

Guidance

Unilateral Coercive Measures & Humanitarian Action

Other proposed title: *Guiding Principles/Guidance on humanitarian action in the face of unilateral sanctions and overcompliance*

Contents

I. Framework

Objective

The present Guidance on unilateral coercive measures and humanitarian action (hereinafter the Guidance) seeks to set out key principles and recommendations for the protection of the timely and effective humanitarian action in sanctions contexts and environments. It also seeks to highlight the responsibilities and obligations of all relevant stakeholders, in accordance with international human rights and humanitarian law.

The proposed principles and recommendations are anchored in the core principles of humanitarian action, namely humanity, neutrality, impartiality, and independence and reflect key challenges experienced by humanitarian actors in their efforts to secure continuous and unfettered access to regions and populations in need of humanitarian assistance.

In addition to the restrictions and prohibitions which are stipulated in different sanctions regimes, the Guidance also sheds light on the “chilling effects” of such measures which exacerbate uncertainty and fear among humanitarian actors operating in sanctions contexts and environments, resulting in overcompliance and in certain cases complete discontinuation of life-saving humanitarian projects.

This document could constitute an additional source for strengthening awareness about the multifaceted disruptions caused or triggered by sanctions, the various means of their enforcement, and over-compliance, even for activities as essential and critical as those of humanitarian actors around the world. It also stresses the irrelevance of any other considerations (including foreign policy and national security) in the face of life-threatening situations, where human dignity and the respect for human rights should remain the ultimate priority.

Humanitarian context and UCM

In 2025, one in 25 people around the world were in dire need of humanitarian assistance, which translates into a staggering 307 million people. Furthermore, one in every 67 people, approximately 122.6 million people worldwide, has been forcibly displaced as a result of persecution, conflict, violence, human rights violations, natural disasters or other push factors,

nearly double the one in 125 people a decade ago. The number of refugees and people in need of international protection is more than 43 million, while the number of internally displaced persons rose to more than 68 million. At the same time, more than 2.3 billion people globally face food insecurity, with over 282 million people across 59 countries and territories suffering from high levels of acute food insecurity requiring urgent assistance.

There are a dozen humanitarian hotspots that deserve sustained international attention and support, while more than 210 million people live in contested zones and areas controlled by armed groups; 90 per cent of them live in countries with humanitarian response plans.

In the current alarming global trends of rising conflict and violence, widespread and intensifying climate change and disasters, humanitarian action and international cooperation and solidarity for prompt and effective emergency response are of critical importance to safeguard the well-being of hundreds of millions in need, as well as to support national efforts and policies in this regard. And while the numbers of those in need of humanitarian assistance are on the rise and the actual needs expand and become more complex, the humanitarian funding gap is widening, and the delivery of aid is becoming more difficult and dangerous.

In this context, the proliferation, expansion and complexity of unilateral coercive measures, in the form of unilateral economic, trade, financial sanctions and sanctions-related prohibitions and restrictions, their means of enforcement, overcompliance and zero-risks policies have altogether further undermined the scope, timeliness and efficiency of humanitarian assistance, and seriously challenged the fundamental principles of humanitarian action, namely humanity, impartiality, neutrality, and independence. Several of today's humanitarian hotspots are experiencing multifaceted sanctions-related restrictions, which narrow humanitarian space, increase humanitarian actors' costs, heighten regulatory, operational and reputational risks, including risks for civil and criminal liabilities, and affect humanitarian actors' safety and security.

Main Challenges Faced by Humanitarian Actors

In the context described above, humanitarian actors are called upon to effectively respond to the needs of affected communities and populations around the world while paying heed to the sanctions regulatory frameworks, as well as managing various operational adverse effects of overcompliance with sanctions and of zero-risk policies. The present document aims to shed light on the multifaceted challenges faced by humanitarian actors and highlight areas of responsibility. A non-exhaustive list of such challenges is the one presented here:

- Extreme difficulty navigating and keeping abreast of the ever-changing and rising number of complex and overlapping unilateral sanctions regimes
- Compounded complexity due to the interplay between sanctions regimes and other programmes and regulatory frameworks, including counter-terrorism financing and money laundering
- Lack of clarity in sanctions regimes and humanitarian carve-outs and absence of clear guidance by sanctioning authorities
- Complex, costly and time-consuming humanitarian licensing procedures
- Donors conditionalities and narrow interpretations of the scope of humanitarian action and of the types of humanitarian interventions

- Access restrictions due to sanctions-related prohibitions with regards to designated entities and individuals
- Burdensome reporting requirements, including screening or vetting of implementing partners and beneficiaries
- Strict earmarking of funds, which may undermine the principles of humanitarian action, as well as flexibility and responsiveness in very dynamic humanitarian contexts
- Overcompliance and zero-risk policies by banks and other businesses handling financial transactions and participating in supply chains critical to the effective and timely delivery of humanitarian assistance
- Limited consultation prior to the design and implementation of sanctions programmes
- Operational risks, including reputational damage and security risks, due to the changing environments in sanctions regimes and the different interpretations about the scope of humanitarian action, the types of permissible interventions and geographic areas of operation
- Risk of exposure to civil or criminal liabilities for alleged violations of sanctions and counter-terrorism programmes and regulations, in the performance of their principled humanitarian work
- Absence of mechanisms for accountability, redress and effective remedy for the damaged caused to humanitarian actors as a result of sanctions and over-compliance with such measures.

