



Wilton Park



Report

A new Code of Conduct: Taking Sanctions Reform Further to Advance Humanitarianism

Monday 15 – Wednesday 17 May 2023 | WP3100

In association with:



Advancing Humanitarianism
through Sanctions Refinement



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In association with Fourth Freedom Forum's project on Advancing Humanitarianism through Sanctions Refinement (AHSR) and Open Society Foundations (OSF). With support from the Government of Mexico and Government of the Netherlands.

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 global concern has increased, in many instances, regarding unintended humanitarian impacts resulting from both autonomous and multilateral sanctions. This includes constraints facing humanitarian assistance and wider not-for-profit activities (such as development and peacekeeping), as well as interrupting global trade and finance.

Successful awareness-raising advocacy has led sanctions senders to rethink their design in some cases, most notably in the sphere of humanitarian action. In December 2022, UN Security Council Resolution 2664 created a humanitarian carveout for most UN sanctions regimes. Crucially, the United States joined Ireland in spearheading this campaign. The United States was the first country to implement the resolution domestically, with the announcement of their adoption of General Licences across all of their autonomous sanctions regimes. Other states have started to join the US in adopting the resolution into domestic law. These landmark developments serve as inspiration for other developments in sanctions use that can minimise and mitigate unintended consequences to allow for sanctions to remain a legitimate and effective foreign policy instrument.

The need for additional policy guidance and other tools was recognised in a Wilton Park conference in May 2022. The conference brought together leading international sanctions and humanitarian experts and practitioners to examine ways of improving sanctions design and implementation. They identified the need for an internationally agreed set of non-binding guiding principles (or 'Code of Conduct') to help guide actors designing and implementing sanctions, to minimise their unintended negative humanitarian impacts as well as for a checklist to help sanctions units design, implement and monitor sanctions in a way that minimises negative impacts. Other ideas include the creation of a matrix to help sanctions authorities predict and assess humanitarian impacts of sanctions as well as the bolstering of expertise and capacity through the consolidation of a global network able to contribute constructive input to national trisector groups and sanctions units.

The conference in May 2023 aimed to afford an opportunity for a diverse group of stakeholders to provide input on these ideas. Working drafts of the code and checklist were drawn up in advance by a group of experts who set up the multistakeholder project, Advancing Humanitarianism through Sanctions Refinement (AHSR).¹ The draft built upon

¹ Previously named 'Advancing Humanitarianism through Sanctions Reform,' upon reflection at the conference the decision was made to rename the project 'Advancing Humanitarianism through Sanctions Refinement'.

recommendations from last year's Wilton Park conference, and a series of sector-specific consultations in 2022-23.

Core Conference objectives:

1. Refine a new code of conduct with a set of voluntary guiding principles on the imposition of sanctions. These principles aim to help governments and organisations to better evaluate, assess, avoid, and mitigate unintended humanitarian impacts, while forging a stronger understanding of ways to increase the effectiveness of sanctions regimes.
2. Create of an international umbrella platform to provide services to national trisector groups working to minimise negative humanitarian impacts of sanctions, financial sector de-risking, and private sector overcompliance.

Introduction

For the past three decades, economic sanctions imposed to address international challenges to peace and security—ranging from ending internal conflict and territorial aggression to thwarting nuclear proliferation, massive human rights violations, and terrorism—have become a key tool of multilateral and national foreign policy. In the late 1990s and early 2000s, various multilateral reform processes led to the development of more refined, targeted, and effective sanctions by: (1) aiming them directly on those individuals and entities most responsible for norm and international law violations; and (2) limiting their unintended negative humanitarian impact on civilian populations.

In the complexity of the contemporary era, targeted sanctions continue to be vital for upholding norms and promoting international peace and security. When carefully designed and implemented, they bolster diplomatic efforts to prevent war and constrain violators of international law and norms. Yet global concern has increased regarding the negative unintended humanitarian impacts resulting from both targeted autonomous and multilateral sanctions. These concerns emanate from the way sanctions on global trade and finance significantly—even if inadvertently—hamper the work of humanitarian assistance organizations and wider not-for-profit activities (such as development and peacekeeping) to improve the food, health, and other areas of human security of innocent civilians who are not the targets of sanctions.

