 1932–1933 років на Україні: очима істориків, мовою документів" *The famine of 1932–1933 in Ukraine: through the eyes of historians, in the language of documents*. Unknown author, accessed and translated on [archives.gov.ua](http://archives.gov.ua)

<sup>119</sup> Ibid.

<sup>120</sup> Wolowyna (2021). *ibid.* p. 516.

intellectuals. Prominent westerners such as *Édouard Herriot*, former French prime minister, were paraded around Ukraine in order to support official Soviet denial:

*"In Soviet Union any discussion of the famine was banned entirely. Ukrainian historian Stanislav Kulchytsky stated the Soviet government ordered him to falsify his findings and depict the famine as an unavoidable natural disaster, to absolve the Communist Party and uphold the legacy of Stalin"*<sup>121</sup>

Beside sheer denial, most depopulated rural Oblasts,<sup>122</sup> were repopulated by Russians<sup>123</sup>. Almost ironically, following all-Union censuses brought into light that Ukrainians were targeted even in other parts of the Soviet Union. For example, nearing Krasnodar lost 14% of the total population<sup>124</sup> and the self-identified Ukrainian population of Kuban decreased from 915,000 in 1926, to 150,000 in 1939.<sup>125</sup>

As stated before, the assumed number of victims ranged in frames of 3,5 to 5 million deaths, and from 7 to 10 million deaths. Years of denialism accompanied by excessive cover up work definitively caused insecurities about total death toll. It was only in the 1950s, almost twenty years later, that scientific research of the *Holodomor* began.

As for the responsibility, it is obvious that unlike possibly similar *Great Chinese Famine*, *Holodomor* was not only a coincidental result of harmful policies. It was rather systematic and deliberate plan which consisted of creating preconditions for the famine, maintaining the same famine and withholding the help and the relief to the starved citizens. Adding that it was targeted against certain groups of people based on their nationality, and that its main purpose was annihilation of those groups, nothing stands in a way to qualify *Holodomor* as a genocide. Naturally, first part of the 20<sup>th</sup> century, didn't recognize genocide at all.

Along with the official Ukrainian recognition of genocide from 2006, in 2010, Kyiv Court of Appeals ruled that *Holodomor* was an act of genocide and held several USSR officials responsible for it.<sup>126</sup> The Prosecutor General, *Oleksandr Medvedko* stated that the materials which consisted of over 250 volumes of archive documents proved that a genocide occurred in Ukraine.

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<sup>121</sup> Levy, Clifford J. (2009). art. "A New View of a Famine That Killed Millions" The New York Times, 3/16/2009.

<sup>122</sup> Zaporyzhia, Donetsh, Luhansk.

<sup>123</sup> Wolowyna (2021), *ibid.*

<sup>124</sup> Wolowyna (2021), *ibid.*

<sup>125</sup> Wolowyna (2021), *ibid.*

<sup>126</sup> <https://holodomormuseum.org.ua/en/resolution-of-the-court/>

Interestingly, neither *Mikoyan* nor *Yakovlev* were found guilty, mainly because their jurisdictions were more federal than local. Instead, *Stalin*, *Vyacheslav Molotov* and *Lazar Kaganovich* were found guilty as the originators of the idea, while *Stanislav Kosior*, *Pavel Postyshev*, *Mendel Khatayevich* and *Vlas Chubar* were found guilty for their roles in collectivization, procurement and purging in Ukraine.<sup>127</sup>

## 4. Fighting 21<sup>st</sup> century Famines

### 4.1. Never Again

From the current point of view, it is quite natural to conclude that most of the famines analysed in this thesis could not happen in the future. After all, the world as we know it today is not the same as it was ninety or sixty years ago when *Holodomor* or the Great Chinese Famine happened. Even that gap of thirty years between them seems irrelevant in 2022. With such premise, it only remains to recognize what exactly changed during the years, and what caused these exact famines in the past.

