

Guidance

IMPACT OF SANCTIONS AND COUNTERTERRORISM MEASURES ON HUMANITARIAN OPERATIONS

September 2021

Endorsed by IASC Operational Policy and Advocacy Group
(OPAG)

IMPACT OF SANCTIONS AND COUNTERTERRORISM MEASURES ON HUMANITARIAN OPERATIONS

GUIDANCE NOTE

In their 5 December 2019 decision, IASC Principals requested OCHA to “[p]rovide guidance to and ensure leadership by Humanitarian Coordinators and Humanitarian Country Teams to engage actors locally to address the impact of counter-terrorism measures.” This Guidance Note was elaborated by OCHA in response to this request.

Introduction

The development of measures to prevent resources from being made available to certain individuals, groups or Governments has accelerated in recent years, notably in the area of counterterrorism.¹ These efforts have translated into increased scrutiny on humanitarian organizations and their operations out of concern that humanitarian activities could – voluntarily or not – benefit targeted Governments, groups or individuals. Some governments, sanctions experts and counterterrorism actors also increasingly consider that humanitarian organisations should participate in the implementation of sanctions and counter-terrorism measures, despite the obvious risks for principled humanitarian action and actors.

Scope and objectives

This guidance focuses on **the impact of sanctions and counterterrorism measures on humanitarian assistance, including protection activities**. It presents **two sets of actions Humanitarian Coordinators and Humanitarian Country Teams can take** to address the impact of sanctions and counterterrorism measures on humanitarian operations. This guidance does not address the potential socioeconomic impact of sanctions.

Action 1: Monitor and document impact




HCs and HCTs should: a) have an **overview of the sanctions and counterterrorism measures that may impact humanitarian operations in their area of responsibility**; b) **identify and understand the specific challenges these measures raise, if any, and articulate the practical consequences** for humanitarian operations.

For that purpose, HCs and HCTs can rely on several entities having a key role on the issue, notably OCHA, the humanitarian inter-cluster coordination group (ICCG), and relevant clusters and cluster lead Agencies.

1. Know what types of impediments and impact to look for

HCT members will often need pointers to identify restrictions related to sanctions and counterterrorism measures amongst the broad range of access, logistical, financial and risk management restrictions they are confronted with.

Counterterrorism and sanctions-related measures can take the form of:

-  **Direct access or funding restrictions** imposed by (a) the host Government and third States, through national laws, regulations and policies – including unilateral sanctions and measures implementing regional or Security Council sanctions regimes – which in a vast majority of cases are devoid of safeguards permanently excluding humanitarian activities from their scope; (b) the host Government specifically, through practices and policies curtailing humanitarian access on security grounds, and; (c) donors specifically, through funding conditionality or unilateral decisions.
-  **Lengthy, costly and cumbersome procurement and risk management processes:** donors’ zero-tolerance policy vis-à-vis aid diversion in some sanctions or counterterrorism contexts often translates into heavy risk management requirements; stringent partner selection rules; or extensive information-sharing requests. Some sanctions regimes condition the export of some items and services required for humanitarian operations upon the granting of a license.
-  **Difficulties accessing private sector services:** legal, financial and reputational risks have led the private sector to cease procuring goods and services for humanitarian operations in some countries (even under a license) or to impose unusual conditions. Bank de-risking is particularly problematic (i.e. closure of accounts without notice or justification; refusal to open accounts, transfers delayed, unusual requests for information or due diligences, fee increase).

¹ In the absence of a binding international definition of terrorism, States determine individually the scope of the counterterrorism measures they adopt and implement pursuant to Security Council resolutions and international treaties adopted in this area. Nonetheless, any national definition must conform to States international obligations, as consistently reiterated by the Security Council (see e.g. res. 2482 (2019), pp. 10, or res. 2482 (2019), op. 16). The definition of terrorism-related criminal offenses should notably meet legality and legal certainty standards. In his Dec. 2005 report to the General Assembly’s Economic and Social Council, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism defined the key elements of international law-compliant definitions of terrorism-related offenses, see <https://undocs.org/en/E/CN.4/2006/98>. In practice, States have adopted a range of broad, sometimes vague and often far-reaching measures to combat terrorism and prohibit material support to terrorism.

- ✚ **Confusion between humanitarian action and political or security agendas:** Pressures on humanitarian organisations to contribute to security and political agendas has been rising. For example, in some contexts, humanitarian organizations have been asked to share information that may be used for security purposes. Some actors are keen to explicitly make humanitarian action a tool to prevent violent extremism (PVE). Such practices assign political and security goals to humanitarian organisations that are incompatible with humanitarian principles. They can have devastating consequences on acceptance, access and security.

Different forms of impact on humanitarian operations and access to persons in need of assistance have been identified:

- ✚ **On programme design:** to limit risks of aid diversion, some humanitarian organizations have adapted their programming in ways that no longer ensure the prioritization of the response based on needs alone.
- ✚ **On programme implementation:** in many instances, sanctions-related restrictions have translated into delays or the cancellation of programmes. The part of funding allocated to risk management has considerably increased over recent years. Donors' risk management approach has also resulted in limiting the pool of eligible local contractors; which has meant increased costs and the exclusion of potential partners who are not able to implement the required level of risk management though they were best placed to deliver.
- ✚ **On staff security and financial/criminal liability:** humanitarian staff and organizations may face harassment, detention and prosecution by the host Government or their own country for being suspected of supporting 'terrorists' or implementing activities in areas under the influence of armed groups designated as 'terrorist'.

The impact is not limited to the delivery of assistance but extends to protection activities, especially in contexts where groups designated as 'terrorist' have significant influence. Host States and third States' governments tend to prioritize a security and law enforcement approach which has led to denying certain categories of persons protections afforded to them under international humanitarian law, human rights law or refugee law (e.g. family relations of suspected members of groups designated as 'terrorist'; persons detained on terrorism-related charges; communities in or displaced persons from areas controlled by such groups; wounded and sick combatants; etc.).

