



Power of humanity

Council of Delegates of the International Red Cross
and Red Crescent Movement

19-23 June 2022, Geneva

SUMMARY REPORT ON WORKSHOP

Counterterrorism and sanctions regimes and their impact on principled humanitarian action

Date and time: Thursday, 20 January 2022
09:00–10:30 (CET): Arabic, English, Russian
17:00–18:30 (CET): English, French, Spanish

Chair/facilitator/moderator:

First session: Eva Svoboda (Deputy Director, Department of International Law and Policy, International Committee of the Red Cross (ICRC)) and Alexander Matheou (Regional Director for Asia Pacific, International Federation of Red Cross and Red Crescent Societies (IFRC))
Second session: Cordula Droege (Chief Legal Officer and Head of the Legal Division, ICRC) and Hossam Elsharkawi (Regional Director for MENA, IFRC)

Speakers/panellists/presenters:

First session: Jan Ninck Blok (Legal Adviser, Netherlands Red Cross, Co-chair of the ELSG¹ Reference Group on Restrictive Measures), Tewodros Alamrew (Head of the Secretary-General's Office, Ethiopian Red Cross Society), Khaled Erksoussi (Secretary-General, Syrian Arab Red Crescent), Yvette Zegenhagen (Legal Adviser, Australian Red Cross)

Second session: Jan Ninck Blok (Legal Adviser, Netherlands Red Cross, Co-chair of the ELSG Reference Group on Restrictive Measures), Khaled Erksoussi (Secretary-General, Syrian Arab Red Crescent), Åsa Sandberg (Senior Desk Officer for Asia, Swedish Red Cross)

Executive summary

Counterterrorism measures and sanctions regimes have not only increased in number but also in breadth. They have an adverse impact on principled humanitarian action, often impeding humanitarian operations, including those of the components of the International Red Cross and Red Crescent Movement (Movement) and their partners. Through the experiences shared, the workshop provided a picture of the impact of these measures and the challenges arising from their complexity in different contexts. Participants emphasized the need to continue working together on the issues and they underscored the potential usefulness of taking a collective approach to gathering evidence on their impact on Movement action and to sharing best practice for engagement and successes. It was recognized that Movement

¹ European Legal Support Group

components need to engage proactively with authorities and the financial sector, and the idea of adopting a Movement statement on the issue was raised and may be explored further.

General observations and highlights

Counterterrorism measures and sanctions take various forms and can have different impacts. The domestic implementation of United Nations Security Council resolutions, particularly criminalization through legislation and inclusion in donor agreements, is especially challenging for the Movement and a hindrance to the delivery of our humanitarian mandate in accordance with the Fundamental Principles.

Working together on common advocacy efforts can make a positive difference. Several key elements were identified:

- A common vocabulary with a shared understanding of terms is important to be able to work collectively.
- Understanding how counterterrorism measures and sanctions affect Movement components differently can support collective advocacy.
- Finding effective ways to gather examples of the negative impacts would be beneficial.
- Sharing information and advice on approaching authorities and other actors can build efficiency and effectiveness, individually and collectively.

Key points raised

The co-chairs and panellists began by explaining how counterterrorism measures and sanctions have had adverse effects on principled humanitarian action, at times impeding the operations of humanitarian actors, including Movement components and their partners. They gave the following examples from their own experience:

- Counterterrorism measures and sanctions may directly impact the ability of humanitarian organizations to import or export items essential to humanitarian activities.
- Counterterrorism measures and sanctions may create a chilling effect for governments and donors, who are increasingly reluctant to fund humanitarian activities in contexts affected by counterterrorism measures or specific sanctions regimes (e.g. Afghanistan).
- Many private actors, such as banks, suppliers, insurers, transporters, whose goods and services fall within the scope of application of counterterrorism measures and sanctions, often “de-risk” and over-comply. They adopt a strict and conservative interpretation of the rules, which are often difficult to understand or translate into practice, in order to protect themselves against any potential breach.

The result is a situation where any risk associated with operating in a fragile or conflict-affected environment is transferred to humanitarian organizations. While humanitarian exemptions have recently begun to be included in some sanctions regimes, much work remains to be done to ensure that they are effectively integrated into domestic law and practice.

Panellists and participants then presented the tools they are developing related to counterterrorism measures and sanctions. The ELSG Reference Group on Restrictive Measures presented a mapping exercise of the legal frameworks and legislative processes of different European countries, together with a list of common terms and phrases that is in draft. The IFRC presented a draft guidance note on counterterrorism measures and sanctions that National Societies could adapt to their individual frameworks as needed. Individual National Societies presented their reports and tools, some of which have already been shared or are available on request.

Finally, panellists and participants highlighted the need for the Movement to collect data on the impact of counterterrorism measures and sanctions and to use this data as a basis for amplifying key messages in humanitarian diplomacy. Participants expressed the need for increased internal collaboration and coordination, not only within the Movement and between National Societies, but also between different National Society departments and with staff in the field.

Panellists and participants underlined that the Movement must seize opportunities to engage efficiently and effectively with all relevant actors, both bilaterally and multilaterally, including with state authorities, financial institutions, donors, other humanitarian organizations and academia. In terms of next steps, several National Societies expressed an interest in the development and adoption of a Movement-wide position on counterterrorism measures and sanctions.

Conclusions and recommendations

The Movement does not take a position on the legitimacy of counterterrorism measures or sanctions regimes, nor on the necessity for States to adopt them. The Fundamental Principles of independence, impartiality and neutrality need to be maintained in the face of such measures.

Movement components can support one another in addressing and mitigating the impact of counterterrorism measures and sanctions regimes, including by sharing good practice and knowledge, as well as increased collaboration and coordination.