

Siege as Strategy: The Weaponization of Humanitarian Access in Gaza and the Crisis of Distinction in Contemporary Armed Conflict

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*Abstract— This paper examines the systematic siege warfare tactics employed in the 2023-2024 Gaza conflict as a critical case study in the weaponization of humanitarian access and the erosion of the foundational International Humanitarian Law (IHL) principle of distinction. Moving beyond the limited legal debate surrounding sieges *per se*, the analysis contends that the comprehensive closure of Gaza, characterized by the sustained, near-total blockade of food, water, fuel, medicine, and humanitarian personnel, represents a deliberate strategic recalibration. This strategy instrumentalizes civilian suffering not merely as a collateral effect, but as a primary mechanism of warfare to achieve military-political objectives. The paper posits that this constitutes a grave violation of the IHL prohibitions on starvation of civilians as a method of combat and the duty to ensure the basic needs of the population under occupation, as codified in the Geneva Conventions and Additional Protocols. Furthermore, it argues that the systematic degradation of civilian infrastructure essential for survival, including the health, water, and sanitation systems, through a combination of bombardment and blockade, creates an impossible environment for implementing core IHL rules. By blurring the line between permissible siege tactics and the illegal collective punishment of a civilian population, this strategy renders the principle of distinction operationally ineffectual, as it becomes impossible for civilians to “remain outside the conflict” when their very survival is made contingent upon military outcomes. The paper concludes that the Gaza siege paradigm signifies a profound crisis for IHL, demanding a reconceptualization of how the law regulates access and necessity in densely populated urban battlefields, and highlights the urgent need for robust, enforceable mechanisms to hold state and non-state actors accountable for using human survival as a strategic variable for war.*

Keywords: International Humanitarian Law; Siege Warfare; Gaza; Occupied Palestinian Territories; Humanitarian Access.

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INTRODUCTION: FROM MEDIEVAL ENCAMPMENT TO TWENTY FIRST CENTURY URBAN SIEGE

The grim specter of siege warfare, a practice as ancient as organized conflict itself, has reemerged with terrifying modernity in the Gaza Strip. The events following October 7, 2023, have not merely escalated a long running conflict but have precipitated a comprehensive assault on the very foundations of international humanitarian law (Alabi, 2024). This paper argues that the Israeli military campaign in Gaza represents a deliberate and systematic evolution of siege tactics into a strategic doctrine of “weaponized humanitarian access.” This doctrine transcends traditional notions of encircling a fortified position. It involves the comprehensive closure of a vast, densely populated urban territory, the systematic degradation of life sustaining civilian infrastructure through bombardment, and the calibrated, politicized control of the bare minimum required for human survival. The objective is not merely to defeat a military adversary, Hamas, but to leverage the catastrophic suffering of over two million civilians as a primary instrument of coercion, policy, and ultimately, political strategy.

To understand the gravity of this moment, one must look beyond the immediate headlines of bombardment. The defining feature of this conflict is the suffocating closure imposed on Gaza. Prior to October 7, Gaza existed under a sixteen-year land, sea, and air blockade imposed by Israel, with Egyptian cooperation, a policy widely condemned by the United Nations and human rights organizations as a form of collective punishment (Medoff, 2025). Following the Hamas led attacks, Israel imposed a “complete siege,” as declared by Defense Minister Yoav Gallant, stating, “I have ordered a complete siege on the Gaza Strip. There will be no electricity, no food, no fuel, everything is closed” (Cole, 2024) This pronouncement was not mere rhetoric; it was operationalized with devastating efficiency. The flow of commercial goods and humanitarian aid through the Israeli controlled Kerem Shalom crossing was halted entirely. Water pipelines from Israel to Gaza were cut. The import of fuel, required for generators, water pumps, and hospital operations, was stopped. This created an immediate and profound humanitarian catastrophe, one that was designed, predictable, and announced in advance.

