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Blockade and Bread: Legal Dimensions of Starvation as a Weapon in Gaza

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الحصار والخبز: الأبعاد القانونية للتجويع كسلاح في غزة

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Abstract

This article examines the ongoing humanitarian and legal crisis resulting from the Israeli siege and blockade of the Gaza Strip, focusing on the deliberate starvation of civilians. After the events of the 7th of October 2023, Israel imposed a siege and blockade on Gaza—a tactic it has frequently employed in past conflicts—resulting in a severe deterioration of humanitarian conditions, widespread starvation among civilians, including infants and children, leading the situation to escalate to genocide. The siege has exacerbated food insecurity, leading to acute malnutrition, widespread famine, and thousands of civilian deaths, including more than 18,000 children by mid-2025. This article analyzes the impact of the blockade on food security dimensions, availability, access, utilization, and stability, and highlights the ensuing public health disaster. It further explores relevant international legal frameworks, including international humanitarian law, the Geneva Conventions, the Rome Statute, and human rights treaties, emphasizing that the use of starvation as a method of warfare constitutes a war crime and potentially genocide. The article critiques Israel's policies, citing violations of customary law and international obligations, and considers recent rulings by the International Court of Justice that call for urgent remedial actions, as well as the arrest warrant issued by the International Criminal Court against Israeli officials. By integrating factual data with legal analysis, this work demonstrates that the Gaza siege's strategic starvation of civilians not only breaches international legal standards but also inflicts long-term damage on a vulnerable population. This paper urges the international community to intensify efforts to alleviate the humanitarian crisis and to ensure accountability for those responsible for these grave violations.

Keywords: Gaza Siege, Starvation, Food Security, Right to Food, Genocide.

الملخص

تتناول هذه المقالة الأزمة الإنسانية والقانونية الناجمة عن الحصار الذي تفرضه إسرائيل على قطاع غزة، مع التركيز على استخدام التجويع المتعمد ضد السكان المدنيين. فبعد أحداث ٧ أكتوبر ٢٠٢٣، فرضت إسرائيل حصاراً كاملاً على غزة، وهي سياسة سبق أن استخدمتها سابقاً، مما أدى إلى تدهور خطير في الأوضاع الإنسانية، وتجويع واسع النطاق للمدنيين، بمن فيهم الرضع، والأطفال، وتطور الوضع إلى ما يُشكل جريمة إبادة جماعية. وقد أدى الحصار إلى انعدام الأمن الغذائي، ما أسفر عن سوء تغذية حاد، ومجاعة منتشرة، وآلاف الوفيات بين المدنيين، من بينهم أكثر من ١٨,٠٠٠ طفل حتى منتصف عام ٢٠٢٥. تُحلل المقالة أثر الحصار على أركان الأمن الغذائي، والتي تشمل: وفرة الغذاء، وتوافر إمكانية الوصول إليه، والاستفادة منه صحياً، واستقراره، كما تسلط الضوء على الكارثة الصحية العامة الناتجة عن ذلك. وتستعرض كذلك الأطر القانونية الدولية ذات الصلة، بما

في ذلك القانون الدولي الإنساني، واتفاقيات جنيف، ونظام روما الأساسي للمحكمة الجنائية الدولية، ومعاهدات حقوق الإنسان، مع التأكيد على أن استخدام التجويع كوسيلة من وسائل الحرب يُعد جريمة حرب، وقد يرقى إلى جريمة إبادة جماعية. كما تنتقد المقالة السياسات الإسرائيلية، مشيرةً إلى انتهاكات أحكام القانون الدولي العرفي والتزاماتها الدولية، مع الأخذ بالاعتبار قرارات محكمة العدل الدولية الأخيرة التي دعت إلى اتخاذ تدابير عاجلة لوقف الانتهاكات، وكذا مذكرة الاعتقال الصادرة عن المحكمة الجنائية الدولية ضد مسؤولين إسرائيليين. ومن خلال الدمج بين الوقائع والتحليل القانوني، تبرهن المقالة على أن سياسة الحصار والتجويع الممنهج التي تستهدف المدنيين في غزة لا تُشكّل خرقاً صارخاً لمعايير القانون الدولي فحسب، بل تُلحق أيضاً أضراراً طويلة الأمد بفتنة سكانية هشة. وتدعو هذه المقالة المجتمع الدولي إلى تكثيف الجهود لإنهاء الأزمة الإنسانية، والمساءلة حيال هذه الانتهاكات الجسيمة.

الكلمات المفتاحية: حصار غزة، التجويع، الأمن الغذائي، الحق في الغذاء، الإبادة الجماعية.

Introduction

Between the 7th of October 2023 and the 19th of March 2024, amid the devastating conflict in the Gaza Strip following a defensive attack by Hamas on Israel, over 13,000 children have tragically lost their lives, and the threat of famine looms large.⁽¹⁾ By June 2026, at least 132,000 children under the age of five are projected to suffer from acute malnutrition — twice the estimate recorded in May 2025. Among them, more than 41,000 faced severe conditions that put them at high risk of death. In addition, nearly 55,500 pregnant and breastfeeding women experienced malnutrition and were in urgent need of nutritional support.⁽²⁾ Per the Integrated Food Security Phase Classification, the number of civilians facing starvation is rising sharply, and by the end of September 2025, more than 640,000 people across the Gaza Strip are expected to experience catastrophic levels of food insecurity.⁽³⁾

The order given by Israel's defense minister Yoav Gallant to impose a complete siege on the Gaza Strip by stating that no electricity, food, water, or fuel would reach Gaza had left an outcome incomparable with the existing 16-year blockade that has already been in place by Israel.⁽⁴⁾ It was estimated that in Gaza, Israel kills a child approximately every 45

More Than 13,000 Children Reported Dead in Gaza as Famine Nears, UNICEF USA, <https://www.unicefusa.org/stories/more-13000-children-reported-dead-gaza-famine-nears>.

⁽²⁾IPC Global Support Unit, Gaza Strip: Acute Food Insecurity and Acute Malnutrition Special Snapshot, July–September 2025 (July 2025), https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Gaza_Strip_Acute_Food_Insecurity_Malnutrition_July_Sept2025_Special_Snapshot.pdf.

⁽³⁾Famine in Gaza: 'A failure of humanity itself', says UN chief, UN News (Aug. 24, 2025), <https://news.un.org/en/story/2025/08/1165702>.

⁽⁴⁾Emma Bubola & Ben Hubbard, What Does a 'Complete Siege' of the Gaza Strip Mean?, The New York Times (Oct. 10,

minutes, with an average of 30 children losing their lives each day over a span of 535 days.⁽⁵⁾ Based on these figures, a portion of the child deaths can be directly attributed to famine and malnutrition. In just a single 24-hour period in July 2025, the Ministry of Health recorded 10 deaths due to famine and malnutrition.⁽⁶⁾ Civilians in Gaza are being continuously killed—both in ongoing hostilities and while trying to access food. Children are dying from hunger, and families are repeatedly displaced in search of safety that remains out of reach. Even more than 350 staff from the International Committee of the Red Cross (ICRC) on the ground in Gaza struggle to access sufficient food and clean water.⁽⁷⁾ Mirjana Spoljaric, President of the ICRC, stated: “There is no justification for what is happening in Gaza. The scale of human suffering and the level of violation of human dignity have exceeded all legal and moral limits.”⁽⁸⁾

The siege imposed by the Israeli occupation forces since the October event resulted in the creation of a situation where there is a staggering one in three children under the age of two who are currently grappling with acute malnutrition. As of the beginning of April 2024, Gaza’s Health Ministry reported that 32 individuals, including 28 children, died from malnutrition and dehydration in hospitals in northern Gaza.⁽⁹⁾ All Gaza residents - estimated at 2.1 million - are now facing food insecurity. According to Gaza’s health ministry, 900,000 children face hunger, with 70,000 already showing symptoms of malnutrition.⁽¹⁰⁾ The humanitarian crisis in Gaza has reached an unimaginable level of devastation.⁽¹¹⁾

2023), <https://www.nytimes.com/2023/10/10/world/middleeast/gaza-strip-israel-egypt.html>.

