

Under the Global Initiative to Galvanize Political Commitment to International Humanitarian Law (Global IHL Initiative), **Algeria, Costa Rica, Sierra Leone, Slovenia and the International Committee of the Red Cross (ICRC)** are pleased to present the:

#### WORKSTREAM 4

# THIRD STATE CONSULTATION ON PROTECTING CIVILIAN INFRASTRUCTURE

*For experts from the armed forces, relevant ministries in capitals and legal and humanitarian advisers in Permanent Missions in Geneva*

TUESDAY, 3 FEBRUARY 2026

09:30–13:30 (UTC+1)

FORMAT: IN PERSON (GENEVA) AND ONLINE (ZOOM)

## Background

A common thread throughout the previous rounds of consultations is the crucial function that civilian infrastructure has in relation to the delivery of essential services for civilians. Damage or destruction to such infrastructure can have the devastating and potentially long-lasting effect of disrupting or rendering such services inaccessible. This pertains to some of the most basic necessities, such as electricity, health care, water, food production and distribution, wastewater treatment and solid waste disposal, and education, to name a few.

As highlighted during the opening of the first state consultation on 15 April 2025, the delivery of essential services depends on three components: 1) hardware, which includes the infrastructure itself and related equipment and heavy machinery, 2) people, particularly those involved in the operation, maintenance and repairs of such hardware, and 3) consumables, that is the materials necessary for the functioning of the infrastructure such as fuel, disinfectants or medicines. Damage, destruction or disruption of any of these three components will hinder the functioning of a service.

The first two rounds of state consultations have focused on the direct and indirect effect of attacks on civilian infrastructure and the civilians who rely on the essential services they provide. Participants have thus far identified facets of the principles and rules of international humanitarian law (IHL) protecting civilian infrastructure that could benefit from greater precision and shared good practices on planning and decision-making in relation to targeting. Measures, mechanisms and institutions that

could continuously improve these practices for the benefit of civilian populations in armed conflict, and the promise and risks associated with new technologies for this purpose, were also discussed.

The present consultation begins by addressing the obligations of the party to the conflict controlling the civilian infrastructure that might be attacked or incidentally damaged by potential attacks by the adversary. These obligations aim to avoid, or at least minimize, harm resulting from such attacks. These so-called “passive precautions” are stipulated under Article 58 of Additional Protocol I of 8 June 1977 and apply to all parties to armed conflict as a matter of customary international law.<sup>1</sup> Recalling that whether a party complies with these obligations does not reduce the obligations of an attacking party, they play an important role in ensuring better protection of civilian infrastructure and deserve further attention.

This is especially true given that civilian infrastructure, and related hardware and consumables, are increasingly being used by parties to armed conflicts simultaneously for both civilian and military purposes, sometimes based on plans developed prior to an armed conflict. If their use for military purposes means they meet the definition of a military objective, they are at risk of being attacked. One question this consultation seeks to address is what measures should be taken to minimize this risk, both for the infrastructure itself and for the civilian population that relies on it.

This consultation will also be an opportunity to examine existing measures within IHL that have the potential to enhance the protection of civilian infrastructure, beyond the protection that the obligation to take passive precautions affords them as civilian objects, or those that stem from applicable specific protections. For instance, IHL envisages the possibility for parties to armed conflict to establish protected zones.<sup>2</sup> With the exception of hospital zones, there are no zones specific for enhancing the protection of civilian infrastructure more generally, though some of the existing regimes may be fit for purpose. Parties to armed conflict may also agree to implement other types of zonal measures to this end. These consultations are an opportunity to exchange views on the comparative advantages of the different types of zones for better protecting civilian infrastructure, followed by a discussion of the legal and practical requirements.

Another issue that warrants attention is the misuse of infrastructure by parties to armed conflict, sometimes as part of a strategy, e.g. by cutting off civilian populations from access to essential services by methods other than attacks in order to put pressure on the adversary. Such could be the case, for example, during urban fighting, when control over an area of a city changes hands and civilians are cut off from the infrastructure that enable essential services; or when the same party to the conflict controls both infrastructure and civilians and considers these civilians as being associated with the adversary. Interfering with, or disrupting, such infrastructure can have far-reaching consequences, especially when other infrastructure downstream relies on the continued functioning of infrastructure in the hands of another party to the conflict. The extent to which IHL prohibits such “misuse” of infrastructure and the disruption of critical consumables requires dedicated discussion.