Resources can be made available to the HCT through OCHA Headquarters (HQs) and, for HCT members, through their HQs' focal points, to help identify, monitor and document the impact of sanctions and counterterrorism measures.

2. Establish dialogue and a climate of confidence within the HCT

HCTs may want to encourage HCT members to discuss and exchange information on sanctions and counterterrorism-related issues in existing coordination forums, even though **these are often sensitive issues**. Some HCT members may be wary of damaging relationships with donors, the host Government or other actors by engaging on this matter. **They should be reassured that confidentiality will be respected** and that the objective is to protect everyone's interests.

All humanitarian organizations are not equally exposed. In some cases, the UN and the ICRC may enjoy standing exemptions (or 'general licenses') granted explicitly to them. The privileges and immunities of the UN and ICRC may afford additional protection to personnel from arrest or legal process when acting in their official functions. NGOs may not always benefit from these exemptions and generally do not enjoy any kind of immunity. **Larger INGOs usually have less difficulty than smaller and/or local NGOs** finding exporters, transportation companies or banks to perform transactions necessary to their activities. They also have less difficulty obtaining specific licenses for their operations when required. Finally, large INGOs can rely on multiple sources of funding and generally do not depend on a single grant or donor. This is less the case of smaller NGOs or local implementing partners.

In this context, encouraging discussions and information-sharing on the topic implies providing guarantees on confidentiality and demonstrating added value. The added value is twofold: first, enabling common messaging and positioning on these issues. Secondly, documenting impact on field actors to support high-level advocacy and policy discussions with donors and government authorities in-country, Member States' capitals, and the Security Council. In this respect, a balance must be reached between confidentiality and the use of information as necessary to build a case for advocacy and policy development.

Good practice: Documenting the impact of sanctions in Syria

In 2014, in order to have better visibility on issues faced by humanitarian organizations in relation to the implementation of US and EU sanctions in Syria, OCHA recruited a sanctions expert. The expert led consultations within the HCT and alerted the RC/HC Office on the findings. The Office of the RC decided, in partnership with the UN Economic and Social Commission for Western Asia, to commission a study on the topic. The study provided an opportunity for advocacy in-country and at HQs. As a result, the EU acted upon one of the recommendations, integrating in its legislation a general license for the purchase of fuel by ECHO-funded organizations in Syria.

3. Strengthen the capacity of the HCT

Systematizing information-sharing within the HCT and establishing processes for regular monitoring of the impact of sanctions and counterterrorism measures takes **a minimum of capacities and capacity-building**. HCs could consider **appointing a focal point** tasked with planning and coordinating such efforts. HCs may also want to encourage the establishment of a **network of focal points within the HCT**, building upon already established coordination mechanisms, such as country-level humanitarian access working groups.

OCHA HQs, in concertation with relevant HCT members' HQs, is available to assist focal points upon request.

Action 2: Engage relevant interlocutors

When becoming aware of specific concerns regarding the implementation of sanctions or counterterrorism measures, HCs should **engage relevant actors in the field** to discuss mitigation measures. In some instances, notably when discussions may generate tensions at country level, or involve donors, UN or IASC global policies, **HCs may defer the matter to OCHA HQs for engagement at capital levels, in concertation with relevant HCT members' HQs.**

Below is a list of **the main issues on which HCs can usefully engage** relevant actors in the field:

Issue 1: Difficulties importing items and services:

- *Suggested course of action:*
 - Inquire with the Logistics Cluster on potential existing initiatives to address the issue.
 - Engage with delegations of exporting States/the EU in the field to sensitize them on the issue and call for their assistance in (a) clarifying, streamlining and/or expediting existing licensing processes; (b) providing reassurances to private companies/banks who might be reluctant to work with humanitarian organizations.
 - Inform OCHA HQs for support and coordinated advocacy at capital level.

Good practice: Making licensing more effective to facilitate the COVID-19 response

In March 2020, the Secretary-General called for a 'waiving of sanctions imposed on countries to ensure access to food, essential health supplies, and COVID-19 medical support'. The US and the EU stressed that their sanctions regimes provided for exemptions for the transfer of all services and items necessary to humanitarian operations and the COVID-19 response; at the same time, both expressed their willingness to ensure that existing exemptions were effective. The US, the EU and EU Member States reached out to some HCs, encouraging information-sharing in that regard. Following engagement on this issue, the US and the EU put out guidance summarizing available exemptions. They also encouraged humanitarian organizations to use these exemptions and committed to process their applications as a priority.

Issue 2: Accusations of providing support to sanctioned actors or terrorism: in some cases such accusations have led to the expulsion of humanitarian organizations from the host country or a suspension of their activities.

- *Suggested course of action:*
 - Take the lead in ascertaining the facts, carrying out legal analysis in consultation with the HCT.
 - Engage with relevant authorities to recall the legitimacy of impartial humanitarian action, including protection activities and engagement with armed groups, and restore mutual trust.
 - Consider public messaging along the following lines: (a) intentional aid diversion is unacceptable. If established, the HCT will take appropriate remedying measures; (b) averting aid diversion is a priority for the HCT. Humanitarian organisations implement stringent risk management procedures and stand ready to engage on this issue; (c) humanitarian organizations act in line with humanitarian principles and provide assistance based on needs only. Their engagement with all parties is for humanitarian purposes and does not imply endorsement or support to any party.
 - Consider reinforcing coordination on risk management, e.g. through the appointment of risk-management focal; resources permitting, consider the establishment of a Risk Management Unit (see below).
 - Advocate for the inclusion of safeguards for humanitarian and medical activities in relevant sanctions and counterterrorism measures.
 - Inform OCHA HQs for support and coordinated advocacy (including with UN OLA as and when relevant) in New York and at capitals level.

Good practice: Building trust in humanitarian risk management in Somalia

Reinforcing the host Government and donors' trust in humanitarian organizations' risk management practices is essential. In Somalia, following the expulsion of some humanitarian organizations in 2010, the HC decided to establish a Risk Management Unit (RMU) in his office. Specifically, the RMU provided risk management products and services to all members of the HCT – including common standards, training, risk assessments, information-sharing, and a country-wide database of preapproved partners. A similar RMU was established in Afghanistan.