Convincing academic and organizational studies of such civilian impacts, as well as substantial awareness-raising advocacy of these trends has led some of those sending sanctions to rethink their design, most notably in the sphere of humanitarian action. In light of such a changing sanctions landscape, in October 2021 the [United States Treasury Sanctions Review](#) stated that mitigating the unintended impacts of sanctions on civilian populations was consistent with the refinement of targeted sanctions as foreign policy tools. To bolster and better connect ongoing efforts to reform sanctions, in Spring 2021 the Fourth Freedom Forum launched the project which was eventually named [Advancing Humanitarianism through Sanctions Refinement \(AHSR\)](#).² Under this umbrella, new sanctions-impact analyses were commissioned and several meetings and dialogues—virtually and in-person—were assembled, bringing together multiple global humanitarian and sanctions experts and various organizations already working on these issues. From these exchanges, the project concluded that the timing was right to mobilize a multi-stakeholder engagement that would generate new mechanisms for minimizing and mitigating the unintended humanitarian impacts of sanctions.

² The Fourth Freedom Forum (FFF) and the University of Notre Dame's Kroc Institute for International Peace Studies have, for nearly three decades, conducted research on sanctions through their [Sanctions and Security Research Project \(SSRP\)](#). They have produced policy-relevant recommendations for governments, non-governmental organizations, and multilateral institutions, in particular the UN, on the use and impact of sanctions, developing sanctions methodology, and making sanctions a targeted instrument that continues to be fit for purpose, especially for avoiding unintended humanitarian consequences.

In May 2022, the Fourth Freedom Forum and the Sanctions and Security Research Project convened a working conference at Wilton Park to examine these pressing issues. The conference brought together leading international sanctions and humanitarian experts and practitioners to examine ways of improving sanctions design and implementation. Participants developed a consensus that a careful strategic rethink of the design, implementation, and future use of sanctions was necessary to help safeguard the legitimacy and improve the efficacy of this critical tool. As noted in the final [report](#), many participants recommended developing an internationally agreed-upon set of non-binding, guiding principles (or “Code of Conduct”) for actors designing and implementing sanctions to minimize their unintended negative humanitarian impacts.

This consensus was matched by successful momentum for reform from many directions, including various recommendations for those imposing sanctions to rethink their design and monitoring, most notably in the sphere of humanitarian action. Of singular significance, the United States joined Ireland in spearheading an unprecedented action in December 2022, whereby [United Nations Security Council Resolution \(UNSCR\) 2664](#) created a humanitarian carve out for most UN sanctions regimes. Shortly thereafter, the United States became the first country to implement the resolution domestically by adopting [General Licenses](#) across all of their autonomous sanctions regimes.

These breakthrough developments led the AHSR project, in association with the Open Society Foundations and with support from the Government of Mexico and other nations, to convene a May 2023 meeting at Wilton Park. With one-third of the 40+ participants being officials from national governments, and others serving as high-level representatives of the humanitarian and private sectors, the Wilton Park meeting established a working agenda that had the following objectives:

1. Forge a stronger understanding of ways to increase the effectiveness of sanctions regimes by making sanctions more precisely targeted while mitigating the unintended humanitarian impacts by assisting governments and intergovernmental and nongovernment organizations so they can better evaluate and assess how to develop policies and take other practical steps to achieve that aim;
2. Draft a set of guiding principles that, among other features, would condense applicable international law on the use of sanctions measures; and
3. Establish priority areas of processes and products that need urgent attention so that this unique sanctions refinement moment might reach its full potential.

Initial Considerations

United Nations Security Council Resolution 2664

United Nations Security Council Resolution (UNSCR) 2664 was lauded at the conference as a fundamental achievement with credit given to its co-sponsors (Ireland and the United States) as well other diplomats and officials in capitals, including the United Kingdom. A result of four years of significant multinational engagements, UNSCR 2664 reiterated the important point that humanitarian “carve outs” were consistent with International Humanitarian Law. Participants involved in negotiating this innovative exemption rubric emphasized various other areas of its significance.

First, while acknowledging that sanctions can, in fact, have adverse effects, the spirit of UNSCR 2664 reverses the prevailing presumption that sanctions rarely have negative humanitarian effects. Thus, it shifts the discussion around “unintended” effects by emphasizing that if these effects are not addressed in spite of many years of evidence, they are not truly unintended.

Second, the creation of a carve out in targeted asset freezes fills a gap in the UN sanctions regime by mandating this humanitarian exemption for 11 UN regimes that previously lacked one.

