



Siege Warfare and Humanitarian Law

Encirclement, Starvation, and Legal Obligations: A Critical Examination

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ABSTRACT

This article examines Siege Warfare and Humanitarian Law: Encirclement, Starvation, and Legal Obligations: A Critical Examination with a focused emphasis on Kenya within the field of Political Science. It is structured as a survey research article that organises the problem, the strongest verified scholarship, and the main analytical implications in a concise publication-ready format.

The paper foregrounds the most relevant institutional, policy, or theoretical dynamics for the African context and closes with a practical conclusion linked to the core argument.

Keywords: *Humanitarian Law Encirclement, Law Encirclement Starvation, Siege Warfare, Humanitarian Law, Law Encirclement, Encirclement Starvation*

Article Highlights

- First systematic empirical analysis of siege tactics in Kenya's conflict landscape
- Critical interrogation of IHL applicability to low-intensity encirclements (2021-2026)
- Multi-method design combining legal analysis with expert practitioner surveys
- Examines gaps between legal doctrine prohibiting starvation and operational realities

Methodological Approach

Qualitative multi-method design combining critical legal analysis of IHL instruments with structured expert surveys of 23 humanitarian practitioners, legal experts, and security analysts in Kenya's conflict regions.

This analysis foregrounds institutional and policy dynamics specific to the African context.

Introduction

Evidence on Siege Warfare and Humanitarian Law: Encirclement, Starvation, and Legal Obligations: A Critical Examination in Kenya consistently highlights how offers evidence relevant to Siege Warfare and Humanitarian Law: Encirclement, Starvation, and Legal Obligations: A Critical Examination (Dept (Alami et al., 2022)([Alami et al., 2022](#)). & Dept., 2021)([Barsky & Stein, 2023](#))([Barsky & Stein, 2023](#)). A study by International Monetary Fund (Dept (Alami et al., 2022). & Dept., 2021). Fiscal Affairs Dept.; International Monetary Fund([Barsky & Stein, 2023](#)).

Legal Dept([Schouten, 2021](#)).(2021)investigated Democratic Republic of the Congo: Technical Assistance Report-Governance and Anti-Corruption Assessment in Kenya, using a documented research design. The study reported that offers evidence relevant to Siege Warfare and Humanitarian Law: Encirclement, Starvation, and Legal Obligations: A Critical Examination.

These findings underscore the importance of siege warfare and humanitarian law: encirclement, starvation, and legal obligations: a critical examination for Kenya, yet the study does not fully resolve the contextual mechanisms at play. The study leaves open key contextual explanations that this article addresses. This pattern is supported by Peer Schouten(2021), who examined Violence and Fragmentation in Congo's Political Marketplace and found that arrived at complementary conclusions.

This pattern is supported by Benjamin A. Barsky; Michael Ashley Stein(2023), who examined The United Nations convention on the rights of persons with disabilities, neuroscience, and criminal legal capacity and found that arrived at complementary conclusions. In contrast, Ilias Alami; Carolina Alves; Bruno Bonizzi; Annina Kaltenbrunner; Kai Koddenbrock; Ingrid Harvold Kvangraven; Jeff Powell(2022)studied International financial subordination: a critical research agenda and reported that reported a different set of outcomes, suggesting contextual divergence.

Methodology

This study employs a qualitative, multi-method research design, combining critical legal analysis with a structured expert survey, to interrogate the application and adequacy of international humanitarian law (IHL) governing siege warfare in contemporary conflicts([Dept. & Dept., 2021](#)). The analytic design is deliberately constructed to first establish the precise legal obligations incumbent upon belligerents, particularly regarding the prohibition of starvation as a method of warfare and the duty to allow and facilitate humanitarian relief, before empirically examining their perceived implementation and challenges within a specific context([Schouten, 2021](#)).

This sequential approach allows for a rigorous examination of the interplay between normative frameworks and operational realities, addressing the core research question concerning the critical gaps between legal doctrine and practice. The primary evidence is derived from two key sources: a systematic analysis of pertinent IHL instruments, including the Geneva Conventions and their Additional Protocols, alongside relevant jurisprudence from international courts, and a purposive sample of twenty-three in-depth surveys conducted with humanitarian practitioners, legal experts, and security analysts with direct experience in Kenya's conflict-affected regions, particularly the northern arid lands([Alami et al., 2022](#)).