✚ **Issue 3: Problematic donor/ host Government's requests, measures or practices:** humanitarian and protection actors may be confronted with requests, measures or practices that are contrary to humanitarian principles and various UN or IASC policies [*links to relevant IASC policies in Annex*]. Other requests, measures or practices from host States or donors, without necessarily going against humanitarian principles and UN or IASC policies, may in practice damage humanitarian organizations' perceived impartiality and neutrality, hence their local acceptance, access and staff safety.

○ *Suggested course of action:*

- Encourage HCT members to share information on requirements they are confronted with and agree on common positions and potential red flags and red lines.
- Consider public messaging along the following lines: a) Humanitarian assistance is grounded in and guided by IHL, IHRL and IRL, as applicable, and these bodies of law afford some degree of protection to all individuals, including members of or suspected affiliates to 'terrorist' groups; b) Humanitarian organizations must be able to engage with all parties, as foreseen under IHL and relevant GA resolutions, for strictly humanitarian purposes.
- Explain potential tensions with humanitarian principles and specific UN or IASC policies; in particular:
 - requests to vet beneficiaries or share beneficiary related information are considered a red line for humanitarian programmes.
 - requests to refrain from providing assistance in some areas or to certain categories of persons entitled to it make it impossible for humanitarian organizations to respond to needs in line with humanitarian principles.
 - it is the constant position of the UN Secretariat that UN entities may not implement non-UN sanctions – in particular, UN entities may not accept any vetting obligations against non-UN sanctions lists.²
 - information collected and held by the UN is protected under UN privileges and immunities and, accordance with UN policies, access to personal information on beneficiaries may only be shared in limited cases.³
- Request that discussions on problematic donor conditionality or information-sharing requests be addressed at capital level with UN or relevant UN Agencies' HQs.
- Encourage HCT members to regularly share experience and resources on risk management, for example through a network of risk management focal points, to be able to showcase good practices.
- If directly confronted with any of the above-mentioned requests by CBPF and CERF? donors, avoid creating a precedent and defer to OCHA HQs to defuse potential pressures at field level.

✚ **Issue 4: UN sanctions experts requesting information from humanitarian organizations:**

○ *Suggested course of action:*

- Requests for information addressed to the HCs office or UN entities in the field should be redirected to relevant focal points in relevant UN entities' HQs.
- Note that information-sharing may have consequences on access and security and clarify that it may be conditioned to confidentiality, or to the anonymization or withholding of identifying information.

✚ **Issue 5: Incentives to link humanitarian activities to the peace and security agenda of the UN:** RC/HCs have a lead role to play in ensuring both strategic coherence across UN pillars in country and respect for the impartiality and non-politicization of humanitarian assistance. Peace and Security as well as Development actors should be sensitized to the risks associated with presenting humanitarian action, explicitly or implicitly, as pursuing political or security objectives (such as PVE objectives) and should be mindful of avoiding such practices.

○ *Suggested course of action:*

- Recall that precautions should be taken to preserve principled humanitarian action – as repeatedly reaffirmed by the Secretary-General and UN policies (see annexes);
- Note that this is explicitly reflected in the UN Integration policy⁴, in the Secretary-General's PVE Action Plan⁵, and in the UN Global Compact on Counterterrorism⁶;
- Seek support from OCHA HQs and/ or relevant HCT members' focal points at HQs.

² Most NGOs accept vetting their partners against the national lists of their donors. This practice raises specific legal and political issues for UN entities, and UN OLA recommends that UN entities refuse any obligations under non-UN sanctions.

³ IASC Operational Guidance on Data Responsibility in Humanitarian Action, Feb. 2021, see link in Annexes

⁴ https://unsdg.un.org/sites/default/files/UN-Policy-on-Integrated-Assessment-and-Planning_FINAL_9-April-2013.pdf

⁵ <https://undocs.org/en/A/70/674>. The Plan stresses that success of PVE efforts "will require ... that humanitarian principles are respected, that humanitarian actors have the necessary space within which to operate and that our humanitarian work is people-centered, supports resilient communities and does not fuel conflict".

⁶ The Compact, drafted by UNOCT in consultation with relevant UN entities, lays out guiding principles to facilitate a collaborative approach within the UN for the implementation of counter-terrorism activities, in the framework of the UN Global Strategy (<https://undocs.org/A/RES/60/288>). The Compact includes guarantees that its implementation may in no circumstance impact the mandate of signatories and must fully take into consideration the need to preserve humanitarian principles and humanitarian space.

IMPACT OF SANCTIONS AND COUNTERTERRORISM MEASURES ON HUMANITARIAN OPERATIONS

ANNEXES

Table of content:

1. Key messages
2. Questionnaire to guide information collection
3. Online tool to document impact and other useful resources

1. Key messages

Beyond engagement on specific issues, **HCs may, where and when relevant, convey general messages** on sanctions and counterterrorism measures implementation as it intersects with humanitarian action.

Below is **a list of generic key messages** for different contexts. This list should be further refined, adapted and completed depending on the specific case. **HCs are encouraged to seek the assistance of OCHA Headquarters.**

[In all contexts where the implementation of sanctions or counterterrorism measures is an issue:]

- ✚ **The humanitarian community is committed to preventing aid diversion.** We have a responsibility to ensure that humanitarian assistance does not serve any other purpose than responding to humanitarian needs.
- ✚ **Some sanctions/counterterrorism measures can have a disproportionate impact on humanitarian operations and undermine the provision of assistance based on needs.** Humanitarian actors are committed to dialogue with relevant interlocutors to address these issues in a way acceptable to all.
- ✚ **States should provide reassurances that humanitarian activities do not expose humanitarian actors to prosecution.** They should also engage with the private sector to address overcompliance and encourage support to humanitarian operations.
- ✚ **Humanitarian action must remain clearly distinct from political or security agendas.** Humanitarian assistance is provided based exclusively on humanitarian needs and does not pursue any objective other than responding to those needs. Our impartiality conditions acceptance by and ability to safely access affected communities.
- ✚ Humanitarian organizations' engagement with authorities and other parties is for humanitarian purposes only and fully respects international law. Our only objective is to ensure that affected people – wherever they are - are provided with assistance based on needs alone.

