

CONCEPT NOTE

AHSR is building a multistakeholder engagement that will generate a set of voluntary guiding principles to ensure that global use of multilateral and autonomous sanctions and related regulations are rendered more effective while minimizing and mitigating negative unintended humanitarian impacts.

Background

In May 2022, a diverse group of 40 international sanctions and humanitarian experts and practitioners gathered for a [conference](#) at Wilton Park in the UK¹ to examine ways of improving safeguards in sanctions design and implementation that lessen or prevent unintended negative humanitarian impacts. The group included members of some of the national trisector groups established to address unintended humanitarian impacts of sanctions and financial sector de-risking as well as the coordinators of some of the current (and recently concluded) research projects addressing these topics from a variety of academic disciplines, geographies, and sectoral perspectives. Also participating were numerous professionals who have been working on these issues for the past decade, when UN-imposed sanctions have been in decline while coalition and autonomous sanctions have increased. Also present were several veterans of the intense conceptual and practical working conferences of the late 1990s and early 2000s that assisted governments in institutionalizing the various targeted sanctions deployed by the United Nations.

Detailed case studies on [Iran](#), [Syria](#), and [Venezuela](#) were commissioned in advance by the Sanctions and Security Research Project (SSRP), a consortium of sanctions experts, and presented at the conference. The ensuing discussions highlighted the substantial research and existing expertise on the ways in which sanctions can produce negative unintended humanitarian impacts. The meetings gave prominence to the need to improve existing operational mechanisms within sanctions regimes, with the dual objective of making sanctions more effective in reaching their policy goals, while minimizing/mitigating potential harm to populations.

Participants in the Wilton Park discussions noted that rapid developments in the complexity of global sanctions practice over the past two decades call for a renewed engagement on the part of different sanctions stakeholders. Governments should ideally play a central role, alongside the United Nations and other multilateral organizations, humanitarian actors, nongovernmental organizations (NGOs), and certain sectors of the business community. A central goal would be to elaborate new or revised methodologies, strategies, and ethical principles befitting the international

¹ The conference was funded and organized by the Fourth Freedom Forum's [Sanctions and Security Research Project](#).

economic and security environment of the 21st century, to ensure that sanctions can be rendered a more effective tool while continuing to mitigate unintended harmful impacts.

Participants identified the need for a new multi-stakeholder effort to formulate an internationally agreed set of nonbinding principles that will guide actors adopting and implementing sanctions. The nature of the eventual product will be agreed through consensus and input of members of the group.

Elements of such a doctrine or code proposed by the Wilton Park conference participants included:

- A checklist of factors to be considered by those engaging in sanctions design and monitoring. This could be particularly useful to those sanctions units that are expanding rapidly in size and/or face staffing churn and loss of institutional knowledge.
- Inclusion of broad standing exemptions in as many sanctions regimes as possible that are instituted before sanctions are imposed, rather than at a point where the humanitarian situation has deteriorated. This would build on recent progress—at the United Nations with the adoption of Security Council Resolution 2664 and in the United States with amendment of multiple regulations to add or revise certain general licenses across a number of sanctions programs to ease the delivery of humanitarian aid—by promoting implementation of those initiatives and by encouraging further alignment with Resolution 2664 across all autonomous sanctions regimes.
- Ensuring that sanctions comply with international law, including international human rights law (IHRL), and international humanitarian law (IHL), where applicable.
- Inclusion of humanitarian, public health, and financial access/financial inclusion experts in the full policy cycle of sanctions design, adoption, enforcement, easing, and monitoring.
- Identification of areas of a given country’s economy that should be excluded from sanctions imposition.
- Periodic legislative review of any sanctions regimes (e.g. no sanctions should exist for more than three years without a review).
- Assessing how sanctions measures may impact negatively on the Sustainable Development Goals.
- The potential use of principles of proportionality and temporality in imposing sanctions. This could include the forging of a better understanding of the strategic role that could be played by conditionality and flexibility in sanctions lifting (and reimposition, where required) to avoid protracted and rigid sanctions regimes.
- Development of a toolkit that governments and organizations can use to better evaluate and assess the impacts and effectiveness of sanctions regimes, including in relation to unintended humanitarian consequences. This could also allow sanctioning authorities to understand the cumulative impacts of multiple, overlapping sanctions regimes that are becoming the norm in response to many international crises.
- Identification and development of new areas of capacity building, awareness-raising and training that can be made available to those involved in sanctions design and adoption in relation to humanitarian considerations.

- The creation of an international umbrella platform that provides services to national trisector groups (sharing of best-practice, avoidance of replication, etc.) and the designing of a new internationally recognized set of training courses for practitioners.

Rationale for the Project

This project recognizes that targeted sanctions are vital for upholding norms and promoting international peace and security. When carefully designed and implemented they can bolster diplomatic efforts and help prevent the resort to war. Yet in many instances, global concern has increased regarding negative unintended humanitarian impacts resulting from both autonomous and multilateral sanctions, in ways similar to what led to the reform of comprehensive UN sanctions in the late 1990s.