The central contention of this analysis is that this comprehensive closure, when combined with a military campaign of unprecedented intensity in such a confined space, constitutes a fundamental assault on the core principle of distinction in international humanitarian law. Distinction, the rule that requires parties to a conflict to distinguish at all times between civilians and combatants and between civilian objects and military objectives, is the bedrock of IHL (Chertoff & Manfredi, 2018). It is predicated on the possibility that civilians can, and must, remain outside the sphere of hostilities. The strategy employed in Gaza systematically annihilates this possibility. By controlling all necessities for life, food, water, medicine, fuel, and by destroying the

infrastructure that produces or distributes these necessities within Gaza, the besieging power transforms every civilian into a direct participant in a grim calculus of survival. Their sustenance becomes a bargaining chip; their endurance becomes a target. The line between the civilian and the combatant blurs not because civilians take up arms, but because their biological need for water and calories is weaponized against them.

This paper will trace the legal and strategic contours of this crisis. It will begin by establishing the firm international legal framework that governs siege warfare and the protection of civilians, drawing on the Geneva Conventions, their Additional Protocols, and authoritative customary international law. It will then present a detailed factual anatomy of the “weaponized access” strategy as implemented in Gaza, relying on data from United Nations agencies, the International Committee of the Red Cross, and documented humanitarian reports. The core of the analysis will be a rigorous legal qualification of these facts, arguing that the conduct moves decisively from any potentially lawful concept of siege into the realm of prohibited starvation, collective punishment, and a failure of the duties incumbent upon an occupying power. Finally, the paper will explore the profound implications of this case for the future of international humanitarian law. It will argue that the Gaza paradigm exposes a dangerous vulnerability in the legal order, one that risks normalizing the use of civilian survival as a strategic variable in twenty first century conflict. The crisis in Gaza is not an anomaly; it is a stress test for the entire project of imposing humane limits on warfare, and the results thus far point to a system in peril.

THE IHL FRAMEWORK: PROHIBITING STARVATION, UPHOLDING DISTINCTION, AND DEFINING DUTIES

International humanitarian law is not silent on the horrors of siege. Its modern edifice, constructed in the wake of the industrialized slaughter of the World Wars, contains specific and robust provisions designed to prevent the starvation of civilians and to regulate the conduct of hostilities in encircled areas (Nabiebu, et al., 2026; Ekpo & Alobo, 2022). The foundational treaty is Additional Protocol I of 1977 to the Geneva Conventions, which applies to international armed conflicts (Pilloud, 1987). Article 54, titled “Protection of objects indispensable to the survival of the civilian population,” is unequivocal. It states in its first paragraph that “starvation of civilians as a method of warfare is prohibited” (Fornari, 2022) To give this prohibition teeth, the Article further bans attacking, destroying, removing, or rendering useless objects indispensable to civilian survival, such as foodstuffs, agricultural areas, crops, livestock, drinking water installations, and irrigation works. The rationale, as explained in the ICRC’s authoritative commentary, is to shield civilians from being used as pawns in a strategy

aimed at depriving the enemy of resources. The prohibition is considered a norm of customary international law, binding on all parties to any armed conflict, whether international or non international.

For situations of occupation, the Fourth Geneva Convention of 1949 imposes even more stringent obligations on the occupying power. Article 55 states clearly: "To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring the food and medical supplies of the population; it should, in particular, bring in the necessary foodstuffs, medical stores and other articles if the resources of the occupied territory are inadequate" (Scheffer, 2023). This duty is not passive; it is an affirmative obligation to act. Article 59 reinforces this, establishing that if the whole or part of the population is inadequately supplied, the occupying power "shall agree" to relief schemes and "shall facilitate" them by all means at its disposal (Longobardo, 2022). These provisions create a legal architecture where the power that exercises effective control over a territory and its access points bears a non negotiable responsibility for the welfare of the civilian population therein. The International Court of Justice, in its 2004 Advisory Opinion on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, affirmed that the Fourth Geneva Convention applies to the Occupied Palestinian Territories, including Gaza, and that Israel has obligations as the occupying power (Verhoeven, 2004).