Third, beyond its specific legal provisions, such as the asset freeze exemption, UNSCR 2664 uses the word “decides” which in diplomatic language gives permission for humanitarian action, and recognizes the work of Red Cross and Red Crescent national societies. In casting a broad scope, the resolution also includes impartial humanitarian organizations, private sector actors who facilitate humanitarian activities, and facilitates supporting basic needs, including assistance, protection, emergency, and early recovery activities.

Discussion of UNSCR 2664

In a detailed discussion,³ participants also provided insightful comments and offered practical suggestions about how to ensure that UNSCR 2664 can realize its potential not only on paper but in practice on the ground. As is often the case with far-reaching and “new” UN resolution mandates, the necessity for swift and faithful implementation at the Member State level demands a clarity and harmonization of terms and national implementation structures in domestic politics and law. Policymakers recognized dealing with the complexities caused by the variations between sanctions regimes and humanitarian exemptions at the national levels as an area for improvement and progress.

Nongovernmental participants noted that the high degree of technicality embedded in some governmental guidance documents for exemption implementation was an obstacle to their full and permitted delivery of humanitarian goods and services. This was especially true for small nongovernmental organizations (NGOs), which may have a large role in humanitarian relief in a particular sanctioned environment but have fewer resources for sanctions compliance.

Both civil society and national State participants acknowledged the need for socialization of this exemption process—pertaining to UN sanctions and also autonomous sanctions—across the private sector to ensure its effective role in full implementation and possibly halting sanctions overcompliance. Furthermore, many participants called for continued data and monitoring to demonstrate how and where UNSCR 2664 alleviates the barriers that impede humanitarian action. This data collection will be necessary to guarantee continued support to the exemption, and participants called on States and civil society actors to work together toward establishing a baseline to demonstrate the value of these reforms and mitigate potential opposition. Some participants called for additional data and analysis to measure the impacts of reforms on humanitarian living conditions. In the absence of a common methodology, some participants also asked for clearer guidance in how to collect this type of data and analyse it.

Related Developments at National Levels

Beyond implementation of UNSCR 2664, participants shared several recent developments and efforts undertaken by national governments. The U.S. Department of the Treasury’s Office of Foreign Assets Control General Licenses serve as examples of how to operationalize the resolution to align with domestic regulations. For example, they provide a broad base of authorizations, including education, non-commercial development, health, food security, environmental protection, and peacebuilding. Similar measures are being adopted across sanctions programs to align both with the UN regimes and other U.S.-specific regimes. It was also noted that some States are currently increasing their sanctions teams’ capacities, and increasingly creating or making regular use of roundtable discussions with their national trisector groups (composed of government officials, NGOs, and financial institutions). Others noted value added by these groupings and advocated their creation in capitals where they did not already exist. Several governments commented on measures such as financial access strategies to avoid derisking and overcompliance with sanctions.

³ The conference operated under the Wilton Park Protocol of confidentiality. In addition, in deference to the manner in which participants engaged in frank discussions about various sensitive issues, a number of comments and ideas mentioned during the conference are not reported here.

Member State participants shared the practices of their sanctions teams, which are already working to minimize the impacts of sanctions. Some expressed the need to depoliticize the topic of negative humanitarian consequences and document the ways in which disinformation can exploit this topic in ways that are not consistent with the truth. Others called for a more political approach to communicate effectively around actions being taken to ensure sanctions effectiveness, safeguards, and legitimacy. Some participants noted that these two approaches are not necessarily contradictory. Others advocated for the use of technical solutions, such as a checklist that would present a set of factors that should be considered prior to imposing sanctions and during periodic reviews (e.g., 6 months, 1 year) after their imposition. The list would be designed to assist sanctions imposers to identify, and in turn mitigate, unintended humanitarian impacts and unintended collateral consequences, while maintaining and improving sanctions' effectiveness and legitimacy. A set of guiding principles on how to actually implement the sanctions to mitigate humanitarian consequences was also discussed. It was noted that the checklist and the guiding principles would also serve a political purpose by demonstrating the desire to address and harmonize efforts to minimize unintended consequences in a more systematic way.