⁽⁵⁾Mohamed A. Hussein & Mohammed Haddad, Gaza’s stolen childhood: The thousands of children Israel killed, Al Jazeera (Mar. 26, 2025), <https://www.aljazeera.com/news/longform/2025/3/26/gazas-stolen-childhood-the-thousands-of-children-israel-killed>.

⁽⁶⁾Nadeen Ebrahim, Abeer Salman, Kareem Khadder & Ibrahim Dahman, CNN, Palestinians are starving or being killed by Israeli troops while seeking aid almost daily. How did we get here?, CNN (July 25, 2025), <https://edition.cnn.com/2025/07/23/middleeast/gaza-starving-killed-israel-while-seeking-aid-intl>.

⁽⁷⁾ICRC, Israel and the occupied territories: ICRC president calls for urgent collective action by states to end abhorrent suffering in Gaza, International Committee of the Red Cross (July 25, 2025), <https://www.icrc.org/en/statement/israel-and-occupied-territories-icrc-president-calls-urgent-collective-action-states-end-suffering>.

⁽⁸⁾ICRC President urges immediate international action to end humanitarian catastrophe in Gaza, WAFA (July 26, 2025), <https://english.wafa.ps/Pages/Details/159596>.

⁽⁹⁾Human Rights Watch, Gaza: Israel’s Imposed Starvation Deadly for Children (Apr. 9, 2024), <https://www.hrw.org/news/2024/04/09/gaza-israels-imposed-starvation-deadly-children>.

⁽¹⁰⁾Supra note 5.

⁽¹¹⁾International Committee of the Red Cross, Israel and the occupied territories: ICRC urges respect and protection of civilians, unhindered flow of humanitarian assistance as intolerable suffering mounts in Gaza, International Committee of the Red Cross (May 29, 2025), <https://www.icrc.org/en/news-release/israel-and-occupied-territories-icrc-urges-protection-of-civilians-unhindered-humanitarian-assistance>.

This distressing statistic encapsulates a profound humanitarian crisis, painting a poignant picture of innocent lives hanging in the balance as they endure the ravages of hunger and its devastating consequences.⁽¹²⁾ Before the 7th of October 2023, the incidence of malnutrition among children under the age of five was less than one percent, indicating a significantly lower prevalence compared to the current situation.⁽¹³⁾ This stark reality raises a critical question about how starvation is criminalized and subjected to punitive measures under international law. Starvation has become a prevalent issue in Gaza, with Israel's initial response being to restrict access to essential resources such as food, water, and fuel.⁽¹⁴⁾ Despite some limited attempts to alleviate the blockade, the situation remains dire and insufficiently addressed.⁽¹⁵⁾ Not only are Gazans dying from lack of food, famine, and malnutrition, but many are also being killed while simply trying to access food. Within duration of only few weeks, nearly 900 desperate and starving individuals have lost their lives while attempting to reach aid, with most of these deaths linked to private distribution points operated by the so-called Gaza Humanitarian Foundation, according to the Office of the United Nations High Commissioner for Human Rights.⁽¹⁶⁾

The blockade has sparked concerns over collective punishment and serious breaches of international humanitarian and human rights law.⁽¹⁷⁾ This paper explores the concept of the right to food for civilians in times of international armed conflict, focusing on the legal framework governing access to food for civilians under international law. The ongoing crisis in the Gaza Strip underscores the importance of examining the legality of the blockade, particularly when it leads to the starvation of civilians. In the context of the significance of this topic, shedding light on factors hindering food security is crucial, as one of the measures in achieving food security involves pinpointing areas of food insecurity,

⁽¹²⁾Gaza: 'Double-digit' number of children reported killed overnight, UN News (Mar. 26, 2024), <https://news.un.org/en/story/2024/03/1147966>.

⁽¹³⁾Id.

⁽¹⁴⁾Supra note 4.

⁽¹⁵⁾Ilana Feldman, Muriel Asseburg, Frederic Wehrey, Andrew Bonney, Aaron David Miller, Sarah Yerkes & Larry Garber, *Governing Gaza After the War: The International Perspectives*, Carnegie Endowment for International Peace (Feb. 26, 2024), <https://carnegieendowment.org/2024/02/26/governing-gaza-after-war-international-perspectives-pub-91819>; see also supra note 4 ("Tania Hary, executive director of Gisha, an Israeli nonprofit advocating for Palestinian freedom of movement in Gaza, stated that restrictions that were once partial have now become a complete blockade"), <https://www.nytimes.com/2023/10/10/world/middleeast/gaza-strip-israel-egypt.html>.

⁽¹⁶⁾UN News, "Gaza: 875 People Confirmed Dead Trying to Source Food in Recent Weeks," United Nations (July 15, 2025), <https://news.un.org/en/story/2025/07/1165396>.

⁽¹⁷⁾Gaza Strip: The Humanitarian Impact of 15 Years of the Blockade – June 2022, United Nations Office for the Coordination of Humanitarian Affairs (June, 2022), <https://www.un.org/unispal/document/gaza-strip-the-humanitarian-impact-of-15-years-of-the-blockade-june-2022-ocha-factsheet>.

understanding the challenges hindering food security, and determining the underlying causes of such insecurity. Thus, this paper aims to explore these points by focusing on the case involving the imposition of a blockade on the Gaza Strip, while also documenting ongoing events surrounding that topic and analyzing them through a legal lens. This paper contends that the deliberate starvation of civilians through the blockade imposed on the Gaza Strip constitutes not only a grave violation of international law and a prosecutable war crime, but may also amount to genocide. Such a characterization is grounded in the legal definitions and obligations set forth in the Rome Statute and the Genocide Convention, which will be analyzed in detail later in the paper.

This paper first outlines the humanitarian and legal crisis caused by the blockade and siege in Gaza, highlighting the severe malnutrition and starvation experienced by civilians, especially children. It then analyzes the military and legal nature of blockades and sieges under international humanitarian law, focusing on their effects on civilian populations and the legality of using starvation as a weapon. The discussion proceeds to explore international statutes, treaties, and customary rules relevant to starvation and blockade, assessing possible violations by the parties involved. The paper further investigates the linkage between the blockade practices and the potential characterization of these actions as war crimes and genocide under international law. Finally, it concludes by emphasizing the legal and moral imperatives to end such practices and ensure accountability.

The Gaza Strip Siege and Blockade: Impact on Civilian Starvation

The Gaza Strip is situated between Israel's southern border and Egypt's northern border, with access to the Mediterranean Sea.⁽¹⁸⁾ Since Hamas took control of the Gaza Strip in 2007, Israel has enforced a land siege on the territory. This siege includes restrictions on both the movement of people and the flow of goods, with schedules adjusted strategically to exert pressure on Hamas.⁽¹⁹⁾ Then in 2009, Israel imposed a naval blockade on the Gaza Strip.⁽²⁰⁾

⁽¹⁸⁾Eyal Benvenisti, *The International Law of Prolonged Sieges and Blockades: Gaza as a Case Study*, 97 Int'l L. Stud. 969 (2021), at 970, <https://digital-commons.usnwc.edu/cgi/viewcontent.cgi?article=2977&context=ils>.

⁽¹⁹⁾See Id. at 976, and the International Committee of the Red Cross explanation on siege at <https://guide-humanitarian-law.org/content/article/3/siege-1/>. A siege is an act of warfare typically aimed at defeating enemy military forces, characterized by the encirclement of a specific locality or area to isolate it and subsequently weaken resistance through attacks. In contrast, a blockade is a military operation conducted via maritime or aerial means to obstruct all transportation to and from a designated area. Under the rules and principles of international humanitarian law (IHL), siege tactics must exclusively target enemy combatants and not civilian populations. The primary aim of a siege is to prevent enemy forces from moving or receiving supplies, ultimately compelling their surrender. Consequently, any siege that blocks civilians from accessing humanitarian aid is prohibited under IHL.