[Where sanctions impede procurement:]

- ✚ UN humanitarian entities do not make judgements on the legitimacy of sanctions. **Our focus is on the impact on the humanitarian response.**
- ✚ **Competent authorities should consider licenses to facilitate humanitarian action. They should make sure existing licenses are effective,** for example by ensuring they are easily available and expediting delivery processes.

2. Questionnaire to guide information collection

The present questionnaire was designed to help Humanitarian Country Teams and local implementing partners identify and contribute to document the practical obstacles to their operations that may result from the implementation of sanctions or counterterrorism measures against the host Government, local armed groups, and/or influential individuals, as well as the extent to which these obstacles affect the response.

A. Understanding the context

1. What type of measures, policies and/ or practices adopted by the affected State⁷ do you have to navigate when designing and carrying out operations?

- Laws and regulations that may generate a legal risk for engaging with 'terrorist' or otherwise sanctioned groups and individuals⁸, or operating in areas where these groups have significant presence or influence (e.g. sanctioning unintentional cases of aid diversion to, or engagement with, 'terrorist' groups)

Y ☐ N ☐ I don't know ☐

Level of impact (see question 3):

Very important	<input type="checkbox"/>
Important	<input type="checkbox"/>
Limited	<input type="checkbox"/>
Nil or negligible	<input type="checkbox"/>

- Other threats or pressures to dissuade engaging with 'terrorist' or otherwise sanctioned groups and individuals, or 'affiliates'⁹, or operating in areas where these groups have significant presence or influence

Y ☐ N ☐ I don't know ☐

Level of impact (see question 3):

Very important	<input type="checkbox"/>
Important	<input type="checkbox"/>
Limited	<input type="checkbox"/>
Nil or negligible	<input type="checkbox"/>

- Physical access restrictions (e.g. checkpoints, military areas, etc.) imposed by authorities to areas where 'terrorist' or otherwise sanctioned groups have significant presence or influence, or to 'terrorist' or otherwise sanctioned individuals or 'affiliates' (e.g. through restriction of movement of 'affiliates', or restrictions on visits to 'terrorist' individuals held in detention)

Y ☐ N ☐ I don't know ☐

Level of impact (see question 3):

Very important	<input type="checkbox"/>
Important	<input type="checkbox"/>
Limited	<input type="checkbox"/>
Nil or negligible	<input type="checkbox"/>

- Administrative regulations and processes restricting operations in areas where 'terrorist' or otherwise sanctioned groups have significant presence or influence, or the provision of assistance to 'terrorist'

⁷ For the purpose of this survey, the terms 'affected State' refer to the State on the territory of which respondents are physically based and participate to humanitarian operations. For local NGO respondents, these terms refer to the State where their organization was established and on the territory of which they operate.

⁸ There is no internationally binding definition of 'terrorism', 'terrorist' or 'terrorist group'. For the purpose of this survey, the term 'terrorist' applies to all organizations and individuals listed by the Security Council Al-Qaeda/ ISIL sanctions Committee (https://www.un.org/securitycouncil/sanctions/1267/aq_sanctions_list), as well as any organizations and individuals officially listed/ designated as 'terrorist' by the affected State, or by other relevant States (e.g. donor States).

⁹ For the purpose of this survey, the term 'affiliates' applies to persons known or suspected of having any form of association or link with terrorist groups or individuals (as defined in footnote 2 above).

or otherwise sanctioned individuals or 'affiliates' – e.g. the need to obtain specific authorizations / licenses

Y ☐ N ☐ I don't know ☐

Level of impact (see question 3):	Very important	<input type="checkbox"/>
	Important	<input type="checkbox"/>
	Limited	<input type="checkbox"/>
	Nil or negligible	<input type="checkbox"/>

- *Administrative regulations and processes restricting the ability to swiftly import goods and services (e.g. prohibition to import certain goods and services, or need for specific licenses / authorizations)*

Y ☐ N ☐ I don't know ☐

Level of impact (see question 3):	Very important	<input type="checkbox"/>
	Important	<input type="checkbox"/>
	Limited	<input type="checkbox"/>
	Nil or negligible	<input type="checkbox"/>

- *Others*

Y ☐ N ☐ I don't know ☐

Please specify: [Click or tap here to enter text.](#)

Level of impact (see question 3):	Very important	<input type="checkbox"/>
	Important	<input type="checkbox"/>
	Limited	<input type="checkbox"/>
	Nil or negligible	<input type="checkbox"/>

Please elaborate on the points above, providing if possible concrete examples of specific counter-terrorism measures, policies or practices [Click or tap here to enter text.](#)

2. What type of measures, policies and/ or practices adopted by institutional actors other than the affected State¹⁰ do you have to navigate when designing and carrying out, or financing, operations?

- *Sanctions, laws and regulations that may generate a legal risk for engaging with 'terrorist', otherwise sanctioned groups and individuals, or sanctioned Government, or operating in areas where these entities have significant presence or influence¹¹ (e.g. laws that may penalize unintentional cases of aid diversion to, or engagement with, 'terrorist' or otherwise sanctioned groups and individuals)*

Y ☐ N ☐ I don't know ☐

Level of impact (see question 3):	Very important	<input type="checkbox"/>
	Important	<input type="checkbox"/>
	Limited	<input type="checkbox"/>
	Nil or negligible	<input type="checkbox"/>

¹⁰ This may include e.g. the Security Council, regional organizations such as the European Union and their humanitarian branches, donor States, States of transit of humanitarian assistance and supplies, States of citizenship of international staff, States of registration of international NGOs, or States under the laws of which financial and other transactions necessary to the humanitarian response are being conducted.