Thinking about the causes that are common to most of the mentioned famines in this thesis, communism often appears as the shared denominator, although it would not be right to draw the conclusion that mere communism is the reason for those famines. A better conclusion would be that the autocratic nature of the regimes, characteristic of communist countries, was an overarching factor. Even *Marcus* points out *prof. Amartya Sen's* observation that “*there has never been a famine in a functioning multiparty democracy.*”<sup>128</sup> In addition, *Marcus* also emphasizes a different approach of democratic governments and authoritarian leaders on the subjects of human rights and political responsibility:

“*Democratic governments respect rights and therefore do not allow famine. Alternatively, indifferent authoritarian rulers can ignore faminogenic conditions, just as, by definition, they trespass a host of civil and political rights without incurring real political accountability.*”<sup>129</sup>

Today, most regimes of the 20<sup>th</sup> century have been dissolved or have transitioned to democracy. On the contrary, some of the countries *de iure* remained autocratic, while others merely grasped

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<sup>127</sup> *Sentence to Stalin, his comrades for organizing Holodomor takes effect in Ukraine*” Kyiv Post, January 21, 2010.

<sup>128</sup> *Marcus* (2003), *ibid.* p. 251.

<sup>129</sup> *Marcus* (2003), *ibid.* p. 251.



democratic features and *de facto* remained or re-became autocratic. Peoples' Republic of China, for example, remained the same communist one-party state. Russia, on the other hand, never properly introduced the democratic culture, and over the thirty years since the break-up of USSR, gradually re-became an autocratic regime we know today. Interestingly, modern Russian autocracy poses new famine related threats for the same populations and the same areas as the Holodomor once did. This will be discussed in the following par. 4.2. *Modern Threats*.

Although political responsibility and respect for human rights may not be a priority for the leaderships of countries such as China and Russia, it is justified to claim that the autocratic regimes of the 21<sup>st</sup> century have “softened” a bit. It is also justified to claim that indifference and disregard for human lives, especially the lives of ordinary citizens, cannot possibly be at the same levels as it was during the first half of the 20<sup>th</sup> century. Moreover, living conditions have vastly improved around the world, even in the most non-democratic or impoverished countries. Globalization and technological improvements have made daily life easier and not as much population suffers from food shortages and deprivations as in the past. Nevertheless, even with such optimistic premises, it would be wrong to conclude that famines no longer pose a problem for modern society. Globalization and its processes produced different kinds of famine-related issues which should be handled with utmost scrutiny.

#### 4.2. Modern Threats

Although the most usual causes of famine have been thoroughly explained so far, it remains to see which contemporary phenomena and events could cause famine in the near future. First thing that comes to mind is the current situation of the ongoing war in Ukraine. Ever since the beginning of the aggression in February 2022, Russians and their allies have been accused of committing various crimes in Ukraine. The title of the CNN article from May “*Russians steal vast amounts of Ukrainian grain and equipment, threatening this year’s harvest*”<sup>130</sup> speaks for itself. Furthermore, the article states that around 400,000 tons of grain have been stolen so far, and that at the time of writing, 15 million tons of corn and 6 million tons of wheat were at risk because they were

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<sup>130</sup> Lister, Tim; Fylyppov Sanyo, (2022). “*Russians steal vast amounts of Ukrainian grain and equipment, threatening this year’s harvest*” CNN online, 05/05/2022 Retrieved: Oct 2022



transferred to the south of the country and stored for export. Much needed description of the Russian *modus operandi* is also given in the article:

*“In late April, Russian soldiers removed 1,500 tons of grain from storage units known as elevators in the Kherson village of Mala Lepetykha, using trucks with Crimean number plates. The next day, those same trucks, 35 in all, returned and emptied large storage units known as grain silos at nearby Novorajsk across the river Dnieper. In Melitopol, an occupied city in Zaporizhzhia region, Mayor Ivan Fedorov shared a video with CNN that showed trucks, several bearing the “Z” sign of the Russian military, carrying grain towards Crimea.”<sup>131</sup>*