⁽²⁰⁾Id. at 977.

Israel used to enforce its siege on Gaza with full severity, permitting only minimal quantities of food and fuel sufficient to avert widespread famine and disease, thereby producing a humanitarian catastrophe. This policy of collective punishment—implemented by Israel in response to political developments within the Gaza Strip—amounts to an ongoing, grave, and large-scale breach of international humanitarian law.⁽²¹⁾

In International Armed Conflicts, isolation is essential to a successful siege military operation.⁽²²⁾ To compel an adversary to surrender through deprivation rather than through outright destruction or capture necessitates severing all avenues of support, including reinforcement, supply, sustenance, and ideally, communication channels.⁽²³⁾ Thus, for a siege to be effective, it is imperative to isolate the enemy as comprehensively as feasible.⁽²⁴⁾ This reveals that the fundamental aim of sieges is to induce hunger, thirst, and coldness among individuals, thus weakening them, if not outright defeating them.⁽²⁵⁾ However, the issue at hand revolves around whether this form of suffering, intended to compel the enemy's surrender, qualifies as a lawful action under international law. While IHL permits blockades under limited conditions—such as prior notification and the safe passage of neutral vessels—it categorically prohibits any blockade that results in the starvation of civilians.⁽²⁶⁾ And that is the central issue identified in this paper, which is the deliberate starvation of civilians, as one leading authority on the prohibition of starvation under international law has observed, the objective of combating Hamas is being pursued through measures that deliberately deprive the civilian population of the sustenance necessary for survival.⁽²⁷⁾ And to go through whether starvation is directed toward civilians or not. It is crucial to clarify how the Siege on Gaza is affecting the food security of the civilians, and to what extent the civilians are suffering, and then we delve into discussing the illegality of the action.

Israel's defense minister announced that the Gaza Strip is not going to receive food. The strategy of starvation against Palestinian civilians includes enforcing a blockade that prevents

⁽²¹⁾Seminar on Gaza Blockade: The Implications for International Law, Asian-African Legal Consultative Organization (AALCO), July 16, 2010, <https://www.aalco.int/Seminar%20on%20the%20Blockade%20of%20Gaza.pdf>.

⁽²²⁾Geoff Corn Watts Sean, Israel – Hamas 2023 Symposium – Siege Law and Military Necessity, LIEBER INSTITUTE WEST POINT (2023), <https://lieber.westpoint.edu/siege-law-military-necessity/>.

⁽²³⁾Id.

⁽²⁴⁾Id.

⁽²⁵⁾Zoran Kusovac, Analysis: The Military Logic behind Israel's 'Total' Gaza Siege, AL JAZEERA, (Oct. 21, 2023), <https://www.aljazeera.com/features/2023/10/21/analysis-the-military-logic-behind-israels-total-gaza-siege>.

⁽²⁶⁾Mara R. Revkin, The Israel-Hamas Conflict: International Law, Accountability, and Challenges in Modern Warfare, 105 JUDICATURE 1 (Oct. 2024), at 3, https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1017&context=judicature_intl.

⁽²⁷⁾Janina Dill, Our Shared Horror, EJIL: TALK! (Oct. 13, 2023), <https://www.ejiltalk.org/our-shared-horror/>.

aid from reaching those in need, contaminating water supplies, destroying food shipments, killing civilians attempting to access aid, and targeting humanitarian organizations involved in relief efforts.⁽²⁸⁾ Civilians in Gaza were subjected to a siege, resulting in their inability to access food, which directly caused the issue of food insecurity, which is defined as:

A situation that exists when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life. Based on this definition, four food security dimensions can be identified: food availability, economic and physical access to food, food utilization and stability over time⁽²⁹⁾.

The imposed siege on the Gaza Strip affected not only one of the four dimensions but all of them. The World Health Organization has reported a scarcity of food and clean water, alongside the spread of diseases. According to their findings, there has been a notable increase in cases of acute malnutrition, resulting in fatalities among children.⁽³⁰⁾ It is estimated that from the 7th of October 2023 to the 5th of April 2024, over 50,000 children experienced severe malnutrition, a potentially life-threatening condition if not treated promptly.⁽³¹⁾ At the same time, Gaza's Health Ministry reported 32 deaths—28 of them children—due to malnutrition and dehydration in northern Gaza hospitals. Earlier, on March 8, the ministry stated that around 60,000 pregnant women were suffering from the same conditions.⁽³²⁾ That figure has risen to 900,000 children now suffering from hunger, with 70,000 already displaying signs of malnutrition.⁽³³⁾ Human rights organizations have consistently condemned Israel for using food as a “weapon of war” and have accused it of enforcing “collective punishment” on the population.⁽³⁴⁾

The non-availability of food due to the blockade led to the presence of international humanitarian aid. However, the ongoing military operations by Israel have hindered the delivery of aid to the northern Gaza Strip. Numerous reports have documented that

⁽²⁸⁾Supra note 4.

⁽²⁹⁾FAO, IFAD, UNICEF, WFP & WHO, *The State of Food Security and Nutrition in the World 2023: Urbanization, Agrifood Systems Transformation and Healthy Diets Across the Rural–Urban Continuum* (2023), Annex 11, <https://doi.org/10.4060/cc3017en>.

⁽³⁰⁾Clarissa Ward & Brent Swails, *At the edge of Gaza, Israelis try to stop aid trucks*, CNN (Mar. 8, 2024), <https://www.cnn.com/2024/03/08/middleeast/gaza-israelis-aid-trucks-protests/index.html>.

⁽³¹⁾Syeda Lamia Hossain, *A Manmade Famine in Gaza*, Bread for the World (2024), <https://www.bread.org/article/manmade-famine-in-gaza/>.

⁽³²⁾Supra note 9.

⁽³³⁾Supra note 6.

⁽³⁴⁾Id.

hundreds of individuals have lost their lives in attempts to access food, underscoring the severe humanitarian consequences of restricted aid flow.⁽³⁵⁾ Earlier, the United Nations Relief and Works Agency for Palestine Refugees in the Near East reported its inability to distribute food assistance to northern Gaza since the 23rd of January 2024. The United Nations' World Food Program declared that it would halt the delivery of food aid to northern Gaza "until circumstances permit safe distribution."⁽³⁶⁾ The delivery of assistance to those in need was obstructed, as no trucks crossed through Rafah for three consecutive days and no aid trucks entered on four separate days in February 2024, as an example.⁽³⁷⁾ Also, during May 2024, Israeli protesters obstructed aid trucks and fired at the vehicles.⁽³⁸⁾ That led to making the situation worse, as the drivers are currently refusing to transport goods to Gaza due to their fears.⁽³⁹⁾ The UK's foreign minister blamed Israel for those attacks and urged it to do more regarding delivering aid to Gaza.⁽⁴⁰⁾ The White House also condemned the incident.⁽⁴¹⁾ Furthermore, Israel enforces limitations on the types of goods permitted to enter Gaza, thereby constraining the scope and effectiveness of humanitarian assistance.⁽⁴²⁾ According to a UN official, between the 24th of February and the 3rd of March of that year, fewer than 1,000 trucks entered the Gaza Strip, significantly below the necessary daily quota of 500 trucks per day.⁽⁴³⁾ In addition, since October 2023, Israeli military actions in Gaza

⁽³⁵⁾See Tom Soufi Burridge & Mary Kekatos, Hundreds of Truckloads of Aid for Gaza Stuck as More Lives Lost to Malnutrition, Some Aid Organizations Say, ABC News (Mar. 6, 2024), <https://abcnews.go.com/International/hundreds-truckloads-aid-gaza-stuck-lives-lost-malnutrition/story?id=107841364> (including statement by Adam Bouloukos, senior official at UNRWA, that "you can't deliver humanitarian aid if you're being shot at"), Ibrahim Dahman & Catherine Nicholls, At least 73 people seeking aid in Gaza killed by Israeli gunfire on Sunday, CNN (July 21, 2025), <https://edition.cnn.com/2025/07/20/middleeast/israel-gaza-aid-shooting-deaths-intl>, Terror and chaos for Gaza's people now entering the 'death phase', UN News (July 22, 2025), <https://news.un.org/en/story/2025/07/1165443>; see also As mass starvation spreads across Gaza, our colleagues and those we serve are wasting away, Norwegian Refugee Council (July 23, 2025), <https://www.nrc.no/news/2025/july/as-mass-starvation-spreads-across-gaza-our-colleagues-and-those-we-serve-are-wasting-away>.

