

**Model Pledge**

# Model pledge title:

*Protection of principled humanitarian action from the side effects of counterterrorism measures and sanctions regimes.*

**International Conference theme/topic(s) related to this pledge:**

*This pledge relates to the following topics of the 33rd International Conference: (1) trust in humanitarian action; and (2) respecting and implementing international humanitarian law (IHL), as well as the report on IHL and the challenges of contemporary armed conflicts to be submitted to the International Conference.*

**Pledge for the period 2019–2023:**

*Recent years have seen the rise of counterterrorism measures and sanctions regimes developed by States and international organizations. Experience and practice in a variety of armed conflict situations have shown that counterterrorism measures and sanctions regimes have had an adverse impact on the delivery of humanitarian activities and the conduct of principled humanitarian action, notably by obstructing engagement with all parties concerned and hindering access to the most vulnerable people.*

*IHL contains rules that provide protection to* *humanitarian activities conducted by impartial humanitarian organizations. Better respect for these rules may lessen the adverse effects of counterterrorism measures and sanctions regimes on principled humanitarian action.*

1. Objectives of the pledge

*The objective of this pledge is to better protect principled humanitarian action in armed conflicts by ensuring that counterterrorism measures and sanctions regimes established by States at domestic, regional and international levels comply with applicable**IHL rules protecting the exclusively humanitarian activities carried out by impartial humanitarian organizations, notably through the promotion, implementation and integration of these rules in domestic frameworks and policies.*

*[The government/National Society pledges / The government[s] and National Society/Societies of [COUNTRY/COUNTRIES] jointly pledge] to undertake the following measures to ensure respect for IHL rules that protect principled humanitarian action while taking counterterrorism measures and establishing sanctions regimes:
[States and National Societies can tailor this pledge further to their context by selecting the objectives they will focus on from among the following or among others not listed below.]*

* *adopt all necessary legislative, regulatory and practical measures to ensure that domestic counterterrorism measures and sanctions regimes comply with IHL relevant to the protection of humanitarian activities carried out by impartial humanitarian actors*
* *include humanitarian exemptions – or similar mitigating measures – systematically in domestic counterterrorism measures and sanctions regulations; such mitigating measures will aim to exclude humanitarian activities undertaken by impartial humanitarian organizations from the scope of application of counterterrorism and/or sanctions-related measures and regulations*
* *ensure that domestic legislation does not criminalize the provision of humanitarian activities, including medical activities, that are carried out in a manner consistent with IHL*
* *promote, in regional and international forums, the preservation of principled humanitarian action while taking counterterrorism measures and establishing sanctions regimes, in particular by introducing into regulatory frameworks language that safeguards principled humanitarian action, notably by the systematic inclusion of humanitarian exemptions or similar mitigating measures*
* *request that counterterrorism measures and sanctions regimes adopted at international and regional levels systematically include assessments of their impact on principled humanitarian action and provide a mandate to report on this impact*
* *develop (or request or support the development of) guidance documents at domestic, regional and international levels aimed at ensuring that the implementation of counterterrorism measures and sanctions regimes is consistent with IHL and does not hinder principled humanitarian action*
* *exchange, in relevant forums, examples of good practices and measures that can be taken to comply with IHL obligations pertaining to the protection of humanitarian activities conducted by impartial humanitarian organizations*
* *create an inter-agency/interministerial working group to enable and support an effective dialogue between counterterrorism/sanctions communities and humanitarian organizations*
* *appoint interministerial focal points for questions related to the interaction between counterterrorism, sanctions regimes and principled humanitarian action*
* *ensure that funding agreements signed between donors and humanitarian organizations do not include clauses that hamper principled humanitarian action and reflect a shared risk burden approach*
* *facilitate discussions between financial institutions and humanitarian organizations, notably with the view to reducing the impact of bank de-risking on humanitarian organizations.*
1. Action plan

*States and National Societies can develop their own action plans depending on the objectives selected as a focus for their work in their context, as well as tailor the time frame and the list of measurable actions that they intend to implement by 2023. Among the measures that they may take as part of the implementation of the above objectives are the following.*

* *With regard to the adoption of domestic legislative, regulatory and practical measures to incorporate IHL rules protecting principled humanitarian action in counterterrorism and sanctions frameworks, States and/or National Societies may:*
	+ *carry out an analysis of areas requiring developments or modifications;*
	+ *develop new legislation and regulations, or modify existing ones;*
	+ *draft guidance documents on how to implement counterterrorism measures and sanctions regimes in a manner compliant with IHL;*
	+ *designate interministerial focal points.*
* *With regard to the adoption and implementation of measures to protect principled humanitarian action from the effects of counterterrorism and sanction regimes at regional and international levels, States and/or National Societies may:*
* *carry out an analysis of domestic counterterrorism frameworks and sanctions regimes requiring developments or modifications;*
* *request that counterterrorism measures and sanctions regimes be accompanied by an assessment of their impact on principled humanitarian action;*
* *promote the inclusion of humanitarian exemption or other similar mitigating measures in counterterrorism measures and sanctions regimes.*
* *With regard to the exchange of examples of good practices and measures to comply with IHL obligations, States and/or National Societies may:*
	+ *carry out and/or share assessments of the impact of counterterrorism and sanctions regimes on principled humanitarian action;*
	+ *share good practices and offer technical advice on the measures that can be put in place to protect principled humanitarian action.*
1. Indicators for measuring progress
* *Number of actions taken by States, international organizations and/or by National Societies in support of these, to consider relevant IHL obligations in legislative, administrative and institutional frameworks, including policy guidance on the interpretation of existing counterterrorism measures and sanctions regimes*
* *Number of humanitarian exemptions or other similar mitigating measures included in counterterrorism measures and sanctions regimes*
* *Number of States and/or National Societies that have created interministerial working groups and/or focal points*
* *Number of practical measures taken by a State to enhance dialogue between its relevant agencies, financial institutions and humanitarian organizations*
1. Resource implications

*States and/or National Societies to determine the resources that may be required to support the implementation of this pledge based on the selected objectives and actions to be taken in their specific context.*

Organization: International Committee of the Red Cross (ICRC)

Name of department and focal person: Department of International Law and Policy, Legal Division, Tristan Ferraro

Email address and extension no.: tferraro@icrc.org (+41 22 7302990)