

Final Mandate Report January 2022 to May 2024 - IASC Task Forces

TASK FORCE 3 – HUMANITARIAN SPACE (WITH FOCUS ON COUNTERTERRORISM & SANCTIONS-RELATED ISSUES AND BUREAUCRATIC & ADMINISTRATIVE IMPEDIMENTS)

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Objectives: 1) Mitigating the Impact of Counterterrorism legislation and sanctions on humanitarian action; 2) Addressing Bureaucratic and Administrative Impediments to enable principled, timely and effective humanitarian action.

Achievements

PRIORITY AREA OF WORK	CONCRETE DELIVERABLES/ACHIEVEMENTS	LEADS	IMPACT/OPERATIONAL RELEVANCE	COMMENTS
Impact of sanctions and counterterrorism measures on humanitarian operations	Guidance to HCs/ HCTs on the Impact of Sanctions + CT measures on Humanitarian Action (Sept. 2021)	OCHA	HCs/ HCTs equipped with the basic tools to identify and monitor the impact of sanctions/ CT on their operations, and common baseline messages/ suggested courses of action to remedy this impact.	The IASC Guidance is the reference piece of guidance for IASC members on sanctions/ CT issues – it needs more dissemination to maximize its impact.
	Policy Paper – Considerations on Beneficiary Vetting/ Screening in sanctions & CT contexts (Aug. 2023)	Humanity and Inclusion	Strengthens and facilitates global and country-level common positioning and red lines across UN and NGOs vis-a-vis donors requesting beneficiary vetting/ screening conditions.	The Policy paper constitutes the first written policy document reflecting an IASC-wide baseline considerations on the core issue of donor conditionality
	Coordinated advocacy leading to the adoption of humanitarian exemptions in all UN financial sanctions regimes, with resolutions 2165 and 2664 (Aug.-Dec. 2021; Aug. – Dec.2022).	NRC & OCHA	Protects humanitarian organisations in the field in locations where UN-designated actors operate from the risk of violating UN asset freeze measures in their interactions with these actors .	Res. 2615 (Afghanistan-specific) and 2664 are landmark resolutions that considerably alleviated obstacles to humanitarian assistance; the TF was instrumental in swiftly coordinating IASC members' messaging during the critical negotiation period. Res. 2664 sets a new standard in protecting IHL and principled humanitarian action from unintended consequences of sanctions, including CT sanctions and paved the way for similar exemptions to be inserted in State's autonomous measures too.
	Dissemination of resolution 2664 and associated reporting request (IASC global webinars, NRC/OCHA webinars Q&A) (May-Sept. 2023)	NRC & OCHA	Provides reassurances and clarity on the scope of the protection provided by the humanitarian exemptions to UN Agencies/ NGOs operating in areas where UN-designated actors operate, in such critical countries as Haiti, Yemen, Burkina, Niger, Nigeria, NW Syria, etc.	Feedback received from field partners on these TF products was very positive.
	Key Messages/ Q&As: - Impact of sanctions/ CT to the EQ response in Syria (Feb.-Apr. 2023) - Aid Diversion (Oct.-Nov. 2023) - Extension of res. 2664 (humanitarian exemption) under the Al-Qaeda/ISIL sanctions regime (May 2024)	NRC & OCHA	UN and NGOs in the field and at global level are equipped to deliver joint messaging on complex, sensitive and at times controversial issues, with strategic andcoordinated advocacy support from HQs	The swift elaboration of coordinated positions and advocacy strategies has been one of the most important functions of the task force and has allowed all IASC members to speak with one voice on some critical issues, with concrete results.
Bureaucratic & Administrative Impediments				