⁽³⁶⁾Ellie Kaufman, Guy Davies & Clark Bentson, Decrease in Aid Trucks Entering Gaza as Access to Food Dwindles, Agencies Say, ABC News (Feb. 2q, 2024), <https://abcnews.go.com/International/decrease-aid-trucks-entering-gaza-access-food-dwindles/story?id=107392870>.

⁽³⁷⁾Id.

⁽³⁸⁾Emily Rose, Israeli Protesters Block Aid Convoy Headed to Gaza, Reuters (May 13, 2024), <https://www.reuters.com/world/middle-east/israeli-protesters-block-aid-convoy-headed-gaza-2024-05-13>; see also Lorenzo Tondo, Quique Kierszenbaum & Julian Borger, 'Total Outrage': White House Condemns Israeli Settlers' Attack on Gaza Aid Trucks, The Guardian (May 13, 2024), <https://www.theguardian.com/world/article/2024/may/13/total-outrage-white-house-condemns-israeli-settlers-attack-on-gaza-aid-convoy>.

⁽³⁹⁾Israeli Protesters Block Aid Convoy Heading for Gaza, Sky News (May 14, 2024), <https://news.sky.com/story/israeli-protesters-block-aid-convoy-heading-for-gaza-13135793>.

⁽⁴⁰⁾Id.

⁽⁴¹⁾Lorenzo Tondo, Quique Kierszenbaum & Julian Borger, *supra* note 38.

⁽⁴²⁾*Supra* note 30.

⁽⁴³⁾Id.

have heavily damaged water systems and enforced energy blockades, sharply limiting access to safe drinking water. Whole neighborhoods have been flattened, pipelines ruined, and civilians left dependent on polluted wells or unsafe sources. A man displaced from Beit Hanoun, explained that his family of ten can only fill a baby's tub when the water pipe runs. Children have become used to drinking salty water, leading to stomach pain and diarrhea, with no alternatives available to them.⁽⁴⁴⁾

The severe starvation that has persisted for so long will leave lasting effects on those who survive. Malnutrition weakens the body, making people more prone to serious illness, slower recovery, or even death when facing disease. Over time, poor nutrition, frequent infections, and lack of proper hygiene and sanitation hinder children's development—putting the health and future of an entire generation at risk.⁽⁴⁵⁾ Israeli attacks on humanitarian personnel have further intensified the crisis in Gaza, prompting aid convoys to retreat and leading humanitarian organizations such as World Central Kitchen, Project Hope, and ANERA to suspend their operations.⁽⁴⁶⁾ The scarcity of food and the obstructed physical access to it due to restrictions and obstacles faced by aid trucks entering the Gaza Strip have also resulted in economic access to food. A lengthy queue of trucks carrying crucial aid supplies for the Gaza Strip is stranded on the Egyptian side of the Rafah border.⁽⁴⁷⁾ These supplies can only reach Gaza after undergoing a complex and bureaucratic process of Israeli inspections. International law is extremely clear in considering starvation as a war crime, with no exceptions found in Protocol II (1977) or the Rome Statute (1998).⁽⁴⁸⁾ Blockades with humanitarian exceptions can lead to widespread starvation because blockades inhibit market supply, and technical measures like inspections raise prices for available goods.⁽⁴⁹⁾ Moreover, the broader economic

⁽⁴⁴⁾ Etienne Henry, *Water Crisis in War and Under Occupation: Current Israeli Policy and Practice in Occupied Palestinian Territory under International Humanitarian Law*, Geneva Academy of International Humanitarian Law and Human Rights (June 16, 2025), at 6, <https://www.geneva-academy.ch/joomlatools-files/docman-files/IHL%20Spot%20Report%20-%20Water%20Crisis%20in%20War%20and%20Under%20Occupation.pdf>.

⁽⁴⁵⁾ Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, U.N. Doc. A/79/363 (Sept. 20, 2024), at 22 and 23, <https://docs.un.org/en/A/79/363>.

⁽⁴⁶⁾ See *supra* note 9.

⁽⁴⁷⁾ Jeremy Bowen, *Gaza starvation could amount to war crime, UN human rights chief tells BBC*, BBC News (Mar. 28, 2024), <https://www.bbc.com/news/world-middle-east-68679482> (quoting Volke Türk, UN's most senior human rights official, who expressed concern over extensive administrative hurdles and obstacles faced by humanitarian efforts and stated that he blamed Israel for using starvation as a tactic of warfare in Gaza, which, if proven, would constitute a war crime).

⁽⁴⁸⁾ Vijay Prashad, *Starvation Is a War Crime: Note from the Israeli Genocide against the Palestinians*, PEOPLES DISPATCH (Mar. 13, 2024), <https://peoplesdispatch.org/2024/03/13/starvation-is-a-war-crime-note-from-the-israeli-genocide-against-the-palestinians>.

⁽⁴⁹⁾ Tom Dannenbaum, "Encirclement, Deprivation, and Humanity: Revising the San Remo Manual Provisions on Blockade," 97 INT'L L. STUD. 307 (2021).

effects of isolation push entire populations into severe poverty.⁽⁵⁰⁾ Humanitarian aid often falls short in addressing these challenges.⁽⁵¹⁾ For instance, the prices of certain vegetables have skyrocketed, reaching fifty times their pre-war levels.⁽⁵²⁾ all these measures have resulted in a serious breach of the principles of food utilization and stability, both of which are highly denied in contexts where food is fundamentally inaccessible.⁽⁵³⁾

Legal Strategy or War Crime?

Imposing a siege during an international armed conflict falls under international humanitarian law, which governs parties' conduct in armed conflicts. The legality of such actions depends on adherence to principles of military necessity, proportionality, precautions, and distinction outlined in IHL.⁽⁵⁴⁾ Military necessity permits the use of force necessary to achieve the conflict's legitimate purpose while minimizing harm to life and resources.⁽⁵⁵⁾ It allows for actions that are genuinely required to achieve a valid military objective and are not forbidden by IHL.⁽⁵⁶⁾ Proportionality prohibits attacks expected to cause excessive civilian harm compared to the military advantage gained.⁽⁵⁷⁾ Precautions must be taken to spare civilians and civilian objects, and attacks must distinguish between combatants and civilians.⁽⁵⁸⁾ Thus, every possible measure should be implemented to prevent, and if unavoidable, reduce civilian casualties, injuries, and damage to civilian objects.⁽⁵⁹⁾

In armed conflicts, the sole legitimate military objective is to diminish the military capability of the opposing parties.⁽⁶⁰⁾ However, military necessity often runs counter to humanitarian imperatives when determining whether measures serve a legitimate military purpose or, instead, are prohibited under IHL.⁽⁶¹⁾ Typically, states relying on military necessity

⁽⁵⁰⁾Id.

⁽⁵¹⁾Id.

⁽⁵²⁾Food prices skyrocket as Gaza on the brink of famine, ReliefWeb (Mar. 22, 2024), <https://reliefweb.int/report/occupied-palestinian-territory/food-prices-skyrocket-gaza-brink-famine>.

⁽⁵³⁾Supra note 29.

⁽⁵⁴⁾Fundamental principles of IHL, How does law protect in war? – Online casebook, International Committee of the Red Cross, https://casebook.icrc.org/a_to_z/glossary/fundamental-principles-ihl.

⁽⁵⁵⁾See International Humanitarian Law, BRITISH RED CROSS, <https://www.redcross.org.uk/about-us/what-we-do/protecting-people-in-armed-conflict/international-humanitarian-law>.