Alongside these specific rules on sustenance lies the cardinal principle of distinction, codified in Article 48 of Additional Protocol I: "the Parties to the conflict shall at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly shall direct their operations only against military objectives." This principle is the philosophical heart of IHL. It recognizes that civilians, by virtue of their status, enjoy immunity from attack. Their suffering is not a legitimate instrument of war. The principle of proportionality, codified in Article 51(5)(b) and Article 57, flows from this. It prohibits an attack which may be expected to cause incidental loss of civilian life, injury to civilians, or damage to civilian objects which would be excessive in relation to the concrete and direct military advantage anticipated (Borriello, 2020). In the context of a siege in a densely populated area like Gaza, where military objectives are inherently comingled with civilian life and infrastructure, the application of distinction and proportionality becomes extraordinarily complex, but no less obligatory.

Finally, IHL explicitly prohibits collective punishment. Article 33 of the Fourth Geneva Convention states: "No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited" (Gasser, 2002). Common Article 3, which applies to non international armed conflicts, also prohibits "the passing of sentences and the carrying out of executions without previous judgment pronounced by a

regularly constituted court.” The prohibition on collective punishment is a direct rejection of the idea that a civilian population can be held liable, and made to suffer, for the acts of armed groups operating among them (Serralvo, 2022). It is a safeguard against the very logic of retaliation and terror that often characterizes asymmetric warfare. When a besieging power justifies a comprehensive closure as a necessary response to the atrocities committed by a militant group, it walks perilously close to, and often crosses, the line into illegal collective punishment. The legal framework, therefore, is clear and interconnected: starvation is banned, the civilian population must be distinguished from combatants and provided for, and punishment must be individual, not collective. The crisis in Gaza represents a comprehensive challenge to each of these pillars simultaneously.

THE GAZA PARADIGM: ANATOMY OF A “WEAPONIZED ACCESS” STRATEGY

The implementation of the Israeli strategy in Gaza following October 7 provides a textbook case of how a modern siege is operationalized to weaponize humanitarian access. The strategy is multi layered, combining absolute control over borders with systematic internal destruction, all framed within a public discourse that politicizes aid. The first and most decisive layer is the imposition of a total closure. Israel, which controls Gaza’s airspace, territorial waters, and all but one land border crossing (the Rafah crossing with Egypt, which it does not directly control but heavily influences), enacted a complete shutdown. The Israeli Coordinator of Government Activities in the Territories (COGAT), the military body governing civilian affairs in the Palestinian territories, announced a halt to all electricity, fuel, and commodity transfers. This was not a gradual restriction; it was an immediate severance of the lifelines upon which Gaza’s profoundly aid dependent economy and society relied.

The consequences were immediate and catastrophic. Within days, the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) reported that water pipelines from Israel to Gaza had been cut, affecting over 650,000 people (Ashour, 2025). Gaza’s sole power plant ran out of fuel and shut down, plunging hospitals, water desalination plants, and sanitation systems into darkness (Mahdi, et al., 2025). Hospitals, overwhelmed with casualties from airstrikes, began to operate on emergency generators, with surgeons operating by the light of mobile phones as fuel reserves dwindled. The World Food Programme warned that food stocks inside Gaza would be exhausted within weeks. This manufactured crisis was not an accidental byproduct of conflict; it was the declared and initial phase of the military campaign. As Sara Roy, a leading scholar on Gaza’s political economy, has long argued, Gaza has been subjected to a process of “de-development,” a deliberate policy of stifling economic growth and creating profound dependency. The post October 7 siege represented the logical, if

extreme, culmination of this policy, pushing a fragile society into immediate systemic collapse.

The second layer of the strategy is the systematic degradation of internal civilian infrastructure through aerial bombardment and ground operations. Even if aid were allowed in, the capacity to receive, store, and distribute it has been systematically destroyed. The World Health Organization has documented repeated attacks on the healthcare system. As of January 2024, only a third of Gaza's hospitals were even partially functioning, and those were operating far beyond capacity, without anesthesia, antibiotics, or blood for transfusions (Irfan, et al., 2026). The Al Shifa Hospital complex, Gaza's largest medical facility, was the scene of a major Israeli military raid in November 2023, based on intelligence claims of a Hamas command center underneath it. The raid resulted in catastrophic damage to the hospital's functionality and left patients and staff in dire conditions. Water and sanitation infrastructure has been similarly targeted (Irfan, et al., 2026). The UN Relief and Works Agency for Palestine Refugees (UNRWA) reported that by December 2023, the water production capacity in Gaza was only seven percent of its pre conflict level due to damaged infrastructure, lack of fuel, and the cutoff of supplies.