Three Areas for Consideration

To stimulate further discussion and generate ideas that could be encompassed in technical tools, such as a checklist or guiding principles, the AHSR project commissioned papers that drew from a review of the existing literature and the lessons of practice in three areas—the financial sector, economic and trade issues, and civil society considerations—that link sanctions reform and humanitarian challenges. The rationale for covering these areas is that bottlenecks and barriers faced in these areas can impact on humanitarian assistance and can also involve direct humanitarian impacts on civilians.⁴ Below are participant insights and recommendations for each of the areas discussed, as stimulated by the analysis of the papers and discussions with their authors.

Financial Sector Challenges

The first paper focused on financial challenges in humanitarian banking,⁵ highlighting the growing number of countries under sanctions facing financial exclusion due to the withdrawal of the financial sector (termed “derisking”). Banks face significant risks, including the need for large amounts of due diligence and associated costs. Derisking has been recognized globally as a crisis by various financial institutions and organizations, including the World Bank. Challenges extend beyond making payments and cross-border transactions; they also impact all forms of trade. Financial exclusion can inadvertently contribute to the very issues that sanctions aim to address, such as terrorism, gender inequality, poverty, human trafficking, and conflict.⁶ One aim of refining sanctions must be to avoid a vicious circle where sanctions intended to curb violations inadvertently exacerbate these same violations.

⁴ These papers are accessible in the AHSR working [bibliography](#).

⁵ The paper drew from initiatives funded by DG ECHO and Switzerland, focusing on safeguarding humanitarian banking challenges and previous work on payments to Syria and Afghanistan funded by the European Commission and Swiss Federal Department for Foreign Affairs. The consultations conducted for the paper involved engaging national banks, corresponding banks, and banks in targeted countries, including Syria and Afghanistan, as well as donors, regulators, and NGOs.

⁶ For instance, major importers in Kabul face difficulties accessing banking channels, leading them to resort to informal systems like hawala. Similarly, derisking affects remittances in Syria, which serve as a lifeline for vulnerable communities.

Participants highlighted several key points from a banking/private sector perspective regarding the ways in which sanctions impact on their operations. In addition, factors such as corruption, transparency issues, and reputational risk, particularly related to terrorism, contribute to the reluctance of operating in high-risk areas. Discrepancies among guidance from regulatory bodies, such as the U.S. Treasury and the EU, create challenges for private sector actors attempting to understand precisely when they are running afoul of sanctions. Moreover, private sector actors exhibit reticence to engage in a sanctioned environment, even in regimes with letters of assurance or broad exemptions. Nonetheless, banks and regulators play a crucial role in the socialization of exemptions, recognizing that monitoring flagged transactions and disaggregating the exact reasons why they were flagged, is a difficult task.

Trade and Economic Challenges

The second paper highlighted the need to reevaluate the current framework of analysing the impact of sanctions, paying special attention to the reverberations of sectoral and trade sanctions. The paper emphasized the need for a more comprehensive and dynamic framework that considers the complex interactions, power dynamics, and transformative effects of sanctions on the political and economic landscape on any given country (e.g., Iran).

Participants resonated with the need to analyse these interconnections, reinforcing that sanctions-impact studies should consider the relationships and interactions at the level of the global economy, domestic economy, economic sectors, economic units, and individuals of a nation. It would also be beneficial to take the adaptation stages of an economy to sanctions into account, including the lag-time response of a targeted government, as well as consideration of the adaptability of ordinary civilians. Furthermore, some participants suggested that States should develop a rigorous methodology for assessing economic impacts of sanctions, yet few models exist for this, to date.

Recommendations by participants for meeting the sanctions reform challenges in mitigating unintended, negative humanitarian impacts of financial, economic, and trade sanctions covered common areas of concern. Strategic communication was mentioned as crucial, including clear explanations to the private sector and trading entities about what is—or is not—proscribed under a sanctions regime. Those imposing sanctions should work to dispel misconceptions about sanctions and exemptions, and thus help avoid overcompliance and miscalculated risk. A clearer understanding of the scope of sanctions is needed, both regarding the discourse on humanitarian donors and vulnerability of smaller local NGOs affected by derisking.

Participants emphasized that when responsibility for implementation is assigned to the private or other sectors, institutionalized feedback structures between policymakers and implementers is essential. This is also true for humanitarian actors and wider civil society. Whenever new sanctions provisions are imposed, they should be followed by a timely stakeholder consultation, and then by the publication of guidance based on these consultations. Ideally, feedback would be obtained already at the sanctions design phase. Data collection is necessary to understand how the private and commercial sectors interpret diverse guidance to avoid bias and effectively assess the positive impacts of humanitarian exemptions.

