



The Impacts of Sanctions and Counter Terrorism Measures:

Guidelines for data collection

IN A HURRY?

Directly refer to subsection '0.2 How to Use This Framework.' A guidance table ("What to look at - Orientation Table") will direct you to the sections and tools most relevant to your role and department.

INTERESTED IN SPECIFIC TOOLS ONLY?

If your organisation chooses not to implement the full SCTM data collection framework, but you are interested in exploring useful tools relevant to your context, please also refer directly to subsection '0.2 How to Use This Framework.' There, you will find guidance on sections and tools that could be most pertinent to your situation.

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INTRODUCTION



THE PRESENCE, PROXIMITY, PROTECTION PROJECT

This framework was conceived as an integral component of the “Presence, Proximity, Protection” project funded by the European Commission (DG ECHO). Implemented by the Norwegian Refugee Council (NRC), Action Against Hunger (ACF), Médecins du Monde (Doctors of the World), Humanity & Inclusion and Geneva Call, it seeks to enhance the effectiveness of the humanitarian community’s efforts to advocate for and safeguard humanitarian space. The project’s objectives include facilitating coordination and initiatives pertaining to the impacts of **Sanctions and Counter-Terrorism Measures (SCTM)** on humanitarian access, engagement with non-state armed groups (NSAGs) and the protection of humanitarian and health workers.

SCOPE AND OBJECTIVES OF THE FRAMEWORK

This data collection framework has been formulated with the purpose of aiding Non-Governmental Organisations (NGOs) to better collectively understand, monitor and address issues caused by **SCTM**.

The primary aim of this framework is to illustrate the tangible influence exerted by **SCTM** on humanitarian space, encompassing both humanitarian operations and humanitarian needs. To this end, this framework provides NGOs with a systematised approach to gather evidence concerning the impacts of **SCTM** on their operations as well as on the broader expanse of humanitarian space. In essence, the framework is geared toward accomplishing four specific objectives:

1 Collecting meaningful information:

The consequences of **SCTM** on humanitarian action can encompass a vast array of implications, making it challenging and time-consuming to measure in a pertinent manner. This framework aims to pinpoint the most impactful information components impacting operations and that hold significant potential for influencing key advocacy stakeholders

2 Ensuring Regular and Consistent Data

Contribution: Frequently, a notable disparity exists between the information required by an advocacy team and how operational teams convey it. This framework is dedicated to elucidating the rationale, content, and methodologies behind the intended data collection to each participant. By integrating data collection tools into established organisational processes, as well as pre-existing tools, it streamlines data collection and analysis across relevant departments.

3 Enabling Versatile Utilization of Gathered

Information: Simultaneous operation and advocacy endeavours often tackle diverse facets of the **SCTM**’ impact. This framework incorporates the distinct data requirements of these efforts and simplifies the integration of data into multiple aggregation platforms, all sourced from a singular origin.

4 Promoting a participative process:

Within the project, there is a provision for testing the framework through collaboration with co-lead organisations. It is also open-source and unbranded, thus enabling its full appropriation by other NGOs. This constitutes the initial version of the **SCTM** data collection framework (1.0). Subsequent to pilot iterations and feedback, revised and refined versions will be published.

WHY IS COLLECTING DATA IMPORTANT?

Operations

→ NGOs themselves sometimes do not realize the impact of SCTM on their activities

The indirect nature of SCTM' effects makes them sometimes hard to identify and measure. For example, they may lead to increased operational costs, decreased access, or changes in local communities' attitudes towards NGOs, which are not immediately noticeable.

At country level, most teams are focused on their operational activities. As a result, they might lack the bandwidth, resources or capacity to thoroughly analyse the broader political or legal implications of measures such as SCTM. Additionally, SCTM vary widely between different jurisdictions and contexts and make difficult for teams to fully understand the implications for their work. **Therefore, the feedback from country teams should focus on directly observable elements or those impacting their work, supported by a well-defined framework for information requests.**

At HQ level, teams are typically more aware of the broad impact of these measures. However, the departments and services most affected are often accustomed to handling and navigating multifaceted constraints daily, without delving into their specific root causes. **Establishing an inventory of incidents can simplify the task of isolating – on the medium term – the impact of SCTM.**

→ Understanding the issue is already half the solution

This framework is dedicated to data collection and analysis, for advocacy purposes, and should not be approached as a troubleshooting guidance. However, investigating the details of SCTM-related issues through improved data can support solving problems in a maximized way, by:

- **Informing better decision-making:** NGOs can make decisions that directly address hidden underlying factors, rather than simply dealing with the symptoms or immediate impacts.

e.g: Through a detailed monitoring of bank transfers that were blocked or delayed due to SCTM-compliance issues, the finance department of NGO "XX" pinpointed the intermediary banks causing most of the issues. They then negotiated alternative transfer routes with their primary bank.

- **Strategic Planning:** NGOs can focus on changes that provide lasting solutions.

e.g: NGO X analysed the financial risks arising from SCTM obligations it cannot fulfil, integrating past incidents then categorized by donor. 3 mitigation pathways were consequently identified: increased lobbying for clause changes (35%), minimal operational adjustments (15%), and risk provision (50%).

- **Resource Allocation:** By better understanding the issue, NGO can often achieve the same with less.

e.g: After examining the estimates of workloads associated with screening obligations, NGO Z decided to reevaluate its due diligence and screening policies and processes. This review resulted in a 20% reduction in man-hours allocated to the task and inspired similar adjustments in other organisations.

Advocacy

When pleading for generalised humanitarian exemptions with their Member States interlocutors, advocacy teams are often told that more evidence is needed. This evidence should pertain to the specific problems arising from SCTM, the authenticity and significance of their impact on the organisation and beneficiary populations, and the limitations of ad hoc derogations and specific licenses. The following key considerations should be kept in mind.

➔ Building a case requires to demonstrate the extent and impact of the issue, by:

- Illustrating the scope of the problem, helping our interlocutors grasp its magnitude.
- Factualizing its consequences, emphasising the reality of the situation.
- Informing relevant solutions by indicating who and what is most affected.

Ultimately, this approach strengthens the credibility of the entire case, even for issues where the evidence is more difficult to present, by demonstrating the seriousness of the overall approach to documentation.

➔ Our interlocutors want figures

Policy makers and related administrations heavily rely on figures, as they offer the factual basis to justify their decisions to their peers, their hierarchy or their constituencies. In theory, data also support their prediction on the future impacts of policy changes. More importantly, advocacy teams or senior leadership typically engage with counterparts who need to persuade other administrative entities or ministries on these issues. By offering reliable figures, these counterparts can demonstrate the extent of the issue and the need to take action, and streamline complex topics such as this one, enabling clearer communication with other stakeholders involved in decision-making.


➔ The power of effective illustration

Demonstrating the complex interaction between SCTM and humanitarian action can become overly technical, potentially diluting the sense of urgency. Using real-life examples can capture attention, reinforce the arguments' memorability, and stimulate emotional engagement. This not only promotes further discussion with our counterparts but also simplifies their own efforts in conveying the issue to audiences less familiar with it.

➔ Numerous information requests: ad hoc feedback is time-consuming

Most data collection initiatives concerning SCTM have been ad hoc, often sanction-specific, and dependent on NGOs' immediate ability to capture field-based issues. In contrast, country-led processes, mostly by HCTs, hinge on local SCTM issue prominence, hindering global benchmarking. By rooting this framework in the organisation's global programming, data collection becomes more efficient and can support various information requests (refer to other "data collection mechanisms" paragraph below).



 Afghanistan. Checking a list of beneficiaries during a cash distribution. 2022 © Sandra Calligaro pour Action contre la Faim

WHAT DO WE WANT TO DEMONSTRATE?

✔ Priority 1 | ⚠ Priority 2 | ✖ Out of scope

To develop a successful change and mitigate the negative consequences of SCTM, it is essential to identify the key priority areas. Some seemingly urgent issues might not be addressable from a humanitarian standpoint or may pose challenges in effectively demonstrating an impact.



The disproportionate financial and transactional costs incurred from SCTM

Several state counterparts view humanitarian aid as a potential indirect conduit for covert terrorist activities, necessitating stringent compliance rules for NGOs. Thus, presenting accurate data and trends concerning recorded aid diversion and unintended benefits becomes vital, alongside highlighting the robust mitigation measures that organisations have implemented. Furthermore, by thoroughly and quantitatively demonstrating the adverse effects of SCTM on NGOs' operations, we can reveal the extent of the problem and underline the urgent need for mitigation.



Their severe and extended impact on humanitarian aid and beneficiary populations

Providing an idea of the recurrence of incidents, the number of people affected at the end of the chain and the type of impact helps to emphasise the urgency of the problem.



The chain of impact of SCTM (causal link)

Proving the causal connection between policies (SCTM framework) and their unintended consequences (humanitarian) is a prerequisite. The complexity here arises from the involvement of multiple actors in the SCTM chain of impact. To address this, gathering humanitarian workers' own perspectives on the root causes of the issues they encounter will help identify clusters of clues, which may later be further substantiated through academic research.



The disproportionate impact of the counter-terrorism agenda

The appropriation of the SCTM global framework by all UN State Members, including aid recipient countries, allows for varying interpretations and, at times, politisation. While this growing trend is a cause for concern, the current data collection framework will specifically focus on incidents pertaining to the delivery of humanitarian aid or actions directly obstructing beneficiary populations from accessing it.



The overall impact of SCTM on livelihoods and longer-term factors

Most humanitarian advocacy efforts tend to limit their argumentation to the interplay between SCTM and humanitarian aid. Extending its scope to socio-economic impacts quickly falls outside our mandate.

Cautionary note:

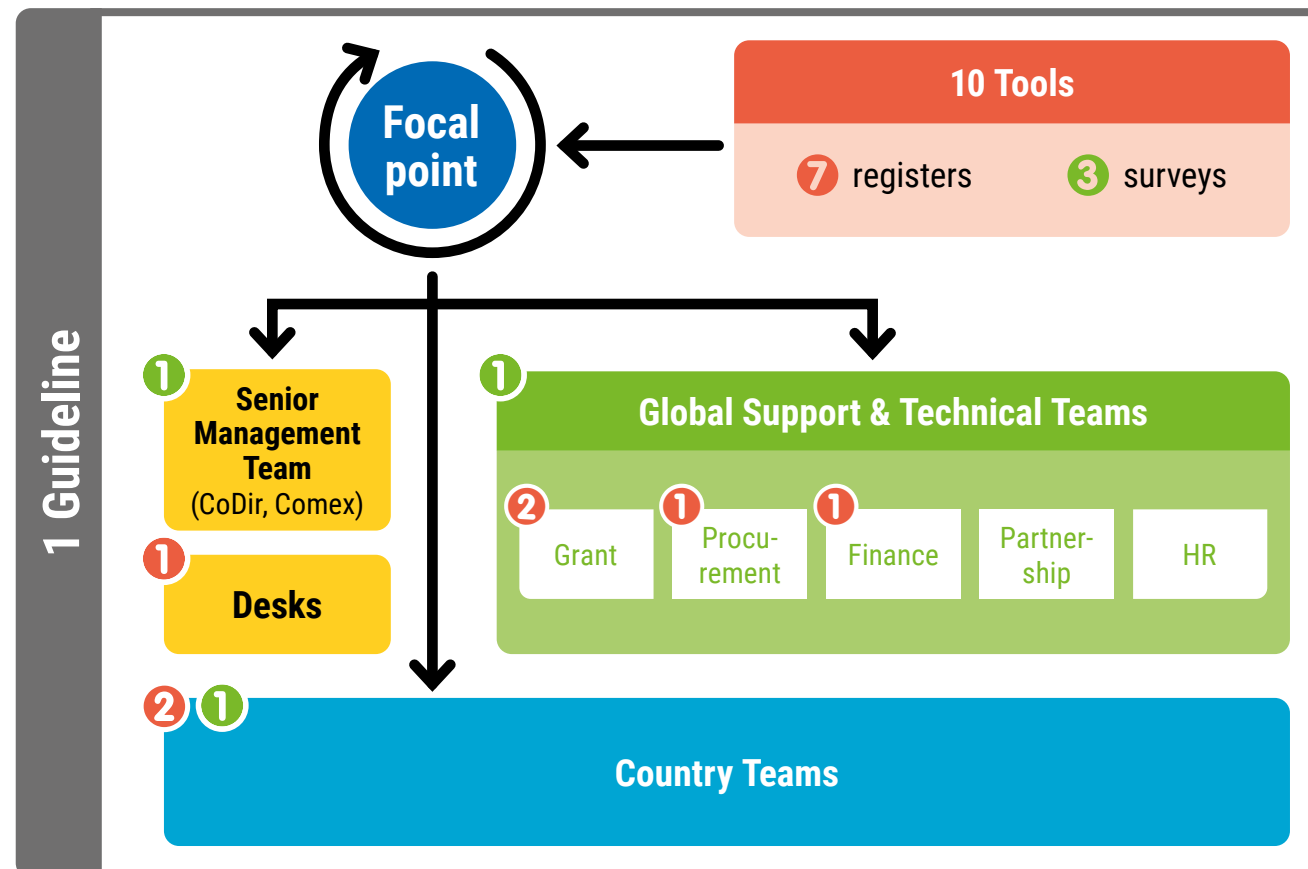
- The framework and its associated methodology are designed with the primary objective of data collection. Although they may facilitate the identification of key pain points and contribute to more effective troubleshooting, **it's important to note that they should not be regarded as standalone risk management tools, nor should they be perceived as offering guidance for risk mitigation.** The present guidelines include links to relevant external tools and resources to address these needs.
- This framework focuses on the impacts of **Sanctions and Counter-Terrorism Measures (SCTM) only.** Prior to implementing it within your organisation, it is advisable to assess your existing toolkit.

HOW TO USE THIS FRAMEWORK

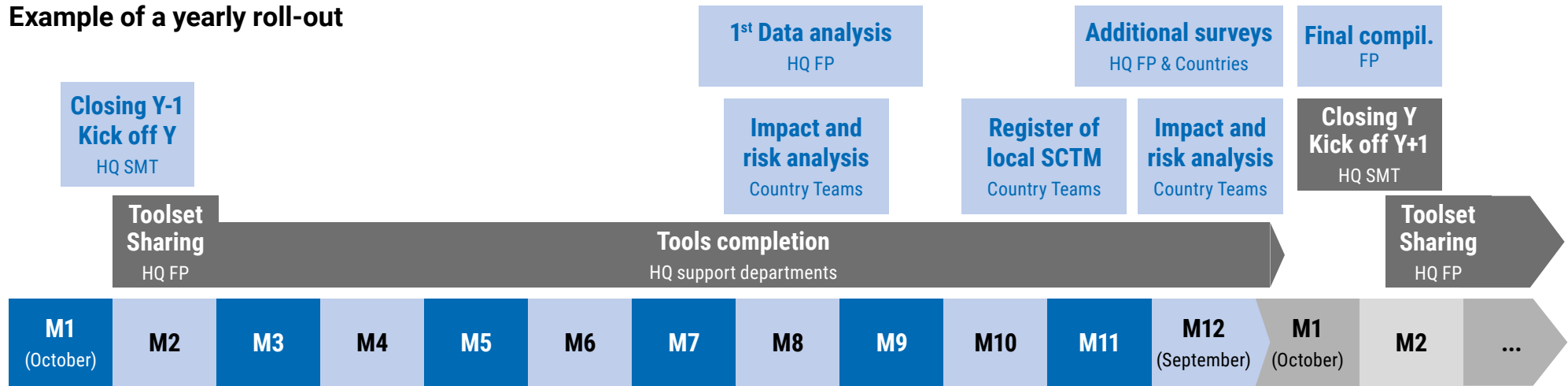
FRAMEWORK CONTENTS

These guidelines should be your first reading material. They provide all the necessary background information on the scope of SCTM, the operational issues and concrete impacts they bring to organisations. Additionally, they explain the best approach to collecting information about SCTM. Depending on your department and position, the orientation table below will indicate which section you should specifically pay attention to.

A set of **10 data collection tools**, comprising registers and surveys, has been designed for internal dissemination. Prior to deployment, these tools will be tailored to align with the organisation's operational practices with the support of the designated **Focal Point (FP)**. Following adaptation, these tools will be accessible and utilised by all designated departments and their respective **Persons of Reference**. For further details regarding the specific tool you will be engaged with, refer to the **Tools chapter and orientation table below**.



Example of a yearly roll-out



UTILISING TOOLS ON A STANDALONE BASIS

Although the methodology of this data collection framework is crafted for comprehensive implementation within an organisation, all embedded **registers** can be used independently. Any organisation interested in a trial, or specific departments and country offices that prefer selective usage, can do so. Tools viable for isolated use are highlighted in yellow in the preceding chart and enumerated in the 'Tools Overview' chapter."

THE FULL PROCESS

This data collection framework requires the mobilisation of several departments and organisational layers, with a primary focus on utilizing information available at Headquarters (HQ - refer to the chart above).

- The process starts with an official **kick-off** led by the **Senior Management Team (SMT)** or Board of Directors) and **Desks/Regional Directions**. This phase involves prioritizing tools and initiating the collection of initial information, facilitated by the Focal Point (FP).
- **The selected tools** (registers) will subsequently be shared with relevant **Global (HQ) Support and Teams** responsible for addressing **technical SCTM issues**. These tools will be employed throughout the year to gather pertinent data. The process will culminate in an **organisational impact survey**, facilitated by the FP.
- Following an initial global analysis by the FP, **Country Teams** will subsequently be engaged. This will entail utilizing a **local SCTM issues register** and analysing the **residual impact of SCTM** on humanitarian aid.

- This annual procedure will conclude with a **wrap-up workshop** at **SMT level** (global risk analysis).

WHO'S THE FOCAL POINT?

The focal point (FP) refers to an individual designated within organisations that choose to implement this data collection framework. The FP is responsible for customising and executing the comprehensive framework within the organisation. It's important to note that the FP might have additional responsibilities beyond this project and could hold other positions, such as an advocacy manager or director's assistant. The FP adjusts the toolset and its roll-out strategy according to the priorities of the SMT, provides assistance to relevant departments when needed, and oversees the analysis of all collected data sets.

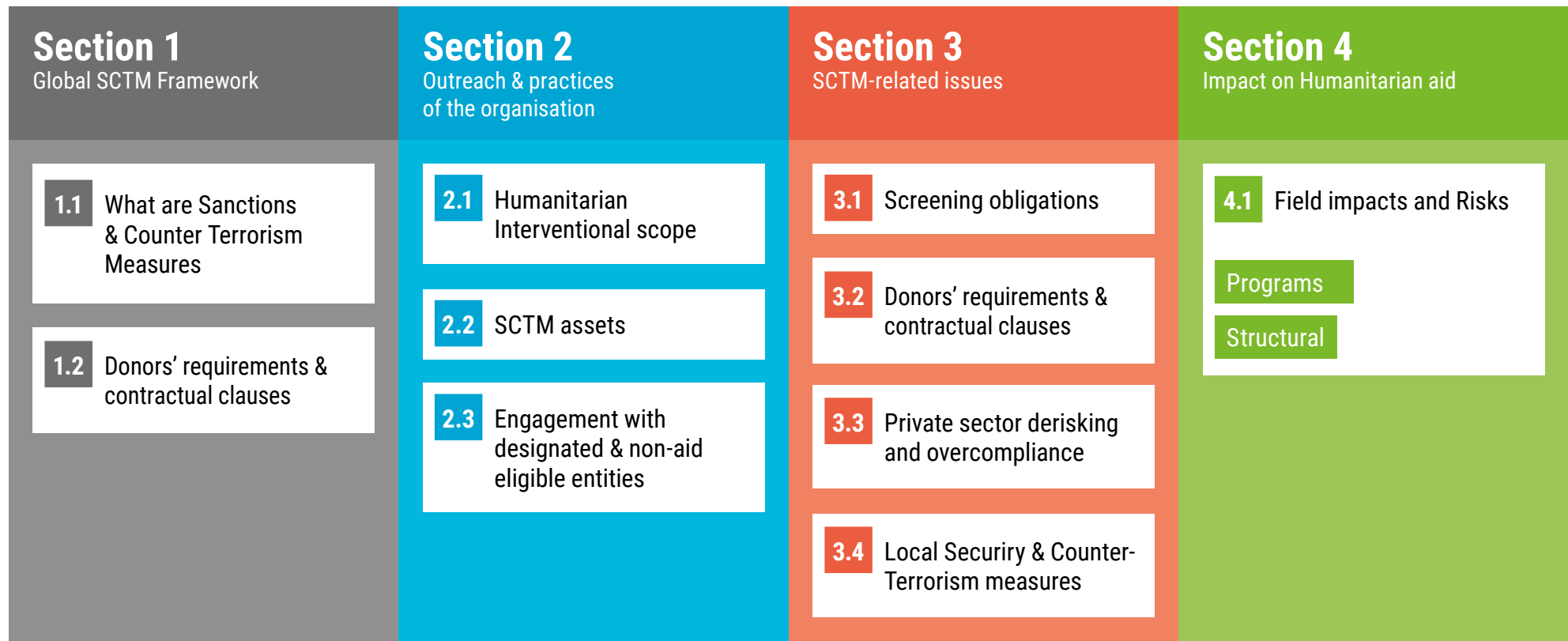
TOOLS OVERVIEW

	Ref	Description	Mobilised departments (suggestion)	Regularity / time required	Stand-alone option?
HQ-led	A	Matrix: Framework Baseline	Senior Management Team <i>facilitated by Focal Point</i>	Twice a year 3 hours	No
	B	Survey: Engagement with Designated & Non-Aid Eligible Entities	Desks <i>Supervised and validated by Senior Management Team</i>	Yearly 2h per country	Yes
	C	Register: Problematic Clauses in Donor Agreements	Grant/Donor relations department <i>With legal service support</i>	Constant (ad hoc) 1h per month	Yes
	D	Register: Donors' Requirements Incidents	Grant/Donor relations department		
	E	Register: Overcompliance incidents in International Procurement	Logistics/Procurement department <i>With legal service support</i>	Constant (ad hoc) 1h per month	Yes
	F	Register: Overcompliance incidents in International Bank Transfers	Finance Department	Constant (ad hoc) 1h30 per month	Yes
	G	Survey: SCTM Organisational Impact	Finance, Procurement, Grant, Partnership and HR departments <i>Facilitated by Focal Point</i>	Yearly 2h focus groups	No
Country-led	H	Register (optional): Local Security and CT regulations	Country Director & Advocacy Co <i>With Access Co support</i>	Constant 30mn per month	Yes
	I	Register: Incidents related to Local Security and Counter-Terrorism Measures	Country Director, Field/Area and Security/ Access Coordinator(s)	Constant (ad hoc) 1h per month	Yes
	J	Survey: Country Risks and Impact Analysis	All Coordinators	Yearly 6h prep + 1h workshop	Yes (partial)

GUIDELINES OVERVIEW

To better understand the complexities of SCTM and their effects, these guidelines follow a causal structure through 4 different sections. This structure delineates the progression from the **normative framework** encompassing sanctions, laws, and measures, through the specific **issues** they generate for a humanitarian organisation, and culminating in their final **impact** on aid delivery.