Successful awareness-raising advocacy has led sanctions senders to re-think their design in some cases, most notably in the sphere of humanitarian action. Efforts are underway at the European Union, for example, to employ [measures](#) that aim “to mitigate to the maximum extent possible any potential unintended negative impacts of EU restrictive measures on humanitarian action.” The EU is engaged, along with Member States and the Government of Switzerland, in various dialogues that seek technical and policy solutions to some of these problems. Standing exemptions for the delivery of impartial humanitarian aid have recently been adopted at the UN level in some regimes, such as the 1988 regime on the Taliban, the 2653 regime on Haiti, and now, across all UN sanctions regimes, with Resolution 2664. However, in spite of the best efforts of some policymakers, evidence-based research findings suggest that there are still several sanctions regimes around the world where licensing exemptions or the provision of supplementary aid are insufficient for facilitating trade in essential goods, assuring humanitarian assistance, or providing access to basic goods and services in heavily sanctioned countries.

This trend is compounded by other difficulties arising during the process of sanctions design and implementation. There are a range of new legal, ethical, and logistical concerns associated with a more complex compliance landscape, which countries, organizations, and individuals around the world find increasingly difficult to navigate. As a result, impacts are also being amplified through the worsening, yet so-far poorly understood, phenomena of financial sector “de-risking” and wider private sector “overcompliance.” These also produce a lingering “chilling effect” of sanctions on NGOs, which, considering the risks of legal liability for sanctions violations and increased bureaucratic burden and costs, may choose to withdraw from high-risk jurisdictions where aid often is most needed.

While sanctions remain a valuable tool in cases where international law is breached, their future use could be compromised if the current trajectory toward harder-hitting, broader sectoral sanctions continues without reform. This is especially the case where multiple autonomous sanctions regimes overlap with one another (and sometimes with UN sanctions) in ways that remain poorly understood. Frameworks developed in the late 1990s/early 2000s that still guide the use of targeted sanctions may no longer be fit for purpose, and do not reflect the entire reality of contemporary challenges and demands.

Sanctions' effectiveness is inextricably linked to their legitimacy as a global policy tool. At various points of the Wilton Park discussions, participants urged a fundamental rethink of the future use of sanctions that would help safeguard the legitimacy and hence improve the efficacy of this critical tool. This is especially important to avoid a deregulated use of autonomous sanctions, considering that their use is growing globally.

Another key observation at the May 2022 gathering was that several of the sanctions regimes imposed today tend to go beyond the core concept of targeted sanctions. Targeted sanctions, as discrete restrictions on diplomatic or economic exchange in sectors like travel, banking, or overseas assets, are meant to target decision makers and their enablers and be matched somewhat to the offense committed by these elites. Yet, in numerous current cases, these measures have increasingly acquired some features of comprehensive economic sanctions, in turn resulting in humanitarian impacts. To reinvigorate the process of improving the design and implementation of sanctions so that more deliberate and careful consideration of the potential humanitarian toll is considered, we aim to involve governments and a broader range of relevant NGOs in this new engagement.

Alignment with Existing Studies and Other Sanctions-Related Reform Efforts

This new engagement process does not aim to reinvent the wheel, but rather to build on existing consensus and on the depth of expertise and research generated in previous processes and existing initiatives, to create coherence and avoid replication. As a result, this engagement will build on previous multilateral sanctions reformulations—such as the [Interlaken](#), [Bonn/Berlin](#), and [Stockholm](#) processes—and also take into account the various sanctions-focused, multi-stakeholder dialogues and initiatives currently unfolding and noted below. In addition, the lessons of past global processes that led to the institutionalization of new norms or treaties, as unfolded in personnel mines, small and light weapons, and the Responsibility to Protect (R2P) come to mind.

The research basis of this project is firmly grounded in academic studies, alongside publications of scholars and practitioners whose work is conducted for international agencies. They also refer closely to the ongoing efforts of over 40 multi-stakeholder dialogues and research projects² over the past decade that focus on the negative unintended humanitarian impacts of sanctions and financial sector de-risking and the ways in which sanctions can impede humanitarian action.³ Regarding the process of de-risking, in particular, we incorporate current concerns stated by a range of [governments](#), as well as the G20, [World Bank](#), International Monetary Fund ([IMF](#)), Financial Stability Board ([FSB](#), see [also](#)), and the Financial Action Task Force ([FATF](#)), which have described the problem as a “global crisis.” Finally, we are also in close contact with core members of all the national trisector

² See Alice Debarre, “[Safeguarding Humanitarian Action in Sanctions Regimes](#),” International Peace Institute, 2019; Emma O’Leary, *Principles Under Pressure: The Impact of Counterterrorism Measures and Preventing/Countering Violent Extremism on Principled Humanitarian Action*, Norwegian Refugee Council, 12 June 2018; Emanuela-Chiara Gillard, “[Research Recommendations for Reducing Tensions in the Interplay Between Sanctions, Counterterrorism Measures and Humanitarian Action](#),” Chatham House, August 2017; and Erica S. Moret, “[Humanitarian Impacts of Economic Sanctions on Iran and Syria](#),” *European Security* 24, no. 1 (2015).

³ This evidence-based literature includes the aforementioned case studies and the complexity of such impacts in war torn countries like Syria, Yemen, and Libya, as well as societies where sanctions were meant to stifle regime repression, as in Myanmar. In addition there are analyses of the effects of sanctions on trade, inflation, and financial stability across numerous cases over time. Several publications document the adverse socio-economic impacts of sanctions on people’s health and food security, while others provide findings of the costly impact of sanctions on specific societal sectors, including minority groups, children, women, and other vulnerable groups. The project has collected this substantial knowledge base as a ‘living bibliography’ that is available at [sanctionsreformproject.org](#).

(bank, NGO, and government) groups (TSGs) on de-risking (UK, Netherlands, France, and the U.S., and the newly created group in Norway) as well as similar groups in the EU and the United Nations.

The Project Team

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