Finally, governments need to find ways to incentivize banks to continue operating in high-risk environments despite the considerable costs and challenges. Potential solutions may include financial incentives, risk-sharing mechanisms, legally binding measures, or tailored support to banks with a high-risk appetite to remain active in heavily sanctioned areas. One idea offered was to introduce some form of financial inclusion labelling system that would seek to incentivize the private sector to support humanitarian payment channels and align with their reputational concerns. This would aim to elevate the topic to a level of importance similar to that of environmental considerations. Another suggestion is to encourage States to ensure the availability of at least one payment channel in contexts where correspondent banking relationships are in decline, thereby preventing complete financial exclusion and lessening the resort to less regulated forms of payments, such as hawala, or less sustainable bulk-cash transfer mechanisms by the UN and other public bodies.

Civil Society Challenges

The third paper addressed the complex relationship between civil society organizations (CSOs) and sanctions. The paper highlighted the diverse nature of CSOs and the challenges they face in relation to sanctions, and related derisking and overcompliance, while underscoring the necessity of categorizing the wider CSO sector into distinct groups concerning sanctions. Some CSOs advocate for tougher sanctions to address human rights violations, whereas others call for reform or lifting sanctions to facilitate aid delivery and mitigate access restraints. This dichotomy often pulls CSOs in opposing directions, leading to the need for tools to help policymakers strike a balance between these competing demands. Standardization emerges as a significant challenge due to the wide variety of CSOs in terms of their nature, shape, and form.⁷ Several issues were raised that might influence guiding principles or factors to be analysed regarding the impact of sanctions on CSOs. The discussion stressed the importance of information and communication between sanctions designers, implementers, and CSOs, both at the national level and in understanding the purpose, objective, and scope of humanitarian exemptions. Appropriate safeguards for civil society can develop by working through a consultative process on a list of potential and unanticipated impacts that might arise prior to the imposition of sanctions. Better communication channels with authorities could develop through submitting short explanatory papers to governments, through expanding existing trisector groups, and creating new ones where lacking.

As advocacy organizations, those working in or with CSOs voiced a number of observations. Developing a set of definitions that are common across advocacy processes, and sharing due diligence processes and mechanisms across organizations would be extremely helpful. This could include the AHSR project creating and maintaining a central repository of concise documents on key issues. Others noted the need for CSO advocates to assess the counterproductive impacts of their own diverging advocacy campaigns. One suggestion noted that CSOs engage after the initial phase of adopting new sanctions has occurred, and another stated that the impact of sanctions on development actors, as well as environmental and cultural NGOs, was a politicized issue, with a lack of technical solutions at the moment. The fact that sanctions are often used as a tool for accountability triggers a need for reinvestment by political powers on the judicial side, both nationally and internationally, which has positive and negative dimensions.

⁷ The evolution of local CSO perspectives was highlighted, with examples from the Democratic Republic of Congo (DRC) and Libya. In the DRC, local CSOs tend to be sceptical around sanctions as sanctions failed their hopes that they would help as an accountability tool for listed individuals. In Libya, most local CSOs are asking for sanctions to be maintained to avoid further violations and corruption by the authorities.

Tools Proposed at the Conference

With the discussions of UNSCR 2664 and its related developments and the issues raised across the three sectors of sanctions' impact in mind, the participants examined two initial discussion (often referred to as "zero drafts") texts prepared by the AHSR project as tools for sanctions refinement. Such tools could anticipate and mitigate unintended and other negative humanitarian impacts of sanctions.

The first tool was a "checklist" to assess before and during sanctions' imposition, consisting of the anticipated or potential socioeconomic, humanitarian, and other related impacts of sanctions by collecting, collating, and aggregating usable data in various categories. The second tool was a set of guiding principles, i.e., a code of conduct, that builds upon existing norms of international law, State and regional practices, and principles that some States are already implementing. The zero draft was organized around both hard law obligations already committed to by States and those representing soft law emerging in various areas.

The participants heard the rationale for, and functional advantages of, each tool and then engaged in a formative discussion of the utility of each, including what needs attention going forward to make each tool a viable measure for achieving sanctions refinement and reducing their negative humanitarian impact.

Proposed Checklist

The zero draft presented was built on the basis of the "ecological" framework presented in the Trade and Economic Considerations paper, moving beyond macro/micro frameworks. It encompassed open-ended categories and indicators ranging from global trade to socioeconomic impacts at the household level. It also encompassed certain categories of humanitarian action.