For a visual representation of the hierarchy of sections and subsections, please refer to the chart below:



WHAT TO LOOK AT: ORIENTATION TABLE

Department / Position		What information am I expected to provide or contribute to?	Which guidelines' section should I read?										Which tools should I use?									
			Essential read					Useful read - for info					Managing					Contributing				
			1.1	1.2	2.1	2.2	2.3	3.1	3.2	3.3	3.4	4.1	A	B	C	D	E	F	G	H	I	J
Executive Management	Boards of Directors	Framework roll-out, global risk register, validation of analyses and external use.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	
	Desks / Regional Directions	Basic information, screening and validation of sensitive information and analyses.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	
	Country/Area Management	Local enforcement of SCTM, risk register, contextual evolution, humanitarian impact, further contextual clarifications.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	
Grant	Global	List of problematic and ambiguous clauses, register of SCTM-related contractual incidents, organisational impact and mitigation strategies.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	
	Country		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	
Logistics / Procurement	Global	Register of international supply incidents related to SCTM, suppliers screening issues, organisational impact and mitigation strategies.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	
	Country		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	
Finance	Global	Register of international bank transfers incidents related to SCTM, organisational impact and mitigation strategies.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	
	Country		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	
Partnerships	Global	Screening and due diligence issues, impact and risks of SCTM on partners, organisational impact/mitigation strategies.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	
	Country		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	
HR	Global	Screening issues, organisational impact and mitigation strategies.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	
	Country		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	
Program	Country	Program & humanitarian impact.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	
Legal / Audit	Global	List of problematic and ambiguous clauses, global risk register, follow-up of contractual incidents.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	
Security / Access	Global & Country	Local enforcement of SCTM, risk register, contextual evolution.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	
Advocacy	Global	Framework roll-out, analyses, follow-up questions and interviews.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	
	Field		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	

KEY DEFINITIONS

Bank de-risking occurs when banks refuse to offer services, such as accounts or transfers, to organisations or locations perceived as high risk in order to minimise their own exposure to accusations of facilitating terrorist financing, which could result in fines or other repercussions.

Chilling Effect refers, in this context, to the phenomenon arising when humanitarian organisations opt to withhold assistance in specific areas controlled by Designated Terrorist Groups (DTG) or sanctioned actors. Even though interaction with DTGs is not forbidden by International Humanitarian Law (IHL) or any existing donor country counterterrorism clauses, the ambiguity experienced by humanitarian actors may provoke over-self-regulation. Consequently, organisations might abstain from delivering aid in regions where affected populations are in need, stemming from a cautious approach to avoid potential legal and reputational ramifications.¹

Counter-terrorism measures: These are actions and policies put in place by governments, international and regional organisations, and institutional donors to fight terrorism, including its funding. They can take the form of laws (international sanctions, criminal code, specific legislations, etc.) but also policies.

Derogation: A derogation refers to the process whereby an organisation requests the

non-applicability of specific obligations or restrictions for their own business. Concretely, for a humanitarian organisation, it means that after having sign a contract with a donor to implement a humanitarian project in areas affected by a restrictive measure, the organisation will need to apply for a derogation to receive a specific authorisation for instance for the transfer of specific items in a country under sanctions. Derogation processes are different from a State to another. Among humanitarian actors, there is a widespread scepticism around derogation processes: it is often considered as an additional and non-efficient administrative burden, as derogation systems vastly differ from one sanction regime to another.

Designated Entities or Groups, organisations and individuals designated as “terrorists”: These are entities designated as “terrorist” by a State under its national law or by an international organisation under international law. The criteria for designating a group, organisation or individual as “terrorist” vary from country to country. Designation as a “terrorist” may have legal implications, including sanctions, bans and restrictions (asset freezes, travel bans, etc.).

Dual-use items: products and technologies that have the potential for both civilian and military applications. While they are designed for general use, dual-use items can also be employed in military operations or in the creation of military systems. In a regulatory context, the export and transfer of dual-use items often require specific controls and approvals due to the potential implications for national and international security.

Due diligence generally refers in this context to the assessment and management of potential risks and ethical considerations when establishing and maintaining partnerships in a humanitarian context. It involves scrutinising partners for compliance with legal, ethical, and humanitarian standards, and implementing practices to ensure that collaborative efforts align with the guiding principles and regulatory frameworks of humanitarian work. Additionally, within these guidelines, due diligence also encompasses the precautionary measures taken by third-party entities from the private sector (such as banks and suppliers) or donors to evaluate the risks posed by some of their clients and operational partners.

Extraterritoriality refers to the application and enforcement of one country’s sanctions laws and regulations beyond its own territorial borders. This usually involves penalising entities (such as companies or individuals) in third countries for engaging in trade or other activities with a sanctioned country or entity. The implementing country seeks to deter and control specified behaviours or activities, not just within its borders, but globally, often affecting international businesses and relations. One well-known example is the United States enforcing certain sanctions laws on non-U.S. entities conducting business with sanctioned countries like Iran, even if those entities have limited connections to the U.S.

Humanitarian exemption / Exception / Carveout: A humanitarian exemption aims to free humanitarian organisations and their staff from the obligations imposed by sanctions regimes and counter-terrorism measures that could hinder their

¹ NRC, [Toolkit for principled humanitarian action, Managing counter terrorism risks](#), 2020

work. Humanitarian exemptions create a space for principled NGOs to work without the risk of contravening these regimes. In some documents, humanitarian exemption is also called exception or carveout.

Non-aid eligible entities: This term is considered alongside 'designated entities' and refers to entities that, despite not being listed on any sanctions or counter-terrorism designation lists, should not receive any benefits from humanitarian aid, whether direct or indirect, intentional or unintentional. It encapsulates those organisations, individuals or institutions that are determined to be ineligible for aid support, based on certain predefined criteria or judgements, to safeguard the integrity and objectives of humanitarian assistance. This may include, but is not limited to, national or regional authorities, non-designated armed groups, official military bodies, and individuals holding power over humanitarian action, etc.

Overcompliance encompasses all risk limitation practices, including due diligence precautions, that go beyond what is strictly necessary or required by the SCTM normative framework. Deterring actions may include practices such as “cumbersome, onerous documentation or certification, charging higher rates [...] or imposing discouraging long delays”.²

² [Guidance Note on Overcompliance with Unilateral Sanctions and its Harmful Effects on Human Rights, Special Rapporteur on unilateral coercive measures](#), OHCHR, 2023

Restrictive measures / Sanction regime: A restrictive measure or a sanction regime is a set of coercive measures taken by an international organisation or a government (these are referred to as unilateral sanctions), or by a coalition of States to exert economic, political or diplomatic pressure on a specific country, group, organisation or individual at international, regional or national levels. They can include various measures such as economic sanctions, (asset freezing, arms embargoes, etc.), diplomatic sanctions (breaking off diplomatic relations or bilateral negotiations, etc.) or individual sanctions against individuals or entities designated as “terrorists” (travel or entry bans, asset freezes, etc.). Some sanctions derive from the fight against terrorism (e.g. UNSC Resolution 1267).

Sanctions and Counter-Terrorism Measures (SCTM): Within the context of this framework and to allow seamless comprehension and appropriation, the term SCTM has been introduced as a collective descriptor. It amalgamates both 'sanction regimes' and 'counter-terrorism measures' into a singular term and acronym, intending to streamline discussions and analyses in contexts where these regulatory frameworks intersect or operate in tandem

Screening: It refers to the action of checking the identity of a person against a sanctions list to determine if the person is designated by a sanction or a counter-terrorism measure.³

³ Diakonia, International humanitarian law center, Lebanon, fact sheet 4, screening of final beneficiaries of humanitarian programmes, August 2021, available [here](#)

Vetting: This goes further than screening, since it can include deeper background checks on specific individuals (normally including screening against sanction lists but not only) that could raise additional concerns regarding data protection and data sharing. Those background checks can be done by donors based on information shared by the subcontractor or by the subcontractor itself.⁴

OTHER TERMS

L1 (Area): "Administration Level 1" is the generic term for the largest subnational administrative unit of a country. This unit has different names depending on the country: for example, "state" in the USA and "prefecture" in Japan. It is the finest level of granularity used in this data collection framework.

Organisational terms used in these guidelines:

- Senior Management Team (SMT) refers to the group of highest-ranking executives at the global level of the organisation. The SMT typically includes roles such as the Chief Executive Officer (CEO), Chief Financial Officer (CFO), and other directors or managers.

⁴ Emanuela-Chiara Gillard, Sangeeta Goswami and Fulco van Deventer, Screening of final beneficiaries – a red line in humanitarian operations. An emerging concern in development work, International Review of the Red Cross, 2021 available [here](#)

- Country Coordination Team or Country Team refers to the collective of top-tier executives operating at the country level within an organisation. The Country Team customarily includes roles such as the Country Director, Finance Coordinator/Director, and other senior leaders, each wielding the highest authority within their respective domains of work
- Grant department: For simplicity, this term encompasses all services and units responsible for managing relationships with donors and overseeing grant management. Within the context of these guidelines, it is frequently distinguished from the Compliance Department, which handles accountability towards the same donors. In practice, these departments can embody various responsibilities, designations, and functions, depending on the context of the organisation.
- Procurement department refers here to the unit responsible for obtaining goods, services, and works, often through a tendering or competitive bidding process. It ensures purchases are legal, ethical, cost-effective, and of relevant quality. In practice, these functions can sometimes be embedded in a larger logistics department.

OTHER DATA COLLECTION MECHANISMS

Several SCTM-related data collection initiatives are already implemented and aim at providing more evidence about the issue. This framework intends to supply these initiatives – alongside other objectives – with reliable data.

- [Inter-Agency Steering Committee \(IASC\)’s COTER database](#)

This database was created in an attempt to encourage more humanitarian agencies to report the challenges and incidents they face due to counter-terrorism measures. Each agency has the opportunity to contribute to this database regularly, utilizing it as a collaborative advocacy tool to monitor and report on impediments in real time.

- [InterAction’s Impact Catalogue](#)

The Impact Catalogue is designed as an archive of excerpts, primarily sourced from academic materials, outlining the impact of counterterrorism (CT) on principled humanitarian action around the world. Drawing on accounts from a wide range of open-source texts, the catalogue consolidates and synthesizes information.

- [Call for input from the Special Rapporteur on Counter-Terrorism and Human Rights](#)

The Global Study on the Impact of Counter-Terrorism Measures on Civil Society and Civic Space, launched in 2022 by the Special Rapporteur’s office, included a call for input aimed at civil society organisations.

OTHER SCTM-RELATED DATA PLATFORMS

- [UN sanction App](#)

An interactive analytical tool providing information about all United Nations (UN) sanctions imposed since 1991.

- [NRC tool kit](#)

This toolkit is designed to raise awareness of counterterrorism-related risks and to make risk management approaches accessible to a broad range of staff who can use them in their day-to-day work.

1 GLOBAL SCTM FRAMEWORK



1.1 WHAT ARE SANCTIONS & COUNTER- TERRORISM MEASURES (SCTM)?

Sanctions and Counter-Terrorism Measures (SCTM) are strategic tools leveraged by States, regional bodies, and international organisations (UN) and designed with the intention to counteract and neutralise threats to peace, security, stability, human rights violations, breaches of international humanitarian law, and impediments to humanitarian aid delivery.

Additional sanction regimes are employed in situations of non-proliferation and armed conflicts. Their objectives range from **gaining political leverage to facilitating political resolutions**, or to curtailing specific technological capabilities of certain groups. Over the past half-century, SCTM have evolved from comprehensive sanctions to more targeted ones. Since the 2000's, all new regimes (or "smart sanctions") have been designed to have a limited, strategic focus on specific individuals, groups, or undertakings. Most frequently implemented measures include travel bans, asset freezes and arms embargoes.

