**Submission of Inputs titled**

**“Navigating the Maze: Establishing Rules to Mitigate Humanitarian Fallout of Sanctions”**

**By**

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**Navigating the Maze: Establishing Rules to Mitigate Humanitarian Fallout of Sanctions**

**Introduction**

Sanctions have long been employed by states and international organizations as a tool to influence the behaviour of other states or entities, often in response to perceived violations of international norms or threats to international peace and security. While sanctions serve various political and strategic objectives, they can also have profound humanitarian consequences, affecting the lives and well-being of millions of individuals. This introduction seeks to explore the complexities surrounding the humanitarian fallout of sanctions and the imperative to establish clear rules to mitigate their adverse impacts.

The imposition of sanctions dates back centuries, with historical examples ranging from economic embargoes to diplomatic isolations. However, it was in the aftermath of World War I and II that the modern concept of sanctions gained prominence as a non-military tool for addressing international disputes. The establishment of the United Nations in 1945 further institutionalized the use of sanctions as a means of collective security, empowering the Security Council to impose measures ranging from arms embargoes to economic sanctions. Over the years, the scope and application of sanctions have expanded significantly, reflecting changes in global politics and evolving understandings of security threats. Today, sanctions are utilized not only by the UN Security Council but also by individual states and regional organizations, often in response to diverse issues such as nuclear proliferation, human rights abuses, or terrorism. While sanctions remain a preferred instrument of coercion due to their non-violent nature, their humanitarian consequences have increasingly come under scrutiny.

The humanitarian impact of sanctions is multifaceted, affecting various aspects of individuals' lives, including access to food, medicine, education, and basic services. Studies have shown that sanctions can exacerbate poverty, deepen economic inequalities, and impede the delivery of humanitarian assistance, particularly in countries already facing socio-economic challenges. Moreover, the unintended consequences of sanctions, such as the displacement of populations or the deterioration of public health systems, can have long-term repercussions on human security and stability. In light of these concerns, there is a growing recognition within the international community of the need to balance the objectives of sanctions with humanitarian considerations. The principle of "do no harm" has gained traction as a guiding framework for designing and implementing sanctions regimes, emphasizing the importance of minimizing their adverse impacts on vulnerable populations. However, translating this principle into practice remains a complex and often contentious endeavor, requiring careful deliberation and collaboration among states, international organizations, and civil society actors.

This input seeks to examine the humanitarian fallout of sanctions and explore the challenges and opportunities in establishing rules to mitigate their adverse impacts. By delving into the complexities surrounding sanctions governance and the evolving normative frameworks governing their use, this input aims to contribute to a deeper understanding of the humanitarian dimensions of sanctions and the imperative for principled and rights-based approaches.

**Understanding the Humanitarian Fallout of Sanctions**

Sanctions, as a tool of statecraft, have been employed throughout history to coerce or influence the behaviour of states or entities deemed to be in violation of international norms or posing threats to global peace and security. While their effectiveness in achieving political objectives is often debated, the humanitarian consequences of sanctions are undeniable and require careful examination.

States, international organizations, and regional blocs use sanctions to limit the flow of commodities, services, and resources to a targeted entity. Economic sanctions, trade embargoes, armament limits, and diplomatic isolations are examples. While intended to change the targeted entity's conduct, sanctions can have far-reaching humanitarian effects, affecting millions of people, especially in socio-economically vulnerable nations. Sanctions' impact on food, medicine, and utilities is a major humanitarian issue. Economic sanctions can disrupt supply chains, raise prices, and worsen shortages, causing food insecurity, malnutrition, and public health problems. Sanctions can worsen poverty and misery in conflict-affected or authoritarian nations that import food and medicine. Sanctions also make humanitarian help harder to reach impacted communities. Financial transactions, transportation networks, and humanitarian workers might be restricted, delaying help delivery and prolonging suffering. Legal and logistical issues may arise for humanitarian players in sanctioned nations, such as being wrongfully accused in sanctions violations or losing access to vital resources and infrastructure.
Sanctions can have serious socio-economic and psychological effects on impacted communities. Economic instability has been demonstrated to weaken social cohesiveness, institutional trust, and pre-existing inequities. Sanctions increase the danger of exploitation, violence, and relocation for children, women, and vulnerable groups. Sanctions' unexpected effects, such as local industry failure, population displacement, and infrastructure degradation, can have long-term effects on human security and stability. Sanctions may support authoritarian governments or non-state entities, entrenching injustice and worsening human rights violations. Sanctions can destabilize neighboring countries and increase regional tensions.

Despite these concerns, sanctions continue to be a favored instrument of statecraft, reflecting the perceived utility of coercive measures in achieving foreign policy objectives. However, the humanitarian dimensions of sanctions cannot be ignored or dismissed as mere collateral damage. As the international community grapples with the complex challenges of global governance and collective security, there is a growing recognition of the need to balance the imperatives of national security with respect for human rights and humanitarian principles.