⁽⁵⁶⁾Military necessity, How does law protect in war? - Online casebook, International Committee of the Red Cross, https://casebook.icrc.org/a_to_z/glossary/military-necessity.

⁽⁵⁷⁾Supra note 55.

⁽⁵⁸⁾Id.

⁽⁵⁹⁾Id.

⁽⁶⁰⁾Supra note 56.

⁽⁶¹⁾Id.

argue that their conduct rests on lawful grounds.⁽⁶²⁾ This raises a pressing question: to what extent can the ongoing siege of Gaza be deemed unlawful under international humanitarian law, especially in light of its severe impact on civilians, including widespread deprivation of food, medical care, and essential services?

One argument in favor of implementing a full blockade during wartime suggests that achieving submission through deprivation demands severing the enemy from every form of support, whether reinforcement, supplies, food, or ideally, communications. Thus, the effectiveness of a siege depends on making the enemy's isolation as absolute as possible. It posits that the events of October 7th were a consequence of an incomplete blockade, which means that if the blockade was a complete one in connection to prevention of essential objects, this kind of attack on the 7th of October would not have been launched.⁽⁶³⁾ This argument refers to military necessity as a justification, based on the principle that harm inflicted by a particular measure is warranted insofar as it contributes to a broader strategic objective—namely, compelling the adversary to submit.⁽⁶⁴⁾ Nonetheless, other humanitarian principles as distinction and precaution, were overlooked. The blockade enforced on the Gaza Strip following the events of October 7th was explicitly declared to include the prevention of food delivery to Gaza. Given the rising death toll among children and women, it is evident that civilians are being targeted. Thus, Israel neither applied the distinction principle between combatants and civilians nor applied the precaution principle by focusing on constant care to civilians, where it imposed the siege. This blatant violation of IHL principles was also highlighted by the ICRC and governmental public figures.⁽⁶⁵⁾ Per Customary International Law, “The parties to the conflict must at all times distinguish between civilians and combatants. Attacks may only be directed against combatants. Attacks must not be directed against civilians”.⁽⁶⁶⁾ Article 52 of the Additional Protocol to the Geneva Conventions of 12 August 1949 stipulates that no siege or blockade, particularly if prolonged,

⁽⁶²⁾ ANDREW CLAPHAM, *WAR* (CLARENDON LAW SERIES, OXFORD UNIVERSITY PRESS, 2021), at 329.

⁽⁶³⁾ *Supra* note 22.

⁽⁶⁴⁾ *Id.*

⁽⁶⁵⁾ See Ori Pomson, *Israel – Hamas 2023 Symposium – The ICRC’s Statement on the Israel-Hamas Hostilities and Violence: Discerning the Legal Intricacies*, LIEBER INSTITUTE WEST POINT (Oct.16,2023), <https://lieber.westpoint.edu/icrc-statement-israel-hamas-hostilities-violence-discerning-legal-intricacies/>; see also Matt Shuham, *Babies Killed In Gaza Are ‘Not Innocent Palestinian Civilians,’ House Republican Says*, HUFFPOST, (2024), https://www.huffpost.com/entry/brian-mast-palestinian-babies-innocent-civilians-gaza_n_65bbd225e4b05c8779f84791 (Congressman Brian Mast responded to activists’ question about whether he had seen photos of the killed babies by stating, “These are not innocent Palestinian civilians.”).

⁽⁶⁶⁾ Rule 1, *The Principle of Distinction between Civilians and Combatants*, Customary International Humanitarian Law Database, International Committee of the Red Cross, <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule1>.

should be implemented if its sole purpose is to inflict harm on civilian populations and thereby indirectly influence combatants.⁽⁶⁷⁾ Rule 15 in Customary Rules of IHR codified by the ICRC states, “In the conduct of military operations, constant care must be taken to spare the civilian population, civilians and civilian objects. All feasible precautions must be taken to avoid, and in any event to minimize, incidental loss of civilian life, injury to civilians, and damage to civilian objects.”⁽⁶⁸⁾ Therefore, imposing a siege on a sizable civilian population that shelters a minor and inconsequential military presence, without considering alternative courses of action, may be deemed excessive and consequently prohibited, and should not be continued.⁽⁶⁹⁾ Customary rules of IHL prohibit the use of civilian starvation as a method of warfare.⁽⁷⁰⁾ On a state level, through international organizations, the United Nations General Assembly has consistently opposed the use of food deprivation as a means of coercion and has denounced starvation during armed conflicts on multiple occasions.⁽⁷¹⁾

Starving civilians is not just violating IHL but it is a war crime as per Article 8 of Rome Statute of ICC that listed one of the actions to be considered as a war crime “Intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including willfully impeding relief supplies as provided for under the Geneva Conventions”⁽⁷²⁾. Objects—such as water installations, wells, desalination plants, and supply networks—are specifically protected under international law from attacks, destruction, or any actions intended to deprive the civilian population of their essential sustenance value.⁽⁷³⁾ International law explicitly prohibits attacks on, destruction of, or actions that render useless objects essential for civilian survival—including drinking water facilities and supplies.⁽⁷⁴⁾ Israel has already violated this provision through its repeated targeting and destruction of critical water infrastructure in Gaza.⁽⁷⁵⁾ The Israeli’s destruction of water infrastructure—combined with restrictions on electricity, fuel, and humanitarian aid—has created a severe humanitarian crisis. With one-third of the water system destroyed and aid access blocked,

⁽⁶⁷⁾Supra note 18, at 983.

⁽⁶⁸⁾Supra note 44.

⁽⁶⁹⁾Supra note 18, at 978.

⁽⁷⁰⁾Supra note 62, at 359; see also supra note 44.

⁽⁷¹⁾Supra note 49, at 326.

⁽⁷²⁾Rome Statute of the International Criminal Court art. 8(2)(b)(xxv), July 17, 1998, 2187 U.N.T.S. 90.

⁽⁷³⁾Supra note 44, at 12.

⁽⁷⁴⁾See Customary IHL Database, Rule 54. Attacks Against Objects Indispensable to the Survival of the Civilian Population, Int’l Comm. of the Red Cross, <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule54>.

⁽⁷⁵⁾Paola Gaeta & Etienne Henry, Hands Off Water in War: Weaponization of Water in the Occupied Palestinian Territory, *Opinio Juris* (July 24, 2025), <https://opiniojuris.org/2025/07/24/hands-off-water-in-war-weaponization-of-water-in-the-occupied-palestinian-territory/>.

water availability has collapsed. The combined effects of deprivation—of water, food, power, and aid—have sparked a public health emergency, marked by rising cases of diarrhea, hepatitis, and malnutrition among children.⁽⁷⁶⁾ Besides, Israel clearly breaches the law of occupation. Destroying water infrastructure, cutting off fuel and electricity, and blocking repairs breach Article 56 of the Fourth Geneva Convention, which requires the occupier to maintain public health. Attacks on utility workers and blocking aid and spare parts violate Article 59, while the combined impact—denying water to the entire population—may constitute collective punishment, banned under Article 33.⁽⁷⁷⁾

Furthermore, the blockade enforced by Israel on the Gaza Strip—particularly given its direct role in restricting food access and causing starvation among civilians, including children—is clearly prohibited according to the San Remo Manual, if its primary aim is to starve the civilian population or deny their access to essential survival items, as Article 102 states, “The declaration or establishment of a blockade is prohibited if: (a) it has the sole purpose of starving the civilian population or denying it other objects essential for its survival...”⁽⁷⁸⁾ The manual also places a responsibility on the blockading party to allow the free passage of food supplies, as Article 103 emphasizes, “If the civilian population of the blockaded territory is inadequately provided with food and other objects essential for its survival, the blockading party must provide for free passage of such foodstuffs and other essential supplies...”⁽⁷⁹⁾

Also, Article 55 of the Fourth Geneva Convention explicitly safeguards the rights of civilians against starvation without imposing any conditions, as it states: “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.”⁽⁸⁰⁾

That is why the leaflets dropped by Israel on some parts of Gaza, urging Palestinian civilians to evacuate certain towns, do not serve as a justification.⁽⁸¹⁾ Civilians do not become targets solely by disregarding such warnings, nor do they lose significance in the assessment

⁽⁷⁶⁾Id.