These measures either necessitate proof of intent or knowledge that the funds will contribute to a terrorist act, or require evidence that the funds will be utilized to the advantage of terrorist organisations or individual terrorists.

Although SCTM are a key instrument to many States in promoting international peace and security, **research and humanitarian organisation practices indicates that these measures can, whether inadvertently or not, impede principled humanitarian action.** They create hurdles for the delivery of humanitarian assistance in regions where terrorist groups are active, despite states' obligations under IHL to facilitate humanitarian access. The ICRC estimates that 60 to 80 million people live today under State-like governance by armed groups.

Sanction Regimes VS Counter-Terrorism measures: what's the difference?

Sanction regimes: coercive tactics deployed by international bodies, governments, or groups of states to exert economic, political, or diplomatic pressure at different levels. They encompass a range of actions, including economic sanctions like asset freezes and arms embargoes, diplomatic sanctions like severing relations, and individual sanctions such as travel bans and asset freezes imposed on entities designated as "terrorists". It's worth noting that these sanctions can originate from counter-terrorism efforts, exemplified by instances like UNSC Resolution 1267.

Counter-Terrorism (CT) measures: they encompass actions and policies implemented by governments, international and regional organisations, and institutional donors in their collective effort to fight terrorism, including its funding. These measures manifest in various forms, such as legal frameworks (international sanctions, criminal codes, specific legislations, etc.) as well as overarching policies.

The humanitarian community maintains a neutral stance on the legitimacy of SCTM. However, the impact of these measures on principled humanitarian action is now widely recognised and our objective is to mitigate their unintended negative effects.

THE SPECIFIC HISTORY OF COUNTER-TERRORISM MEASURES

In the wake of the 9/11 terrorist attacks, a progressive enforcement of counter-terrorism and anti-money laundering measures has taken place at global, U.S., and European levels. **U.S. Executive Order 13224** notably directed attention towards curbing financial support for "Specially Designated Global Terrorists" (SDGTs) by imposing asset freezes on foreign entities linked to terrorism in an unprecedented manner. This order introduced the concept of extraterritoriality, extending its reach to encompass any individuals or entities connected - directly or indirectly - to U.S. persons and organisations.

On the international front, the adoption of **Resolution 1373 (2001)** by the United Nations mandated member states to adopt an array of measures designed to counteract and prevent new acts of terrorism, despite the absence of a universally recognised definition for terrorism.

Concurrently, alongside multilateral regulations, approximately twenty treaties addressing various aspects of terrorism constitute the international legal framework. The Financial Action Task Force (FATF), initially formed in 1989 to combat money laundering, expanded its mandate to combating terrorism financing. **In 2001, FATF published nine recommendations**, including Recommendation 8, which seeks to prevent non-profit organisations from being exploited for terrorism financing.



Podor, Senegal. Cash distribution. 2018 © Lys Arango

Several regional bodies have translated or taken unilateral sanctions. For instance, following the Paris attacks, **EU Directive 2015/849** of 20 May 2015 was enacted to prevent the utilisation of the financial system for money laundering or terrorism financing (AML/TF). This directive consolidated and harmonized financial system surveillance provisions, establishing a comprehensive legal framework in compliance with FATF recommendations. The **"4th Directive"** necessitates EU Member States to identify and mitigate risks associated with money laundering and terrorism financing. Subsequent Directives, such as the **"5th"** and **"6th"**, expanded these provisions, enhancing transparency obligations in financial transactions and introducing new criminal measures, albeit without targeting humanitarian organisations.

The cornerstone of EU's criminal justice measures against terrorism lies within **Directive 2017/542** (2017), which incorporates obligations for EU Member States in alignment with the Council of Europe, FATF and the UN. Importantly, it includes a safeguarding clause to protect humanitarian aid from criminalisation.

Accordingly, **donors began around 2015 to include counter-terrorism clauses in funding contracts**, requiring organisations to assess potential interactions between their staff, partners, and entities or individuals designated as terrorists. Other donors introduced a **"duty of care"** similar to due diligence to ensure their funding does not finance "terrorism".

The legislative arsenal against terrorism, accompanied by the looming threat of sanctions and legal actions (especially from the U.S.) for non-compliance by various entities, has driven private actors to formulate mitigation strategies. Banks, for instance, have adopted risk reduction strategies, known as "de-risking" by refusing to provide certain services, such as money transfers, to humanitarian organisations situated in regions affected by international sanctions or counter-terrorism measures.

THE EXAMPLES OF THE UN, EU & US SANCTIONS AND COUNTERTERRORISM NORMATIVE FRAMEWORKS

	At UN level	At EU level	At US level
SANCTIONS	<ul style="list-style-type: none"> • 15 active UNSC Sanctions Regimes, dating from 1992 (Somalia) to 2022 (Haiti). • Over 1,000 listed individuals and groups on UNSC Consolidated List • Cover various objectives: reversing territorial aggression, restoring democratically elected leaders, promoting human rights and encouraging disarmament, counter-terrorism (CT). 	<ul style="list-style-type: none"> • 48 EU Restrictive Measures. • Over 3,000 individuals and 800 groups listed. • 3 different sources: <ul style="list-style-type: none"> – UN sanctions direct implementation – Mixed sanctions: initial UN sanctions reinforced or expanded to other entities through consensus among Member States. – EU autonomous sanctions: taken on the own initiative of the European Council. 	
CT MEASURES	<ul style="list-style-type: none"> • 4 of the active UNSC Sanctions Regimes (above) include CT provisions:¹ Somalia (Res.751 – 1992), Lebanon (Res.1636 – 2005), Sudan (Res.1591 – 2005), Libya (Res.1970 – 2011). • 2 of the active UNSC Sanctions Regimes (above) are CT-dedicated and specifically designate entities: <ul style="list-style-type: none"> – Taliban (Res.1988 – 2011): 135 individuals & 5 groups listed. – ISIL, Al Qaeda & associated entities (Res. 1267, and following Res.1989 & 2253): 256 individuals and entities listed in 50 countries (including 25 humanitarian crisis). • The Counter-Terrorism Committee (CTC) pursuant to resolution 1373 (2001) & 1624 (2005) monitors the implementation by Member States of CT measures. • Res.2462 (2019) broadens criminalisation criteria to all financing of designated entities “for any purpose [...] even in the absence of a link to a terrorist act”. 	<ul style="list-style-type: none"> • The Council [of the EU] Common Position of Dec. 2001² requires Member States to “ensure that funds, [other assets] or other related services will not be made available, directly or indirectly, for the benefit of persons, groups and entities listed [...]”. • The EU adopted an autonomous financial sanction regime Al-Qaeda, ISIL & associated entities, requiring that “[n]o funds, other financial assets or economic resources shall be made available, directly or indirectly to or for the benefit of the natural or legal persons [listed]”. 	<ul style="list-style-type: none"> • “Specially designated global terrorists” (SDGTs) are designated pursuant to Executive Order 13224, adopted days after the events on 11 September 2001. • These CT sanctions cover UNSC Res.1267 sanctions regime as well as the financial transaction prohibitions of UNSC Res.1373. • SDGTs' assets are frozen and prohibited to be transacted or dealt with, including through the making if any contribution of funds, goods or services. • It extends to any transaction in the US, to any US citizen, US resident or person in the US, to any entity subject to US law, inc. foreign branches.
EXEMPTIONS	<ul style="list-style-type: none"> • Res.2462 (2019) includes the urge to take into account the effects of CT measures on humanitarian activities.³ • Res. 2615 (2021) introduces a humanitarian exemption in the Afghan context and allows “[the provision of funds, assets, goods and services] necessary to ensure the timely delivery of humanitarian assistance or to support [...] basic human needs”⁴ • Res.2664 (2022) broadens the humanitarian exemption to all UN sanctions regimes, inc. Res.1267⁵ (2 years revision clause) 	<ul style="list-style-type: none"> • The EU transposed UNSC 2664 into all previous UN sanctions direct implementation and UN/EU mixed sanctions. • Autonomous sanctions: the EU may include exemptions or allow Member States to issue licenses for certain activities (e.g: purchases of fuel in Syria are prohibited by sanctions but may be allowed for humanitarian projects financed by the EU and its Member States). 	<ul style="list-style-type: none"> • Following Res. 2664, OFAC issued or amended 4 categories of General Licenses authorizing activities that previously required Specific Licences (ad hoc): humanitarian aid, the provision of food, agricultural commodities, medicine, medical devices and software, spare parts.

WHICH LAW APPLIES TO MY PROGRAMS?

The determination of the law applicable to a humanitarian program's situation can be based on several factors:

- **The countries of registration** of the implementing organisation.
- **The country of intervention:** humanitarian organisations have to comply with the laws of the country where their operations are carried out. These laws might encompass counter-terrorism measures relevant to the country of operations.
- **The nationalities** of the organisation's board trustees and collaborators in charge of implementing specific program(s).

The introduction of **extraterritoriality** in Executive Order 13224 (2001) by the United States significantly expands and complicates the application of sanctions beyond national borders. This concept broadens the scope of sanctions to include any transaction, whether directly or indirectly related to a US citizen, US resident, US law-governed entity, or a US asset (including transactions involving US dollars). As a result, **even transactions involving entities or individuals with no direct connection to the US**, such as prior recipients of US grants, **fall under the potential purview of these sanctions**. This application can affect a humanitarian organisation located in a country where it did not receive any US support, making it a complex and far-reaching measure with indirect implications.

What about counter-terrorist clauses in donor agreements?

Over the past decade, an increasing number of donors have incorporated counterterrorism (CT)-dedicated provisions into their funding agreements. These provisions aim to translate CT laws and regulations into concrete contractual obligations for funding recipients. Similar to de-risking strategies employed by the private sector or banks, these clauses are legally binding, and failure to comply can have

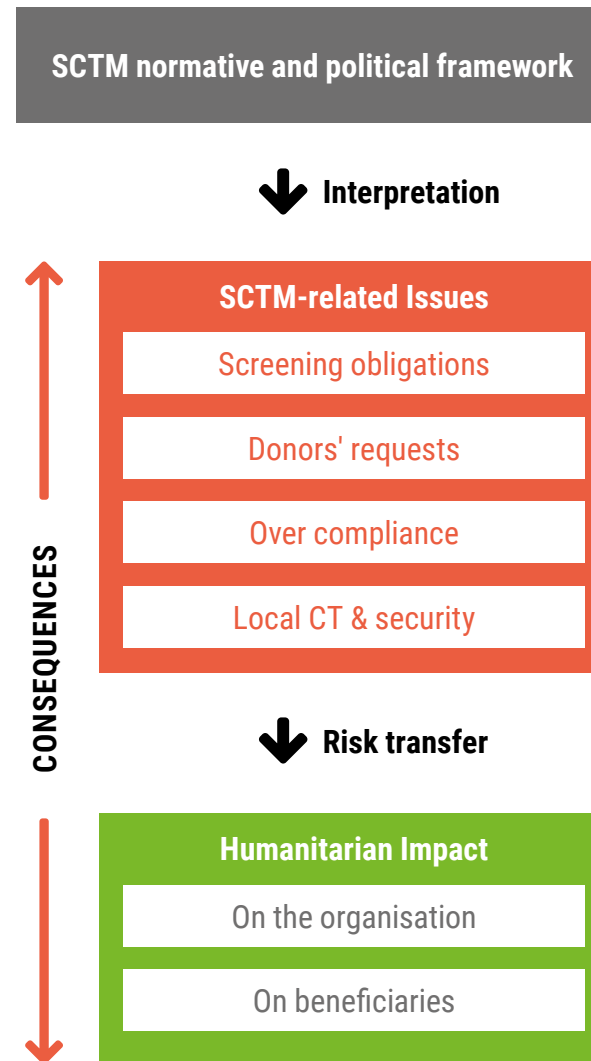
significant financial and reputational consequences, as exemplified in the court case between Norwegian People's Aid and USAID in 2018.⁶

However, **it's important to note that these provisions fall under civil law** and, unlike state-enforced SCTM laws, do not typically lead to criminal prosecution unless explicitly stated otherwise.