**Establishing Rules for Mitigation**

In the face of the humanitarian fallout of sanctions, there is a pressing need to establish clear rules and guidelines for mitigating their adverse impacts. While sanctions are often framed as necessary measures to address threats to international peace and security, their unintended consequences on civilian populations cannot be overlooked. Therefore, efforts to govern and regulate the use of sanctions must prioritize humanitarian considerations and adopt principled approaches that minimize harm and uphold human rights.

Central to the establishment of rules for mitigation is the recognition of the principle of "do no harm." This principle, rooted in humanitarian ethics, emphasizes the imperative to minimize the negative consequences of policies and actions on vulnerable populations. This concept emphasizes the need to prevent penalties from worsening humanitarian situations or violating human rights. Sanctions can achieve political goals, but they must be balanced with safeguarding victims' lives and dignity. Development and execution of guiding principles can reduce sanctions' humanitarian impact. Guiding principles define the rights, obligations, and responsibilities of governments, international organizations, and other players in sanctions regime creation, implementation, and enforcement. These principles provide norms for analyzing sanctions' validity, efficacy, and proportionality, fostering openness, accountability, and international law compliance.

Human rights are important to sanctions mitigation. Sanctions must respect and safeguard the human rights of all people, regardless of ethnicity or affiliation. This demands careful assessment of sanctions' effects on civil, political, economic, social, and cultural rights and procedures to monitor and resolve sanctions-related human rights breaches. Guidance should also focus providing sanctions-affected communities with food, medication, water, and shelter.
Accountability and reparation are also important in mitigation rules. Sanctions-imposing states and others must be held responsible for international law and human rights abuses. This involves impartial monitoring, evaluation, and reporting on sanctions' humanitarian impact and channels for impacted persons and communities to seek restitution and remedy. Accountability procedures can curb abuses and ensure punishments follow the law and promote justice and reconciliation. Mitigation rules should also involve impacted people and stakeholders in consultation and participation. Those most affected by penalties are generally not consulted when they are created and applied. Sanctions regimes can better address complaints, humanitarian needs, and sustainable peace and development by incorporating impacted communities, civil society groups, humanitarian agencies, and other stakeholders in decision-making. Consultation and involvement boost penalties' legitimacy, efficacy, and credibility, encouraging impacted parties to comply.

In addition to guiding principles and accountability systems, mitigation rules should prioritize humanitarian aid and protection for impacted communities. The ideals of humanism, impartiality, neutrality, and independence should guide humanitarian help to people in need without prejudice or political involvement. States and other sanctions regime participants must allow humanitarian aid to reach impacted communities, remove bureaucratic barriers, and protect humanitarian workers. Mitigation laws could also handle over-compliance, where states and other actors exceed prohibitions to avoid penalties or reputational consequences. Over-compliance can worsen sanctions' humanitarian impact by restricting commerce, finance, and humanitarian efforts, harming impacted communities. Thus, mitigating regulations should contain clear and consistent advice on sanctions interpretation and execution and means for monitoring and correcting excessive or disproportionate enforcement to prevent over-compliance.

**Challenges and Considerations**

The mitigation of humanitarian fallout from sanctions is not without its challenges and complexities. While there is a growing recognition of the need to balance political objectives with humanitarian concerns, translating this awareness into effective policies and practices poses numerous obstacles. This section explores some of the key challenges and considerations in mitigating the humanitarian impact of sanctions, ranging from legal and practical hurdles to the balancing act between security imperatives and humanitarian principles. One of the primary challenges in mitigating the humanitarian impact of sanctions lies in the legal ambiguity and complexity surrounding their implementation. Sanctions regimes often involve a patchwork of national laws, international agreements, and UN Security Council resolutions, each with its own legal frameworks, procedures, and enforcement mechanisms. This fragmented legal landscape can create confusion, inconsistency, and uncertainty for states, businesses, and humanitarian actors seeking to navigate the regulatory environment surrounding sanctions. Moreover, the extraterritorial reach of some sanctions measures can complicate compliance efforts and exacerbate the risk of unintended consequences for third-party actors.

Furthermore, the effectiveness of sanctions mitigation efforts is often hampered by the politicization of humanitarian issues. In many cases, sanctions regimes are driven by geopolitical considerations rather than genuine concerns for human rights or humanitarian principles. This politicization can lead to selective enforcement, double standards, and instrumentalization of humanitarian assistance for political purposes. It can also hinder cooperation and coordination among states, international organizations, and humanitarian agencies, undermining efforts to address the root causes of humanitarian crises and deliver timely and effective assistance to affected populations.