In progress or outstanding

PRIORITY AREA OF WORK	CONCRETE DELIVERABLES	LEADS	IMPACT/OPERATIONAL RELEVANCE	COMMENTS/REASONS
Impact of sanctions and counterterrorism measures on humanitarian operations	Joint webinars on SC resolution 2664 (humanitarian exemption)	NRC-OCHA	Provides reassurances and clarity on the scope of the protection provided by the humanitarian exemptions to UN Agencies/ NGOs operating in areas where UN-designated actors operate, in such critical countries as Haiti, Yemen, Burkina, Niger, Nigeria, NW Syria, etc.	
	Common advocacy and strategy alignment for the extension of res. 2664 (humanitarian exemption) under the AQ/ ISIL sanctions regime	TBD	Non-extension could lead to major impediments to humanitarian operations in areas where actors on the UN AQ/ ISIL sanctions list operate, in countries like Yemen, Burkina, Niger, Nigeria, etc	This has been identified during the presental TF 3 retreat (February 2024) as a core priority by all task force members. IASC TF3 has been the main body for IASC members to coordinate advocacy for and support to the implementation of res. 2664.
	Further dissemination of the IASC Guidance/ Common advocacy for the inclusion of humanitarian exemptions in CT laws	TBD	CT laws without humanitarian exemptions generate a criminal legal risk and a chilling effect on humanitarian organisations in a range of countries – from donor countries to countries hosting major humanitarian operations (e.g., DRC, Myanmar, Burkina, Nigeria...)	Ensuring that CT measures, including domestic CT laws from both donor and host country include specific safeguards that protects humanitarians from risk of undue criminalisation has been collectively identified by TF members as the next major common advocacy / policy advocacy for INGOs and UN on this topic.
Bureaucratic & Administrative Impediments	Organise 2 peer-to-peer events/workshops with access working group members to exchange on lessons-learned, challenges and best practices. Where relevant and strategic, ensure that issues are brought to the attention of other parts of the system.	OCHA; InterAction; ICVA	A webinar is to be held on 21 May, hosted by OCHA, InterAction and ICVA. The webinar will focus on effective strategies and lessons learned from navigating Bureaucratic and Administrative Impediments (BAI) and launch the ICVA-commissioned report "Hidden Hurdles: Unravelling the Intricate, Cumulative Effects of BAI on Crisis-Affected Populations and Humanitarian Response." It will feature 2 case studies, from Yemen and Nigeria. As of 17 May there were 120 registered planned attendees.	Following the publication of the IASC guidance, a peer-to-peer event is meant to share best practices and examples from countries facing BAI, including on how to monitor, report and advocate for the removal of BAIs. The workstream on BAI is to be "decentralized", that is followed-up at country level. The Global Access Working Group, an informal body comprised of UN and INGOs' Access Advisers, will continue to follow the issue and inform each other in case of any issues that requires attention.
	Support the utilisation and strengthening of existing tools to help ensure colleagues are equipped to identify and manage BAI.	ICVA	ICVA commissioned a report: Hidden Hurdles: Unravelling the Intricate, Cumulative Effects of BAI on Crisis-Affected Populations and Humanitarian Response" to deepen the understanding of the relevance and severity of different BAI areas and the impacts of BAI on crisis-affected communities, humanitarian responders, and humanitarian response.	The report issues a series of recommendations on measuring the impact of BAI, monitoring indicators and responding to BAI.

Additional Information

- Complementarity pursued with other IASC Task Forces and/or IASC-associated entities: N/A
- Engagement/partnerships pursued with non-IASC bodies/partners for the completion of this body of work (Including the field, local actors, donors, among others): HCT partners, including for webinars on res. 2664 and the elaboration of Key Messages; 2 briefings to the GHD; Security Council members (during negotiations on humanitarian exemptions in res. 2615 and 2664); engagement with other major sanctioning entities states and entities (e.g. EU, US, etc) to promote exemptions in autonomous measures; provision of consolidated inputs to CTED for its first ever study on IHL and counterterrorism (Jan. 2022); engagement by the co-chairs and other TF members with IPI in the run up and following the adoption of resolution 2664.
- Existing other mechanisms or processes leading on this priority: N/A

Reflections on the Proposed Way Forward

Please provide an analysis of critical issues that require the IASC's attention moving forward to ensure that the system is able to move the dial on this issue. Please consider including:

