

## 28. General issues relating to sanctions

During the period under review, the Council held two meetings in connection with the item entitled “General issues relating to sanctions”. The Council had last held a meeting under this item in 2017.<sup>1045</sup> One of the meetings took the form of a debate, while the other was convened to adopt a resolution. More information on the meeting, including on participants, speakers and outcomes, is provided in the table below.<sup>1046</sup>

On 7 February, at the initiative of the Russian Federation, which held the presidency of the Council for the month,<sup>1047</sup> the Council held a debate focused on preventing the humanitarian and unintended consequences of sanctions.<sup>1048</sup> The Council was given briefings by the Under-Secretary-General for Political and Peacebuilding Affairs and the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator. The Under-Secretary-General for Political and Peacebuilding Affairs pointed out that sanctions remained a vital tool for the Council to ensure the maintenance of international peace and security. To be effective, sanctions should be part of a comprehensive political strategy. They were no longer the blunt instrument that they once had been, and they had undergone considerable changes since the 1990s to minimize their possible adverse consequences on civilian populations and third States. Notwithstanding those changes, some concerns remained about unintended consequences and adverse effects of Council sanctions. De-risking policies and overcompliance were probably two of the most important problems facing humanitarian actors. In that regard, more could be done to reduce the possible adverse consequences of sanctions. She welcomed the adoption of resolution [2615 \(2021\)](#), which carved out a humanitarian exemption to the sanctions regime on Afghanistan, adding that similar standing exemptions in other sanctions regimes could go a long way to responding to the critical needs of civilian populations and that Member States could further minimize the burden on humanitarian actors by keeping their domestic legislation as close as possible to Council language. The continued monitoring by sanctions committees of the possible humanitarian impact of sanctions was vital, and it was essential to increase cooperation with humanitarian actors and the private sector. She highlighted the role of the Office of the Ombudsperson for individuals and entities seeking to be removed from the Islamic State in Iraq and the Levant (ISIL/Da’esh) and Al-Qaida sanctions list, adding that providing fair and clear procedures to all other designated entities and individuals would render the sanctions tool even more effective.

Noting the evolution of sanctions and the progress in the design of sanctions to limit unintended consequences, the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator summarized some concerns over the use of sanctions in countries already affected by humanitarian crises. Humanitarian access and principles could be put under pressure by the demands of sanctions, making it harder for humanitarian agencies to engage and transact with listed individuals or entities that held significant control over the lives of entire populations. In addition, banks and other commercial operators, aiming to avoid any risk of penalty or prosecution, could effectively deny services to humanitarian customers, sever commercial relationships or make routine transactions excessively slow and bureaucratic, even when they were well within the permitted rules. Furthermore, commercial operators that traded food, fuel and other necessities could also decide to err on the side of caution or to overcomply, which could lead to shortages and price rises. When ministries and departments were run by listed individuals, sanctions aimed at political movements and figures could limit the provision of social services and economic stability. In that regard, mitigating the humanitarian impact of sanctions required continuing to review the way in which sanctions were designed, how they were implemented and how they had an impact. In that connection, he suggested some priorities. He urged the Council and Member

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<sup>1045</sup> The previous meeting on the item was held on 3 August 2017 (see [S/PV.8018](#)). For more information, see *Repertoire, Supplement 2016-2017*, part I, sect. 32. As no meetings on the item were held in the three years following, and in accordance with the procedure set out in document [S/2017/507](#), the item was deleted from the list of agenda items of which the Council was seized (see [S/2021/10](#) and [S/2021/10/Add.10](#)). For more information on the format of meetings, see part II.

<sup>1046</sup> See also [A/77/2](#), part II, chap. 16.

<sup>1047</sup> A concept note was circulated by a letter dated 2 February ([S/2022/86](#)).

<sup>1048</sup> See [S/PV.8962](#).

States to ensure that sanctions applicable in armed conflict did not impede the assistance and protection activities of impartial humanitarian organizations for persons who were not fighting, irrespective of their allegiance or designation. The Council and other jurisdictions should build comprehensive humanitarian carveouts into the original legislation rather than through case-by-case authorization procedures, which could be cumbersome and inefficient. In closing, he said that it was a collective responsibility to ensure that sanctions were used to improve compliance with international humanitarian law and international human rights law and, equally, to ensure that they would not have unintended consequences for civilians already caught up in humanitarian crises.

Following the briefings, Council members discussed the role of sanctions imposed by the Council in the maintenance of international peace and security.<sup>1049</sup> Council members also focused on the humanitarian impact of sanctions and specifically on their unintended consequences, including overcompliance.<sup>1050</sup> In that regard, Council members made observations and proposals with a view to mitigating the detrimental impact of sanctions. In addition to Council members, the representatives of Iraq, Mali, the Sudan, South Sudan and Venezuela (Bolivarian Republic of) participated in the meeting and expressed concern at the impact of sanctions in their respective countries and regions. The representative of Iraq said that sanctions should be targeted, smart and able to achieve their goals without exposing an entire society to shortages and need because that could lead to violent extremism, the militarization of society or an increase in organized crime.