While described criminal acts invoke inevitable comparisons with *Holodomor*, this time the repercussions could be even worse. With all due respect to the Ukrainian farmers who witnessed the looting or burning of their stocks, suddenly, impoverished populations of African countries became the biggest and most unexpected victims of these crimes. As already stated in the previous paragraph, this could probably be one of the negative effects of the globalization. An article<sup>132</sup> from another established outlet – *Forbes*, states that Somalia, Libya, Gambia, Mauritania, Tunisia and Eritrea are among the countries that are heavily dependent on wheat from Ukraine. It is also stated that the shipments of already paid but not exported wheat are being blocked by Russia. Although such acts could produce even worse effects, in late July Ukraine and Russia have signed a United Nations-backed deal to facilitate the safe transport of grain from Ukrainian ports of Odesa, Chernomorsk and Yuzhny.<sup>133</sup> Since that deal is an example of continuing agreement, it remains to be seen whether it will be honoured. While the food deprivation has been seen before, it has never been used in such proportions and in such a manner. Moreover, it has never been used as such intercontinental bargaining chip.

Climate changes, on the other hand, were not as much of a surprise as the aggression against Ukraine was. After all, the word “*changes*” implies a gradual process. Regardless, it could be said that most of the African countries that have traditionally struggled with droughts and floods were still unprepared. Considering the reasons for that, *Marcus’* faminogenic behavior degrees are useful. Whether it is the indifference of the governing individuals, or hopeless corruption as the cause, in case of most African countries, there is an unignorable correlation between the placement on the LDC list and the data of the Corruption Perception Index. According to the CPI data from

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<sup>131</sup> Ibid.

<sup>132</sup> Ochab, Evelina (2022). “*What Putin’s war in Ukraine has to do with starvation in Africa?*” *Forbes* online, 31/7/2022, Retrieved: Oct 2022

<sup>133</sup> Ibid.

2020,<sup>134</sup> South Sudan is the most corrupted country in the World with the score of 12 out of 100. Seven other African countries<sup>135</sup> scored less than 20, and of those eight, only Congo and Libya are not on the LDC list. For comparison's sake, the global average is 44. While corruption is present around the world, in cases of some countries, especially those in Africa, it unavoidably leads to famine or at least to famine-like conditions. Prosecution of corruptive offences is in the scope of the following paragraph. Concerning the climate changes, one of *Marcus'* sentences sounds prophetic, especially taking in matter that his article is from the 2006:

*"Also, without a clear appreciation in the international community of the criminal nature of the first and second degree faminogenic conduct, government officials can evade responsibility by portraying their countries' experiences with massive starvation as a regrettable by product of unfortunate weather."*<sup>136</sup>

#### 4.3. A Way Forward.

As already stated in the *Summary*, this paragraph is mostly influenced by the same named paragraph of *Roksandić's* book<sup>137</sup>. Although the book is mostly concerned with the idea of prosecuting various economic crimes as international crimes, a certain part is dedicated to crimes and omissions of the governing officials that can cause famine. Moreover, the mentioned paragraph is part of the Chapter 6 "*Why and How Pandora's Box Should be Opened*" where the author suggests ways to prosecute the aforementioned crimes, including famine related crimes.

##### *Jurisdiction of International Criminal Court and possible solutions*

Currently, only possible jurisdiction for prosecuting famine related offences would be under the ICC. Underlying problem is that the ICC's Statute prosecutes only four<sup>138</sup> offences which are usually connected with the armed conflicts. Another problem is that even the most recent amendments are still focused on the corrections of IAC and NIAC dichotomy. Such is the case of amendment to article 8. 2. E, XIX. from 2019. In accordance, ongoing war in Ukraine should be recognized as an international armed conflict while the mentioned crimes from par. 4.2. should be

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<sup>134</sup> Transparency. org./cpi/2021 interactive map.

<sup>135</sup> By result, from worse to better: Somalia, Sudan, Equatorial Guinea, Libya, DRC, Guinea Bissau, Congo.