The aim of this zero draft was to stimulate discussion about how to refine the document into a succinct and user-friendly tool for practitioners with three core objectives: (1) provide clear guidance to sanctions units and when designing sanctions to consider relevant data for accurate baseline assessments; (2) improve capacity for continued assessment across sectors of sanctions' impacts; and (3) in turn, enhance the ability of those sending sanctions to predict and minimize unintended negative humanitarian impacts on non-targeted individuals and entities, as well as on wider financial and trade channels, while also heightening efficacy of the measures.

It was proposed that one of the advantages of the checklist would be to provide users with a flexible way to gather information and assess the quality of information for sanctions that avoid unintended humanitarian consequences across a series of relevant indicators. Moreover, it would be possible for any government to adapt it for internal use for their specific purposes. It could therefore serve as a useful tool to demonstrate a State's desire to address humanitarian considerations systematically and before imposing sanctions (and during policy reviews). The goal is not a scientifically robust evaluation but a learning and awareness-raising exercise. Even acknowledging uncertainties when filling out or consulting the checklist would be a good step, demonstrating thoughtful consideration on the part of those sending sanctions and helping to identify useful areas for further investigation and policy discussion or action.

If a checklist requires data collection, rather than a series of points to be considered, some concerns were raised about the challenge of collecting, collating, and aggregating usable data for estimating economic impacts. It could be a time-consuming challenge, especially considering the need to undertake periodic assessments. Also, a checklist might not adequately capture the complexity and evolving nature of sanctions' implementation and the need for dynamic, adaptable sanctions regimes that can respond to changes "on the ground." Several States pointed out the need for confidentiality when conducting such assessments, to prevent unfair criticism or exaggerated claims against sanctioning States.

Additionally, various participants raised questions about whether the document to be created might be better designated an “aide mémoire,” “considerations,” or “memorandum of best practices.” Considerable discussion ensued about an implicit methodology of causation built into the checklist, with some suggesting that assessing “impact” be changed to “likely consequences” of sanctions. Several participants argued that such a tool needed categories relevant for, and adaptable to, the user. For example, a sanctions-imposing regional organization like the European Union would have a checklist that only partially overlapped with one used by a single nation supporting the sanctions.

Most participants agreed with the proposal to develop tools such as a checklist and an umbrella platform to bolster capacity and share best practice and expertise across national trisector groups and other relevant national and regional engagements. The platform would also address challenges and move toward problem-solving to finalize such a tool. Some participants referred to previous successful processes that produced working tools and handbooks, and highlighted the importance of public-private, or multi-stakeholder, partnerships in this endeavour.

Proposed Set of Guiding Principles

The AHSR project also introduced a zero draft of a set of guiding principles for sanctions, emphasizing that this was a work in progress to be refined through consultative processes during the next 12–18 months. This set of principles was not put forward as a new creation but one that builds upon existing norms of international law, State and regional practices, and consultations with experts and stakeholders. The zero draft is organized around two types of principles: those reflective of hard law obligations already committed to by States and those representing soft law principles that some States are already implementing. Some might label these principles as a “code of conduct” regarding economic sanctions.

Two arguments in favour of such a code were articulated. First, a code would bolster States in retaining or regaining control of the current political narrative surrounding sanctions, by clearly communicating their existing obligations and countering negative narratives that sanctions, “by definition,” are contrary to international law. Second, in a time when non-Western States are increasingly using autonomous sanctions in ways that contradict shared values, a code could serve as a tool to minimize degradation and publicly restate hard law obligations and good policy principles that should guide sanctions’ imposition. Examples of relevant initiatives here were the recent G7 Statement on Economic Coercion and the Export Controls and Human Rights Initiative Code of Conduct.

In the discussion, several refinements (such as greater clarity of content, intent, and process) and other recommendations for improving the principles—or codes—were articulated. Some shared the view that this must be a document that restates the law; sources relevant instruments; explains the provisions; and focuses on hard law obligations only. Such a document would be much longer and much more detailed than presented, and include all relevant legal obligations related to the use of sanctions, including due process issues. Others noted that the document should not undermine existing obligations by mixing them with soft law principles. According to some, such a document could be extremely helpful for practitioners to monitor compliance of their measures with applicable international law, as no other document compiling existing rules on sanctions currently exists.