Actors

The principles and guidance contained in this document are addressed to:

- States, groups of States and international organizations, also when acting to implement sanctions of the UN Security Council
- All business enterprises, banks and financial organizations, regardless of their size, scale, areas and regions of operation, place of incorporation and headquarters, corporate structure, and applicable jurisdiction
- The United Nations and its organs and agencies, other international intergovernmental organizations and non-governmental organizations
- Donors of humanitarian assistance regardless of their status under international law
- Non-governmental humanitarian actors (international, national and local), including NGOs, associations, faith-based organizations, other groups involved in humanitarian response and preparedness
- National human rights institutions, including human rights commissions and ombuds institutions, as well as consultative and advisory bodies

- Academic institutions and think-tanks working on different areas including but not limited to international relations, human rights, foreign policy, social policy, economics, trade, environment, technology and energy

Normative framework

The principles and guidance contained in this document are anchored in the Charter of the United Nations, international human rights and humanitarian law, fundamental principles and other peremptory norms of international law, international treaties and customary rules of international law, and general principles of law recognized by all nations. They also seek to draw specifically from and expand on the principles of humanitarian work set forth in UN General Assembly Resolution 46/182 (1991).¹

Key references include but are not limited to the:

- International Bill of Human Rights and the core human rights treaties
- International humanitarian law, including the 1949 Geneva Conventions and their Additional Protocols of 1977 and 2005
- International refugee law, including the 1951 Convention relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees
- UN General Assembly Resolutions, including but not limited to Resolutions 2131 (1965), 2625 (1970), 2816 (XXVI) (1971), 3281 (1974), 38/197 (1983), 45/100 (1990), 46/182 (1991), 52/167 (1998), 54/233 (1999), 58/114 (2004), 59/141 (2004), 60/124 (2005), 64/251 (2010), 69/180 (2014), 70/1 (Agenda for Sustainable Development, 2015), 71/1 (2016), 78/120 (2023), 79/138 (2024), 79/139 (2024),
- UN Security Council Resolutions, including but not limited to Resolutions 2664 (2022), 2761 (2024), 2730 (2024)
- Responsibility of States for Internationally Wrongful Acts (2001)
- Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States
- Draft Articles on the Protection of Persons in the Event of Disasters (2016)
- Statutes of the International Red Cross and Red Crescent Movement (1986, amended)
- IASC guidance documents
- The Guiding Principles on Sanctions, Business and Human Rights (2024)

Disclaimer

Nothing in this document shall in any way be taken or interpreted as a direct or implicit recognition of the legality or legitimacy of any form of unilateral coercive measures, compliance or over-compliance with such measures.

¹ Strengthening of the coordination of humanitarian emergency assistance of the United Nations, Resolution 46/182 of 19.12.1991 <https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/582/70/IMG/NR058270.pdf?OpenElement>

II. Glossary

Conditionality is the promise or provision of support (including funding) in the case of compliance by a recipient of this support with conditions set by a donor, or its withdrawal/reduction in the case of non-compliance

Essential good and service is the product or service which is considered necessary for basic human survival and well-being, including inter alia food, water, medicine, medical equipment, and equipment for the maintenance and delivery of basic utilities and critical infrastructure and services relevant to healthcare, nutrition and food production, electricity, water supply and sanitation, heating, transportation and others. In the current context of global interconnectivity and advanced technological integration, access to information and communications technology is of critical importance for humanitarian coordination, training, and effective and timely humanitarian action.

Humanitarian action comprises the provision of assistance, protection, services and advocacy to help affected people survive, recover and rebuild their lives with dignity.

Humanitarian actors (or responders) refer to a wide range of impartial international or national organisations and associations, as well as individuals striving to enable humanitarian assistance to be channelled to places and people in need.

Humanitarian donor is an individual, organization or entity that provides financial, material or in-kind contribution to support the delivery of humanitarian assistance and the work of humanitarian actors.

Humanity constitutes the fundamental principle of humanitarian action. It is anchored on the premise that human suffering should be addressed in all circumstances and whenever it is found, with particular attention to those most in need and in vulnerable situations. Alleviation of human suffering is fundamental for the respect and preservation of human dignity and becomes the driving force of humanitarian action.

Humanitarian carve-out are exceptions, exemptions and derogations which are specified in sanctions programs in order to facilitate the continued flow of goods and services of a humanitarian nature and the work of humanitarian actors.

Impartiality provides that humanitarian action must be provided based solely on the need, with particular attention to those most in need, and with priority given to the most urgent cases, without discrimination on any grounds, including nationality, race, gender, religion or belief, political opinion, or class.

Independence requires humanitarian action and actors to be autonomous from political, economic, military or other objectives. They must not be subject to control,

subordination, or influence by other actors' objectives or motivations in the areas of the implementation of humanitarian action.

Neutrality means that humanitarian action must not favour any side or party in a conflict or other dispute and instead must be provided solely on the basis of need, without discrimination. Humanitarian actors should not engage at any time in political, religious, racial or ideological controversies, rather strive to secure access to areas and people in need.

Overcompliance is type of behavior that is more restrictive than sanctions' provisions, often to minimize the risk of penalties for inadvertent violations, and/or to avoid reputational risks that can arise from dealing, or having any other nexus, with a State, entity or individual under sanctions, or because the complexity and uncertainty of sanctions, and/or high penalties as a form of sanctions enforcement, make effective compliance too costly or risky.

Protection comprises all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (i.e. International Human Rights Law (IHRL), International Humanitarian Law, International Refugee law (IRL))." Protection includes efforts pursued by humanitarian actors in all sectors to ensure that the rights of affected people and the obligations of duty bearers under international law are understood, respected, protected and fulfilled without discrimination.²

Sunset clause in the context of sanctions is a provision that specifies the termination of the implementation and/or effect of a sanctions regime after a specific date or upon the occurrence of a certain event, unless it is actively extended.

Unilateral coercive measure is any type of measure or activity by States, groups of States or regional organizations which is applied without or beyond authorization of the UN Security Council, regardless of the announced purpose or objective, and which is not in conformity with international obligations of the sanctioning actor, or the illegality of which is not excluded on grounds of the law of international responsibility. Such measure or activity includes, but is not limited to, economic, financial, trade, political or any other more or less comprehensive or targeted measure, applied against a state or non-state actor and entity, in order to induce a change in policy or behaviour, to obtain subordination (including State sovereign rights), to secure advantages of any kind, and/or to coerce or punish.