Finally, another challenge arises when a party to a conflict is tempted to destroy or seize all or part of the infrastructure under its control. IHL imposes strict restrictions on such destruction or seizure, which is separate from the standards applicable to attacks. The standard, instead, is that such conduct is permissible only if there is an “imperative military necessity” to do so.<sup>3</sup> The factors that determine which of these standards must be applied and the limits inherent in the requirement for “imperative military necessity” will be discussed.

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<sup>1</sup> Customary IHL Rules 20 (applicable in both international and non-international armed conflict) 22 and 23 (applicable in international armed conflict and, arguably, non-international armed conflict).

<sup>2</sup> T. Ferraro, “Protected Zones under IHL, the ICRC Perspective”, in *International Institute of Humanitarian Law, Strengthening IHL Compliance: The Conduct of Hostilities, the Protection of Essential Services and Humanitarian Assistance in Contemporary Armed Conflict. Proceedings of the 46th Round Table on Current Issues of International Humanitarian Law* (Sanremo, 14–15 September 2023), pp. 194–200.

<sup>3</sup> See Customary IHL Rule 50: “The destruction or seizure of the property of an adversary is prohibited, unless required by imperative military necessity”; Hague Convention of 1907 (Convention No. IV), Regulations, Article 23(g); Geneva Convention IV, Article 53. See ICRC, *Commentary on the Fourth Geneva Convention: Convention (IV) Relative to the Protection of Civilian Persons in Time of War*, 2025: <https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949/article-53/commentary/2025?activeTab=>.

# Objectives

This consultation aims to:

- exchange on measures that can be taken to protect civilian infrastructure and the civilian population from the effects of attacks and other military operations
- examine how “protective zones” under IHL, or similar zones agreed between parties, can be used to enhance the protection of civilian infrastructure
- address challenges to the continued delivery of essential services posed by misuse of civilian infrastructure
- examine the distinct standards governing the destruction and seizure of civilian infrastructure and other objects, such as the consumables necessary for their functioning.

# Next steps

Following the three rounds of consultations, the co-chairing states and the ICRC will formulate concrete recommendations, which will be presented to all states for further discussion:

- On **1 April 2026**, the first versions of the recommendations for all workstreams will be sent to all Permanent Missions in Geneva and published on the [Humanity in War](#) website.
- The **fourth round of consultations** will be held between **4 and 6 May 2026**, in a **hybrid format**. During this round, all states will be invited to share comments on the first versions of the recommendations for each workstream, which will be discussed sequentially.
- On **1 June 2026**, the second versions of the recommendations for all workstreams will be sent to all states and published on the [Humanity in War](#) website.
- The **fifth round of consultations** will be held between **22 and 26 June 2026**, in a **hybrid format**. All states will be invited to provide final comments on the recommendations. Following this round, the co-chairing States and the ICRC will finalize the recommendations for each workstream, which will be presented to all states in the second part of 2026.

# Participants

- The consultation will be held in a hybrid format with participation in person and online.
- The consultation is **open to all states that are interested**. There is a strong preference for capital-based government representatives specializing in IHL and/or personnel with operational experience.
- Other representatives with specific expertise in the subject matter (e.g. members of international organizations, civil society and academia) will also participate upon invitation.
- Please register no later than **Friday, 30 January 2026** using the [registration form](#).

# Procedure

- The working languages will be **Arabic, Chinese, English, French, Russian and Spanish**, with simultaneous interpretation.
- We ask participants to limit their statements to **four minutes** to ensure sufficient time for all participants to take the floor. At the end of the consultation, and after all participants that wish to contribute have done so, states and other participants will be given an opportunity to discuss ideas proposed by others.
- When preparing their statements, participants are requested to kindly consider **the guiding questions** provided in the agenda below.
- The **inclusive, constructive, non-politicized and solution-oriented** nature of the discussions will be maintained throughout the consultation. While participants are encouraged to refer to their state's domestic practice during the consultations, they are asked to kindly refrain from discussing specific contexts or the practice of other states.
- To facilitate interpretation, we invite participants to share a copy of their statements by 30 January 2026, via email at [ihlinitiative@icrc.org](mailto:ihlinitiative@icrc.org), with "Protecting civilian infrastructure third consultation" in the subject line. We also encourage participants to send their full written statements by email after the meeting. **Unless confidentiality is explicitly requested, these statements will be published on the [Humanity in War](#) website.**
- The consultation will be recorded, but the recording will not be made public.