Other relevant revisions should include making a clear distinction between principles applying to the United Nations as compared to other types of sanctions. In light of the diversity of sanctions types, a tailored approach in a code of conduct to effectively address different situations was difficult but needed. Some participants noted that some States may be hesitant to commit to a normative instrument when they have limited influence over regional or UN sanctions design. Additionally, in politically volatile contexts where sanctions are imposed, a code may be viewed as too prescriptive and could potentially backfire.

A discussion ensued on the process for adopting such a document, and in particular, whether it would need to be adopted and signed by States. Several participants highlighted the fact that other processes that led to the adoption of guiding principles in other fields of international law were put forward by a neutral institution and did not need to be adopted by States to be effective. In other contexts, some successful codes had been driven forward and championed by one or more States, leading a consultative, multi-stakeholder process. References were made to documents such as the UN Guiding Principles on Business and Human Rights or the Guiding Principles on Internal Displacement. These types of documents could be used as models for the future code of conduct.

Finally, the penultimate discussion of the tools generated cross-cutting concerns; re-examined some foundational questions, and provided varied suggestions for what needs to be the priorities for these efforts post-conference. The lack of a uniform approach to assessing and addressing impacts was highlighted as an area where further consideration would be beneficial. Some States emphasized the necessity of harmonizing efforts to reduce the unintended humanitarian impacts of sanctions. Most of the government and nongovernment participants agreed with the proposal to develop tools such as a checklist, a set of guiding principles, and an umbrella platform (able to provide capacity to existing trisector groups and support the creation of new ones) to address challenges.

Concerns about using the term “unintended” to characterize the humanitarian impacts of sanctions were raised. Some participants emphasized that imposing sanctions serves a specific purpose, and States are aware of many of the consequences they may have on civilian populations. Others argued that regardless of whether negative consequences are intended or not, they should never be unexpected, such as currency devaluation and inflation. The challenge for the tools proposed should be on the predictability of consequences, rather than categorizing them as intended or unintended. As a result, robust analytical frameworks could be beneficial to assess and predict the effects of sanctions. For those who wish to make use of such an analysis, they should be carried out on a rolling basis and be subject to periodic reviews to ensure a symmetric adaptability between the sanctions measures and the adaptation to the measures within the targeted country.

There was general agreement that the current negative discourse and criticisms toward sanctions highlighted the importance of minimizing unintended consequences. Failing to address these consequences undermines the legitimacy of sanctions and renders them counterproductive. Demonstrating that potential harmful impacts are taken into account and proper due diligence is conducted effectively would counter part of the current criticism against the use of sanctions.

Participants recognized that different actors, in this case, national governments, humanitarian organizations, and sanctions experts, will each have a different role to play going forward to advance the ideas and tools of the conference. Most participants asserted that governments needed to be in the lead in these efforts. Robust discussion focused on whether two distinct documents or a single document that was primarily a set of principles followed by an annex that approximated or was a model type checklist should be the product goal.

The Post-Conference Agenda

The conference provided an opportunity to build upon the ideas generated at the 2022 Wilton Park conference. Participants emphasized that Wilton Park 2023 was the start of a productive initiative that should continue to move forward vigorously. The importance of documents, connections, and new ideas, as highlighted in this conference summary, have great potential to improve sanctions' design and implementation, and to mitigate negative humanitarian consequences of sanctions. The AHSR project committed to building greater support, politically, logistically, and financially to create the tools to achieve these goals.

In the next 12–18 months, the AHSR project will continue to work with the participants at the conference to initiate a new series of results-oriented focus group meetings with a range of stakeholders, as described above (e.g., civil society; Global South, banking and private sectors, UN, and other international organizations, etc.). This process will assist in generating four products:

1. A model checklist or *aide mémoire* that can be adapted by country or region-wide sanctions units to aid the design of sanctions in a way that is cognizant of humanitarian considerations.
2. A set of guiding principles on sanctions use that could serve to safeguard effectiveness and legitimacy of the tool while mitigating unintended humanitarian consequences in the years and decades to come.
3. An umbrella platform able to bolster capacity and share best practices and expertise across national trisector groups and other relevant national and regional engagements and support the creation of new groups.
4. A regularly-updated repository of evidence-based studies on unintended consequences of sanctions—primarily to serve policy makers designing and implementing sanctions—to raise awareness, help inform policy adaptations, and bolster capacity.

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