Unilateral sanction is a measure undertaken by a State, group of States or a regional organization without or beyond authorization of the UN Security Council, without prejudice to its legality or illegality.

² According to IASC, protection of all persons affected and at-risk is at the center of humanitarian action; it should inform humanitarian decision-making and response; and, should be part of preparedness efforts, immediate and life-saving activities, and throughout the duration of a crisis and beyond, *IASC Policy: Protection in Humanitarian Action*, October 2016, at <https://interagencystandingcommittee.org/sites/default/files/migrated/2020-11/IASC%20Policy%20on%20Protection%20in%20Humanitarian%20Action%2C%202016.pdf>

Zero-risk policy / de-risking is an act or a set of acts, mainly by financial institutions and other businesses, aiming at restricting or even completely discontinuing and interrupting relationships with customers (governmental or non-governmental), out of fear of possible violations of existing regulations. In sanctions-related contexts, the customers may be states, entities or individuals under sanctions or under the risk of sanctions. In certain extreme cases, it may be triggered by any indicator linking the concerned entity or individual with a sanctioned State, entity or individual.

III. General Guidance

Principle of humanity

- All actors shall respect and treat all persons, individually and in community with others, with due respect to their fundamental human rights and dignity, without discrimination or distinction of any kind.
- Access to humanitarian assistance and humanitarian relief shall be granted in any and all circumstances to all persons in need, without any discrimination or distinction, in accordance with the principles of humanitarian assistance: humanity, neutrality, impartiality, and independence
- All people in humanitarian need, individually and in community with others, should be treated with respect and dignity, in accordance with humanitarian and human rights principles and standards, without discrimination or distinction of any kind.
- All actors, including governmental and non-governmental stakeholders, involved in the delivery of humanitarian assistance should ensure that their actions are human-centered and prioritize the effective response to human suffering in all circumstances and whenever it is found, with particular attention to those most in need and in vulnerable situations.
- Humanitarian actors should not be forced or pressured to compromise the principled and life-saving work, as well as their access to areas and populations in need, because of unilateral sanctions' prohibitions and designations.
- Human dignity and respect for human rights should prevail over any political, economic, or other considerations and objectives, both internal and external, including commercial and risk assessment policies by businesses and the financial sector.
- Acts and policies that fail to respect the principle of humanity may constitute violations of public international law (including, without limitation, , international human rights law, international humanitarian law, international refugee law, international criminal law).

- No “good intentions”, “high goals” or “common goods policy” can justify violation of human rights and of the principle of humanity.
- UN Security Council resolutions, including those relevant to humanitarian action, shall be implemented *in good faith*, with due respect for the Charter of the United Nations, in particular its article 25, and for the competence and authority of the UN Security Council. All stakeholders are under an obligation to implement fully all existing or future humanitarian resolutions and provisions of resolutions of the UN Security Council, including resolution 2664 (2022).
- People in States affected by unilateral sanctions, and in the absence of sanctions of the UN Security Council, shall enjoy humanitarian assistance regimes not less favorable than those proposed for countries under sanctions of the UN Security Council. They shall fully benefit from the principle of humanity and access to humanitarian aid and assistance

Universality, inalienability, indivisibility and interdependence of human rights

- All persons shall enjoy all human rights enshrined in the International Bill of Rights, independently of the aims of any sanctions policy, or implementation and enforcement of relevant sanctions, or over-compliance with the latter.
- All actors, including governmental and non-governmental stakeholders, involved in the delivery of humanitarian assistance should respect the universality and inalienability of human rights based on the fundamental premise that everyone is born with and possesses the same rights, without discrimination on any grounds.
- In sanctions environments and contexts, the design, funding and delivery of humanitarian assistance should not be determined by narrow interpretations or hierarchical order of human needs and rights to comply with the sanctions-related restrictions and prohibitions. They should instead be anchored on the indivisibility and interdependence of human rights and the well-being of those in need.
- Interpretations of human needs should be holistic and inclusive, and they should be anchored in international humanitarian and human rights law. Aside from context-specific adaptations, such interpretations should not be contingent upon or driven by any political, economic or other priorities or goals.
- Defining humanitarian needs should also be based on a solid understanding of local contexts, culture, and the diverse capacities, vulnerabilities, needs and risks faced by individuals and communities residing in areas when humanitarian action takes place.
- Any procedure, condition or requirement regarding the work of humanitarian actors should pay particular attention not only to possible operational adverse effects and implications, but also to humanitarian exigencies and human rights obligations. Particular consideration should be given to any requirement about vetting or screening

of beneficiaries which may raise privacy concerns for beneficiaries and threaten the impartiality and independence of humanitarian actors.

Accessibility and adequacy of humanitarian assistance

- Access to humanitarian assistance must be provided in all circumstances and to all persons in need, without discrimination or distinction, in accordance with the core humanitarian principles: humanity, neutrality, impartiality, and independence.
- Obstruction of humanitarian assistance is prohibited. No grounds or intentions can justify any impediment to the delivery of adequate humanitarian assistance and the safe and unimpeded access of humanitarian actors to regions and populations in need.
- Any reprisals or penalties for humanitarian work and/or assistance in the delivery of essential goods and services in sanctions environments are prohibited. Delivery of humanitarian assistance shall not in any way be interpreted as circumvention of sanctions regimes.
- Populations in need, in countries or regions affected by unilateral sanctions, should enjoy the benefits of humanitarian action the same way as anywhere else. Existence or absence of sanctions regimes, and differences in the nature and type of such measures (e.g. UN or unilateral) should not determine the parameters of access to humanitarian assistance.
- Under no conditions or reasons humanitarian action in the peace time and in the absence of resolutions of the UN Security Council, can be less adequate, relevant or at lower quality than assistance provided in the period of military conflict or under humanitarian resolutions/ provisions of humanitarian resolutions of the UN Security Council.