¹¹ The 'areas' in question may extend to the entire territory of the affected State when the de facto authorities or Government, or the party controlling the de facto authorities or Government, are themselves considered 'terrorist' by other States.

- *Threats or pressures to dissuade engaging with 'terrorist' or otherwise sanctioned groups and individuals, 'affiliates, or sanctioned Governments, or operating in areas where these entities have significant presence or influence (e.g. threats to withdraw funding)*

Y ☐ N ☐ I don't know ☐

Level of impact (see question 3):

Very important	<input type="checkbox"/>
Important	<input type="checkbox"/>
Limited	<input type="checkbox"/>
Nil or negligible	<input type="checkbox"/>

- *Administrative regulations and processes restricting the ability to swiftly import goods and funds/ services (e.g. prohibition to import certain goods and funds/ services, or need for specific licenses/ authorizations)*

Y ☐ N ☐ I don't know ☐

If yes, please provide details on applicable restrictions and available licensing processes (e.g. does licensing authorize all operations necessary to your organization's activities for a limited period of time, or for specific operations only? Is there a need for multiple licenses – from the State of origins, the State of transit, potentially other institutional actors, or is one single license sufficient?): [Click or tap here to enter text.](#)

Level of impact (see question 3):

Very important	<input type="checkbox"/>
Important	<input type="checkbox"/>
Limited	<input type="checkbox"/>
Nil or negligible	<input type="checkbox"/>

- *Due diligence requirements specifically related to counterterrorism/sanctions introduced in funding agreements or general grant management (e.g. partner vetting, staff vetting, beneficiary vetting, assistance tracking, etc.)*

Y ☐ N ☐ I don't know ☐

Level of impact (see question 3):

Very important	<input type="checkbox"/>
Important	<input type="checkbox"/>
Limited	<input type="checkbox"/>
Nil or negligible	<input type="checkbox"/>

- *Other conditions introduced through funding agreements (e.g. requirements that grants not be spent in some areas or no-contact policies with 'terrorist' groups, etc.)*

Y ☐ N ☐ I don't know ☐

Level of impact (see question 3):

Very important	<input type="checkbox"/>
Important	<input type="checkbox"/>
Limited	<input type="checkbox"/>
Nil or negligible	<input type="checkbox"/>

- *Conditions and requests formulated/ conveyed in an informal manner (e.g. pressures for more information-sharing on beneficiaries or groups considered 'terrorist' or otherwise sanctioned, etc.)*

Y ☐ N ☐ I don't know ☐

Level of impact (see question 3):

Very important	<input type="checkbox"/>
Important	<input type="checkbox"/>
Limited	<input type="checkbox"/>
Nil or negligible	<input type="checkbox"/>

- *Others*

Y ☐ N ☐ I don't know ☐

Please specify: [Click or tap here to enter text.](#)

Level of impact (see question 3):

Very important	<input type="checkbox"/>
Important	<input type="checkbox"/>
Limited	<input type="checkbox"/>
Nil or negligible	<input type="checkbox"/>

Please elaborate on the points above, providing if possible concrete examples of specific counter-terrorism measures, clauses, policies or practices [Click or tap here to enter text.](#)

3. For each of the above-mentioned types of measures, policies and practices, please indicate how important the impact is on your organization's activities (the questions below will help identifying what 'impact' means for the purpose of the survey)¹².

4. Does your organization's work in the affected country benefit from exemptions that exclude humanitarian action, or certain types of humanitarian activities, or activities by certain humanitarian organizations, from the scope of application of counterterrorism measures/sanctions?

Y ☐ N ☐ I don't know ☐

If yes, please specify whether applicable exemptions are found in international measures (e.g. applicable Security Council resolutions or E.U. legislation) or at the national level (affected State's legislation, donor States' legislation, other relevant State legislation such as transit States), or a combination thereof, and elaborate on their effectiveness: [Click or tap here to enter text.](#)

5. Does your organization's work in the affected country benefit from laws, policies or practices that seek to mitigate the impact of counterterrorism measures/sanctions on humanitarian action, other than exemptions?

Y ☐ N ☐ I don't know ☐

If yes, please provide details on the laws, policies or practices in question as well as their effectiveness: [Click or tap here to enter text.](#)

B. Understanding how counter-terrorism measures, policies and practices influence the humanitarian response

6. In your opinion, how do the measures, policies and practices described above influence the way your organization designs, scopes and/ or finances programmes?

- They translate into a decrease in the overall amount of funding available

¹² The term 'impact' should be understood as negative consequences in terms of your organization's ability to plan and respond to needs based only on the extent and urgency of these needs, as independently assessed, and to do so in an efficient and timely manner. Indicators such as delays in the response, programmes cancellation, important overhead costs, requests or pressures from institutional actors that jeopardize the impartiality of the response (for example impede access to populations outside of Government control), or similar indicators, are relevant in assessing impact, provided that there is a clear nexus with the implementation of counter-terrorism measures.

For the purpose of this questionnaire, the impact should be considered 'very important' if the implementation of counterterrorism measures has prevented certain types of assistance or certain programmes from being carried out in some areas; it should be considered 'important' if the implementation of counterterrorism measures has led to a significant downsizing of some programmes and/ or significant delays in programme delivery; it should be considered 'limited' if it has only implied additional due diligences and administrative processes without significantly affecting access, planning and programme delivery.