1.2 SCTM CONSEQUENCES

SCTM impact chain and consequences typology



TYOLOGY OF SCTM-RELATED ISSUES

Screening obligations

Screening measures are integral to NGOs' due diligence procedures. They aim to circumvent inadvertent engagements with sanctioned individuals. By utilizing specialised software, NGOs assess potential suppliers, employees, and partners against diverse sanction lists. While this practice is prevalent among humanitarian NGOs, it is still extremely time-consuming.

However, extending screening to aid beneficiaries raises significant ethical concerns. Such an approach conflicts with the humanitarian principles of impartiality and independence, jeopardizing the equitable distribution of aid based on needs. Denying access to vital assistance to any individual, even if designated, contravenes the fundamental ethos of such lists, and violates rights upheld by International Humanitarian Law. Notably, UN Security Council Resolution 2664 (2022) expressly authorizes aid provision involving sanctioned entities.⁷ Implementing beneficiary screening could potentially impede the core mission of NGOs, compromise community trust, instigate data privacy issues, and potentially subject humanitarian organisations and staff to escalated risks.⁸



Donor requirements and contractual clauses

Two main issues arise from ambiguous and non-principled requests or contractual clauses:

- They can expose humanitarian organisations to legal risks due to broad interpretations of terms like "terrorism" or "material support to designated entities" in sanction regimes and counterterrorism laws. Consequently, aid might be construed as supporting designated entities, potentially resulting in legal action against NGOs.
- They often enforce cumbersome compliance mechanisms, thereby escalating deciphering workloads and delaying aid delivery. Also, varied donor contractual clauses, inconsistent derogations and NGOs' limited understanding of these derogations could result in inadvertent non-compliance. This eventually obstructs localisation efforts due to the reduced capacity of local NGOs to effectively manage such obligations.



Private sector de-risking and overcompliance

In addition to Member State scrutiny over support for designated actors, administrative limitations also arise from export restrictions to listed countries. For instance, purchasing dual-use materials in humanitarian contexts necessitates pre-emptive authorizations and comprehensive accountability reports, thereby escalating administrative workload.

SCTM-related challenges are not always explicit; indirect impacts can emerge from the interpretation of these constraints by other actors such as banks. Over the past decade, states' stern warning to banks against financing terrorist-affiliated activities and entities has indirectly led to overcautious financial transfers to sensitive countries, many of which are humanitarian contexts (25 out of 50 countries listed on UNSC sanction regimes). This overcaution hampers INGOs from effectively channelling funds and may push some towards informal financial systems, ironically defeating the initial sanctions' purpose.

A similar phenomenon, referred to as de-risking, is prevalent among numerous international contractors and suppliers, who may inflate prices or decline contracts for countries seen as "risky" SCTM-wise.

Local security and counter-terrorism measures



Countries receiving humanitarian aid may also enforce their own counter-terrorism laws, aiming to undermine terror groups' operational capabilities and support networks. Unlike UN, EU or US sanctions, some of these measures are often indiscriminate and blanket-targeting. Examples include routine military screenings of specific communities, interdiction of certain modalities of intervention such as cash, lorry traffic restrictions

or city-wide motorcycle bans. These measures can affect humanitarian aid in several ways:

- **Access constraints:** They might involve limiting the movement of humanitarian agencies or populations, thus interfering with humanitarian activities.
- **Criminalisation:** The organisation or its staff may be viewed as colluding with a terrorist group, leading to potential criminal charges.
- **Reputational damage:** Public or political distrust can arise from perceived collusion with foreign governments or terror groups, damaging the organisation's reputation.
- **Security incidents:** These usually stem from reputational issues and involve decreased acceptance or even direct targeting by state or non-state armed groups.
- Impact on project planning and implementation as well as possible change of modalities of intervention or areas

These constraints and incidents are often less monitored, largely due to the need for an in-depth understanding of the contextual legislation. However, they are just as likely, if not more, to hinder humanitarian aid compared to the international sanctions' framework.

Who's most impacted in my organisation?

ISSUES RECAP	Most impacted departments	For more info in this guideline
Screening	HR, Procurement, Partners	Sub-section 3.1
Donor requirements and clauses	Grant, Partners	Sub-section 3.2
Private sector de-risking	Procurement, Finance	Sub-section 3.3
Local security and CT measures	Country Teams	Sub-Section 3.4

TYOLOGY OF HUMANITARIAN IMPACTS



Impact and risks on the organisation

(More specific guidance on sub-section 4.1)

The ultimate ramifications of SCTM on humanitarian operators are complex and may involve overlapping effects that can be arduous to quantify. However, by employing a conventional risk analysis categorisation, the following types of impacts emerge that are the most likely to happen.

The operational consequences above are not intended as exhaustive, and may be complemented by other types of risks identified by the organisation.

Types of impacts on an organisation

Impact / Risk	Description	Examples of operational consequences
Programs	Inability to achieve objectives in a timely manner	<ul style="list-style-type: none"> • Delays • Lower quality of response • Change in activities or target populations.
Legal	Violation of laws and regulations	<ul style="list-style-type: none"> • Violation of contractual clauses and conditions • Establishing a precedent
Criminal	Prosecution or criminalisation of the organisation/staff	<ul style="list-style-type: none"> • Criminal Prosecution over the engagement with designated entities • Criminalisation of staff (arrest, detention, questioning, prosecution...)
Structural	Threats and disruptions to the foundational framework, ethics and operations of the organisation	<ul style="list-style-type: none"> • Physical integrity of personnel and assets • Reputational • Financial: loss of resources or funding • Compromised principles • Chilling effect • Risk transfer to partners



Impact on beneficiaries

(More specific guidance on sub-section D3)

→ Direct or unintended harm to civilians

Due to its paramount importance for global peace and stability, Counter Terrorism initiatives often traverse the boundaries of International Humanitarian Law, manifesting through the following trends:

- Authorities/States deny the application of IHL to their counter-terrorism operations.

- Authorities/States label any act of violence by a Non-State Armed Group (NSAG) as an act of terrorism. This is despite the framework provided by IHL, which distinguishes between acts of terror and legitimate use of force in armed conflicts.
- Authorities consider that the exceptional threats posed by terrorism require exceptional response.

Those permissive interpretations pose a severe threat to the protection of civilians in armed conflicts and a risk of dismantlement of its standards.

→ Access to basic rights and aid

SCTM can have several impacts on populations, particularly in countries that are already vulnerable or unstable:

For feasibility reasons, and as detailed in the table on the next page, this data collection framework will primarily focus on the negative impacts of SCTM on the access of populations to humanitarian aid, complemented – when possible – by trends relating to human rights and access to health services.

Types of impacts on beneficiary populations

Impact	Hypotheses	Level of data collection focus
Access to aid	SCTM measures can hinder the work of humanitarian organisations or can limit the populations' ability to access available essential services.	Impact qualification (quantification when possible)
Human rights	SCTM sometimes infringe on human rights: restrictions on freedom of movement, assembly, expression, or the arbitrary treatment of individuals suspected of a terrorist affiliation.	Not covered
Health	Sanctions can severely impact the health sector, leading to shortages in medical supplies, diminished healthcare services, and increased mortality and morbidity.	
Social	Prolonged sanctions and CT measures can cause societal disruption and instability, fuelling mistrust toward authorities and undermining communities' social fabric.	
Economic/ livelihoods	Sanctions may aim to weaken a country economically. This often leads to shortages of food, medicines or other items, causing exacerbated prices, unemployment and poverty.	

ENDNOTES

- ¹ Libya, Somalia and Sudan sanctions regimes contain provisions much broader in scope and range than counter-terrorism designation criteria
- ² Council of the EU, "Council Common Position of 27 December 2001 on the Application of Specific Measures to Combat Terrorism", 2001/931/CFSP, Official Journal of the European Communities, L 344/93, available at: <https://bit.ly/3sbWBVT>
- ³ OP 6 "Demands that Member States ensure that all measures taken to counter terrorism, including measures taken to counter the financing of terrorism as provided for in this resolution, comply with their obligations under international law, including international humanitarian law, international human rights law and international refugee law;"
OP 24 : "Urges States, when designing and applying measures to counter the financing of terrorism, to take into account the potential effect of those measures on exclusively humanitarian activities, including medical activities, that are carried out by impartial humanitarian actors in a manner consistent with international humanitarian law;" <https://bit.ly/3QtqWbS>
- ⁴ Immediately afterwards, the US Department of the Treasury, through the OFAC, adopted a series of General Licences (nos. 15 to 20) between December 2021 and February 2022. With particular regard to the provision of humanitarian aid, US General Licences (nos. 15 to 20) authorise financial bank transactions, the remittance of cash, the payment of salaries for teachers and healthcare staff etc. See OFAC, Frequently Asked Questions – Newly Added | U.S. Department of the Treasury, February 2022
- ⁵ The 1267 (1999) regime is covered by the exemption included in Resolution 2664, by means of a review clause, for two years after the adoption of the resolution.
- ⁶ Norwegian People's Aid reached agreement in 2018 on a settlement with the U.S. authorities paid 2,025,000 U.S. Dollars due to an unintentional breach of a counter-terrorism clause in an agreement made with USAID in 2012. <https://bit.ly/3QoLmml>
- ⁷ Article 1 of Resolution 2664 (2022) states that "the provision, processing or payment of funds, other financial assets, or economic resources, or the provision of goods and services necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs by [humanitarian agencies], are permitted and are not a violation of the asset freezes imposed by this Council or its Sanctions Committees"
- ⁸ Refer to IASC's policy paper: [Considerations on screening/vetting persons in need of humanitarian assistance in counterterrorism/sanctions contexts.](#)

2 OUTREACH AND PRACTICES OF THE ORGANISATION



2.1 HUMANITARIAN INTERVENTION SCOPE

The data collection framework begins enhancing a better understanding of an organisation's humanitarian scope and range of intervention. Although this data is typically already gathered by the organisation, the granularity offered by the framework ensures a common baseline to facilitate analysis.

WHY DO WE COLLECT THIS INFORMATION?

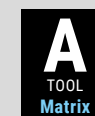
Understanding the extent of the organisation's humanitarian reach – including countries of operation and the types of activities undertaken – will subsequently enable a more comprehensive analysis of the ultimate impact of SCTM. This will be achieved by revealing the potential number of individuals affected by obstacles.

WHAT EXACTLY DO WE WANT TO COLLECT?

- Geographic areas of intervention are expected to be listed at the L1 level. For sensitivity purposes, some areas may be anonymized or renamed at the analysis stage.
- Sectors of intervention should align with the architecture of the IASC's & OCHA's Cluster System.¹
- Obtaining figures related to the number of beneficiaries can sometimes pose challenges when it comes to verification. This can be even more complex when these figures are

disaggregated by sectors and areas of intervention (L1). We recommend using the figures made available in annual reports, as they may be less accurate but easier to collect. When not available otherwise, approximate breakdowns per sector of L1 areas can be used.

WHICH TOOLS? WHO IS INVOLVED?



Framework Baseline

Tab: *Scope of intervention*

in charge: HQ Focal point

Involved: Senior Management Team & Geographical Desks / Regional Directions

When: Yearly

The organisation dedicated focal point will be in charge of aggregating of humanitarian scope's data, with the support of Operations management.