Precautionary principle

- All stakeholders should take all necessary precautionary measures, and perform ongoing humanitarian impact assessments, when formulating and implementing any measures and actions within the UN Security Council's sanctions frameworks or when acting unilaterally and should reformulate them or adjust their enforcement as appropriate to avoid negative impact on human rights and humanitarian conditions of affected people.
- Lack of full scientific certainty about specific negative humanitarian impact shall not be used as a reason/ground for overlooking or dismissing humanitarian concerns and for not undertaking all appropriate measures to eliminate or minimize overcompliance with sanctions and its adverse humanitarian impact.
- Effective humanitarian prevention requires humanitarian interventions to be free from complex and unclear sanctions and counter-terrorism prohibitions, access restrictions,

conditionalities disregarding humanitarian principles, and fear of civil or criminal liability.

- Without prejudice to their legality or illegality, unilateral measures should not undermine anticipatory actions by humanitarian actors in sanctioned countries or regions, particularly to prevent or reduce acute humanitarian impacts of increasingly intense and frequent climate-related disasters.
- States under sanctions, as the main duty bearers, have the primary responsibility for ensuring that crisis-affected people, including vulnerable populations, benefit from the necessary assistance and protection. When unable to fulfil its obligation, the State must facilitate the safe and unimpeded access of aid agencies to those in need. In doing so, States should take all appropriate actions to respect and protect human rights in sanctions contexts as well as feasible precautions to minimize the adverse humanitarian and human rights impact of unilateral sanctions, means of their enforcement and over-compliance with particular focus on those most in need and in vulnerable situations.

Non-discrimination

- All stakeholders, involved in the design, funding and delivery of humanitarian assistance should act in accordance with existing international human rights/protection principles and standards, including the principle of non-discrimination based on birth, race, color, ethnicity nationality, national or social origin, religion, age, gender, sexual orientation, language, disability, health status, political or other opinion or other recognized ground.
- Humanitarian action should be conducted, and humanitarian assistance should be provided, based solely and in proportion to need and without sanctions conditionalities or restrictions decided and imposed unilaterally. Conditionalities or restrictions not anchored on international humanitarian and human rights law may constitute violations of the principle of non-discrimination, with catastrophic consequences for the lives and well-being of those excluded from humanitarian assistance due to such conditionalities or restrictions.
- Humanitarian actors should not be forced or pressured to align the type and scope of their work and interventions, as well as the pool of beneficiaries, or targeted communities/geographic areas, with any stipulated unilateral sanctions restrictions or prohibitions or with any other policies which may undermine their principled humanitarian work.

Dialogue, Outreach and Participation

- Humanitarian actors should be consulted on a regular basis for the design, implementation and review of sanctions frameworks and programmes, without prejudice to their legality or illegality, and of humanitarian carve-outs, and their operational and technical expertise to be duly considered and incorporated.

- Such consultative processes should be transparent, inclusive and accessible to all humanitarian actors, without discrimination or preferential treatment.
- They should enable timely engagement with humanitarian actors; involve different tools and procedures for meaningful contribution and feedback; include clear methodologies for information consideration and processing, while also determining confidentiality frameworks.
- Humanitarian actors should not be prevented from meaningfully engaging and establishing direct and respectful relations with local communities and populations in need, including through awareness-raising and capacity-building interventions in the context of their humanitarian action.
- Monitoring and reporting on the adverse human rights and humanitarian impacts of unilateral sanctions, their means of enforcement and over-compliance, as well as on the effectiveness of humanitarian carve-outs should be a regular and inclusive multistakeholder process, under the leadership of the UN and other international organizations, and with the involvement also of humanitarian actors, local communities and civil society from countries and regions under sanctions.

IV. Guidance for States

Human rights and rule of law

- States should always ensure that their unilateral actions against other state and/or non-state actors takes place in strict accordance with international law principles, standards and norms both of treaty and customary nature and by their international humanitarian and human rights obligations.
- Without prejudice to their legality or illegality, unilateral actions, including in the form of unilateral sanctions, should under no circumstance violate human rights and the lives and well-being of civilian populations. Disregard of this principle may be considered a collective punishment under international law against civilian populations who have not committed a crime or who do not bear responsibility for any alleged crime.
- States should fully implement relevant humanitarian provisions of UN Security Council resolutions, in good faith, including those on humanitarian carve-outs, and take all appropriate steps to fully align their national legal and policy frameworks with these resolutions and provisions.
- States and regional organizations should take all necessary steps to identify and effectively address instances of overcompliance with sanctions, both UN and unilateral sanctions, involving stakeholders under their jurisdiction and/or control, particularly those instances of overcompliance hampering the timely and unhindered delivery of humanitarian assistance and of any relevant logistical and financial operations, and to

take all measures necessary to prevent or minimize over-compliance with any type of sanctions.

- Sanctions regimes, legislative and regulatory frameworks, and mechanisms of accountability at the national, regional and international levels should allow for civil and criminal liability for actions taken as a result of or in overcompliance with sanctions, which give rise to violations of human rights and arbitrary and disproportionate obstructions to the timely and effective delivery of humanitarian assistance.
- Even in the context of enforcement of sanctions and other restrictive or constraining measures, States should abide by their international law obligations and undertake all appropriate measures to ensure respect, protect and fulfil all human rights, as well as unfettered humanitarian access and delivery of humanitarian assistance. They should refrain from undertaking legislative and administrative measures and policies which could impose restrictions on humanitarian action and threaten humanitarian actors and their work.

