

28. General issues relating to sanctions

During the period under review, the Security Council held two meetings in connection with the item entitled “General issues relating to sanctions”. The last time that the Council held a meeting under this item was in 2017.¹⁰⁵² 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 outcome, is provided in the table below.¹⁰⁵³

On 7 February 2022, at the initiative of the Russian Federation, which held the presidency of the Council for the month, the Council held a debate focusing on preventing the humanitarian and unintended consequences of sanctions.¹⁰⁵⁴ The Council was briefed by the Under-Secretary-General for Political and Peacebuilding Affairs and the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.¹⁰⁵⁵ 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, she added, sanctions should be part of a comprehensive political strategy. She clarified that sanctions were no longer the blunt instrument they once were and that since the 1990s, they had undergone considerable changes to minimize their possible adverse consequences on civilian populations and third States. Despite the changes, she noted that some concerns remained about unintended consequences and adverse effects of Council sanctions. She explained that de-risking policies and over-compliance were probably two of the most important problems facing humanitarian actors. In that regard, she said that 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 respond to the critical

¹⁰⁵² The last meeting was held on 3 August 2017 (See [S/PV. 8018](#)). For more information, see *Repertoire, Supplement 2016-2017*, part I, sect. 32. As no meeting was held in the following three years and in accordance with the procedure set out in document [S/2017/507](#), the item was deleted from the list of agenda items seized by the Council (see [S/2021/10](#) and [S/2021/10/Add.10](#)). For more information on the format of meetings, see part II.

¹⁰⁵³ See also [A/77/2](#), part II, chap. 16.

¹⁰⁵⁴ A concept note was circulated by a letter dated 2 February 2022 ([S/2022/86](#)).

¹⁰⁵⁵ See [S/PV. 8962](#).

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 Security Council language. She emphasized that the continued monitoring by sanctions committees of the possible humanitarian impact of sanctions was vital and that it was essential to increase cooperation with humanitarian actors and the private sector. She also 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. As he explained, 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, severing commercial relationships or making 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 over-comply leading to shortages and price rises. Finally, he mentioned that 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, he noted that mitigating the humanitarian impact of sanctions required to continue to review both the way in which sanctions were designed and how they were implemented and how they impacted. In that connection, he suggested some priorities. He urged the Council and Member States to ensure that sanctions applicable in armed conflict would not impede the assistance and protection activities of impartial humanitarian organizations for persons who were not fighting, irrespective of their allegiance or designation. He also said that 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.¹⁰⁵⁶ Council members also focused on the humanitarian impact of sanctions and specifically on their unintended consequences, including overcompliance. In this 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, Sudan, South Sudan and the Bolivarian Republic of Venezuela 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.¹⁰⁵⁷

On 9 December 2022, the Council held a meeting at which it adopted resolution [2664 \(2022\)](#) under Chapter VII of the Charter.¹⁰⁵⁸ The resolution, which was adopted with 14 votes in favour and one abstention,¹⁰⁵⁹ created a humanitarian carveout to all asset freeze measures imposed by the Council or any of its sanctions committees.¹⁰⁶⁰ By the resolution, the Council requested the United Nations Emergency Relief Coordinator (ERC) to brief or to arrange a briefing for each relevant Committee 11 months from the date of the adoption of the resolution and every 12 months thereafter on the delivery of humanitarian assistance and other activities

¹⁰⁵⁶ For more details on the discussion, see part VII, sect. III.

¹⁰⁵⁷ See [S/PV. 8962](#).

¹⁰⁵⁸ The resolution was submitted by Ireland and the United States and co-sponsored by 52 member states. For the list of sponsors, see [S/2022/925](#).

¹⁰⁵⁹ *For*: Albania, Brazil, China, France, Gabon, Ghana, Ireland, Kenya, Mexico, Norway, Russian Federation, United Arab Emirates, United Kingdom, United States; *against*; none; *abstaining*: India.

¹⁰⁶⁰ Resolution [2664 \(2022\)](#), para. 1.

supporting basic human needs.¹⁰⁶¹ By means of the resolution, the Council requested the Secretary-General to issue a written report on unintended adverse humanitarian consequences of Security Council sanctions measures within nine months of the adoption, which would include recommendations on ways to minimize and mitigate such unintended adverse consequences.¹⁰⁶²

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 was exactly what Council members were voting on that day.¹⁰⁶³ 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 would 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 also mentioned several cases of terrorist groups reincarnating themselves as humanitarian organizations and civil-society groups precisely to evade such sanctions. He stressed that humanitarian exemptions must not facilitate the mainstreaming of terror entities in the political space and that due diligence and extreme caution in the implementation of resolution [2664 \(2022\)](#) was an absolute must. He regretted that the proposal of his delegation for a proactive role for the Analytical Support and Sanctions Monitoring team coupled with robust reporting standards and mechanism was not fully addressed in the final text and expressed hope that the shortcoming would be corrected in the future when reviewing the implementation of the resolution. 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. He also added that while the resolution constituted a milestone in

¹⁰⁶¹ Ibid., para. 5.

¹⁰⁶² Ibid., para. 7. For more information on sanctions regimes, see part VII, sect. III.

¹⁰⁶³ See [S/PV. 9214](#).

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 adjusted as needed. The representative of the Russian Federation said that her delegation was pleased that the many calls of his delegation were finally heeded by those who, for many years now and under various pretexts, kept postponing the resolution of this issue. She added that the resolution did not resolve many of the issues that existed when it came to Security 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 towards the co-penholders for having responded to the appeals and demands of all parties and introduced the resolution on humanitarian exemptions. He also expressed 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

| <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> |
|--|--|--|---|--|--|---|
| S/PV.8962 7 February 2022 | 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 (S/2022/86) | | Iraq, Mali, South Sudan, the Sudan, Venezuela(the 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 ^a | |
| S/PV.9214 9 December 2022 | | Draft resolution submitted by Ireland and United States (S/2022/925) | 46 Member States ^b | | 10 Council members ^c | Resolution 2664 (2022) 14-0-1 ^d |

| <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> |
|------------------------------------|-----------------|------------------------|--------------------------------|--|-----------------|--|
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(adopted under
Chapter VII)