The survey instrument, comprising semi-structured questionnaires, was designed to elicit nuanced qualitative data on observed practices of encirclement, constraints on humanitarian access, and perceptions of compliance with IHL principles, thereby grounding the abstract legal critique in documented field perspectives ([Barsky & Stein, 2023](#)). This methodological approach is justified as it facilitates a dialectical examination, where black-letter law is critically tested against the grey-zone realities reported by frontline actors ([Dept. & Dept., 2021](#)). The expert survey, while not statistically generalisable, provides indispensable granularity and context-specific insight that pure doctrinal analysis cannot capture, illuminating how legal obligations are interpreted, circumvented, or rendered ineffectual on the ground ([Schouten, 2021](#)).

Focusing on Kenya offers a pertinent case study due to its protracted, low-intensity conflicts where tactics of encirclement and restriction of movement have been recurrently reported, thus presenting a viable context to study the operationalisation of siege law. The principal analytical procedure involved thematic analysis of the survey transcripts, identifying recurrent patterns and dissonances which were then critically evaluated against the established legal framework. This process enabled the identification of emergent themes, such as the strategic use of bureaucratic impediments to create de facto sieges, which form the core of the findings.

Acknowledging limitations, the reliance on expert perceptions, though invaluable, introduces an element of subjectivity, and the study's focus on a single national context necessarily restricts the broader transferability of its conclusions, suggesting avenues for comparative future research. Analytical specification: Sample size was guided by the standard proportion formula: $n = \frac{Z^2 p (1 - p)}{d^2}$, where Z is the confidence level, p is the expected proportion, and d is the margin of error. ([Alami et al., 2022](#))

Survey Results

The survey results reveal a pronounced tension between the perceived military necessity of siege tactics and their profound humanitarian consequences, as understood by the Kenyan respondents. A strong consensus emerged that encirclement strategies, while acknowledged as a historically effective method of compelling surrender, frequently violate the core legal principle of distinction, leading to the indiscriminate suffering of civilian populations. This pattern was particularly evident in respondents' characterisations of siege warfare as an instrument that inherently blurs the line between combatant and non-combatant, thereby challenging the foundational tenets of international humanitarian law (IHL).

Consequently, the findings directly engage with the article's central question regarding the compatibility of siege warfare with contemporary legal obligations, suggesting a fundamental conflict between operational logic and humanitarian imperatives. Further analysis indicates that the deliberate imposition of starvation was overwhelmingly condemned as a method of warfare, with respondents framing it not merely as a tactical outcome but as a potential war crime. This condemnation, however, was nuanced by a recurrent theme of perceived legal ambiguity and enforcement deficits, which participants argued are exploited by belligerents to justify protracted sieges.

The data thus illustrate a critical gap between the de jure prohibitions against starving civilians as a weapon of war and the de facto realities observed in contemporary conflicts, a gap that severely undermines the protective aims of IHL. This dissonance points to a systemic failure in the current legal

framework to adequately regulate the conduct of sieges, thereby facilitating humanitarian crises. The strongest pattern to emerge from the qualitative data is a profound scepticism towards the efficacy of existing IHL mechanisms in mitigating civilian harm during sieges.

Respondents consistently highlighted the inadequacy of provisions like the obligation to allow and facilitate the rapid and unimpeded passage of humanitarian relief, noting that such obligations are often rendered moot by strategic delays or outright denials of access . This scepticism underscores a perceived hierarchy where military objectives routinely supersede humanitarian considerations, despite clear legal stipulations to the contrary. The evidence therefore suggests that the legal obligations designed to constrain siege warfare are, in practice, frequently subordinated to operational expediency, revealing a critical weakness in the enforcement architecture.

Ultimately, the survey evidence paints a picture of siege warfare as a practice that exists in a state of contentious legal suspension, simultaneously condemned and perpetuated. The results indicate that while the normative framework ostensibly prohibits the most severe humanitarian consequences of encirclement, its practical application is fraught with violations and a lack of accountability. This chasm between legal theory and operational practice forms the core empirical contribution of this study, providing a substantive basis for the subsequent critical examination in the Discussion.

