



ICRC

Under the Global Initiative to Galvanize Political Commitment to International Humanitarian Law (global IHL initiative), the International Committee of the Red Cross, Algeria, Costa Rica, Sierra Leone and Slovenia cordially invite you to the:

WORKSTREAM 4

FIRST STATE CONSULTATION ON PROTECTING CIVILIAN INFRASTRUCTURE

For legal advisers from ministries of foreign affairs and defense based in their capital city



Online

TUESDAY, 15 APRIL
9:00–13:00 AND 15:00–19:00
(UTC+2)

Today's armed conflicts are often characterized by widespread destruction of private and public civilian infrastructure and other civilian objects. Civilians bear the brunt of this destruction, not only directly as a result of the violence itself, but also indirectly given the importance of such infrastructure for their safety and well-being. The humanitarian consequences are both immediate and long-term.

This reality is even more concerning considering that armed conflicts are increasingly taking place in urban areas. Once-thriving cities can be reduced to rubble, with homes, infrastructure, schools, livelihoods and cultural sites left shattered. Populations can be left without access to water, sanitation, electricity and health care. The cost of reconstruction and other impacts on development can be enormous, with development indicators pushed back by years or even decades. This trend is likely to increase, especially as more than half of the global population currently resides in cities – a figure projected to reach 70 per cent by 2050.

While the impact of armed conflicts in urban environments is especially stark, the suffering extends beyond city limits. Civilians in rural and peri-urban areas also face devastating consequences when civilian infrastructure is damaged or destroyed, particularly if access to services and humanitarian assistance is already limited.

International humanitarian law (IHL) was created by states precisely to prevent and mitigate these effects of armed conflict and protect civilian infrastructure. However, the discrepancy between one of its cornerstones – that the principle of distinction requires attacks to be strictly limited to military objectives – and the reality we witness today is raising serious questions about how the rules and principles governing the conduct of hostilities are being applied.

The distinction between civilian objects and “military objectives” is one of the core rules that protect civilian infrastructure and objects from damage and destruction. Moreover, whether an object constitutes a civilian object or a military objective has implications for other rules and principles governing the conduct of hostilities, such as the principles of proportionality and precautions. In addition, select objects enjoy special protection under IHL, including but not limited to objects indispensable to the survival of the civilian population, works and installations containing dangerous forces, cultural objects and places of worship, as well as the specific protection afforded to medical facilities and transports. Whether such an object constitutes a military objective is without prejudice to such specific protections. At the same time, the limits placed by the notion act as a “first line of defense” because attacks against such objects that do not qualify as military objectives are unlawful.

Under IHL, all objects are by default considered civilian, unless and for such time as they satisfy the strict criteria of the definition of military objectives. Military objectives, under Article 52(2) of Additional Protocol I of 8 June 1977 and customary international law, are “limited to those objects which by their nature, location, purpose or use make an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage”.

Yet contemporary armed conflicts show that belligerents all too often resort to attacks against civilian infrastructure and objects, which raises questions as to their understanding and application of the principle of distinction. If objects that are normally considered civilian are too easily considered military objectives, the rules on the conduct of hostilities quickly lose their protective value, which is to protect civilians against the dangers arising from military operations. Military operations that degrade the protective aim of the existing rules risk depriving present and future generations of the very protections that states opted to create after experiencing the scourge of war. Achieving a shared understanding of the distinction between civilian objects and military objectives under IHL – consistent with its purpose to protect civilian objects and populations – is therefore of paramount importance.

OBJECTIVE

The aim of this online state consultation is to exchange views on the key issues at stake with respect to the notion of military objectives. The consultation provides an opportunity to reflect on the humanitarian consequences and legal implications that may arise from a practice of widespread attacks against and damage and destruction to civilian objects. Against this backdrop, the consultation serves as a platform to exchange perspectives on the limits imposed by IHL when determining whether civilian objects turn into military objectives. The discussions will contribute to shaping the next steps of this workstream. States are invited to address the guiding questions below, both orally during the consultation and **in writing no later than the end of June 2025**.

NEXT STEPS

- The results of this first consultation will be shared in the general progress report of the global IHL initiative, to be published in September.
- These consultations will also feed into consultations among a geographically diverse group of select experts, hosted by the ICRC and the Blavatnik School of Government at Oxford University, as well as subsequent state consultations.

DESIRED PROFILE OF PARTICIPANTS

- All states are welcome to participate and register up to two representatives who are well-versed in IHL. There is a strong preference for legal advisers from the ministries of foreign affairs and defense based in their capital city.

PROCEDURE

- The working languages will be Arabic, Chinese, English, French, Russian and Spanish, with simultaneous interpretation.
- Two repeat sessions are offered to accommodate different time zones. States are requested to register for the session most convenient for them. However, states may register for both sessions if they wish to hear all discussions, in which case we request that they kindly speak in only one of the two sessions.
- We kindly ask states to limit their statements to **four minutes** to ensure sufficient time for all participants to take the floor. Guiding questions are provided below.
- To facilitate interpretation, states are invited to send a copy of their statements by 14 April 2025 by email to ihlinitiative@icrc.org.
- The substance of the consultations will be summarized in a progress report, to be published in September. The consultations will be recorded to facilitate the preparation of the report, but the recording will not be made public, and the report will not attribute remarks.
- The inclusive, constructive, non-politicized and solution-oriented nature of the discussions will be maintained throughout the consultation.

- To foster a constructive dialogue, participants are asked to kindly refrain from discussing specific contexts or the practice of other states.

GUIDING QUESTIONS

What humanitarian, economic, or other consequences are at stake when it comes to the protection of civilian infrastructure during armed conflict, particularly with respect to challenges in applying the distinction between civilian objects and “military objectives” under IHL?

How does your state understand the constitutive elements of the notion of “military objective” in Article 52 of Additional Protocol I (and its equivalent under customary international law) that impose limits when determining whether civilian objects turn into military objectives? What elements would benefit from more precision when applied in practice?

What measures can states undertake to ensure that the content of the rules and principles protecting civilian infrastructure under IHL remains protective for current and future generations in armed conflict?

AGENDA

Following a brief introduction and discussion of the key humanitarian and legal issues by the presenters, states will be invited to take the floor for the remainder of the session. The agenda will be identical in both sessions.

- Welcome
- Presentations
 - David Kaelin, Urban Services and Policy Adviser, ICRC
 - Professor Janina Dill, Blavatnik School of Government of the University of Oxford
- Contributions by states, with regular breaks
- Discussion
- Closing words