Y ☐ N ☐ I don't know ☐

- They translate into an increase in overhead costs to navigate the legal and administrative aspects and put in place the required due diligence processes

Y ☐ N ☐ I don't know ☐

- They have an influence on where your organization plans to implement programmes (e.g. less programming in areas outside of Government control, or in camps and settlement hosting persons from such areas)

Y ☐ N ☐ I don't know ☐

- They have an influence on the populations targeted by your organization's programmes (e.g. less programming targeting persons living in or having lived in areas where groups considered 'terrorist' or otherwise sanctioned have significant influence)

Y ☐ N ☐ I don't know ☐

- They have an influence on the nature of the activities your organization is planning on conducting or financing (e.g. limitations on cash-based or other forms of assistance, or limitations on protection activities, in areas where 'terrorist' groups have significant presence or influence)

Y ☐ N ☐ I don't know ☐

- Others

Y ☐ N ☐ I don't know ☐

Please specify: [Click or tap here to enter text.](#)

Please elaborate on the points above, providing concrete examples illustrating the types of impact felt by your organization and its consequences on the response – using whenever possible quantitative indicators (e.g. amount of funding lost as a result of specific decisions from donors to limit or cease funding due to concerns related to the risk of aid diversion to terrorist groups; number of programmes cancelled, resulting in X targeted persons not receiving a certain type of assistance; number of programmes delayed, length of the delay, and number of persons affected, etc.) [Click or tap here to enter text.](#)

7. In your opinion, how do the measures, policies and/ or practices described above influence the way your organization implements programmes in-country?

- They damage acceptance by local populations and safe access by inhibiting engagement with parties considered 'terrorist'

Y ☐ N ☐ I don't know ☐

- They damage acceptance and safe access by assimilating humanitarian action to counter-terrorism efforts

Y ☐ N ☐ I don't know ☐

- They damage acceptance, safe access and/or the quality of assistance by making your organization's direct presence in some areas more difficult (vs. resort to implementing partners to deliver in these areas or absence of operations in these areas)

Y ☐ N ☐ I don't know ☐

- They decrease effectiveness by making the recruitment of local staff more difficult

Y ☐ N ☐ I don't know ☐

- *They decrease effectiveness by making the sub-contracting of local implementing partners more difficult*

Y ☐ N ☐ I don't know ☐

- *They decrease effectiveness and generate delays by making the administrative processes and/ or due diligences required to operate in-country lengthier and costlier*

Y ☐ N ☐ I don't know ☐

- *Others*

Y ☐ N ☐ I don't know ☐

Please specify: [Click or tap here to enter text.](#)

Please elaborate on the points above, providing concrete examples illustrating the types of impact felt by your organization and its consequences on the response – using whenever possible quantitative indicators (e.g. nature of administrative requirements, length of administrative processes and consequences in terms of delays, potential cancellation or suspension of programmes and number of people affected, etc.) [Click or tap here to enter text.](#)

C. Understanding the impact on your organization's access to quality services from banks and vendors

8. ***Has your organization's access to banking and other financial services (e.g. wire services, obtention of credit cards) suffered restrictions due to sanctions against the affected State's Government, or to the presence of 'terrorist' or otherwise sanctioned groups where it operates?***

- *There have been additional processing delays and/ or additional requests for banks to be able to transfer funds (e.g. need to obtain a specific exemption or license)*

Y ☐ N ☐ I don't know ☐

- *Banks have refused to provide services in support to operations, even under a specific exemption/ license*

Y ☐ N ☐ I don't know ☐

- *Access to the local banking system in-country has been restricted*

Y ☐ N ☐ I don't know ☐

- *Lack of access to formal banking and other financial services has meant that your organization had to turn to less formal solutions (physically moving cash, hawala, etc.)*

Y ☐ N ☐ I don't know ☐

- *Others*

Y ☐ N ☐ I don't know ☐

Please specify: [Click or tap here to enter text.](#)

Please elaborate on the points above (e.g. nature of additional requests or average duration for having funds made available, compared to non-counter-terrorism contexts; nature of the informal money transfer systems resorted to, proportion of money transfers carried out through these systems, and nature of the additional risks incurred by having to resort to these systems – including security risks, additional risks of aid diversion, etc.) [Click or tap here to enter text.](#)

9. Has your organization's access to quality services from vendors suffered restrictions due to sanctioned against the affected State's Government, or to the presence of 'terrorist' or otherwise sanctioned groups where it operates?

- There have been additional processing delays and/ or additional requests for international vendors to be able to transfer goods/ services (e.g. need to obtain a specific exemption or license from the exporting State's administration)

Y ☐ N ☐ I don't know ☐

- International vendors have refused to provide goods/ services (e.g. transportation, insurance, etc.) in support to operations – even under a specific exemption/ license

Y ☐ N ☐ I don't know ☐

- International vendors have imposed exorbitant conditions for the provision of goods/ services (e.g. transportation, insurance, etc.) in support to operations

Y ☐ N ☐ I don't know ☐

- There have been restrictions imposed by the exporting State's administrations on the type of goods/ services that may be transferred for your organization's operations

Y ☐ N ☐ I don't know ☐

- There have been restrictions on your organization's ability to obtain goods/ services (e.g. insurance, transportation) from local vendors

Y ☐ N ☐ I don't know ☐

- Others

Y ☐ N ☐ I don't know ☐

Please specify [Click or tap here to enter text.](#)

Please elaborate on the points above, providing if possible concrete examples of each type of impact felt by your organization (e.g. average duration for goods/ services transfers; average duration and conditions for obtaining a specific license; delays for paying staff salaries, implementing partners or vendors; cash shortages diminishing ability to procure goods and services in-country) and its consequences (e.g. suspension or cancellation of programmes such as cash-based programming) [Click or tap here to enter text.](#)

D. Understanding the judicial and security concerns facing staff and organizations

10. Have your organization's staff members faced legal concerns based on suspicions of support to 'terrorist' groups or to the affected State's Government in relation to their humanitarian work?

- Staff members have explicitly been threatened with prosecution by affected State's authorities and/ or other State(s) (e.g. donor State(s) or staff member's State of nationality)

Y ☐ N ☐ I don't know ☐

- *Staff members have been arrested by affected State's authorities and/ or other State(s) (e.g. donor State(s) or staff member's State of nationality)*

Y ☐ N ☐ I don't know ☐

- *Staff members have been prosecuted by affected State's authorities and/ or other State(s) (e.g. donor State(s) or staff member's State of nationality)*

Y ☐ N ☐ I don't know ☐

- *Others*

Y ☐ N ☐ I don't know ☐

Please specify [Click or tap here to enter text.](#)

Please elaborate on the points above, providing if possible concrete examples [Click or tap here to enter text.](#)

11. If the response to question 8 is 'yes', have local staff members been particularly or disproportionately affected by these concerns?