Legal Certainty

- If states adopt any means of pressure, including for the implementation of sanctions of the UN Security Council, they shall do so by means of formal legislation in clear language and in the narrowest possible way to ensure that such measures are readily understood by all affected, and are precise in their application to avoid over-compliance, and with due respect to their obligations to respect and protect human rights and human dignity.
- Measures imposed by the Security Council of the United Nations under Chapter VII of the UN Charter shall be interpreted and implemented by States and regional organizations in good faith and consistent with their obligations under international law.
- States and relevant regional organizations shall provide for legal certainty in the scope and methods for compliance policies of all actors within their jurisdiction or control. Requirements for compliance policies of companies must be clear, certain and foreseeable, accessible, and adopted in the form of a legally binding document.
- In addition to regular reviews and assessments of their unilateral/autonomous sanctions regimes and programmes, pending their lifting, States and regional organizations, individually or collectively, should formulate and adopt general, broad and standing humanitarian carve-outs which are to streamline and harmonize authorisations across these regimes, with certainty and clarity about their content and scope.
- Such humanitarian carve-outs should cover a wide range of humanitarian interventions and assistance with regards to all areas critical for the lives and well-being of those in need, accounting for the particular circumstances on the ground. They should allow for interventions that do not perpetuate dependence but instead create enabling

environments for sustainable outcomes, which extend beyond the life-saving assistance to include protection, livelihoods support, early recovery and resilience support, access to essential goods and services, among others.

- In the absence of general, broad and standing humanitarian carve-outs, States and regional organizations should create fast-track humanitarian licensing mechanisms with minimal bureaucratic burden, to allow for the timely and effective delivery of humanitarian assistance.
- Without prejudice to their legality or illegality, all existing and future sanctions programmes should include clearly defined sunset clauses/provisions. This practice will be of critical importance in the current context of rising uncertainty about sanctions temporality and scope, and it should not be seen as legitimization of such unilateral actions.
- In a constantly evolving humanitarian context due to a panoply of factors and phenomena, sanctioning States should accommodate waivers and opt-out clauses of sanctions and humanitarian carve-outs requirements, to ensure the unfettered continuation of humanitarian interventions.
- Sanctioning States should provide clarity with regards to the complex interplay between sanctions and other policies and programmes, including counter-terrorism and export controls, given their compounding effects on the operations of humanitarian actors. In particular, regarding export controls sanctioning States should ensure that the prohibited goods and services do not incur adverse humanitarian impact.

Inclusion and multistakeholder participation

- States and regional organizations implementing sanctions (UN sanctions and/or unilateral sanctions) should establish and/or further develop responsive and effective processes and mechanisms for information sharing, advice and capacity-building for all actors engaging in sanctions-related contexts and sanctions environments. The services provided should be free of charge and customized to the needs of the actors concerned.
- States should take all appropriate measures to protect and further enhance pluralism, inclusion and participation of all non-governmental actors engaging in humanitarian action and should refrain from any legislative and policy measure and action which may threaten humanitarian space and may undermine the timeliness and effectiveness of humanitarian work.
- States and regional organizations should undertake all appropriate measures to counter disinformation and misinformation targeting humanitarian actors and humanitarian personnel, portraying them as high-risk stakeholders and possible transgressors of sanctions regimes, as well as potential purveyors of resources to designated persons.

- States and regional organizations should effectively address any malicious attacks, communication and information technologies activities, including data breaches, information operations that target humanitarian organisations, disrupt their relief operations, threaten safety and security of their personnel, premises and assets, and ultimately their access and ability to carry out their humanitarian interventions.

Due process and fairness

- States and regional organizations should preserve humanitarian space and protect principled humanitarian action by refraining from any legal and policy measure which either exacerbates uncertainty and over-compliance with unilateral sanctions, and/or openly criminalizes alleged circumvention or unintentional violation of sanctions.
- Penalties against humanitarian actors for alleged violations of unilateral sanctions regimes in the context of their humanitarian work or for alleged non-compliance with the requirements and conditions of sanctions humanitarian carve-outs, are contrary to international law. Any penalties against humanitarian actors can be imposed only in response to a proven breach of legal provisions which are not related to unilateral sanctions and their enforcement, and only following a thorough and impartial investigation and a formal judicial procedure, with full observance of due process and fair trial guarantees.
- States should refrain from evoking national security or foreign policy considerations as reasons to bar access to evidence or information motivating civil or criminal prosecution for any reason, including for alleged circumvention or violation of unilateral sanctions regimes.
- States and regional organizations should bear the burden of proof for any alleged wrongdoing of humanitarian actors. Humanitarian actors should not bear the burden of proving the humanitarian nature of their work and/or that they have complied with unilateral sanctions regimes and the permissible activities under the sanctions humanitarian carve-outs.
- States and regional organizations should establish independent, impartial and responsive mechanisms to timely and effectively examine complaints and any information challenging the content and scope of unilateral sanctions regimes and the veracity of sanctions-related designations.

V. Guidance for United Nations and other International Organizations

Protection and support of principled humanitarian action

- In line with the fundamental purposes of the United Nations, as stated in its Charter, “to achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character”, UN entities should continue actively and collectively supporting and advocating for the principled work of all humanitarian actors, at the local, national, regional and international levels.
- UN and other relevant international organizations should provide leadership, coordinate and, when appropriate, provide all necessary operational and technical support to humanitarian actors for the effective delivery of humanitarian assistance in sanctions contexts and environments, in full respect of humanitarian principles.
- UN and other relevant international organizations should continue their dialogue, engagement and outreach with States and regional organizations applying and enforcing unilateral sanctions for the purpose of encouraging them to adhere to the rule of international law in their foreign policy and ensuring unhindered, timely and effective delivery of humanitarian assistance.
- UN and other relevant international organizations should continue their engagement and outreach with States and regional organizations applying unilateral sanctions towards further development and implementation of standing humanitarian carve-outs, with broad definitions about humanitarian assistance and humanitarian needs, and their replication for other restrictive measures, such as counter-terrorism measures.
- UN and other relevant international organizations should continue their engagement and outreach with States experiencing the implementation of sanctions regimes to mitigate the adverse human rights and humanitarian impact of such measures and to ensure accessibility and effectiveness of humanitarian work.