(a) the problem statement:

- Sanctions and counterterrorism (CT) measures continue to have a negative impact on humanitarian operations across many crises, including Gaza, Afghanistan, the Sahel, Yemen, Syria, and others. Without appropriate humanitarian exemptions, all involved in the humanitarian delivery chain – from donors to humanitarian organisations, their banks, partners, and suppliers – are exposed to a risk of violating asset freeze measures and a range of CT measures (in particular, laws, regulations, and international standards on the financing of terrorism). As a result, banks have refused to transfer funds or imposed exorbitant processing times and information-sharing requests. Donors have refused to fund activities in areas where designated groups are active or imposed restrictions that impacts operational independence and effectiveness. They have restricted the type of assistance their grantees can provide in such areas; refused to fund directly local organisations; or imposed cumbersome reporting/ due diligence obligations. Host States' authorities have used CT or sanctions legislations to justify acts of intimidation against humanitarian staff and a range of administrative decisions such as the suspension of NGO operations, the designation of no-go areas, the refusal of cross-line or cross-border movements of humanitarian convoys, or the prohibition of humanitarian engagement with certain armed groups. Humanitarian organisations themselves have exerted self-censorship when designing or implementing programmes, anticipating host-State or donor pushback, or bank de-risking.
- Sectoral sanctions/ export restrictions targeting entire countries or entire economic sector in certain countries have also made procurement considerably more difficult in contexts like Syria, the DPRK, or until recently Niger. For example, in the wake of the earthquake that hit Turkey and Syria in February 2022, many humanitarian organisations in Syria cited the export restrictions on dual-use items imposed by the European Union as the number one impediment to their projects for the rehabilitation of basic infrastructure such as roads, water stations, or hospitals.
- States (both donor States and host States) imposing sanctions and/ or CT measures, and bodies in charge of implementing or monitoring such measures, tend to develop and instrumentalize a sanctions/ CT and Anti Money Laundering (AML) narrative to justify restrictions on humanitarian operations and politicize humanitarian action. For example, there have been pressures or incentives from donor States to frame some humanitarian programmes as part of counterterrorism strategies, or requests on grantees to share specific information on any interactions with interlocutors affiliated to sanctioned armed groups. Other restrictive policies include prohibition to access certain areas or populations living under the control of 'terrorist groups', intimidation and harassment of aid workers and threats of suspension of operations.
- The adoption of resolutions 2615 and 2664, and the subsequent generalization of humanitarian exemptions in all domestic legislations implementing asset freeze measures (UN or autonomous), marked a fundamental shift in the approach of the Security Council, the EU, and donor States. However, several challenges remain, including the fact that:
 - Humanitarian exemptions are not uniform across all sanctions regimes and across jurisdictions, and some have gaps. The lack of consistent and harmonised approached has limited the impact of existing exemptions.

- Humanitarian exemptions are largely limited to asset freeze measures, while a range of other restrictive measures continue to have an impact on humanitarian operations – including sectoral/ export restrictions criminal laws on support to or the financing of terrorism; anti Money Laundering/ Countering the Financing of Terrorism regulations, administrative decisions and regulations in States hosting humanitarian operations.
- Humanitarian exemptions remain a fairly new policy shift and are not yet widely socialized and implemented across all stakeholders, including states but also the private sector, which continue to take a risk averse approach to 'high-risk' jurisdiction.

(b) what needs to be achieved:

- Uniform, well-crafted humanitarian exemptions are generalized across all restrictive measures and fully reflected in the standards, policies, and practices of relevant international organisations, States (donor and host States), international and national bodies (including donor Agencies, FATF, financial regulatory authorities), and private sector partners. This needs further legal changes and a broader change of mentalities, after decades of risk-averse approaches.