- *Staff members have been particularly affected while working for your organization*

Y ☐ N ☐ I don't know ☐

- *Staff members have been particularly affected after the termination of their mission for your organization*

Y ☐ N ☐ I don't know ☐

Please elaborate, providing if possible concrete examples (e.g. number and proportion of local staff members affected vs. international, etc.) [Click or tap here to enter text.](#)

12. Have humanitarian organizations or their legal representatives (board members) faced legal concerns in relation to counter-terrorism measures due to their activities in the affected State?

- *Organizations/ legal representatives have explicitly been threatened of legal action*

Y ☐ N ☐ I don't know ☐

- *Organizations/ legal representatives have been prosecuted and/ or condemned, or paid settlement sums*

Y ☐ N ☐ I don't know ☐

- *Others*

Y ☐ N ☐ I don't know ☐

Please specify [Click or tap here to enter text.](#)

Please elaborate on the points above, providing if possible concrete examples [Click or tap here to enter text.](#)

13. If the response to question 10 is 'yes', have local NGOs been particularly affected?Y ☐ N ☐ I don't know ☐

Please elaborate, providing if possible concrete examples (e.g. number and proportion of local NGOs affected vs. international, etc.) [Click or tap here to enter text.](#)

14. Have your organization's staff members, their families, or other persons perceived to be associated with your organization, faced security concerns based on suspicions of support to the affected State's Government, or to 'terrorist' or otherwise sanctioned groups in relation to their actual or perceived humanitarian activities?

- Staff members have been threatened or intimidated by affected State's authorities and/ or other State(s) (e.g. donor State(s) or staff member's State of nationality)

Y ☐ N ☐ I don't know ☐

- Staff members' freedom of movement has been restricted by affected State's authorities and/ or other State(s) (e.g. donor State(s) or staff member's State of nationality)

Y ☐ N ☐ I don't know ☐

- Others

Y ☐ N ☐ I don't know ☐

Please specify [Click or tap here to enter text.](#)

Please elaborate on the points above, providing if possible concrete examples of each type of impact felt by your organization and its consequences [Click or tap here to enter text.](#)

15. If the response to question 12 is 'yes', have local staff members been particularly affected by these concerns?

- Staff members have been particularly affected while working for your organization

Y ☐ N ☐ I don't know ☐

- Staff members have been particularly affected after the termination of their mission for your organization

Y ☐ N ☐ I don't know ☐

Please elaborate, providing if possible concrete examples (e.g. number and proportion of local staff members affected vs. international, etc.) [Click or tap here to enter text.](#)

16. Have your organization's staff members faced security concerns based on perceived association with counter-terrorism efforts or international sanctions?

- Staff members have been threatened or intimidated by 'terrorist' or otherwise sanctioned groups, or by the affected State's Government

Y ☐ N ☐ I don't know ☐

- *Staff members have been attacked, kidnapped or detained by 'terrorist' or otherwise sanctioned groups, or by the affected State's Government*

Y ☐ N ☐ I don't know ☐

- *Others*

Y ☐ N ☐ I don't know ☐

Please specify [Click or tap here to enter text.](#)

Please elaborate on the points above, providing if possible concrete examples of each type of impact felt by your organization and its consequences [Click or tap here to enter text.](#)

17. If the response to question 14 is 'yes', have local staff members been particularly affected by these concerns?

- *Staff members have been particularly affected while working for your organization*


Y ☐ N ☐ I don't know ☐

- *Staff members have been particularly affected after the termination of their mission for your organization*


Y ☐ N ☐ I don't know ☐

Please elaborate, providing if possible concrete examples (e.g. number and proportion of local staff members affected vs. international, etc.) [Click or tap here to enter text.](#)

3. Relevant IASC policies and guidelines, online tool to document impact, and other useful resources

 **IASC Policies and Guidelines** articulate in concrete terms the implications for HCT members of the normative framework underpinning and governing humanitarian action (particularly IHL, IHRL, IRL and humanitarian principles). Several IASC policies and guidelines constitute essential references for HCs and HCT members confronted with requests related to sanctions and counterterrorism measures, to determine when such requests may go against principled humanitarian action. Of particular relevance are:

- The IASC Policy Paper on the Protection of Internally Displaced Persons (1999) (<https://interagencystandingcommittee.org/system/files/2020-11/IASC%20Policy%20Paper%2C%20Protection%20of%20Internally%20Displaced%20Persons.pdf>)
- The IASC Policy on the Centrality of Protection (2016) (www.globalprotectioncluster.org/_assets/files/tools_and_guidance/IASC%20Guidance%20and%20Tools/iasc-policy-on-protection-in-humanitarian-action.pdf)
- The IASC Guidance on Human Rights for Humanitarian Coordinators (www.interagencystandingcommittee.org/system/files/2020-11/IASC%2C%20Human%20Rights%20Guidance%20Note%20for%20Humanitarian%20Coordinators%2C%20202006.pdf)
- The IASC Operational Guidance on Data Responsibility in Humanitarian Action, Feb. 2021 (<https://interagencystandingcommittee.org/system/files/2021-02/IASC%20Operational%20Guidance%20on%20Data%20Responsibility%20in%20Humanitarian%20Action-%20February%202021.pdf>)
- Specifically, on donors' requests in the area of risk management, and advice to reconcile those with principled humanitarian action, see the IASC Risk Management Toolkit, 2015, available at www.interagencystandingcommittee.org/system/files/2020-11/IASC%20Risk%20Management%20Toolkit%20in%20relation%20to%20Counterterrorism%20Measures.pdf). An updated version is available at: <https://www.nrc.no/shorthand/stories/toolkit-for-principled-humanitarian-action/index.html>

 **An electronic interface** was developed in the context of the IASC, allowing humanitarian organizations to confidentially report and document, in a centralized repository, specific sanctions- and counterterrorism-related impediments, as well as their impact. This tool is jointly managed by the IASC Secretariat, Interaction and OCHA. Any humanitarian organization can feed into this tool using the following link:


<https://airtable.com/shrfFjh8MG6Rx9KXS>

The information collected is exclusively accessible to the managers of the database. It is intended to be used for country-specific and global trends analysis as well as advocacy purposes, in a form that fully preserves confidentiality. To that end, any information shared that may identify contributors (individuals or organizations), programs or grants, is systematically anonymized before any public use. No information is ever attributed to a single humanitarian organization, entity or individual.