Support for local participation/representation and enhanced capacity

- UN and other relevant international organizations should create and further develop enabling structures and processes for the participation and representation of local and national humanitarian actors in humanitarian coordination efforts and interventions in sanctions contexts and environments.
- Engaging local and national actors is critical to the success of humanitarian action and to its more effective and sustainable impact. The UN and other relevant international organizations should take due account of these actors’ information, experience and expertise, which is based on their invaluable understanding of local contexts, as well as their access to affected populations. Such engagement should be undertaken in all stages of humanitarian response planning and implementation.

- In line with the *IASC Guidance on Strengthening Participation, Representation and Leadership of Local and National Actors*³ and the *Principles of Partnership*⁴, the UN and other relevant international organizations should develop clear terms of reference for the participation and representation of local and national humanitarian actors; promote co-leadership and co-chairing of humanitarian coordination structures; promote capacity strengthening and capacity transfer; ensure resourcing for coordination, including based on direct, predictable and flexible multi-year funding for local and national responders in line with the 2016 Grand Bargain⁵; and, strengthen accountability.
- UN and other relevant international organizations should also support and enhance visibility and awareness of the work of local and national humanitarian actors, including through references to their work and impact in reports and other research and advocacy material.
- UN and other relevant international organizations should establish mechanisms and processes to effectively address logistical and technological challenges experienced by local and national humanitarian actors due to sanctions-related restrictions, including with regards to resourcing, legal expertise, advocacy messaging, access and sharing of information.
- In sanctions contexts and environments, where humanitarian action takes place, UN and other relevant international organizations should undertake all necessary measures and actions, individually or jointly, to support humanitarian and associated personnel, including national and local personnel, in its humanitarian activities, and to protect it against targeting, harassment, intimidation, reprisals, criminalization or prosecution for alleged non-compliance with unilateral sanctions-related restrictions and prohibitions.

Monitoring of UCM impact on humanitarian action

- UN and other relevant international organizations, in collaboration with humanitarian actors and other relevant stakeholders, should include in their programming and reporting the monitoring and assessment of impediments created by unilateral coercive measures and their impact on humanitarian work and on the timely and effective delivery of humanitarian assistance also via the Monitoring tool developed under the mandate of the UN Special Rapporteur on the negative impact of unilateral coercive measures on human rights⁶.
- Monitoring and impact assessment should be regularly undertaken, based on selected structural, process and outcome indicators, and with information enriched by submissions from all relevant stakeholders, including local, national and international

³ IASC Guidance, <https://interagencystandingcommittee.org/operational-response/iasc-guidance-strengthening-participation-representation-and-leadership-local-and-national-actors>

⁴ <https://www.icvnetwork.org/uploads/2021/09/NGO-Humanitarian-Reform-Principles-of-Partnership.pdf>

⁵ https://interagencystandingcommittee.org/sites/default/files/migrated/2017-02/grand_bargain_final_22_may_final-2_0.pdf

⁶ <https://ucmmonitoring.ohchr.org>

humanitarian actors, international organizations' country offices, as well as the private sector (businesses and financial institutions).

- Appropriate tools for information gathering and processing should be developed under the leadership and management of the UN, and other relevant international organizations, in order to facilitate this systematic monitoring and the human rights impact of unilateral coercive measures and their adverse effects on humanitarian action and the work of humanitarian actors.
- UN and other relevant international organizations should work in partnerships to develop joint humanitarian advocacy strategies with member states to minimize and mitigate negative effects of sanctions and similar restrictive measures.

VI. Guidance for Businesses

Human rights due diligence

- Business enterprises should refrain from any act or omission resulting in violation of human rights, including extraterritorially, and shall take all necessary measures to eliminate or mitigate any adverse human rights impact that results from their implementation of sanctions measures, including extraterritorially.
- Businesses should embed responsible anti-over-compliance business conduct in accordance with the OECD Due Diligence Guidance for Responsible Business Conduct (2018) into their policies and management systems in all sectors of economy as proposed by the Guiding principles on Sanctions, Business and Human Rights⁷ and a Commentary⁸ thereto.
- Businesses should undertake human rights assessments and perform human rights due diligence on all their activities which are undertaken in sanctions-contexts and environments . Business conduct should not be determined by any foreign policy or other considerations motivating the application of sanctions regimes.
- Unilateral coercive measures are illegal under international law, and therefore businesses should challenge their implementation and enforcement by all available legal means.
- Business enterprises should respect human rights, including in sanctions contexts and environments. They must refrain from infringing on human rights either due to their compliance with sanctions regimes, or due to their zero-risk policies based on fear of possible civil, administrative or criminal liability for alleged violations of sanctions regimes.

⁷ <https://www.ohchr.org/sites/default/files/documents/issues/ucm/events/international-conf-sanctions-business-hr/gps-sanctions-business-hr.pdf>

⁸ <https://www.ohchr.org/sites/default/files/documents/issues/ucm/commentary-gpssbhr-2025.pdf>

- Business enterprises operating in sanctions contexts and environments should incorporate and implement the principles of humanity and non-discrimination in their policies and operations, and seek to prevent, mitigate or remediate any adverse human rights impact which is directly or indirectly linked to their operations or their lack of.
- Corporate engagement in humanitarian action should aim at attending to humanitarian needs in accordance with the core humanitarian principles, instead of being based solely on commercial interests, risk assessments, or motivations. Business enterprises have a crucial role to play in protecting and reinforcing the legitimacy of humanitarian action and of the humanitarian system as a whole.
- In relation to life-saving, essential goods and services, the termination of existing contracts, the refusal to continue supplies and services based on sanctions clauses may constitute violation of the prohibition of discrimination and of the duty of care, especially in cases production and supply monopoly of such goods, services and/or equipment.