On 9 December, the Council held a meeting<sup>1051</sup> at which it adopted resolution [2664 \(2022\)](#) under Chapter VII of the Charter of the United Nations.<sup>1052</sup> Through the resolution, which was adopted with 14 votes in favour and one abstention, the Council created a humanitarian carveout for all asset freeze measures imposed by the Council or any of its sanctions committees.<sup>1053</sup> By the resolution, the Council requested the Emergency Relief Coordinator to provide or arrange a briefing for each relevant Committee 11 months from the date of adoption of the resolution and every 12 months thereafter on the delivery of humanitarian assistance and other activities supporting basic human needs.<sup>1054</sup> Also by the resolution, the Council requested the Secretary-General to issue a written report on unintended adverse humanitarian consequences of Council sanctions measures within nine months of the adoption of the resolution and that the report include recommendations on ways to minimize and mitigate such unintended adverse consequences.<sup>1055</sup>

Speaking before the adoption, as one of the penholders of the draft resolution, the representative of the United States explained that the humanitarian community had asked for a clear, standard carveout of humanitarian assistance and activities to meet basic human needs for all United Nations sanctions regimes and that that was exactly what Council members were voting on that day.<sup>1056</sup> Following the adoption of resolution [2664 \(2022\)](#), Council members welcomed the adoption of the resolution, underscoring its role in providing clarity for humanitarian actors and diminishing the unintended adverse consequences of sanctions. The representative of Ireland, as co-penholder of the resolution with the United States, underscored that the resolution, while significant, was not a panacea and that it might take some time for its effects to be implemented by States and executed by all relevant stakeholders. Explaining his country's abstention during the vote, the representative of India said that his delegation's concerns emanated from proven instances of terrorist groups taking full advantage of such humanitarian carveouts and making a mockery of sanctions regimes. He mentioned several cases of terrorist groups reincarnating themselves as humanitarian organizations and civil society groups precisely to evade such sanctions. Humanitarian exemptions must not facilitate the mainstreaming of terror entities in the political space, and due diligence and extreme caution in the implementation of resolution [2664 \(2022\)](#)

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<sup>1049</sup> For more information on the discussion, see part VII, sect. III.

<sup>1050</sup> See [S/PV.8962](#).

<sup>1051</sup> See [S/PV.9214](#).

<sup>1052</sup> The draft resolution ([S/2022/925](#)) was submitted by Ireland and the United States and sponsored by a further 51 Member States.

<sup>1053</sup> Resolution [2664 \(2022\)](#), para. 1.

<sup>1054</sup> *Ibid.*, para. 5.

<sup>1055</sup> *Ibid.*, para. 7. For more information on sanctions regimes, see part VII, sect. III.

<sup>1056</sup> See [S/PV.9214](#).

were an absolute must. He expressed regret that his delegation's proposal for a proactive role for the Coordinator, Analytical Support and Sanctions Monitoring Team coupled with robust reporting standards and mechanisms had not been fully addressed in the final text and expressed the hope that the shortcoming would be corrected in the future when the implementation of the resolution was reviewed. The representative of the United Arab Emirates noted that, although most aid providers were covered by the resolution, some genuine humanitarian organizations might be left out. While the resolution constituted a milestone in the Council's support for people in need of humanitarian assistance, his delegation saw some potential for overcompliance and believed that it was important to regularly review how the resolution was being implemented on the ground and adjust it as needed. The representative of the Russian Federation said that her delegation was pleased that its many calls had finally been heeded by those who, for years and under various pretexts, had kept postponing the resolution of that issue. The resolution did not resolve many of the issues that existed when it came to Council sanctions, but if it could help humanitarians in certain countries to be more effective in providing assistance to the most vulnerable people, that already in itself was a worthwhile result. Similarly, the representative of China expressed appreciation that the co-penholders had responded to the appeals and demands of all parties and had introduced the resolution on humanitarian exemptions. He also expressed the hope that States Members of the United Nations and international humanitarian agencies would actively implement the humanitarian exemptions provided for in the resolution and prevent an expanded interpretation or excessive implementation of sanctions.

**Meetings: general issues relating to sanctions, 2022**

<i>Meeting record and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Rule 37 invitations</i>	<i>Rule 39 and other invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
<a href="#">S/PV.8962</a> 7 February	Preventing their humanitarian and unintended consequences  Letter dated 2 February 2022 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General ( <a href="#">S/2022/86</a> )		Iraq, Mali, South Sudan, Sudan, Venezuela (Bolivarian Republic of)	Under-Secretary-General for Political and Peacebuilding Affairs, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator	All Council members, all invitees <sup>a</sup>	
<a href="#">S/PV.9214</a> 9 December		Draft resolution submitted by 53 Member States <sup>b</sup> ( <a href="#">S/2022/925</a> )	33 Member States <sup>c</sup>		10 Council members <sup>d</sup>	Resolution <a href="#">2664 (2022)</a> 14-0-1 <sup>e</sup> (adopted under Chapter VII)

<sup>a</sup> The representative of the Bolivarian Republic of Venezuela spoke on behalf of the Group of Friends in Defence of the Charter of the United Nations.