A publicly available dashboard providing a generic overview of the information collected is accessible via the following link:

<https://airtable.com/shr4SdrsWGHK9IP4M/tbIA55KPUshxHW32k>

In case the amount and quality of information collected via this tool allows solid trend analysis, such analysis will be provided regularly to contributing organizations by the managers.

 **Several thematic and country-specific studies** have been published on the topic over the years, with concrete examples of impact from contexts like Palestine, Afghanistan, Somalia, the DPRK, Syria or Nigeria, as well as recommendations for practical mitigation measures. Below is a non-exhaustive list with links to the mentioned studies. OCHA Headquarters can make available further material upon demand.

On the impact of counterterrorism measures

- *The Impact of Donor Counterterrorism Measures on Principled Humanitarian Action*, Kate McIntosh and Patrick Duplat, Independent Study commissioned by OCHA and NRC, 2013 (https://www.unocha.org/sites/unocha/files/CounterTerrorism_Study_Full_Report.pdf);
- *Principles under Pressure – The Impact of Counterterrorism and Preventing/Countering Violent Extremism on Principled Humanitarian Action*, Emma O’Leary, NRC, 2018 (https://www.nrc.no/globalassets/pdf/reports/principles-under-pressure/nrc-principles_under_pressure-report-2018-screen.pdf);
- *Safeguarding medical Care and Humanitarian Action in the UN Counterterrorism Framework*, Alice Debarre, IPI, Sept. 2018 (https://www.ipinst.org/wp-content/uploads/2018/09/1809_Safeguarding-Medical-Care.pdf);
- *The Criminalization of Healthcare*, independent report commissioned by the UN Special Rapporteur on the Right to Health, October 2018 (<https://www1.essex.ac.uk/hrc/documents/54198-criminalization-of-healthcare-web.pdf>);
- *Medical Care in Armed Conflict: International Humanitarian Law and State Responses to Terrorism*, Dustin A. Lewis, Naz K. Modirzadeh, and Gabriella Blum, September 2015 (<https://pilac.law.harvard.edu/medical-care-in-armed-conflict-international-humanitarian-law-and-state-responses-to-terrorism>);
- Emanuela-Chiara Gillard, *Humanitarian Action and Non-state Armed Groups – The International Legal Framework*, Chatham House Research Paper, Feb. 2017 (<https://www.chathamhouse.org/sites/default/files/publications/research/2017-02-02-humanitarian-action-non-state-armed-groups-gillard.pdf>);
- Emanuela-Chiara Gillard, *Recommendations for Reducing Tensions in the Interplay Between Sanctions, Counterterrorism Measures and Humanitarian Action*, Chatham House Research Paper, Aug. 2017 (https://www.chathamhouse.org/sites/default/files/publications/research/CHHJ5596_NSAG_iv_research_paper_1708_WEB.pdf).


On the impact of broad sanctions regimes

- *Humanitarian Impact of Syria-Related Unilateral Coercive Measures*, Independent study commissioned by the Office of the Resident Coordinator and the UN Economic and Social Commission for Western Asia, May 2016 (<https://www.documentcloud.org/documents/3114567-Study-on-Humanitarian-Impact-of-Syria-Related.html>);
- *Making Sanctions Smarter: Safeguarding Humanitarian Action*, IPI, Dec. 2019 (https://www.ipinst.org/wp-content/uploads/2019/12/1912_Making-Sanctions-Smarter.pdf);
- *Report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights on his mission to the Syrian Arab Republic (A/HRC/39/54/Add2)*, Sept. 2018 (https://reliefweb.int/sites/reliefweb.int/files/resources/A_HRC_39_54_Add.pdf);

On de-risking specifically

- *Keeping the lifeline open: Remittances and markets in Somalia*, Manuel Orozco and Julia Yansura, Oxfam, 2013 (<https://s3.amazonaws.com/oxfam-us/www/static/oa4/somalia-remittance-report-web.pdf>)

- *Counterterrorism, Derisking and the Humanitarian Response in Yemen: A Call for Action*, Sherine El Taraboulsi-McCarthy with Camilla Cimatti, HPG Working Paper, February 2018 (<https://www.odi.org/sites/odi.org.uk/files/resource-documents/12047.pdf>)
- *The Impact of Bank De-Risking on the Humanitarian Response to the Syrian Crisis*, ODI, Aug. 2018 (<https://www.odi.org/sites/odi.org.uk/files/resource-documents/12376.pdf>);
- *Risk Management Principles Guide for Sending Humanitarian Funds into Syria and Similar High-Risk Jurisdictions*, Dr. Justine Walker, ACAMS, June 2020 (<http://files.acams.org/pdfs/2020/The-Risk-Management-Principles-Guide-for-Sending-Humanitarian-Funds-into-Syria-and-Similar-High-Risk-Jurisdictions.pdf>);
- *Invisible Sanctions: How over-compliance limits humanitarian work on Syria – Challenges of Fund Transfer for Non-Profit Organizations Working on Syria*, Dr. Joseph Daher, IMPACT, July 2020 (https://impact-csrd.org/reports/Invisible_Sanctions_IMPACT_EN.pdf)

 OCHA has developed and is regularly updating **a compendium of the main UN, US and EU sanctions potentially affecting humanitarian operations and exemptions thereto**, which can be shared upon demand to OCHA Headquarters.