Another challenge in mitigating the humanitarian impact of sanctions is the balancing act between security imperatives and humanitarian principles. While sanctions are often justified as necessary measures to address threats to international peace and security, their unintended consequences on civilian populations must be carefully weighed against the imperative to protect human rights and uphold humanitarian norms. This requires striking a delicate balance between achieving political objectives and minimizing harm to vulnerable populations, a task that is inherently fraught with ethical, legal, and practical complexities. Moreover, the implementation of sanctions mitigation measures is often hindered by resource constraints, logistical challenges, and bureaucratic hurdles. Humanitarian actors operating in sanctioned countries face numerous obstacles in delivering aid, including restrictions on access, funding limitations, and security risks. Additionally, the politicization of humanitarian assistance can complicate efforts to negotiate access with host governments and non-state actors, further impeding the delivery of aid to those in need. In some cases, humanitarian organizations may face legal and reputational risks for engaging with sanctioned entities or operating in sanctioned territories, leading to a chilling effect on their activities.

Furthermore, the unintended consequences of sanctions, such as the empowerment of authoritarian regimes or the exacerbation of conflict dynamics, can complicate efforts to mitigate their humanitarian impact. Sanctions measures aimed at pressuring regimes to change their behavior may inadvertently strengthen their grip on power, further marginalize opposition forces, or exacerbate grievances among affected populations. Moreover, the spillover effects of sanctions, including refugee flows, cross-border smuggling, and regional instability, can undermine regional security and stability, complicating efforts to address humanitarian needs and promote peacebuilding initiatives.

In addition to these challenges, there are also ethical and moral dilemmas inherent in the mitigation of humanitarian fallout from sanctions. For example, the provision of humanitarian assistance in sanctioned countries may raise questions about the legitimacy of engaging with regimes accused of human rights abuses or violations of international law. Similarly, the targeting of sanctions against specific individuals or entities may raise concerns about the collective punishment of civilian populations or the erosion of due process rights. Balancing these ethical considerations with the imperative to alleviate human suffering and protect human dignity requires careful deliberation and engagement with a range of stakeholders, including affected populations, civil society organizations, and humanitarian agencies.

**Conclusion**

The mitigation of humanitarian fallout from sanctions is a complex and multifaceted endeavor that requires concerted efforts from states, international organizations, civil society actors, and humanitarian agencies. Throughout this chapter, we have explored the various dimensions of the humanitarian impact of sanctions, the challenges and considerations in establishing rules for mitigation, and the ethical and practical dilemmas inherent in navigating sanctions governance. At its core, the humanitarian fallout of sanctions underscores the inherent tension between political objectives and humanitarian principles. While sanctions are often justified as necessary measures to address threats to international peace and security, their unintended consequences on civilian populations cannot be overlooked or dismissed as collateral damage. From food insecurity and public health crises to displacement and human rights abuses, the humanitarian impact of sanctions is far-reaching and multifaceted, requiring careful consideration and mitigation efforts.

Central to the establishment of rules for mitigation is the recognition of the principle of "do no harm" and the primacy of human rights. Guiding principles, accountability mechanisms, consultation processes, humanitarian assistance provisions, and safeguards against over-compliance are all critical elements of effective sanctions governance. By adopting a principled and rights-based approach to sanctions mitigation, states and other actors can strike a balance between achieving political objectives and protecting the lives and dignity of affected populations. However, mitigating the humanitarian fallout of sanctions is not without its challenges and complexities. Legal ambiguity, politicization of humanitarian issues, resource constraints, logistical challenges, and ethical dilemmas all pose obstacles to effective sanctions mitigation efforts. Moreover, the unintended consequences of sanctions, including the empowerment of authoritarian regimes, exacerbation of conflict dynamics, and regional instability, further complicate efforts to address humanitarian needs and promote peacebuilding initiatives.

Moving forward, concerted efforts are needed to address these challenges and foster greater cooperation and coordination among states and stakeholders. This requires a comprehensive and integrated approach that prioritizes humanitarian concerns, promotes compliance with international law and human rights standards, and ensures meaningful engagement with affected populations and relevant stakeholders. By strengthening accountability mechanisms, enhancing transparency, and promoting dialogue and cooperation, states and other actors can work together to minimize the humanitarian impact of sanctions and uphold the rights and dignity of affected populations.

Moreover, there is a need for greater investment in conflict prevention, diplomacy, and peacebuilding initiatives to address the root causes of conflicts and crises that often lead to the imposition of sanctions. By addressing the underlying grievances and inequalities that fuel conflict and instability, states can reduce the need for coercive measures and promote sustainable peace and development. Moreover, there is a need for greater investment in conflict prevention, diplomacy, and peacebuilding initiatives to address the root causes of conflicts and crises that often lead to the imposition of sanctions. By addressing the underlying grievances and inequalities that fuel conflict and instability, states can reduce the need for coercive measures and promote sustainable peace and development.