⁽⁷⁷⁾Id.

⁽⁷⁸⁾San Remo Manual on International Law Applicable to Armed Conflicts at Sea art. 102, Int'l Comm. of the Red Cross, <https://ihl-databases.icrc.org/en/ihl-treaties/san-remo-manual-1994/article-93-108>.

⁽⁷⁹⁾Id. art. 103.

⁽⁸⁰⁾Geneva Convention Relative to the Protection of Civilian Persons in Time of War art. 55, Aug. 12, 1949, 6 U.S.T. 3516, 75 U.N.T.S. 287.

⁽⁸¹⁾Emine Sinmaz, Israel Drops Leaflets Warning People to Flee Southern Gaza Towns, *THE GUARDIAN*, (Nov. 16, 2023), <https://www.theguardian.com/world/2023/nov/16/israel-drops-leaflets-warning-people-to-flee-southern-gaza-towns>.

of proportionality as a result.⁽⁸²⁾ Thus, the actions taken by a state toward another are not solely based on military necessity, cause other principles need to be taken care of. Even the legality of the enduring blockade on the Gaza Strip for self-defense to prevent Hamas from being able to arm itself in a way that threatens Israel is still based on assessing the necessity and proportionality.⁽⁸³⁾ However, if the feasibility of attaining a military goal is uncertain, that goal cannot be deemed necessary or proportional.⁽⁸⁴⁾ Consequently, prolonged harm to civilian populations can no longer be justified.⁽⁸⁵⁾ Any such harm then becomes effectively disproportionate.⁽⁸⁶⁾

The blockade of Gaza also violates fundamental human rights enshrined in the International Covenant on Civil and Political Rights (ICCPR), particularly in connection with the right to life, as Article 6 states, “Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”⁽⁸⁷⁾ Not only that, but it also violates the International Covenant on Economic, Social, and Cultural Rights (ICESCR), in connection with the right to adequate food, as Article 11 states,

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:

(a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;

⁽⁸²⁾Supra note 49, at 379.

⁽⁸³⁾Supra note 18, at 983.

⁽⁸⁴⁾Id. at 984.

⁽⁸⁵⁾Id.

⁽⁸⁶⁾Id.

⁽⁸⁷⁾International Covenant on Civil and Political Rights art. 6, Office of the U.N. High Commissioner for Human Rights, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

(b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.⁽⁸⁸⁾

Both articles require that states not only refrain from actions that harm life but also take active, positive measures to safeguard the right to life and ensure adequate living conditions, even in times of armed conflict.

Israel's defense minister, Yoav Gallant, stated that Gaza would be deprived of electricity, food, water, and fuel. This assertion encompasses both combatants and civilians in Gaza, as he mentioned Gaza without limiting his aim to Hamas solely. Also, highlighting the intentional denial of essential resources, particularly food, which is the focus of this paper, means that the deprivation of food in Gaza is not a mere consequence but an intended action, as announced beforehand. Israel aimed to induce food insecurity in the Gaza Strip by rendering food unavailable and inaccessible, thus undermining any potential for stability or utilization. It was intended, announced, and subsequently implemented.

The Chief Prosecutor of the International Criminal Court (ICC), in the statement regarding the applications for arrest warrants, confirmed that evidence gathered by his office shows Israel has intentionally and systematically deprived Gaza's civilian population of essential resources needed for survival, including food, demonstrating a clear policy of deprivation.⁽⁸⁹⁾ The ICC explicitly recognizes that the intentional starvation of Palestinian civilians in Gaza is a war crime under Article 8(2)(b)(xxv) of the Rome Statute:

(2) For the purpose of this Statute, 'war crimes' means:

(b) Other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts:

(xxv) 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.⁽⁹⁰⁾

⁽⁸⁸⁾International Covenant on Economic, Social and Cultural Rights art. 11, Dec. 16, 1966, 993 U.N.T.S. 3.

⁽⁸⁹⁾Int'l Criminal Court, Statement of ICC Prosecutor Karim A.A. Khan KC: Applications for Arrest Warrants in the Situation in the State of Palestine (May 20, 2024), <https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-kc-applications-arrest-warrants-situation-state>.

⁽⁹⁰⁾Supra note 72.

This starvation has been enforced through a blockade and siege denying indispensable survival supplies, causing profound civilian suffering and deaths. These acts, combined with other violations such as cruel treatment and persecution, constitute crimes against humanity and war crimes deserving accountability under international law.⁽⁹¹⁾

It has been argued that the threshold for establishing the war crime of starvation—or starvation as constituting the crime against humanity of extermination or “other inhumane acts”—has already been surpassed in light of Israel’s denial of humanitarian assistance to Gaza. A deliberate policy to starve the civilian population may be inferred from several factors: the grossly inadequate number of aid trucks permitted entry each day (approximately 150 admitted compared to the 600 required), with some turned back on arbitrary grounds; Israel’s repeated failure to comply with International Court of Justice (ICJ) orders mandating the facilitation of humanitarian relief; the absence of effective measures against Israeli civilian groups obstructing aid convoys; and explicit statements by government ministers calling for a “complete siege” of Gaza. Furthermore, even if the policy were framed solely as an attempt to deprive Hamas of supplies, the inevitability that such measures would, in the ordinary course of events, result in widespread civilian starvation is itself sufficient to establish the crime.⁽⁹²⁾

Thus, Israel’s actions constitute war crimes, as stipulated in the Rome Statute, the Geneva Convention and customary international law. Intentionally creating conditions aimed at causing physical destruction could fulfill the legal criteria for genocide, especially when the specific intent to destroy a protected group, in whole or in part, can be proven.⁽⁹³⁾ Specially, that the scope of the prohibition on such military operations is extensive in two key respects. First, as legal scholarship has noted, these operations are unlawful whenever starvation or forced displacement is expected, regardless of whether those outcomes are deliberately intended by the belligerent—in this case, Israel. It suffices that such consequences could reasonably have been anticipated. Second, the prohibition applies even where the principle of proportionality might otherwise be satisfied; in other words, irrespective of any concrete and direct military advantage Israel may have envisaged. On this basis, it can be argued that Israel could reasonably have foreseen that its actions—destroying, removing, or rendering

⁽⁹¹⁾See Alessandra Cuppini, Tackling Unprecedented Challenges: The ICC Prosecutor’s Pursuit of Starvation as a War Crime in Palestine, *HUMAN RIGHTS IN CONTEXT* (June 10, 2024), <https://www.humanrightsincontext.be/post/tackling-unprecedented-challenges-the-icc-prosecutor-s-pursuit-of-starvation-as-a-war-crime-in-pale>.

⁽⁹²⁾Douglas Guilfoyle, The Strike on the World Central Kitchen Convoy as a War Crime, *OPINIO JURIS* (Apr. 6, 2024), <https://opiniojuris.org/2024/04/06/the-strike-on-the-world-central-kitchen-convoy-as-a-war-crime/>.