<sup>b</sup> Albania, Andorra, Australia, Austria, Bahamas, Belgium, Brazil, Bulgaria, Canada, Chile, Croatia, Cyprus, Czechia, Denmark, Dominican Republic, Ecuador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guinea, Guyana, Hungary, Iceland, Ireland, Italy, Latvia, Lesotho, Liechtenstein, Luxembourg, Malta, Marshall Islands, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Moldova, Romania, Samoa, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, Ukraine, United Kingdom and United States.

<sup>c</sup> Australia, Austria, Bahamas, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, Dominican Republic, Estonia, Fiji, Finland, Germany, Greece, Iceland, Italy, Latvia, Lesotho, Liechtenstein, Luxembourg, Malta, Marshall Islands, New Zealand, Portugal, Romania, Samoa, San Marino, Slovenia, Spain, Switzerland and Ukraine.

<sup>d</sup> Albania, Brazil, China, India, Ireland, Norway, Russian Federation, United Arab Emirates, United Kingdom and United States.

<sup>e</sup> For: Albania, Brazil, China, France, Gabon, Ghana, Ireland, Kenya, Mexico, Norway, Russian Federation, United Arab Emirates, United Kingdom, United States; against: none; abstaining: India.

## 29. Women and peace and security

In 2022, the Council held five high-level meetings under the item entitled “Women and peace and security”, all of which took the form of open debates.<sup>1057</sup> More information on the meeting, including on participants and speakers, is given in table 1 below.<sup>1058</sup> The Council did not adopt any decisions in relation to this item during the year.

In 2022, Council members heard briefings by the Executive Director of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) three times.<sup>1059</sup> The Council also heard briefings by the United Nations High Commissioner for Human Rights,<sup>1060</sup> the Managing Director of the International Monetary Fund<sup>1061</sup> and the Special Representative of the Secretary-General on Sexual Violence in Conflict.<sup>1062</sup> In addition, Council members heard briefings by representatives of regional and subregional organizations, namely, the Special Envoy on Women, Peace and Security of the Chairperson of the African Union Commission,<sup>1063</sup> the Secretary-General of the Organization for Security and Cooperation in Europe, the European Union Ambassador for Gender and Diversity and the Assistant Secretary-General and Head of Social Affairs Sector at the League of Arab States.<sup>1064</sup> Council members also heard briefings by civil society representatives in four of the five meetings held under this item.

On 18 January, at the initiative of Norway, which held the presidency for the month,<sup>1065</sup> the Council held a high-level open debate under this item, on the sub-item entitled “Protecting participation: addressing violence targeting women in peace and security processes”.<sup>1066</sup> The Minister for Foreign Affairs of Norway presided over the meeting, during which the Council heard briefings by the United Nations High Commissioner for Human Rights, the Executive Director of the Women and Children Legal Research Foundation and the Executive Director of the non-governmental organization Working Group on Women, Peace and Security. The Council also invited 34 Member States to deliver statements in accordance with rule 37 of the provisional rules of procedure.

In her briefing to the Council, the United Nations High Commissioner for Human Rights noted that women’s safe and meaningful participation was necessary to address not only the root causes of conflict but also its full impact, including gender-based violence and the use of sexual violence as a weapon of war.<sup>1067</sup> The Office of the High Commissioner had documented patterns of attacks against women working on gender equality, sexual and reproductive health and rights, corruption, labour rights and environmental and land issues, and reprisals by State and non-State actors against people who cooperated with the United Nations remained high, including in countries associated with matters addressed by the Council, significantly undermining global efforts to prevent conflict and sustain peace

<sup>1057</sup> For more information on the format of meetings, see part II.

<sup>1058</sup> See [A/77/2](#), part II, chap. 17.

<sup>1059</sup> See [S/PV.8989](#), [S/PV.9064](#) and [S/PV.9158](#).

<sup>1060</sup> See [S/PV.8949](#).

<sup>1061</sup> See [S/PV.8989](#).

<sup>1062</sup> See [S/PV.9016](#).

<sup>1063</sup> See [S/PV.9064](#) and [S/PV.9158](#).

<sup>1064</sup> See [S/PV.9064](#).

<sup>1065</sup> A concept note was circulated by a letter dated 10 January ([S/2022/22](#)).

<sup>1066</sup> See [S/PV.8949](#) and [S/PV.8949 \(Resumption 1\)](#). In accordance with the understanding reached among Council members in the light of the extraordinary circumstances caused by the COVID-19 pandemic, 10 delegations also participated by submitting written statements (see [S/2022/38](#)). For more information on the procedures and working methods developed during the pandemic, see part II.

<sup>1067</sup> See [S/PV.8949](#).