Zero-risk and over-compliance

- Business enterprises should allocate adequate resources for the review and analysis of sanctions regimes and of sanctions-related humanitarian carve-outs, as well as for the regular assessment of the human rights impact of their operations.
- Business enterprises, in particular those critical for humanitarian action and the delivery of humanitarian assistance, including but not limited to banks and other financial institutions, as well as companies in logistics, transport, insurance, and technology, should refrain from adopting sanctions-related zero-risk policies. Instead, they should undertake all appropriate measures to minimize over-compliance with sanctions prohibitions and restrictions, and to provide all required services for effective and timely humanitarian action.
- Business enterprises involved in humanitarian action and/or maintaining business relationships with humanitarian actors should be informed about and align their sanctions-related risk assessments with the existing multilateral humanitarian requirements and carve-outs.
- Technology and communication companies, and the States in which they are registered should effectively address the sanctions-related restrictions in information and communications technology, as well as in digital infrastructure, in sanctions contexts and environments, which undermine not only humanitarian coordination and the delivery of humanitarian assistance, but also the participation of humanitarian actors (in particular local and national ones) in humanitarian networks and operations.
- Business enterprises should maintain channels of communication with humanitarian actors and affected communities to ensure the effective performance of their services

in sanctions contexts and environments and to mitigate miscommunication and misunderstanding about the scope and nature of humanitarian activities.

Obligation of performance

- Sanctions-related force majeure, frustration or other types of exception clauses in contractual relations with humanitarian actors should always take into account the potential adverse impact on humanitarian operations and on the affected communities, and they should include sunset clauses to enable humanitarian actors to adjust their humanitarian interventions. .
- Business enterprises with humanitarian engagement should refrain from entering into contractual relationships which require compliance with unilateral sanctions and narrowly interpreted humanitarian carve-outs.
- Termination of existing contracts linked to humanitarian action and the delivery of humanitarian assistance based on sanctions clauses and the refusal to perform contractual services, may constitute violations of international principles and standards, including of international human rights and humanitarian law.
- Business enterprises, including financial institutions, involved in projects and transactions related to the maintenance and/or development of critical infrastructure in sanctioned countries or regions should ensure that the provision of their contracted services is not conditioned by or rely on restrictions or prohibitions prescribed in sanctions regimes.

VII. Guidance for Donors

Protection of principled humanitarian action

- Humanitarian donors (governmental and non-governmental) should always pay heed to the main objective of humanitarian action, which is to save lives, alleviating suffering and preserve human dignity during and in the aftermath of man-made crises and natural disasters.
- In addition to the humanitarian response and the delivery of humanitarian assistance and services, in line with Principles of Humanitarian Donorship⁹, support to humanitarian action should also allow for interventions aiming at preventing and strengthening preparedness for any eventual occurrence of man-made crises and natural disasters, independently of the scope of sanctions-related restrictions and prohibitions.
- Humanitarian donors (governmental and non-governmental) should respect and be guided by humanitarian principles by reducing earmarking, ensuring the predictability and flexibility of funding, and avoiding imposing conditionalities in line with unilateral sanctions regimes or encouraging compliance with such measures, all of which may

⁹ <https://www.ghdinitiative.org/ghd/gns/principles-good-practice-of-ghd/principles-good-practice-ghd.html>

undermine the humanitarian principles of humanity, impartiality, independence and neutrality and generate inefficiencies.

- Humanitarian donors (governmental and non-governmental) should not impose conditionalities that are incompatible with the country's obligations under international law, including international human rights and humanitarian law.
- Donor conditionalities on the geographic or demographic scope of humanitarian action which are based on sanctions considerations and sanctions risk assessments, may undermine unfettered access of assistance to regions and populations in need, and may constitute a violation of the principle of non-discrimination.
- Implicit or expressed conditionalities involving the screening and/or vetting of humanitarian partners and of beneficiaries of humanitarian assistance against UN, regional or national sanctions and/or counter-terrorism lists, aside from their ethical dilemma, may reduce the ability of humanitarian actors to respond on the basis of needs, undermine the principles of impartiality and non-discrimination under international human rights and humanitarian law, and reduce trust.
- Humanitarian actors operating in sanctions and counter-terrorism contexts and environments often implement various remote and community-based verification procedures. Disclosure of any information on beneficiaries and/or partners' screening or vetting may pose serious risks for humanitarian actors in their community engagement and operations.

Promotion of inclusive and locally led humanitarian action

- Humanitarian donors should support the work of all humanitarian actors, including those at national and local levels in the countries and regions affected by unilateral sanctions regimes.
- Humanitarian donors should refrain from introducing conditionalities which restrict humanitarian actors' coordination and collaboration with local and national humanitarian partners and which request exclusive /discriminatory profiling of partners or unduly heavy monitoring and reporting, that could jeopardize the safety and security of affected people and staff, or violating the due process rights of the concerned affected people.¹⁰
- Humanitarian donors should promote and establish processes and mechanisms of multi-stakeholder consultations and policy dialogue, which may involve inter alia exchanges

¹⁰ IASC Study on Donor Conditions and their Implications for Humanitarian Response, 2016

of updated information about local, regional and international trends in humanitarian action, updates on sanctions regimes and humanitarian carve-outs, as well as discussions on operational and other policy challenges, including in sanctions contexts and environments.

- Humanitarian donors should maintain and further enhance coordination and collaboration with UN and other international organisations' presences in countries and regions under sanctions to ensure effective outreach with local and national responders engaged in humanitarian action.
- In their policies and donorship requirements, humanitarian donors should always take into account and support strengthening the capacity (or lack of) of local actors in terms of resources and expertise to navigate the complex sanctions and regimes and counter-terrorism frameworks and establish relevant internal control processes.