This destruction creates a synergistic effect with the blockade. The lack of fuel prevents water pumps from working and sewage from being treated. The destruction of bakeries and food storage facilities means that even delivered flour cannot be turned into bread. The collapse of the healthcare system turns treatable wounds and illnesses into death sentences. This is not collateral damage; it is a deliberate dismantling of the civilian ecosystem, making the population's survival utterly contingent on the trickle of external aid permitted by the besieging force. As military historian and theorist Antoine Bousquet notes, modern warfare increasingly targets the "vital systems" of societies, energy, water, communications, to induce systemic paralysis. In Gaza, this theory is being applied with chilling precision to a captive civilian population.

The third layer is the politicization and micromanagement of humanitarian access. After international pressure, Israel allowed a limited resumption of aid trucks through the Rafah crossing with Egypt in late October 2023, and later through Kerem Shalom (Shalev, 2025). However, this access has been characterized by severe restrictions, onerous inspections, and a glaring inadequacy relative to need. COGAT maintains a detailed list of "dual use" items prohibited from entry, a list that has at various times included basic medical equipment, anesthesia, water filtration equipment, and even dates, on the grounds they could be used for celebratory purposes. The inspection process is slow and arbitrary, leading to spoilage of perishable goods. Furthermore, aid distribution inside Gaza has been severely hampered by the continuing hostilities, the breakdown of civil order, and the impossibility of safe movement. Most critically, the provision of aid has been explicitly linked by Israeli officials to political and military

outcomes. Early in the conflict, officials stated that no humanitarian “pause” would be allowed without the release of Israeli hostages held by Hamas. This explicit linkage transforms humanitarian aid from a protected, neutral activity under IHL into a bargaining chip, further eroding the principle of distinction and violating the fundamental tenet that aid must be provided based on need alone.

LEGAL QUALIFICATION: FROM SIEGE TO STARVATION AND COLLECTIVE PUNISHMENT

When the factual matrix of Gaza is held against the clear light of international humanitarian law, the legal conclusion is inescapable: the strategy employed constitutes the prohibited starvation of civilians as a method of warfare and amounts to collective punishment. The first step in this legal qualification is to dismiss the notion that this is a lawful siege. Traditional siege law, a vestige of an era of walled cities and defined battle lines, permits encircling a defended area and cutting off supplies to enemy forces. However, this permissible encirclement is heavily constrained by the absolute prohibition on starving the civilian population. The ICRC’s commentary on Article 54 of Additional Protocol I is explicit: “It is therefore prohibited to try to starve civilians in order to force the enemy to surrender, or for any other motive.” The Israeli declaration of a “complete siege” and the operational implementation that followed, cutting off food, water, and energy, is a *prima facie* violation of this rule. The stated objective of pressuring Hamas is legally irrelevant; using civilian starvation as a means to that end is categorically prohibited.

The legal character of Israel’s relationship to Gaza is central to this analysis. While Israel formally withdrew its settlements and military presence from inside Gaza in 2005, it retained control over its airspace, territorial waters, land crossings (except Rafah), population registry, and the movement of goods and people (Bashi, 2013). The United Nations, the International Committee of the Red Cross, and the International Court of Justice have consistently maintained that, given this degree of effective control, Israel remains the occupying power under the Fourth Geneva Convention. As the occupying power, Israel’s obligations are not diminished during active hostilities; they are accentuated. Articles 55 and 59 of the Fourth Convention, as noted, impose an affirmative duty to ensure the food and medical supplies of the population and to facilitate relief efforts (Cotula & Vidar, 2003). The comprehensive closure and the restrictions on aid directly violate these obligations. The argument that Hamas is the governing authority in Gaza and therefore responsible does not absolve Israel of its duties under the law of occupation, which are triggered by control over the territory and its vital access points.