Type of information	Level of granularity	Source of information
Geographic areas of intervention	L1 Area ²	Global annual report / Country reporting
Sectors of intervention	L1 Area	
Number of beneficiaries	L1 Area	

¹ IASC : Inter-Agency Steering Committee. About the Cluster System architecture: https://en.wikipedia.org/wiki/Humanitarian_Cluster_System

² Largest subnational administrative unit of a country (e.g : provinces, wilayat, states). Refer to the Guidelines Glossary section for more details

2.2 SCTM-RELATED ASSETS

Irrespective of their distinct missions and operational zones, each humanitarian organisation has developed specialised resources to operate in volatile environments often characterised by a lack of transparency and numerous sanction constraints. While the specific attributes of each organisation's SCTM-related resources can vary based on their distinct mandate and operational ethos, there are shared characteristics across the sector:

Institutional knowledge encompasses the organisation's expertise concerning the impact of SCTM on humanitarian operations. This includes comprehension of compliance prerequisites, conducting risk assessments, and devising strategies to navigate the complexities associated with both operating in regions inhabited by designated individuals or groups and the additional complexities of sanctions and counterterrorism regulations. Such knowledge builds up naturally over time through practical experiences, research, and collaborative interactions with other stakeholders. This allows NGOs to effectively respond to the challenges and implications of SCTM while delivering aid and assistance to vulnerable populations.

Mitigation and control measures: while not always specifically designed to prevent unintended humanitarian benefits to designated entities, these assets are often regarded by external counterparts as the most valuable way to curbing such risks. These measures manifest in various forms:

- **Aid Diversion Policies:** Comprehensive risk assessments and management protocols conducted at Country and area level.

- **Internal safeguards:** Ethical Codes of Conduct and internal policies, dedicated internal guidelines on counter-terrorism measures and regulations, whistleblowing and complaint mechanisms.

- **Control mechanisms:** budget reporting, segregation of duties, due diligence & vetting/screening mechanisms for personnel, suppliers and partners, bidding processes, traceability of aid distributions, audits.

SCTM-related accountability, despite being spread out throughout the organisation, may represent a substantial workload and consequential costs. This is particularly true as these responsibilities often involve requisites that lie beyond the organisation's primary mandate. These encompass HR fully/partially assigned to address third-party requests (such as banks or donors' compliance requirements), but can extend to the use of external expertise (legal services, etc...) or of any other type of external compliance-dedicated asset.

Comparison of Efforts and Benefits for SCTM-Related Assets

	Institutional knowledge	Mitigation & control measures	SCTM-related accountability
Effort level for the organisation	Moderate	Very heavy	Heavy
Inherent value for the organisation	High	High	Limited

WHY DO WE COLLECT THIS INFORMATION?

These assets represent a significant resource commitment and are worth being highlighted for two reasons:

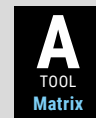
- **Showcasing strong aid traceability and accountability** stands as a fundamental protective measure against the introduction of additional and burdensome SCTM-related compliance processes. Institutional knowledge and mitigation/control strategies play a pivotal role in this demonstration.
- **Acknowledging the efforts and expenses linked to external accountability requests** allows us to factor in the efficiency setbacks for our organisation – and consequently, our operations – into advocacy opportunities.

Furthermore, a comparative analysis of these assets can potentially unveil disparities in their allocation between HQ and the field, thereby indicating possibilities for corrective measures.

WHAT EXACTLY DO WE WANT TO COLLECT?

Type of information	Level of granularity	Source of information
Level of understanding of global and context-specific SCTM and their operational consequences.	Global & country level	Interviews with relevant collaborators
Operational policies, safeguards and controls pertaining to SCTM	Global	Internal audit department
Other resources partially or fully dedicated to SCTM-related accountability		Internal audit, SCTM-impacted departments

RELATED TOOLS



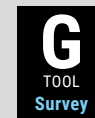
Framework Baseline

Tab: Assets

in charge: HQ Focal point + internal audit

Involved: HQ Senior Management Team

When: Yearly



SCTM Organisational Impact

in charge: HQ Procurement, Finance, Grant, Partnership and HR departments

Involved: HQ Focal Point

When: Yearly

Direct interviews

in charge: HQ Focal point

Involved: All relevant HQ collaborators

When: Yearly

2.3 ENGAGEMENT WITH DESIGNATED AND NON- AID ELIGIBLE ENTITIES

Assessing the unintended beneficial impact of humanitarian interventions on entities that, in principle, are not eligible for aid, is an important part of understanding operational risks and consolidating advocacy efforts. However, it requires specific precautions and strong internal validation.

WHY DO WE COLLECT THIS INFORMATION?

The primary objective of sanctions and counter-terrorism measures (SCTM) is to curtail financial and material support to designated or sanctioned groups and individuals. Beyond assessing SCTM's impact on humanitarian operations, documenting tangible risks and incidents related to aid diversion or benefits to designated entities becomes an integral part of advocacy endeavours.

For instance, UNSC Resolution 2664 mandates the Emergency Relief Coordinator (ERC) to present annual verbal briefings to the UN Security Council Sanctions Committees. These briefings encompass data about the provision of funds or economic resources to designated entities and individuals (with the acknowledgment that transfers for humanitarian activities and basic needs are now permitted under Resolution 2664).

For Member States, the primary aim of this specific report is to evaluate whether easing restrictions related to humanitarian actions unintentionally benefits designated individuals and entities.

In general, the accurate gathering of data concerning non-intended benefits and aid diversion cases is paramount. An unrealistically low number of such instances could undermine the credibility of the overall reporting and consequently weaken wider advocacy endeavours. Hence, a comprehensive data collection approach is imperative to robustly substantiate the impact of SCTM on humanitarian action.

WHAT EXACTLY DO WE WANT TO COLLECT?

Type of information	Level of granularity	Source of information
Humanitarian activities benefiting non-eligible entities	L1 Area	Operations, security & access management
Transactions conducted with non-eligible entities for humanitarian purposes		
Administrative payments and other accruals of benefits to non-eligible entities for humanitarian purposes		
Aid diversion and misappropriation		

PROCESS

Collecting and analysing information related to aid diversion and unintended benefits for non-eligible actors is extremely sensitive and requires strong risk mitigation precautions within the organisation.

For this reason, we strongly recommend direct supervision of this specific data collection section by the Global Senior Management Team (SMT). Additionally, the collection process itself should be carried out by accredited collaborators, such as internal audit teams and desk managers.

It is essential to establish the exact scope of information to be collected and aggregated in advance:

- What defines a non-eligible entity in the context of the organisation and its country operations?
- How are payments and benefits to official authorities categorised as humanitarian resource diversion or misappropriation?

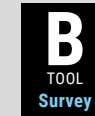
The data collection tool provided in this framework offers clarification for each category of unintended benefits. However, the organisation must refine its own interpretation of categories.

Ultimately, all analyses and information resulting from this data collection should be reviewed and approved directly by the SMT before being shared externally.

REMINDER

All tools included in this SCTM data collection framework are primarily conceived for a use within the organisation and are not designed for external sharing without prior internal validation by the SMT.

RELATED TOOLS



Benefits to designated and non-aid eligible entities

in charge: HQ Senior Management Team

Involved: HQ Geographical Desks / Regional Directions

When: Yearly

The organisation dedicated focal point will be in charge of aggregating of humanitarian scope's data, with the support of Operations management.

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3 SCTM-RELATED ISSUES



3.1 SCREENING OBLIGATIONS

Due diligence involves a series of initial assessments carried out by an organisation to ensure that the entities it intends to engage with have the necessary procedures in place and are sufficiently trustworthy to receive funds or resources without misuse or causing harm. This process encompasses many precautionary practices, such as organisational audits, examinations of financial records, and ethical and criminal background checks.

Within the realm of due diligence, **screening** - also referred to as **vetting** - largely originated from requirements set by institutional donors, starting in the 2010's. This came in response to heightened vigilance by UN Member States regarding terrorism financing and money laundering risks. The adoption of sanctions regimes and counter-terrorism laws and measures (SCTM) by States is subsequently enforced by governmental agencies and frequently translated into specific clauses of donor agreements. Typically, SCTM feature lists of designated individuals and entities, forming the basis for screening.

Consequently, an increasing number of humanitarian organisations are incorporating this process, often utilising specialised software that enables screening based on the origin of the lists. These organisations also implement specific internal policies detailing the scope, range and process for each category of screening targets. Most organisations screen their **suppliers, contractors, employees**, and other **NGO partners** such as trustees and directors.

Screening persons in need of humanitarian assistance, who are the inherent recipients of the organisation's resources, is viewed as a **red line** most humanitarian NGOs won't cross. Critics argue that screening based on criteria unrelated to humanitarian needs **breaches IHL's fundamental impartiality** principle, and may create severe risks for humanitarian staff and operations.

Moreover, beyond concerns about **data protection** and security, inputting names into a screening system might infringe upon an individual's **right to privacy**. Even if permission is granted, the context

in which consent is obtained - often when individuals are in desperate need for assistance - raises questions about their informed consent's authenticity.

DIFFERING OBLIGATIONS FOR SCREENING HUMANITARIAN AID RECIPIENTS: THE EXAMPLE OF INSTITUTIONAL DONORS

Some donors, adhering to regional cooperation frameworks (e.g: Post-Cotonou Agreement), mandate the screening of persons in need, while others prioritise adherence to humanitarian principles, such as impartiality. Consequently, this leads to contradictory scenarios for implementing organisations operating in the same intervention areas. At the time of development, for instance, France and the EU discern between humanitarian and development funds, whereas countries like Spain or Sweden adopt a comprehensive humanitarian perspective, thereby circumventing screening demands.

The overall effectiveness of screening is a topic often debated due to the following reasons:

- The challenge of cross-referencing third parties across multiple designation lists (e.g., UN, US, EU).
- The low number of valid matches compared to the substantial administrative workload it entails.²
- The ease with which listed entities can evade detection by using front organisations or nominees.

WHY DO WE COLLECT THIS INFORMATION?

To uphold neutrality, the humanitarian sector avoids endorsing or opposing the rationale underlying SCTM. Consequently, advocacy efforts avoid challenging the overall validity of designation lists as counter-terrorism instruments. Instead, the approach involves highlighting the bureaucratic challenges that these measures pose to humanitarian operations. The intention is to foster collaboration with Member States and their agencies, aiming to find pragmatic solutions that adhere to international regulations while minimizing disruptions in high-scrutiny environments. This data collection framework aims at:

- Illustrating the time and resources currently dedicated to screening
- Putting things into perspective by comparing numbers of positive matches VS screened entities (proportionality)
- Examining the impact of false positives on operational efficiency.

Aligned with the ethical standards of its designing organisations, this data collection framework will not cover the question of beneficiaries screening, except in cases of third-party screening, - such as that conducted by money transfer agencies in cash-based activities.

WHAT EXACTLY DO WE WANT TO COLLECT?

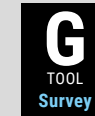
Beyond its application in advocacy efforts, data concerning screening obligations offers minimal value to both operational and support teams. Hence, quantitative data will be sourced from the logs of each organisation's screening software. This information will be further complemented by targeted interview questions posed to the impacted departments.

Type of information	Level of granularity	Source of information
Screening-related occurrences (number of entries, positive, false positives)	Country-level	Data logs from screening software
Resources and costs dedicated to screening	Global	Impacted departments
Examples of other operational impacts resulting from screening obligations	Country level	

¹ Refer to IASC's Policy Paper: [Considerations on screening/vetting persons in need of humanitarian assistance in counterterrorism/sanctions contexts \(2023\)](#)

² One interviewed NGO reported that, in 2022, its HQ teams screened over 130,000 individuals and entities, yielding only two positive matches (excluding false positives).