⁽⁹³⁾Supra note 44, at 8.

unusable objects indispensable to the survival of the Gazan population, including facilities essential for the health care system—would endanger that population’s survival, particularly when considered alongside its approach to relief supplies. International reports confirm that the survival of the Gazan population was already under severe threat shortly after Israel’s military response to the 7 October attacks, and that this continues to be the case today.⁽⁹⁴⁾

The Gaza Siege: a contributor to Genocide

The prospect of genocide in Gaza has raised serious alarm among a wide range of international actors, including the United Nations, non-governmental organizations, experts, and scholars. Academic commentators have cautioned against the risk of genocide, while the UN Special Rapporteur on the Occupied Palestinian Territories, Francesca Albanese, has characterized the unfolding events as the most extensive instance of ethnic cleansing in the territory’s history. In addition, a coalition of UN experts and special rapporteurs has warned that Gaza is “running out of time” and has called for an immediate ceasefire to avert genocide. These authoritative assessments underscore the urgency of international attention and decisive action to prevent further escalation and to protect civilians. The gravity of the situation points to the real danger of mass atrocity crimes.⁽⁹⁵⁾ It has been affirmed in the drafting history of the Genocide Convention that the concept of genocide extends beyond instances of direct killing to include the deliberate imposition of living conditions calculated to bring about the destruction of a protected group. Illustrations provided at the time emphasized that measures such as enforced confinement, deprivation of food, and denial of medical care fall within this understanding, as they are capable of leading to the group’s physical annihilation.⁽⁹⁶⁾ The systematic deprivation of food, water, and sanitation constitutes a critical component of genocidal practices. It represents a resource-efficient means of extermination, requiring no direct use of conventional weaponry; rather, populations are left to perish through starvation, dehydration, and preventable disease.⁽⁹⁷⁾

⁽⁹⁴⁾R. van Steenberghe, *The Armed Conflict in Gaza, and Its Complexity Under International Law: Jus ad Bellum, Jus in Bello, and International Justice*, 37 LEIDEN J. INT’L L. 983 (2024), at 1002, <https://doi.org/10.1017/S0922156524000220>.

⁽⁹⁵⁾Mohammad H. Zakerhossein, *An Appeal to Address the Failure in Preventing Genocide in Gaza through the International Court of Justice*, OPINIO JURIS (Nov. 10, 2023), <https://opiniojuris.org/2023/11/10/an-appeal-to-address-the-failure-in-preventing-genocide-in-gaza-through-the-international-court-of-justice/>.

⁽⁹⁶⁾John Quigley, *‘Slow Death’ as Genocide: The Convention Was Written for Gaza*, OPINIO JURIS (Oct. 14, 2024), <https://opiniojuris.org/2024/10/14/slow-death-as-genocide-the-convention-was-written-for-gaza/>.

⁽⁹⁷⁾Melanie O’Brien, *Is Genocide Happening in Gaza?*, Opinio Juris (Aug. 4, 2025), <https://opiniojuris.org/2025/08/04/is-genocide-happening-in-gaza/>.

Israel has declared the intention to destroy the Palestinian population, either wholly or partially, solely based on their Palestinian identity. This may constitute crimes against humanity under Article 7 of the Rome Statute if they form part of a widespread or systematic attack directed against a civilian population with knowledge of the attack.⁽⁹⁸⁾ Moreover, these acts may amount to genocide if committed with the intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as defined in Article 6 of the Rome Statute and Article II of the 1948 Genocide Convention.⁽⁹⁹⁾ In July 2024, a group of ten United Nations human rights rapporteurs asserted that Israel's deliberate and systematic use of starvation against the Palestinian population constitutes a form of genocidal violence.⁽¹⁰⁰⁾

As previously noted, the Defense Minister's declaration signaled not only the continuation but the intensification of the existing blockade—transforming what was already unlawful, and potentially genocidal in character, into an explicit strategy of destruction through the denial of fuel, electricity, water, and other essentials.⁽¹⁰¹⁾ On May 6, 2025, Heritage Minister Amichay Eliyahu, a member of Otzma Yehudit, reportedly stated that there was no issue with bombing Gaza's food and fuel supplies, and stated, "they should starve." But per IHL, to deny access to food with the intent to destroy life is a breach of Article II (c) of the Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention).⁽¹⁰²⁾ The Article states:

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

(a)...

(b)...

(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part...⁽¹⁰³⁾

⁽⁹⁸⁾ Anna Oriolo, The Right to Food, Crimes and Justice: The "Deliberate" Starvation of the Palestinian People before International Courts, SIDIBLOG (Dec. 12, 2024), <http://www.sidiblog.org/2024/12/12/the-right-to-food-crimes-and-justice-the-deliberate-starvation-of-the-palestinian-people-before-international-courts/>; see also *supra* note 72, art. 7.

⁽⁹⁹⁾ *Id.*; see also *supra* note 72, art. 6.

⁽¹⁰⁰⁾ *Supra* note 96.

⁽¹⁰¹⁾ Mohsen al Attar, Public Statement: Scholars Warn of Potential Genocide in Gaza, OPINIO JURIS (Oct. 18, 2023), <https://opiniojuris.org/2023/10/18/public-statement-scholars-warn-of-potential-genocide-in-gaza/>.

⁽¹⁰²⁾ Bart Wernaart & Bernd van der Meulen, The Right to Food in International Law with Case Studies from the Netherlands and Belgium, in *International Food Law and Policy* 67, 76 (Gabriela Steier & Kiran K. Patel eds., Springer 2016), at 76.

⁽¹⁰³⁾ Convention on the Prevention and Punishment of the Crime of Genocide art. II(c), Dec. 9, 1948, 78 U.N.T.S. 277.

According to customary international law and the 1948 Genocide Convention, every state is obligated to prevent and penalize genocide.⁽¹⁰⁴⁾ Alleged breaches of this Convention in Gaza—particularly concerning the obstruction of humanitarian aid—were raised in the case initiated by South Africa against Israel before the ICJ in December 2023. In response, the Court issued multiple provisional measures and recognized the plausibility of the rights asserted by South Africa.⁽¹⁰⁵⁾ In its ruling dated 26 January 2024, the ICJ noted that “many Palestinians in the Gaza Strip have no access to the most basic foodstuffs, potable water, electricity, essential medicines or heating”.⁽¹⁰⁶⁾ It indicates as provisional measures:

The State of Israel shall, in accordance with its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide, in relation to Palestinians in Gaza, take all measures within its power to prevent the commission of all acts within the scope of Article II of this Convention, in particular:

- a. killing members of the group;
- b. causing serious bodily or mental harm to members of the group;
- c. deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; and
- d. imposing measures intended to prevent births within the group⁽¹⁰⁷⁾

And it also indicated “The State of Israel shall take immediate and effective measures to enable the provision of urgently needed basic services and humanitarian assistance to address the adverse conditions of life faced by Palestinians in the Gaza Strip”.⁽¹⁰⁸⁾

However, Israel did not comply with that, as Amnesty International stated that Israel had not taken “even the bare minimum steps” to adhere to the ICJ ruling, which required ensuring the essential life-saving goods and services to a population facing the risk of genocide and on the edge of famine.⁽¹⁰⁹⁾ Even though, under the Geneva Conventions, Israel

⁽¹⁰⁴⁾ ICJ releases legal Q & A on crime of genocide, Int’l Comm’n of Jurists (Aug. 27, 2018), <https://www.icj.org/icj-releases-legal-q-a-on-crime-of-genocide/>.

⁽¹⁰⁵⁾ Anna-Christina Schmidl & Eitan Diamond, Legal Issues Arising from Israel’s Conduct in North Gaza, EJIL: Talk! (Dec. 30, 2024), <https://www.ejiltalk.org/legal-issues-arising-from-israels-conduct-in-north-gaza/>.

⁽¹⁰⁶⁾ International Court of Justice, Application of the Genocide Convention (Palestine v. Israel), Order, ¶ 70 (Jan. 26, 2024), at 27, <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240126-ord-01-00-en.pdf>.

⁽¹⁰⁷⁾ Id. ¶ 86, at 30.

⁽¹⁰⁸⁾ Id. at 31.

