

**Global Initiative to Galvanize Political Commitment
to International Humanitarian Law**
First State Consultation on the Protection of Civilian Infrastructure
Geneva, 15 April 2025

Statement by

Mr. Nicolas WIMBERGER

Counsellor

*Permanent Mission of Austria to the United Nations
and other International Organisations in Geneva*

Thank you, Madam/Mister Chair.

We thank the ICRC and the co-chairs of the Workstream on the Protection of Civilian Infrastructure – Algeria, Costa Rica, Sierra Leone and Slovenia – for convening this important and timely first round of consultations.

The targeting and destruction of civilian infrastructure in armed conflict has massive, widespread and long-lasting consequences. Essential services such as water, food supply, sanitation, health care, energy, education and livelihoods are disrupted. Civilians are forced to flee and are cut off from humanitarian assistance. Societies suffer the ruin of hard-won socio-economic and development gains.

The object and purpose of the principle of distinction and the vital provisions adopted with Additional Protocol I to the Geneva Conventions is to protect civilians present in areas of armed conflict from any adverse effects of the hostilities. The protective effect comprises the life and physical integrity of civilians. It also extends to civilian objects, in particular to those, which are indispensable to the survival of the civilian population, the natural environment as well as works and installations containing dangerous forces, such as dams, dikes and nuclear power plants.¹

¹ Explanatory Memorandum of the Austrian Federal Government submitted with the legislative proposal for the ratification of Additional Protocol I to the Geneva Conventions, Annex 897 to the Stenographic Protocols of the Austrian National Council, XVth Legislative Period, p. 139; cf. Articles 54, 55 and 56 Additional Protocol I.

It lies in the responsibility of military commanders to take all feasible precautions during military operations in order to give full effect to these protective provisions.²

Attacks must be strictly limited to military objectives and combatants.³ Objects can only be legitimate military targets if they – *firstly*, by their nature, location, purpose or use make an effective contribution to military action, – AND *secondly*, if their total or partial destruction, capture or neutralisation, in the circumstances ruling at the time, offers a definite military advantage.⁴

These two elements – the effective contribution to military action and the offer of a definite military advantage – are cumulative requirements that both have to be simultaneously met in order for an object to qualify as a legitimate military target. It is not legitimate to launch an attack against an object, which only offers potential or indeterminate advantages.

All objects that do not fall within this narrow definition by default are civilian objects.⁵ In case of doubt, objects which are normally dedicated to civilian purposes, such as places of worship, houses or other dwellings and schools must be presumed to be civilian objects.⁶ IHL prohibits attacks against civilian objects as well as reprisals.⁷

States have to undertake a variety of measures to ensure that the IHL rules safeguarding civilian infrastructure retain their protective effect. Among these are: the dissemination of knowledge on and deepening the understanding of IHL; engaging in dialogue and exchanges that promote IHL between states and different branches of government; and regular, comprehensive and profound training of the members of armed forces.

Perpetrators who commit violations of IHL, including of those provisions that are intended to protect civilian infrastructure, must be held to account. The Rome Statute of the International Criminal Court specifically penalises the intentional directing of attacks against civilian objects.⁸ Austria has implemented this penal provision in its Criminal Code.⁹

Finally, the improvement of the protection of infrastructure in armed conflict needs the urgent development of a solid universal culture of compliance with IHL. All members of the international community have to significantly advance their efforts towards this aim. The EWIPA Declaration adopted in Dublin in 2022 constitutes an important step forward in this regard.

Thank you very much.

² Explanatory Memorandum, Annex 897 to the Stenographic Protocols of the National Council, XVth LP, p. 139.

³ Article 52(2) first sentence Additional Protocol I as commented in the Austrian Military Manual, „Soldat 2023“, Austrian Federal Army (2023) p. 473.

⁴ Article 52(2) second sentence Additional Protocol I.

⁵ Article 52(1) second sentence Additional Protocol I.

⁶ Article 52(3) Additional Protocol I.

⁷ Article 52(1) first sentence Additional Protocol I.

⁸ Article 8(2)(b)(ii) Rome Statute.

⁹ Section 321e(1)(2) Austrian Criminal Code.