<sup>136</sup> Marcus, (2006). *ibid.* p. 247.

<sup>137</sup> Roksandić Vidlička, (2017). *ibid.*

<sup>138</sup> The crime of Genocide, Crimes against humanity, War Crimes, The Crime of Agression.

prosecuted under the counts of Article 8 War crimes, specifically, 8.2. B, XXV.<sup>139</sup><sup>140</sup> Aside from war crimes, Article 7 Crimes against humanity provides possible prosecution bases for crimes which are not exclusive to IACs and NIACs. The description of crimes against humanity is provided in the article as *any of the (following) acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack.*<sup>141</sup> Although counts 7. 1. K.<sup>142</sup> and 7.2. B<sup>143</sup> provide prosecution bases for some of the faminogenic crimes mentioned in this thesis, it definitively seems that ICC's Statute has seriously limited ability for effective prosecutions of behaviors consisting of either indifference, negligence or inadequacy of governing officials in predicting and handling humanitarian crises. Another criticism on the ICC's Statue has been made by prof. *Ilias Bantekas* who points out that corrupt practices should be considered as a crime against humanity. In his article, *Bantekas* states the following:

*"The generic definition of crimes against humanity under customary international law suggests an attack against any civilian population, where the attack is widespread or part of a systematic policy The recent practice of States and international criminal tribunals evinces that no nexus is required between crimes against humanity and armed conflicts. Therefore, such crimes may be committed in the legal sense during relative peacetime "*<sup>144</sup>

In the conclusion, *Bantekas* also states *that it is no longer necessary to establish a nexus between crimes against humanity and armed conflict and so there is no reason why a crime against humanity cannot be perpetrated against a civilian population by means of corruption as described.*<sup>145</sup> Since the most corrupted countries are consequently the most vulnerable ones, it seems that some of the famines should be fought by fighting corruption. Thankfully, *Roksandić's* book is mostly focused on fighting corruptive offences. In the par. 6.8.4. *The Creation of International Anti-Corruption Court*, possible solutions were discussed. Some of the proposals predicted the expansion of the ICC' Statute:

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<sup>139</sup> ICC Rome Statute, *icc-cpi* online

<sup>140</sup> ICC, *ibid.* *"Intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including wilfully impeding relief supplies as provided for under the Geneva Conventions."*

<sup>141</sup> ICC, *ibid.*

<sup>142</sup> ICC, *ibid.*; *"Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health."*

<sup>143</sup> ICC, *ibid.*; *"Extermination" includes the intentional infliction of conditions of life, inter alia the deprivation of access to food and medicine, calculated to bring about the destruction of part of a population."*

<sup>144</sup> Bantekas, Ilias (2006). *Journal of International Criminal Justice*, Volume 4, Issue 3, July 2006, p. 474.

<sup>145</sup> Bantekas, (2006). *op. cit.* p. 483.

*“As stated (particularly in the chapter 2.4 of this analysis), there are proposals to include other crimes such as indigenous spoliation (patrimonicide) or kleptocracy into the scope of *ratione materiae* of the ICC. In her PhD study, Boersma opts for (and examines possibilities to) the expansion of the ICCSt with passive bribery and embezzlement and the codification of a new type of contextual element, e.g. the requirement of large-scale corruption.”*<sup>146</sup>

Roksandić also states that additional, possibly more visionary proposals, deserve particular attention. While praising the ideas of creation of international anti-corruption court, she emphasises that *other paths need to be explored if addressing serious transitional economic crimes in front of the ICC is not plausible in the near future*.<sup>147</sup> Considering possible international court, it seems that most of the effort behind the idea of creating the IACC has already been made, and if there is anyone who can take the credit for it, it would be the judge, *Mark. L. Wolf*, senior judge of the US District Court for the District of Massachusetts. In addition to presenting the idea at the International Legal Forum in 2012, *Wolf* also co-founded<sup>148</sup> Integrity Initiatives International in 2016, a non-government organization that has since become the central body of the campaign to create the IACC.<sup>149</sup> Naturally, *Roksandić* thoroughly points out *Wolf*'s arguments, and one of the arguments seems particularly interesting, especially when it's coming from an American judge:

*“Wolf’s opinion is that the special International Anti-Corruption Court, which would also run according to the complementary principle, would have at least one major advantage over the ICC; “the support of the United States” In his opinion, the United States have good reason to fully support an International Anti-Corruption Court since “American companies generally behave ethically and, in any event, are significantly deterred from paying bribes by the threat of prosecution for violating the FCPA [U.S. Foreign Corrupt Practices Act] They would benefit more from a level playing field which an IACC would provide.”*<sup>150</sup>

At the moment, support for the IACC is increasing. In May 2022, Integrity Initiatives International announced that Declaration in support of the creation has been already signed by more than 260 eminent individuals from 70 countries including 32 Nobel laureates and more than 40 former presidents and prime ministers.<sup>151</sup> With that being said, future establishment of the IACC seems inevitable.

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<sup>146</sup> Roksandić Vidlička (2017). *ibid.* p. 411.

<sup>147</sup> Roksandić Vidlička (2017). *op.cit.* p. 411.

<sup>148</sup> Other co-founder is Justice Richard Johnstone from South Africa.

<sup>149</sup> [integrityinitiatives.org](http://integrityinitiatives.org)

<sup>150</sup> Roksandić Vidlička (2017). *ibid.* p. 414.

<sup>151</sup> III, *ibid.*

## Conclusion

First thing that comes to mind at the end of this thesis is that famine is, as war, inseparable from the mankind. In the beginning, famine changed the man, then the man changed famine. While the ancient cultures developed through famines, they also learned how to create them for their enemies. Moreover, they learned how to use starvation as their weapon. Although such practices ceased during the time, some of the worst famine related crimes happened in the modern history, less than a hundred years ago. Cases of *Holodomor* or the Leningrad Famine stand out as some of the worst famine-related crimes. While some of the famines were caused intentionally, others were caused by reckless behaviors of governments or other leading officials. Famines in China, USSR, DPRK and other mostly dictatorial countries represented situations with great indifference and disregard for human lives, especially the lives of ordinary citizens. Autocratic regimes of the time pushed their preposterous economic and social policies too far to notice the real effects their policies produced. Most of those cases were not officially recognized at the time and perpetrators have not been prosecuted up to day. Currently, the world and its international community are facing a multitude of problems. The effects of the covid pandemic are still present and it seems that other phenomena such as inflation or recession are inevitable. While said phenomena do not cause famine themselves, their improper handling could possibly cause famines around the world. Climate changes, which have already left certain regions without proper rain season for years, present a serious issue for some countries, especially Africa. When stated problems are paired with kleptocratic or hopelessly ignorant governments, serious consequences with tragical epilogues are to be expected.

Possible solutions to avoid those outcomes are different. ICC remains sole judicial forum for addressing these issues. While some of the experts, in order to successfully prosecute irresponsible ruling officials, haste the activity of the ICC and propose changes to its Statute<sup>152</sup>, other experts propose establishment of another international court whose *ratione materiae* will consist solely of corruption offences.<sup>153</sup> Accepting the premise that famine must be fought by fighting corruption, and that the establishment of the IACC seems more probable than a creation of formal criminal act for faminogenic conducts, it seems that there is a way forward, but it must be in the right direction.

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<sup>152</sup> Boersma, as stated in Roksandić Vidlička (2017) p. 411.

<sup>153</sup> Wolf, as stated in Roksandić Vidlička (2017) p. 411.

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## Izjava o izvornosti

Ja, Jakov Kandido, pod punom moralnom, materijalnom i kaznenom odgovornošću, izjavljujem da sam isključivi autor diplomskog rada te da u radu nisu na nedozvoljeni način (bez pravilnog citiranja) korišteni dijelovi tuđih radova te da se prilikom izrade rada nisam koristio drugim izvorima do onih navedenih u radu.

Jakov Kandido