RELATED TOOLS



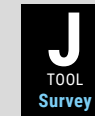
SCTM Organisational Impact

Tab: Procurement, HR, Partnerships

in charge: HQ Procurement, HR and Partnerships departments

Involved: HQ HP

When: Yearly



Country Risks and Impact

Tab: Procurement and Partnerships

in charge: Country Procurement and Partnerships departments

Involved: HQ HP

When: Yearly

3.2 DONOR REQUIREMENTS AND CONTRACTUAL CLAUSES

The contractual clauses mandated by institutional donors who fund both humanitarian, stabilisation and/or development programmes, exemplify the ramifications of SCTM on humanitarian operations. The process of negotiating and implementing these clauses carries significant implications for organisations and their programmes. It is important to highlight that these clauses vary considerably depending on the specific financing instrument employed and the normative framework to which it is tied.

WHY DO WE COLLECT THIS INFORMATION?

Aggregating information about contractual clauses imposed by both institutional and private donors offers several benefits to organisations:

- Identifying potentially problematic clauses and engaging in dialogue or negotiation with donors.
- Identifying the most challenging donors, aiding efforts to standardise practices across organisations in affected areas.
- Documenting the impact of problematic clauses on programmes, streamlining operations, and fostering advocacy efforts.
- Analysing changes in the wording of proposed clauses and comparing requests from different donors to provide insights for donor's engagement.

By conducting a thorough analysis of these contractual clauses, advocacy efforts can be directed towards States or international/regional bodies such as the UN or EU, enforcing sanctions regimes, with the ultimate goal that these clauses clearly respect principled humanitarian action.

HOW CAN IT BE DIRECTLY USEFUL TO OPERATIONS?

Taking stock of clauses linked to sanction regimes, along with instances of contractual incidents and problematic clauses that impose strict compliance with sanctions, anti-money laundering and counter-terrorist measures, serves several crucial purposes for operations:

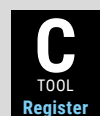
- Supporting the identification and negotiation of clauses that might conflict with the organisation's values or humanitarian principles, such as screening final beneficiaries.
- Preventing – to some extent – the potential risk of expenditures being deemed ineligible during audits. This will protect the organisation's reputation and secure future funding opportunities.
- Quantifying the risks that the organisation currently faces due to unrealistic contractual commitments (physical impossibility, security concerns for teams/programmes, changes in activities or areas, etc).

Moreover, active involvement in global advocacy efforts on this matter by donor relations and operations departments, both at the head office and in the field, can alleviate the negative impact of sanctions and counter-terrorism measures, thereby facilitating humanitarian work.

WHAT EXACTLY DO WE WANT TO COLLECT?

Type of information	Level of granularity	Source of information
Problematic SCTM-related clauses in donors' agreements	Global	Grant and donors' management, operations management, legal department
Significant SCTM-related incidents in the writing, negotiation, implementation or accountability stages of a donor-funded project	Country-level, sector	
Delays, financial losses and other impacts on the organisation or population incurring from incidents	Country-level, sector	
Resources and costs dedicated to managing and mitigating SCTM issues when engaging with donors	Global	

RELATED TOOLS

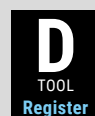


Problematic Clauses in Donor Agreements

in charge: HQ Donor compliance team

Involved: HQ Grant managers, legal department

When: Continuous (registers)

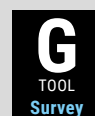


Donors' Requirements Incidents

in charge: HQ Grant management team

Involved: HQ Compliance, programme and legal teams

When: Continuous (registers)



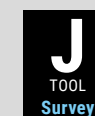
SCTM Organisational impact

Tab: Grant

in charge: HQ Compliance and grant management teams

Involved: HQ Focal Point

When: Yearly



Country Risks and Impact

Tab: Grant Impact

in charge: Country Grant department

Involved: HQ Focal Point

When: Yearly

Examples of useful data collection and analysis

"[...] all recipients of project funds need to be vetted and cleared against EU sanction lists and no payment can be released to any company or individual in case of any concern or inclusion on that list".

In the early 2020s, a few French humanitarian organisations observed a growing challenge with funding contracts from certain donors. These contracts included clauses that mandated the screening of stakeholders, including, in some instances, the final beneficiaries, to ensure their absence from sanctions lists. Through a comprehensive analysis of these clauses and their potential impacts, a global advocacy initiative was undertaken. Its aim was to oppose beneficiary screening, in line with humanitarian principles, and to seek guarantees from donors and governments against its implementation.

3.3 PRIVATE SECTOR DE-RISKING AND OVERCOMPLIANCE

The FATF¹ defines **de-risking** as “the phenomenon of (financial) institutions terminating or restricting business relationships with clients or categories of clients to avoid, rather than manage, risk”.² Entities that choose to de-risk often do so because they perceive the client’s exposure as excessively high, particularly when they have insufficient knowledge about its operations in sanctioned areas.

By extension, **overcompliance** encompasses all risk limitation practices, including due diligence precautions, that go beyond what is strictly necessary or required by the SCTM normative framework. Deterring actions may include practices such as “cumbersome, onerous documentation or certification, charging higher rates [...] or imposing discouraging long delays”.³

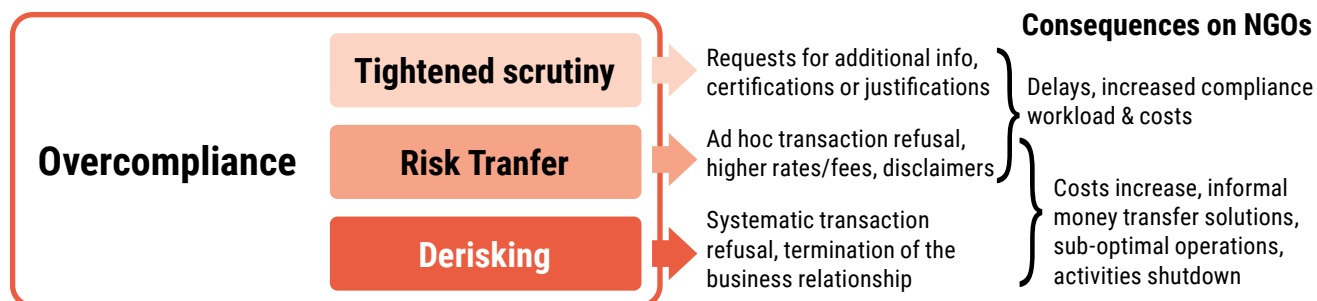
This trend is primarily observed in **financial transactions**. Organisations frequently experience transfers being temporarily halted or even cancelled by **banks** for compliance reasons. These incidents are not always solely linked to the bank mandated by the organisation: a single wire transfer can involve multiple financial intermediaries (sometimes 3 or 4) between the originating and recipient banks. These middle entities, often unaware of the initial transaction details beyond basic ledger information, might block a transfer without prior consultation. Consequently, organisations can see their transfers returned without receiving detailed justifications. Even when organisations pinpoint the troublesome intermediary, its legal and compliance teams may still be reluctant to engage in any form of communication.

Instances of SCTM-related overcompliance or de-risking have also been observed in other **private sectors**. Many organisations have reported incidents with **suppliers and contractors**. They may manifest as a reluctance to submit bids or through the unjustified use of suspensive agreement clauses.

Case studies

Derisking action by a bank: "TrustBank", a prominent UK bank, has traditionally managed funds transfers for NGO "X" concerning projects in Sudan. However, heightened regulatory concerns about counter-terrorism financing prompted "TrustBank" to conduct a thorough assessment of its operations and client base. Initially, the bank halted NGO "X"'s wire transfers to sanctioned countries, including Sudan. Eventually, it unilaterally severed ties with the NGO, labelling it a "high-risk" client.

Overcompliance by an international supplier: NGO "Z", operating in Syria, invited bids from global computer vendors. "CompGlobal" emerged as a top contender but withdrew due to concerns about potential legal SCTM issues, failing to communicate this decision to the NGO. After multiple follow-up calls, NGO "Z" finally reached "CompGlobal's" legal team and reverted their decision by justifying the intended purpose of each computer (which translated into 7 days of work for the procurement team).



Overcompliance and de-risking strategies over SCTM have several consequences for organisations:

- ➔ **Workloads and delays:** To meet compliance requirements and establish trust with third parties, organisations often find themselves needing to provide extensive information, such as detailed project lists, explanations of fund usage, donor letters, and relevant licenses. This process demands a significant investment of both time and resources.
- ➔ **Compromised alternatives:** Instances of denied transactions or services compel organisations to seek emergency fallback options, typically leading to subpar results that might compromise the quality of humanitarian interventions. Specifically, bank de-risking could push humanitarian groups towards informal money or value transfer agencies (MTAs), introducing further compliance challenges.
- ➔ **Disruptions:** The cumulative effect of the above consequences can trigger a chain reaction and systemic backlogs. This situation may result in the suspension of activities, with no immediate viable alternatives. Furthermore, it can expose field personnel to risks such as potential threats from unpaid suppliers or growing frustration from communities due to delays.



© Ethiopia. Basic needs distribution. August 2022 © HI

Diving Deeper: the typical workload associated with bank transfers to sanctioned areas

While humanitarian financial transactions are safeguarded, the process of identifying suitable banks, establishing trust, and overcoming their internal restrictions requires time-consuming strategies.

The following protocol, extracted from an organisation's actual standard procedure, is typically sustained until multiple reliable banking pathways to a target intervention area are secured:

- **Pathways pre-identification:** The end-destination bank should pre-identify intermediary banks capable of facilitating transfers to the sanctioned area.
- **Creation of a detailed brief:**
 - Presenting the organisation and its humanitarian purpose per its charter.
 - Outlining the specific humanitarian intervention in the sanctioned area.
 - Highlighting the funding sources allocated to the projects.
 - Clarifying the transaction purposes (e.g., salary payments, instalments to supplier).
- In-depth details about the ultimate aid recipients (refugees, local communities, etc).
- Describing internal processes to ensure compliance with sanctions, including precautions to prevent fund or resource misdirection.
- Mentioning applicable humanitarian exemptions.
- Including endorsements or letters from donors or affiliated international organisations.
- **Engagement with the originating bank:** Scheduling face-to-face sessions with the bank's compliance or non-profit-focused department to build a direct, trusting relationship.
- **Maintaining an open dialogue** with the originating bank regarding current/anticipated transfers.
- **Banking pathway final assessment:** Mapping out financial entities based on their cooperation level, differentiating between those that are receptive and those that exhibit more resistance.



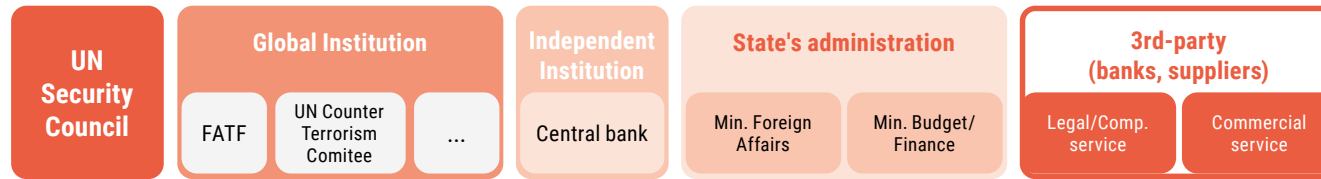
📷 EU response to cyclone Idai in Mozambique © 2019 European Union

Example of a successful global advocacy

After concerted awareness campaigns by US-based NGOs on the overcompliance of banks regarding transfers to Syria, OFAC responded with FAQ 984,⁴ on November 8, 2021, offering clarifications:

- US financial institutions are now advised to facilitate funds transfers to sanctioned jurisdictions upon the provision a copy of a grant or contract from the Federal Government
- Non-U.S. entities, which encompass NGOs, private sector firms, and financial institutions engaged in facilitating or aiding these activities, are explicitly exempt from the risk of U.S. secondary sanctions pursuant to the Caesar Syria Civilian Protection Act of 2019

The Overcompliance Chain: key stakeholders in addressing de-risking effects



WHY DO WE COLLECT THIS INFORMATION?