(c) what are the bottlenecks/challenges in achieving these:

- States' focus on counterterrorism objectives and little risk-tolerance in CT contexts (see e.g., Gaza)
- Increased suspicion of aid organisations as supporter of terrorist entities, especially in host countries where disinformation and delegitimatization campaigns are pervasive
- Deeply entrenched zero-tolerance culture in some State administrations and in the private sector
- Divergent approaches, rules and policies from different administrations within the same States (financial sanctions implementation Agencies vs. sectoral/ export restrictions implementation Agencies vs. humanitarian agencies vs. financial regulatory authorities).

(d) what can be done to address these challenges/bottlenecks):

- Coordinate IASC members' position and advocacy
- Build a strong evidence-based advocacy of the impact of restrictive measures.
- Diversify interlocutors: reach out beyond financial sanctions implementation Agencies to the private sector, financial regulatory Agencies, etc.
- Need for humanitarian organisations to promote increased transparency and a fact-based narrative on aid diversion and the incidental benefits that humanitarian operations can generate for designated actors in sanctions/ CT contexts

(e) who are the key non-IASC organizations/process that would be important to engage with in the future?

- Think tanks having influence in capitals (e.g., CSIS, ICG).
- Financial regulatory authorities, export control administrations, and donor Agencies.

- Financial Action Task Force.
- The private and banking sectors in key jurisdictions (US, EU, UK, FR).
- Security Council-related CT bodies of the UN: CTED, the Counter-Terrorism Committee, the 1267 Monitoring Team.
- CT / sanctions / Treasury departments within key UN MS

Please share your reflections/ thoughts on (a) opportunities to continue the work and maintain momentum/attention on the issue beyond the Task Force (ex: establishing communities of practice; agencies taking the lead in convening the system on these issues); (b) the impact of the closure of the Task Force).

- The Task Force has been instrumental in optimizing the leverage, networks, and comparative advantages of its members towards common objectives – therefore maximizing the contribution of the humanitarian community to the very significant progress on the sanctions and CT fronts. Concretely, the Task Force has contributed to the adoption of humanitarian exemptions by facilitating the elaboration of a common evidence- base, common messaging, common narrative for IASC members -including on sensitive and controversial matters - and joint strategy, including weighting in opportunities and risks. It has also been an important forum to keep the pulse of the field through regular feedback from members, allowing swift common positioning and action in support to field-based demands (e.g., following the Taliban takeover in Afghanistan, the earthquake in Turkey and Syria, or the Israeli military operation in Gaza).
- The fact that the Task Force constitutes an official IASC structure reinforced its status both within the humanitarian community and outside, particularly with Member States, emphasizing the importance of the messages it has conveyed; Member States have on many occasions, including during the negotiations on resolutions 2615 and 2664, expressed their support to the Task Force and underlined its usefulness when they need quick feedback or analysis that reflect a large consensus within the humanitarian community – across UN and NGO mandates.
- The last retreat of the Task Force – held in February in Geneva – was an opportunity for all Task Force members to express the need to continue coordinating IASC members work and objectives on this issue.
- Coordination outside an official IASC structure would weaken the impact and influence of humanitarians on this issue; including with Security Council members, donors and other member States, Likewise, the impact in the field of a Guidance document validated at senior level by the IASC/ OPAG, or the audience of an IASC-branded webinar, is much greater than for non-IASC branded equivalents.
- Lastly, IASC principals would lose a precious resource on a topic that is technical, yet highly relevant for operations, with the termination of the Task Force. The level of in-house expertise on this topic varies a lot from one Task Force member to another, and the Task Force also played a key role in mutualizing resources and expertise for all its members.

Please share your reflections/ thoughts on how future structures can be effective in delivering in support of the IASC.

- IASC structures should inform the IASC leadership on key policy and context-specific issues, make an effective link on these issues between the field, key policy stakeholders (States, Security Council), and IASC principals, and make suggestions on how IASC principals can support shared goals and messaging needing high-level advocacy. IASC technical level structures should lay the ground for such high-level advocacy through the day-to-day activities of their members.
- One key aspect is support from the IASC Secretariat: whatever structures may replace the current Task Forces, the role of the IASC Secretariat vis-à-vis and in support to these structures should be clearly defined for lead entities to have clarity on expectations.