Access to information and funding without discrimination

- Access to information about financial and other types of support for humanitarian action should be publicly available and accessible to all relevant humanitarian actors, without discrimination.
- Eligibility should be based solely on criteria relevant to the experience, expertise and program quality of the concerned humanitarian actors, and contingent upon the expected areas of engagement, always in line with the core humanitarian principles.
- Humanitarian donors should consider organizing joint meetings and consultations with those humanitarian actors benefiting from their financial or in-kind support and operating in sanctions contexts and environments, to explore solutions to donor conditions hampering humanitarian efforts and for cross-fertilization on good practices.
- Humanitarian donors (government and non-governmental) should coordinate efforts towards the establishment of global humanitarian payment channels and mechanisms managed by independent/impartial international institutions/organisations, in order to ensure the unfettered and swift processing of financial transactions for humanitarian work.

VIII. Guidance for National and International Non-Governmental Humanitarian Actors

Enhanced awareness and coordination

- In addition to their life-saving interventions, humanitarian actors should continue to keep themselves abreast of developments related to both UN and unilateral sanctions regimes, without prejudice to the legality/illegality of the latter, as well as to humanitarian carve-outs, and to create collective information networks for this purpose.

- Humanitarian actors should work towards the implementation of integrated strategies around the humanitarian-development nexus and should include in their advocacy on sanctions and sanctions humanitarian carve-outs this nexus and perspective. Humanitarian-development coordination, including in sanctions contexts and environments, is crucial in reducing risks and vulnerabilities while contributing to crisis prevention and recovery, particularly focusing on the most vulnerable.
- In the face of shrinking spaces for effective humanitarian action, including due to the multifaceted sanctions-related restrictions, and the alarming gap in the global humanitarian funding, humanitarian actors should continue working in partnerships and develop joint humanitarian advocacy strategies, coordination and planning.

Systematic monitoring of sanctions impact

- In addition to their life-saving interventions, humanitarian actors should continue collecting information and monitor the impact of both UN and unilateral sanctions on human rights and on the timely and effective delivery of humanitarian assistance in countries and regions affected by such measures also via the Monitoring tool. Such systematic monitoring as well as the collected information can constitute valuable contributions to the broader discussions about sanctions and related adverse impact mitigation initiatives, to the benefit of all those engaged in sanctions context and environments, and most importantly to those affected by such measures
- In the process of systematically monitoring sanctions impact, humanitarian actors, in particular the United Nations and international non-governmental organizations, should uphold the responsibility for duty of care for local actors as well as their humanitarian personnel. This may involve specific risk management, mitigation and protection measures, as well as measures to address security risks, including risk of prosecution and legal liability, in sanctions contexts and environments.

IX. Guidance for National Human Rights Institutions

Monitoring and reporting

- Independently of their form, type or institutional structure, national human rights institutions in countries targeted by sanctions and affected by over-compliance with sanctions should include in their independent monitoring activities and programmes the impact of such measures and conduct on humanitarian assistance and on the local and national capacities for humanitarian response.
- They should add the findings and results of this monitoring in their periodic and ad hoc reports to national and international institutions, organs and bodies. The reported information should also refer to the situation of local and national humanitarian actors, the challenges they experience in the performance of their work and mandates in the context of UCMs and over-compliance with sanctions, implementation gaps, as well as good practices.

- Independently of their form, type or institutional structure, national human rights institutions in countries implementing sanctions should include in their independent monitoring activities and programmes the impact of such measures on the work of humanitarian actors registered in these countries.
- They should add the findings and results of this monitoring in their periodic and ad hoc reports to national and international institutions/organizations, organs and bodies.

Engagement and advocacy

- NHRIs in both sanctioned and sanctioning countries should establish channels of communication with state institutions (government, parliament and other public bodies) and national and local humanitarian actors to advise them on the compliance of sanctions-related laws and policies with national and international legal frameworks and norms.
- They should establish tools and platforms for the periodic submission of information on human rights and humanitarian consequences of sanctions and over-compliance, even extraterritorially.
- Extraterritoriality of States' humanitarian and human rights obligations in the context of sanctions enforcement can also be assessed through NHRIs' monitoring of the conduct and operations of transnational corporations under their jurisdiction.
- NHRIs in sanctioning countries should engage in dialogue with State institutions deciding on and administering sanctions programmes advocating in favour of the lifting of unilateral sanctions, and pending their lifting the establishment of general, broad and standing humanitarian carve-outs, as well as sunset provisions and clauses.

NHRIs in both sanctioned and sanctioning countries should design and implement awareness-raising initiatives on the impact of sanctions and over-compliance on humanitarian action, the work of humanitarian actors and the humanitarian situation of affected people, with particular focus on people in situations of vulnerability, including but not limited to women, children, persons with disabilities, refugees, migrants, minorities.

X. Guidance for academia and think tanks

Research and advocacy

- Academic institutions and academic/policy think tanks working on humanitarian issues should continue and further expand existing research on the nexus between unilateral coercive measures and humanitarian action, with qualitative and quantitative data and relevant recommendations to all stakeholders.

- In particular, they should work, individually and jointly with partners (including humanitarian actors), towards a) the development of methodologies of humanitarian impact assessment of sanctions, focusing both on the operational challenges for humanitarian actors, as well as the serious effects on the lives of people at risk and in need of humanitarian assistance; and b) analyses of sanctions-related laws and policies, as well as of humanitarian carve-outs.
- Fear of possible stigmatization and reputational damage, as well as exclusion from funding opportunities, should not constitute the primary reason for discouraging or avoiding research on sanctions and their human rights/humanitarian impact and on humanitarian action.
- In their work, academic institutions and academic/policy think tanks should also highlight the need for legal certainty and for improved transparency on information regarding sanctions-related laws and policies and the scope of prescribed restrictions and prohibitions.

Partnerships

- Academic institutions and academic/policy think tanks should build relationships and partnerships with humanitarian actors, other civil society organizations, financial institutions and the broader private sector, policymakers and relevant state institutions, for the continued exchange of information in the service of their awareness-raising and advocacy work.
- Academic and multistakeholder networks and partnerships should engage and include relevant stakeholders from countries or regions under sanctions. Multilateral or unilateral sanctions regimes should not be evoked or used as grounds to impede academic and scientific cooperation on humanitarian-related matters.