# Agenda

## Protecting Civilian Infrastructure Third Round of Consultations

09:30–13:30, 3 February 2026  
ICRC Humanitarium, 17 avenue de la Paix, 1202 Geneva

*\*Depending on the number of statements given, all times set out below are subject to change.*

Registration and coffee / Login and connection	09:00–09:30
Opening of the meeting and introduction	09:30–10:00
<b>Session 1: Protecting civilian infrastructure from the effects of military operations, including through the use of protected zones</b>	10:00–11:30
<p><b>Discussion</b></p> <p>What can states and other parties to armed conflict do to protect infrastructure under their control from the effects of attacks by adversaries? When military objectives are located near infrastructure that enables essential services, or when such infrastructure itself becomes a military objective, it is not only the infrastructure but the civilian populations that are put at risk from the direct and indirect effects of the hostilities. This session offers an opportunity to exchange concrete ideas on how to prevent, mitigate and respond to such harm, both during armed conflict and in peacetime. It is also an opportunity to explore the use of protected zones to enhance the protection of civilian infrastructure.</p> <p><b>Guiding questions</b></p> <ol style="list-style-type: none"><li>1. How can states and other parties to armed conflict better protect civilian infrastructure under their control against the effects of attacks?</li><li>2. What measures can be taken during peacetime to strengthen the capacity of states to avoid or minimize harm to civilian infrastructure under their control, and to the civilians who rely on it? For example, what can be done when designing and constructing civilian infrastructure to avoid or minimize the effects of military operations on such infrastructure and civilians?</li><li>3. Among the protected zones established under IHL, such as safety zones, neutralized zones and demilitarized zones, which ones could be most appropriately used to enhance the protection of civilian infrastructure in armed conflict? What practical measures would make such zones more easily identifiable, or otherwise facilitate their ability to provide protection?</li></ol>	
<b>Break</b>	11:30–11:45

<b>Session 2: Protecting civilian infrastructure from misuse, destruction and seizure</b>	11:45–13:15
<p><b>Discussion</b></p> <p>This session will first address the issue of misuse of civilian infrastructure, the impact that this has on the civilian population and the IHL obligations that apply. Separately, it will also address the issue of destruction and seizure. Destruction or seizure may only be lawful in exceptional circumstances, when required by imperative military necessity. In all other circumstances, destruction or seizure constitutes a war crime. Importantly, the legal standards applicable to destruction and seizure are distinct from those governing targeting. This session will address the factors for determining which of these standards apply and explore how IHL rules seek to limit the destruction or seizure of civilian infrastructure on account of its unique characteristics and vulnerabilities.</p> <p><b>Guiding questions</b></p> <ol style="list-style-type: none"> <li>1. What could be the consequences for civilians when a party misuses or interferes with civilian infrastructure under its control to disrupt or deprive access to essential services for civilians? What legal obligations under IHL protect the civilian population and civilian infrastructure in such circumstances?</li> <li>2. What factors determine whether the requirement of “imperative military necessity” governing the destruction (or seizure) of enemy property applies in lieu of the principles and rules related to “attacks” – namely distinction, proportionality and precautions – and when do the latter principles and rules apply instead?</li> <li>3. What are the limits imposed on the destruction of civilian infrastructure by the requirement of “imperative military necessity”?</li> <li>4. If in exceptional circumstances there is “imperative military necessity” to destroy or seize civilian infrastructure, or parts thereof, or consumables necessary for the functioning of such infrastructure, what measures should be taken before or after the destruction that could ensure that civilians continue to have access to the essential services that the infrastructure provides?</li> </ol>	
<b>Concluding remarks and next steps</b>	13:15–13:30