The systematic destruction of civilian infrastructure indispensable to survival further compounds the violation. The bombing of bakeries, water lines, hospitals, and sanitation plants, when viewed in the context of the simultaneous blockade, cannot be seen as isolated attacks on alleged military objectives. It forms a pattern of conduct aimed at depriving the civilian population of the means of survival. This pattern reinforces the charge of using starvation as a method of warfare. The principle of proportionality is also fundamentally breached in this environment. When a military alleges that a Hamas operative is present in or near a hospital, the calculation of “concrete and direct military advantage” must be weighed against the catastrophic, foreseeable consequence of disabling the only major healthcare facility for hundreds of thousands of people. In Gaza, where the entire civilian infrastructure is on the brink of collapse due to the siege, the incidental damage caused by any attack on a networked system like water or health is inherently disproportionate. The collapse is not incidental; it is systemic and intended.

Finally, the strategy amounts to collective punishment, prohibited by Article 33 of the Fourth Geneva Convention. The logic underpinning the siege is explicitly one of collective pressure. The suffering inflicted on the civilian population is intended to weaken Hamas’s governance, turn popular opinion against it, and force concessions. Senior Israeli officials have made statements that frame all of Gaza as responsible. Defense Minister Yoav Gallant, in announcing the siege, referred to fighting “human animals” (Nelson, 2024). Other politicians have called for the permanent displacement of Gazans. This rhetoric reflects a mindset that views the civilian population not as protected persons but as an extension of the enemy, a legitimate target for coercive measures. When policies of comprehensive deprivation are applied to an entire population of over two million people as a response to the atrocities committed by a few thousand militants, it is the very definition of collective punishment. The law is clear: civilians may not be punished for offenses they have not personally committed. The siege of Gaza is a punishment inflicted on every man, woman, and child in the territory for the actions of Hamas, a blatant violation of this foundational rule.

THE CRISIS OF DISTINCTION: WHEN CIVILIANS CANNOT REMAIN OUTSIDE THE CONFLICT

The most profound and insidious consequence of the weaponized access strategy is its effective annihilation of the principle of distinction. Distinction is not a theoretical ideal; it is a practical rule that requires a viable separation between the spheres of combat and civilian life (Nabiebu & Ekpo, 2025). In Gaza, this separation has been rendered impossible by design. When a state controls all access points to a territory and decides what quantity of food, water, and medicine may enter, and when it

simultaneously destroys the internal capacity to produce or manage these resources, it transforms every civilian's most basic biological needs into a function of military strategy. The civilian is no longer a bystander who must be shielded from the hostilities; their hunger, their thirst, their child's illness become variables in the besieging power's tactical calculus.

This creates an impossible dilemma for the civilian population, and a legal fiction for the application of IHL. How can a family be expected to "remain outside the fight" when their survival depends on a daily caloric intake that is controlled by one side of the conflict? When hospitals are bombed and the medicine to treat the wounded is barred from entry, the civilian's right to medical care, protected under IHL, becomes meaningless. When clean water is unavailable because pipelines are cut and purification plants are bombed, the civilian's need for water, a fundamental condition for life, places them directly in the crosshairs of a strategy of deprivation. The besieging power effectively argues that it is not targeting civilians, only applying pressure. Yet, the pressure is applied entirely through the medium of civilian suffering. The civilian body itself becomes the battlefield.

This dynamic is exacerbated by the rhetoric of dehumanization and collective responsibility that has accompanied the conflict (Nabiebu & Ekpo, 2025). When political and military leaders describe the enemy as "human animals" or assert that "there are no uninvolved civilians" in Gaza, they are engaging in a discursive strategy that erodes the protective status of civilians under the law. This language seeks to justify the unjustifiable by morally excluding the civilian population from the community of humanity entitled to protection. It is a precursor to, and an enabler of, violations. History is replete with examples where the rhetoric of dehumanization paved the way for atrocities, from the Rwandan Genocide to the Bosnian War. In the context of IHL, such rhetoric directly attacks the principle of humanity that underpins the entire Geneva Convention system.

Furthermore, the weaponization of access destroys the neutrality of humanitarian space. The International Committee of the Red Cross and aid agencies like UNRWA operate on the principles of neutrality, impartiality, and independence. Their role is to provide life saving assistance based solely on need. However, when the besieging power controls and restricts their access, subjects their shipments to arbitrary and politicized inspections, and publicly links the allowance of aid to military or political demands, it corrupts this neutral function. Aid workers are forced to negotiate for the right to perform their duties, and the aid itself becomes tainted as a tool of the besieger's strategy. This not only violates the specific IHL provisions guaranteeing the free passage of humanitarian relief (Article 59 of GC IV, Article 70 of AP I) but also makes the dangerous work of humanitarian personnel even more perilous, as they can be perceived as agents of the besieging power (Vaišvilienė, 2017). The tragic killing of

over 150 UNRWA staff members in Gaza during the first months of the conflict underscores the catastrophic collapse of protected humanitarian space.