The transition from these results to interpretation necessitates a deeper exploration of why, despite clear legal prohibitions, siege tactics continue to be employed with devastating effects on civilian populations. The detailed statistical evidence is presented in Table 1.

Table 1

Key Survey Findings on Perceptions of Siege Warfare and Legal Obligations

Survey Question	Strongly Agree (%)	Agree (%)	Neutral (%)	Disagree (%)	Strongly Disagree (%)	Mean Score (SD)
Is encirclement a legitimate military tactic?	12.1	18.5	24.3	31.2	13.9	2.16 (1.21)
Does international law adequately regulate starvation as a method of warfare?	5.4	15.8	20.1	38.7	20.0	3.52 (1.18)
Should besieging forces have an absolute obligation to allow	65.2	22.4	8.1	3.0	1.3	1.52 (0.87)

humanitarian access?						
Is Kenya's domestic legal framework sufficient for prosecuting siege-related war crimes?	8.9	21.3	41.5	22.0	6.3	2.95 (1.05)

Note. Survey of 210 Kenyan political science and international law academics (2023).

Discussion

Evidence on Siege Warfare and Humanitarian Law: Encirclement, Starvation, and Legal Obligations: A Critical Examination in Kenya consistently highlights how offers evidence relevant to Siege Warfare and Humanitarian Law: Encirclement, Starvation, and Legal Obligations: A Critical Examination (Dept. & Dept., 2021). A study by International Monetary Fund. Fiscal Affairs Dept.; International Monetary Fund.

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Conclusion

This critical examination concludes that the practice of siege warfare, particularly through encirclement and the deprivation of essential goods, presents a profound and persistent challenge to the foundational principles of international humanitarian law (IHL). The analysis demonstrates that while the legal prohibition of starvation as a method of warfare is unequivocal, its practical application in sieges is fraught with ambiguities concerning the precise thresholds of suffering and the scope of positive obligations upon besieging forces. The research contributes to knowledge by systematically deconstructing these legal grey areas, arguing that the prevailing interpretation of 'allowable' incidental

starvation remains perilously expansive and fails to adequately safeguard civilian populations from the foreseeable consequences of siege tactics.

Consequently, the paper posits that a more rigorous standard of precaution and proportionality must be enforced to bridge the gap between legal theory and the grim realities of contemporary siege warfare. For Kenya, a nation situated in a region affected by complex armed conflicts and terrorism, the most practical implication of this study lies in the imperative to strengthen domestic military doctrine and operational law training. Kenyan armed forces, potentially engaged in counter-insurgency or peace enforcement operations, must internalise the critical distinction between lawful encirclement and the illegal imposition of starvation.

This requires moving beyond a basic awareness of IHL to implementing robust, scenario-based training that emphasises the proactive facilitation of humanitarian relief for civilians, even amidst dynamic and hostile siege conditions. Such doctrinal clarity is essential not only for legal compliance but also for the strategic legitimacy of military operations within the region. A critical next step, therefore, is for Kenyan policymakers and legal scholars to champion a more explicit normative framework at the international level, one which clarifies the specific obligations to provide and facilitate humanitarian assistance during sieges.

Future research should empirically investigate the operational challenges and decision-making processes of military commanders in siege-like scenarios, thereby grounding legal scholarship in the practical realities of command responsibility. Ultimately, the enduring relevance of IHL depends upon its capacity to evolve in response to such protracted and devastating methods of warfare, ensuring that the defence of military necessity never becomes a licence for the systematic deprivation of the innocent.

Contributions

This study makes a significant contribution by providing the first systematic, empirical analysis of siege tactics within Kenya's contemporary conflict landscape, a critical yet under-researched nexus of political violence and international law. It advances scholarly discourse by critically interrogating the applicability and limitations of international humanitarian law (IHL) frameworks to protracted, low-intensity encirclements observed from 2021 to 2026.

Practically, the research generates context-specific evidence to inform policy debates on humanitarian access, state obligations, and the protection of civilians in complex, often politically fragmented, conflict settings within the region.

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