⁽¹⁰⁹⁾ Nina Lakhani, Israel Is Deliberately Starving Palestinians, UN Rights Expert Says, The Guardian (Feb. 27, 2024), <https://www.theguardian.com/world/2024/feb/27/israel-starving-palestinians-un-rights-expert>.

bears a legal duty to guarantee civilian access to essential means of survival.⁽¹¹⁰⁾ In the order of 28 March 2024, the ICJ “observes that Palestinians in Gaza are no longer facing only a risk of famine, as noted in the Order of 26 January 2024, but that famine is setting in, with at least 31 people, including 27 children, having already died of malnutrition and dehydration”.⁽¹¹¹⁾ And it was indicated as a provisional measure:

The State of Israel shall, in conformity with its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide, and in view of the worsening conditions of life faced by Palestinians in Gaza, in particular the spread of famine and starvation:

Take all necessary and effective measures to ensure, without delay, in full co-operation with the United Nations, the unhindered provision at scale by all concerned of urgently needed basic services and humanitarian assistance, including food, water, ..., as well as medical supplies and medical care to Palestinians throughout Gaza, including by increasing the capacity and number of land crossing points and maintaining them open for as long as necessary;⁽¹¹²⁾

By articulating the provisional measures sought by South Africa, the ICJ affirmed the plausibility of the rights invoked and acknowledged the existence of a serious risk of irreparable prejudice, thereby reinforcing the likelihood of genocidal harm in Gaza.⁽¹¹³⁾

The Office of the Prosecutor in the ICC presented evidence showing that Israel deliberately and systematically deprived the civilian population in Gaza of essential goods for survival, such as food, water, fuel, and medicine. This conduct potentially meets the constitutive elements of genocide, particularly the specific intent to destroy, in whole or in part, a protected group, as defined under Article 6 of the ICC Statute and Article II of the 1948 Genocide Convention. Although genocide is not explicitly charged in the ICC arrest warrants, the notion is referenced in the ICJ provisional and advisory rulings on Israel’s policies in the Occupied Palestinian Territories, where the ICJ found a “plausible” www.theguardian.com/world/2024/feb/27/un-israel-food-starvation-palestinians-war-crime-genocide.

⁽¹¹⁰⁾Mara Tignino & Tadesse Kebebew, Access to Freshwater and Accountability Issues in the Israel-Hamas Armed Conflict, *OPINIO JURIS* (Dec. 27, 2023), <https://opiniojuris.org/2023/12/27/access-to-freshwater-and-accountability-issues-in-the-israel-hamas-armed-conflict/>.

⁽¹¹¹⁾International Court of Justice, Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Palestine v. Israel), Order, ¶ 21, at 520 (Mar. 28, 2024), <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240328-ord-01-00.pdf>.

⁽¹¹²⁾Id. ¶ 51, at 527 (Mar. 28, 2024), <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240328-ord-01-00.pdf>.

⁽¹¹³⁾Supra note 94, at 1015.

risk of genocide against the Palestinian population in Gaza and ordered Israel to comply with its obligation to prevent genocide, including ensuring the provision of food, water, and electricity to Gaza. Thus, the starvation of Palestinian civilians by Israel is framed within the context of genocide risk by the ICJ and is reflected as a serious element in ICC investigations and legal analysis.⁽¹¹⁴⁾

From an International perspective, what Israel is committing regarding targeting and destroying water pipelines, sewage systems, or desalination facilities breaches international laws that safeguard civilians from starvation and protect vital infrastructure. Such actions qualify as war crimes under the Rome Statute, which criminalizes attacks on civilian property and actions that cause extensive, lasting environmental damage. If carried out as part of a broader, systematic campaign, these acts could also constitute crimes against humanity—or even genocide, if the necessary intent is established. The Israeli's official statements, as previously clarified in this paper, and their openly endorsed policies that restrict civilians' access to food, water, and fuel, clearly reveal an intent to eliminate the Palestinian race, committing a genocide.

The United Nations General Assembly's "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories" (document A/79/363, released 20 September 2024) concludes that Israel's policies and practices during the reporting period "are consistent with the characteristics of genocide."⁽¹¹⁵⁾ The population of Gaza is confined within a highly restricted territory, resembling conditions historically associated with ghettos. Deprived of adequate sanitation, medical care, housing, and other fundamental means of subsistence, they also face severe food insecurity and, due to recurrent evacuation orders, are effectively prevented from sustaining themselves through activities such as farming or fishing. These circumstances reflect the notion of a "slow death" that the drafters of the Genocide Convention explicitly sought to capture under the provision addressing "conditions of life." The travaux préparatoires—ranging from the Secretariat's consultants to the Ad Hoc Committee and the General Assembly—consistently articulated this clause in terms that align with the present circumstances, offering critical interpretive guidance for the ICJ in its evaluation of Israel's conduct under the Convention.⁽¹¹⁶⁾ Thus, even though Israel has not been formally charged or found guilty of genocide by the ICJ. It is continuing to breach international law, and its

⁽¹¹⁴⁾Supra note 98.

⁽¹¹⁵⁾Supra note 45, at 25.

⁽¹¹⁶⁾Supra note 96.

violations remain ongoing, and the civilian death toll, predominantly consisting of children and women, continues to rise. The current absence of a genocide charge against Israel does not preclude—and indeed makes it likely—that such a charge could be substantiated in the future.

Conclusion

This paper has demonstrated that the ongoing blockade and siege imposed on the Gaza Strip constitute not only a grave humanitarian crisis but also a serious breach of international law. The deliberate deprivation of essential resources—food, water, fuel, and medical supplies—has systematically targeted a vulnerable civilian population, resulting in mass starvation, widespread malnutrition, and significant loss of life, especially among children and pregnant women. Such conduct clearly fulfills the elements of war crimes, as defined under Article 8 of the Rome Statute of the ICC, which explicitly prohibits the use of starvation as a method of warfare against civilians. Moreover, these actions meet the legal threshold for potential genocide under Article 6 of the Rome Statute and the 1948 Genocide Convention, given the evidentiary indications of intent to destroy, in whole or in part, the Palestinian population in Gaza as a protected group. Importantly, this paper highlights the active engagement of the ICJ in addressing these violations. The ICJ has issued binding provisional measures recognizing the risk of genocidal harm due to the blockade, explicitly ordering Israel to take all necessary steps to prevent acts falling within the scope of the Genocide Convention—including the deliberate infliction of conditions calculated to bring about physical destruction—and to ensure unhindered humanitarian assistance. These rulings represent significant formal condemnations and reinforce Israel's legal obligations under international humanitarian and human rights law. Similarly, the ICC prosecutor has publicly stated, supported by gathered evidence, that Israel's intentional starvation of Gaza's civilian population constitutes war crimes and crimes against humanity, and potentially genocide. These judicial bodies, therefore, leave no doubt about the unlawful nature of these actions under established international legal frameworks. However, the persistence of this humanitarian catastrophe raises the critical question of why such violations continue unabated.

The issue lies not in ambiguity within international law—where protections against starvation and collective punishment are unequivocal—but rather in the systemic failure to enforce these laws effectively. Political complexities, geopolitical interests, and the absence of binding enforcement mechanisms hinder the implementation of ICJ orders and ICC

investigations. Israel's disregard for the ICJ's rulings and obstruction of humanitarian aid exemplify this enforcement gap, perpetuating impunity and human suffering. Additionally, internal political factors and asymmetric power dynamics substantially constrain international legal accountability. The broader international community's reluctance or inability to exert sufficient pressure or sanctions against violations further undermines law enforcement. Thus, the foundational principles and rules of international humanitarian and human rights law remain underutilized instruments in the face of ongoing violations. In summary, the blockade and siege of Gaza constitute prosecutable war crimes and may amount to genocide under international law, as affirmed by both the ICC and ICJ.

These acts are not only illegal but also morally reprehensible, targeting civilians with starvation and deprivation. Yet, legal condemnation alone has not sufficed to halt these actions. Unless the international community bridges the gap between legal norms and enforcement—ensuring compliance with judicial decisions, holding perpetrators accountable, and facilitating immediate humanitarian relief—the cycle of suffering and injustice will persist unabated. Therefore, urgent and coordinated global action is indispensable. Such action must operationalize the obligations affirmed by international courts, reinforce mechanisms for accountability, and prioritize the protection of fundamental human rights and dignity in Gaza. Only through sustained international commitment can the horrors of starvation as a weapon be ended, lives be saved, and justice be served.