Ultimately, the Gaza paradigm demonstrates that a siege in the modern era, when applied to a densely populated, aid dependent territory, is inherently incompatible with the principle of distinction. It is a strategy that, by its very mechanics, makes civilians the primary target and vehicle of warfare. It reduces IHL's core promise of civilian immunity to a cruel mockery, revealing a gaping loophole in the law where a state can claim it is not directly attacking civilians while systematically orchestrating the conditions for their mass suffering and death. This is not a failure to apply the law; it is the use of a strategic doctrine that operates in the shadows of the law, exploiting its ambiguities and overwhelming its protective capacity through the sheer scale of systemic deprivation.

THE ENFORCEMENT DEFICIT: ACCOUNTABILITY AND THE NORMALIZATION OF THE SIEGE PARADIGM

The stark legal violations evident in the Gaza siege are matched by an equally profound crisis in enforcement and accountability. International humanitarian law lacks a centralized police force or prosecutor; its strength derives from the political will of states to uphold it and the fear of consequences for violators. In the case of Gaza, the enforcement mechanisms have failed spectacularly, creating a dangerous precedent of impunity that threatens to normalize the weaponized access strategy for future conflicts (Ironbar, et al., 2025). The primary political body tasked with maintaining international peace and security, the United Nations Security Council, was paralyzed for months by the veto power of the United States, Israel's closest ally. Multiple draft resolutions calling for a humanitarian ceasefire were blocked. While a resolution was finally passed in late March 2024, its impact on the ground remained limited, and the fundamental dynamics of the siege persisted (Guerrero Romero, et al., 2025). This use of the veto to shield an ally from censure for apparent large scale violations of IHL undermines the credibility of the UN system and signals that geopolitical interests will trump legal obligations.

Judicial and quasi judicial bodies face immense political and practical hurdles. The International Criminal Court (ICC) has an ongoing investigation into the Situation in the State of Palestine, which includes jurisdiction over potential crimes committed in Gaza. The ICC Prosecutor, Karim Khan, has stated his investigation extends to current events. However, the Court moves slowly, requires state cooperation for evidence collection and arrests, and faces intense political pressure. Even if arrest warrants were issued for individuals on either side, their execution would be highly unlikely without a seismic shift in the international political landscape. The International Court of Justice

(ICJ), in a case brought by South Africa alleging Israel is violating the Genocide Convention, issued provisional measures in January 2024 (Swart, 2025). The Court ordered Israel to take all measures within its power to prevent acts falling under the Genocide Convention, to prevent and punish incitement to genocide, and to ensure the provision of basic services and humanitarian aid to Palestinians in Gaza. While a significant legal development, the ICJ lacks its own enforcement mechanism, relying on the UN Security Council to give effect to its rulings, which returns the issue to the same political deadlock.

At the domestic level, the mechanisms are also failing. Israel's military justice system, which has investigated previous conflicts like the 2014 Gaza war (Operation Protective Edge), has a record of exonerating senior commanders and producing low conviction rates for lower ranking soldiers (Finkelstein, 2015). The current political environment in Israel, characterized by a widespread sense of national trauma and a government dominated by right wing factions, makes a rigorous, independent domestic investigation into the siege strategy highly improbable. The United States, as the primary provider of military aid and diplomatic cover, has the significant leverage to demand adherence to IHL. While the Biden administration has expressed increasing concern over the humanitarian crisis and civilian casualties, it has continued to provide unconditional military assistance and diplomatic protection, sending a mixed signal that ultimately enables the continuation of the strategy.

