

NGO joint statement on the impact of counterterrorism measures and sanctions on humanitarian action

Ahead of the upcoming European Humanitarian Forum (EHF) from the 21 to the 23 of March, and following with concern the evolving crisis in Ukraine, the 49 NGOs and 7 networks of NGOs welcome an agenda that includes sessions highlighting the challenges regarding the impact of restrictive measures on humanitarian action. Today, counterterrorism measures, sanctions and the subsequent restrictions, due diligence, and compliance obligations constitute one of the major challenges for humanitarian organisations and principled humanitarian action. We hope discussions at the EHF will lead to clear commitments for the EU and its Member States which will prevent such restrictive measures' unintended consequences, especially on our organisations' capacity to reach people in need.

Yemen, Afghanistan, Mali are the most recent examples recalling the absolute necessity to ensure restrictive measures do not delay or impede the response to civilian populations' needs, including in areas under the control of non-state armed groups. Similarly, it is of utmost importance that sanctions targeting Russia do not affect the current or future capacities of humanitarian organisations to provide aid in Ukraine, including in territories that are not under the control of the Ukrainian government, and on the shared borders.

The due diligence obligations imposed under donors' restrictive measures frequently do not distinguish aid organisations from state operators, jeopardising the neutrality that is crucial to NGO workers' safety. Operating in areas where designated terrorist groups or other sanctioned parties are present, NGOs have and continue to develop strong risk management mechanisms, including beneficiary selection criteria based on needs, due diligence assessments for partners and vendors, monitoring and evaluation systems, accountability procedures, as well as internal and external audits. However, NGOs still face significant legal risk and financial access issues. Bank "de-risking" - banks refusing to process financial transfers for aid organisations in countries targeted by restrictive measures - severely limits access to the funds necessary for swift delivery of aid. These impediments prevent humanitarian organisations from engaging in addressing urgent life-saving needs, such as famine response and prevention, in countries and specific areas targeted by restrictive measures, hence preventing the principled delivery of aid on the exclusive basis of needs. As a result, populations in crisis are deprived of the vital assistance they need.

This specific issue has been highlighted in the discussion series held in New-York co-organised by the EU, together with France, Germany, Mexico, Niger, Norway, and Switzerland between March and June 2021 which led to the following recommendation:

"It is imperative to address the effects of sanctions and counter-terrorism measures on humanitarian action, including the criminalization of humanitarian workers, through effective mitigating measures, including through the consistent introduction and application of well-framed humanitarian exemptions where relevant."

NGOs ensure that aid targets those who need it, in alignment with humanitarian principles. In many contexts, humanitarian and development programming is essential to save lives, alleviate suffering and protect people affected by crises. It is critical to allow NGOs to work with the same capacities

and flexibility during crisis as well as in pre- and post- crisis environments, for humanitarian, development, and protection work, in order to adequately provide services to people in need.

Although we appreciate the work done on providing humanitarian exemptions in some contexts, services should be ensured to people in need everywhere. Aid organisations are very much concerned with the introduction of new guidelines from the government of France requiring organisations to screen the beneficiaries of aid. This measure is incompatible with a principled response, as it would block the impartial distribution of aid. Organisations' neutrality and independence from states, including donor states, is crucial for populations' and workers' safety and protection.

With massive implications for the collection and management of personal data, screening beneficiaries of aid is not only ineffective in preventing terrorism financing, but also impossible to realise, especially in countries where people in crisis do not have identity documents. Screening beneficiaries of aid would redirect significant human, technical and financial resources to administrative and due diligence activities, undermining the Grand Bargain commitments and at the expense of the quality and coverage of aid.

Considering the current development of restrictive measures and European regulations, and bearing in mind the current French interpretation of how these measures should be implemented, the European Humanitarian Forum will be a key moment to **agree on concrete approaches to safeguard humanitarian principles and aid organisations' capacities for delivering assistance to people in need. It is critical that EU Member States:**

- **Ensure NGOs' capacities to conduct activities during crisis as well as in pre- and post- crisis environments, for humanitarian, development, and protection work, including in territories affected by sanctions. The ongoing effort to include explicit humanitarian exemptions in all restrictive measures decided at the EU level should be continued and reinforced** in compliance with International Humanitarian Law and International Human Rights Law. Those specific provisions must include adequate and clear safeguards for humanitarian operations, preventing the criminalisation of organisations and their personnel, and the delivery of principled humanitarian aid.
- In light of these exemptions, make **clear common commitments**, regarding donors, aid organisations, the private sector, and financial operators to facilitate consistent application of terrorism financing prevention mechanisms allowing the swift and principled delivery of aid. It is essential that:
 - **EU Member states protect open access to the banking system for aid organisations**, which is the safest mechanism to support the necessary financial services for humanitarian and development aid; and
 - **EU Member states and donors should recognise the principle of non-discrimination for the beneficiaries of aid and therefore should not request beneficiary screening.**

Endorsed by the following NGOs and networks:

1. ACT Alliance
2. ACT Alliance EU
3. ACTED
4. Action Against Hunger
5. ADRA Germany
6. Amel
7. Arbeiter Samariter Bund
8. arche noVa
9. CAFOD
10. CARE International
11. Caritas Germany
12. CartONG
13. Christian Aid
14. Christian Aid Ireland
15. CLEAR Global
16. Danish Refugee Council
17. Fida International
18. FRD Pakistan
19. Groupe d'Action de Paix et de Formation pour la Transformation
20. GOAL
21. Hamap Humanitaire
22. Humanity & Inclusion – Handicap International
23. Insecurity Insight
24. International Federation of Medical Students' Associations
25. International Medical corps
26. International Rescue Committee
27. Intersos
28. Islamic Relief Worldwide
29. Secours Islamique France
30. Jesuit Refugee Service
31. Johanniter International Assistance
32. Kindernothilfe
33. La Chaîne de l'Espoir
34. LM International (Läkarmissionen)
35. MEDAIR
36. Médecins du Monde International Network
37. Mercy Corps
38. Norwegian Church Aid
39. Oxfam International
40. Première Urgence Internationale
41. Solidarités International
42. Terre des Hommes
43. Trocaire

44. War Child Holland
45. Welthungerhilfe
46. World Federation for Medical Education
47. World Medical Association
48. World Patients Alliance
49. World Vision International

50. Botswana Council of Non-Governmental Organisations
51. Conseil des Organisations Non Gouvernementales d'Appui au Développement (CONGAD Senegal)
52. Coordination SUD
53. Finnish Development NGOs (FINGO)
54. International Council of Voluntary Agencies (ICVA)
55. La coordinadora de ONG para el Desarrollo
56. Réseau des Plateformes d'ONG d'Afrique de l'Ouest