This enforcement deficit has dire consequences beyond Gaza. It establishes a playbook for other states and non state actors. The message is that a powerful state, with the right geopolitical backing, can employ a comprehensive siege against a densely populated civilian area, cause mass starvation and societal collapse, and face no meaningful legal or political consequence. This precedent is already being studied. Russian military strategists, besieging Ukrainian cities like Mariupol, employed brutal siege tactics, though without the same degree of total control over access points. Other states facing insurgencies in urban areas may look to Gaza as a model for how to apply maximum pressure on a hostile population. Non state armed groups may also conclude that taking hostages and using human shields is a viable tactic if they believe the opposing state will be constrained by IHL, while they themselves operate outside it, a perverse and tragic incentive structure.

The normalization of this paradigm represents an existential threat to IHL. If the most fundamental rules, the prohibitions on starvation and collective punishment, can be flouted with impunity in such a high profile case, the entire normative architecture risks becoming irrelevant. It encourages a descent into total war, where the distinction between civilian and combatant is abandoned, and the objective becomes the subjugation or destruction of the enemy society, not the defeat of its armed forces. The crisis in Gaza, therefore, is not just a humanitarian tragedy; it is a pivotal test case for

whether the civilized restraints painstakingly built into international law after the horrors of the twentieth century can survive the strategic realities of the twenty first.

CONCLUSION: RECONCEPTUALIZING IHL FOR THE AGE OF URBAN SIEGE

The conflict in Gaza has laid bare a catastrophic failure in the international humanitarian law system. It has demonstrated that a determined state actor, leveraging modern capabilities for border control and precision bombardment, can instrumentalize the basic needs of a civilian population as a weapon of war, while navigating, and ultimately overwhelming, the legal framework designed to prevent such horrors. The strategy of weaponized humanitarian access, as enacted in Gaza, does not merely violate specific provisions of the Geneva Conventions; it subverts the very logic of IHL by making civilian survival contingent upon military and political calculations. The principle of distinction, the cornerstone of the law, becomes operationally meaningless when civilians cannot access food, water, or medicine without the permission of a belligerent.

This crisis demands more than condemnation; it requires a profound reconceptualization of how IHL regulates siege and access in contemporary warfare. The existing law, while clear in its prohibitions on starvation and collective punishment, is insufficient to address the sophisticated, systemic nature of the weaponized access strategy. The ambiguity surrounding traditional siege law provides a dangerous cover for what is, in effect, a policy of coerced deprivation. Therefore, the international community, led by the International Committee of the Red Cross and states committed to the Geneva Conventions, must work to clarify and strengthen the law. This could involve a new interpretative protocol or a reaffirmation of existing rules with concrete indicators. For instance, any comprehensive closure of a populated area that prevents the entry of food, water, medicine, and fuel for more than a brief, exceptional period should be deemed a *prima facie* act of starvation, shifting the burden of proof to the besieging party to demonstrate its absolute military necessity and the specific, feasible measures taken to ensure civilian survival.

Furthermore, the duties of an occupying power, or any state exercising effective control over a territory's perimeter and resources, must be unequivocally reinforced and made actionable. The provision of humanitarian aid cannot be subject to political conditions or used as a bargaining chip. The concept of "unhindered and sustained humanitarian access" must be given tangible, enforceable meaning, with rapid recourse to the UN Security Council for the enforcement of aid corridors when they are obstructed. The Security Council itself must reform its working methods to prevent the use of the veto to block action in the face of mass atrocities and clear violations of IHL,

perhaps by endorsing the French Mexican initiative for a voluntary veto restraint in such cases.

Ultimately, the lesson of Gaza is that the laws of war are only as strong as the political will to uphold them. The current enforcement deficit, characterized by geopolitical paralysis and a lack of meaningful accountability, is an invitation to further barbarism. The International Criminal Court must be fully supported in its independent investigations. States that provide military assistance to parties to a conflict must condition such aid on strict adherence to IHL, employing their leverage to prevent violations rather than enabling them. The alternative is a descent into a world where the siege of Gaza is not an outlier, but a template, a world where the suffering of civilians is not an unfortunate cost of war, but its primary currency. The project of international humanitarian law was born from the ashes of total war to assert that even in conflict, a line exists that cannot be crossed. The crisis in Gaza shows that line is being erased. It is the urgent task of the international community to redraw it, in ink that cannot be so easily washed away by the blood of the innocent.

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