To address de-risking and overcompliance issues, it is crucial to demonstrate the impact that each significant incident has had or may have had on the organisation. Experience has shown that without robust, evidence-based data, any narratives aimed at influencing relevant decision-makers regarding this specific topic might be dismissed as mere conjecture. Concrete evidence such as average delays, financial losses, or instances of operational discontinuity cases serve as hard proofs.

This issue highlights a significant challenge: the task of persuading a broad spectrum of decision-makers (cf chart of typical stakeholders above).

Departments impacted by overcompliance from a supplier or bank typically engage with its commercial division, which possesses limited influence on risk management decisions. This highlights the need to establish with their legal departments. On the governmental level, organisations usually interact with Foreign Affairs (MoFA) representatives, even though regulations shaping third-party obligations are overseen by supervisory ministries and administrations such as Budget, Finance, and Economy. Data collection serves two key purposes here: (i) presenting fact-based arguments to stakeholders with differing perspectives and (ii) strengthening the advocacy efforts of our allies (e.g third party commercial services and MoFA) in discussions with their more cautious counterparts.

HOW CAN IT BE USEFUL TO OPERATIONS?

Overcompliance cases have their most salient impact on specific global support departments, most notably **finance** and **procurement**. Collecting systematic evidence of de-risking practices empowers these departments to precisely identify bottlenecks, opening the door to several mitigation solutions:

- ➔ Addressing them more effectively through targeted bilateral engagement with banks and lobbying initiatives with involved third parties. *e.g: by pinpointing problematic transactions, along with their background history, the procurement department of an organisation may be able to mobilise its legal division in more proactive ways and together establish strategies for addressing suppliers who apply over-compliance measures.*
- ➔ Isolating the problematic links in a chain of issues and circumvent them through alternative options. *e.g: A finance department, for instance, can examine its year-long register of bank transfer issues to unveil patterns of problematic routings. This analysis might reveal two intermediary banks responsible for 30% of these issues. Armed with this knowledge, the finance department can effectively negotiate alternative routings with their primary banks, thereby circumventing the problematic links in the chain.*

¹ The Financial Action Task Force (FATF) is a global money laundering and terrorist financing watchdog mandated-agency.

² FATF clarifies risk-based approach: case-by-case, not wholesale de-risking: <https://www.fatf-gafi.org/content/fatf-gafi/en/publications/Fatfgeneral/Rba-and-de-risking.html> (accessed 8 August 2023)

³ [Guidance Note on Overcompliance with Unilateral Sanctions and its Harmful Effects on Human Rights, Special Rapporteur on unilateral coercive measures](#), OHCHR, 2023

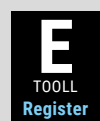
⁴ OFAC - US Office of Assets Controls. FAQ 984: <https://ofac.treasury.gov/faqs/934>

WHAT EXACTLY DO WE WANT TO COLLECT?

Type of information	Level of granularity	Source of information
Significant de-risking and overcompliance incidents	Country-level, sector	Procurement and Finance departments, Operations management, legal department
Residual delays, financial losses and other impacts on the organisation or beneficiary population incurring from these incidents		
Resources and costs dedicated to managing compliance requirements and issues when engaging 3 rd parties	Global	



RELATED TOOLS

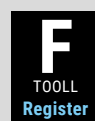


Overcompliance incidents in International Procurement

in charge: HQ Procurement department

Involved: HQ Legal department

When: Continuous (registers)



Overcompliance incidents in International Bank Transfers

in charge: HQ Finance department

Involved: HQ Legal department

When: Continuous (registers)



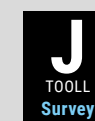
SCTM Organisational impact

Tabs: Finance, Procurement

in charge: HQ Procurement and Finance departments

Involved: HQ Legal department

When: Yearly



Country Risks and Impact

Tabs: Finance, Procurement

in charge: Country Procurement and Finance departments

Involved: HQ Legal department

When: Yearly

3.4 LOCAL SECURITY AND COUNTER- TERRORISM MEASURES

Local security and counter-terrorism measures refer here to a collection of laws, decrees, and administrative actions within a given country where humanitarian operations occur.

The primary purpose of these measures is to empower national or local authorities to counteract armed groups. Their objectives may include disrupting funding channels, restricting movement, or reducing potential support. The distinction between counter-terrorism objectives and broader security rationales can be nebulous, often hinging on the political narrative underpinning their enactment.

Some of these measures are derived directly from international sanctions and translated into the country's domestic normative framework. Others are autonomous measures - for instance targeting entities considered as local terrorists but not listed on the UN designation lists, or implementing safety provisions with no equivalent in the international legal framework. These autonomous measures generally create a more complex legal and administrative landscape for humanitarian actors to navigate.

Form and ownership

These measures can manifest in various forms, such as **national laws** present in criminal, monetary, or financial codes, or in the shape of **executive orders** such as decrees, edicts, or ministerial circulars. Dependently, they can originate from:

- **National authorities:** Passed through parliamentary processes or introduced by various ministries.
- **Regional entities:** Such as governors or local parliaments.
- **Military representatives:** Depending on the conflict dynamics and the authority vested in the military.



Scope

Some local security and counter-terrorism measures may **specifically target the humanitarian sector:**

- **By restricting standard operational practices** such as the exchange of information regarding humanitarian and security situations.
- **By prohibiting dialogue and engagement** between humanitarian entities and non-state armed groups (NSAGs) labeled as terrorist organisations.

On other occasions, while not directly targeting humanitarian interventions, restrictive measures can **inadvertently affect operations or particular vulnerable groups** supported by the humanitarian or development sectors. This is often the case with blanket restrictions that restrict movement to or within specific areas or limit the import and use of sensitive materials (e.g: dual-use material), which are crucial for both humanitarian actions and the well-being of supported populations.

Interpretation

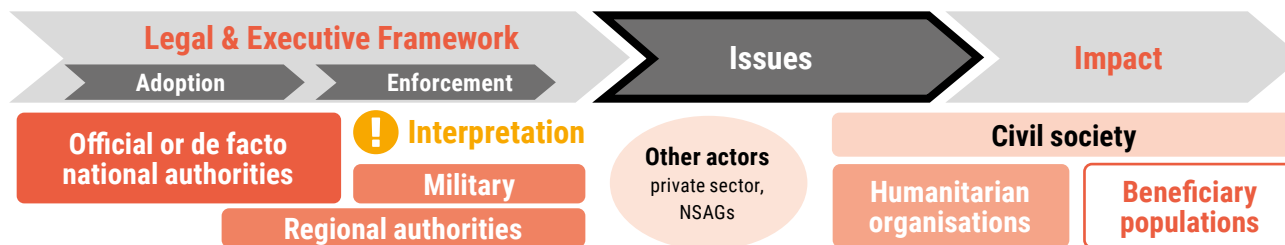
In many contexts of intervention, the enforcement of these measures often hinges on their interpretation by local or overseeing authorities. For instance, a provincial governor might interpret a presidential decree calling for enhanced traffic monitoring in volatile zones as an outright ban on motorcycles and lorries. Occasionally, these initial directives are only conveyed verbally, further complicating their understanding and appropriate enforcement by relevant stakeholders.

Issues

Understanding both the application and consequences of local security and CT measures can be daunting. Country Teams might lack the resources or bandwidth to proactively monitor every new regulation and its localised application.

A more pragmatic approach to analysis could be centered around monitoring issues. This integrates seamlessly into existing processes, such as the tracking of security incidents, offering the opportunity to assess their connection to security and counter-terrorism measures.

Chain effects of local counter-terrorism and security regulations on humanitarian aid



Several types of issues may arise from these measures, impacting both international and local NGOs:

- ➔ **Access incidents** refer to various impediments that hinder the prompt delivery of humanitarian aid to areas deemed sensitive, such as disputed regions or places with a presence of non-State Armed Groups. They can also involve barriers preventing populations in need from receiving assistance. *E.g.: To streamline local police inspection efforts, the governor of "area X" implements alternate-day traffic regulations in the region's primary cities. This reduces daily vehicle flow, thereby impeding the organisation's ability to manage daily aid distributions in at-risk communities.*
- ➔ **Criminalisation** pertains to any incident where there is a risk of legal action or executive directives against the organisation and its affiliates. This can for instance manifest as temporary detainments. *E.g.: a military commander dispatches two officers to caution the organisation's Field Coordinator assistant about the potential detention of personnel if vaccination efforts on a specific camp's periphery continue without prior military review of the recipients.*

- ➔ **Reputational damages** arise from adverse local perceptions about the organisation's purpose, activities, or stance, particularly on matters of national security or integrity. Such risks can foster local scepticism towards the organisation or the broader aid community, evidenced by public condemnations, criticism from political leaders, or growing mistrust from local administrations. *E.g.: after recent attacks by an opposition group in the capital, the government issues stringent counter-terrorism directives targeting the group and its origin region. With organisation "Y" working in that region and having coordinated with the group for five years, its team now faces public confrontations from angry locals in the capital city.*

- ➔ **Security incidents** frequently arise from diminished approval of the organisation and its activities by military entities. This might be due to perceptions of the organisation's alignment with what's viewed as a terrorist agenda (leading to reduced acceptance by official forces) or, conversely, perceived compliance with anti-terrorist views (resulting in reduced acceptance by non-State armed groups). *After the government implements stringent counter-terrorism measures, the organisation continues delivering medical supplies in Region Z, unnerving official armed forces. However, by denying a local non-State armed group exclusive supplies, they are perceived as aligning with the new measures.*

WHY DO WE COLLECT THIS INFORMATION?

Local security and counterterrorism measures can impede humanitarian efforts by restricting engagement, negotiation, program execution, and partner capabilities. It has the potential to undermine certain response goals and objectives. Collecting quantitative data on the frequency of issues, as well as qualitative insights into their causes and ultimate effects, can serve various advocacy purposes:

- Establishing a stronger foundation for advocating locally against the misuse or unintended consequences of security and counter-terrorism measures.
- Identifying factors that initiate, worsen, or mitigate issues. This information can be instrumental in adopting proactive measures, such as educating local authorities or conducting joint risk analyses.
- Highlighting the ripple effects of a global counter-terrorism climate on the security practices of conflict-affected States, especially in aid-recipient countries.

WHAT EXACTLY DO WE WANT TO COLLECT?

Type of information	Level of granularity	Source of information
Significant access, criminalisation, reputational or security incidents/issues associated with the enforcement of security and counter-terrorism measures	Area (L1)	Country Director, Area Coordinator, Security and Access Coordinator
Appreciation of the level of causality between the initial measures and the issue/incident		
Appreciation – when relevant - of the residual impact of the issue/incident for the organisation, its humanitarian response and the beneficiary population	Area (L1), sectoral	Same + Program Coordinator

- The most relevant contributors for logging these incidents are geographical managers, including Country Directors, and Security/Access teams. While sources of information may vary, we recommend, for practical reasons, to limit the number of individuals involved.
- "Significant incidents/issues" refer to those with tangible humanitarian consequences, such as delays, additional costs, or compromises to the organisation or its staff's integrity. This also includes potential imminent risks of a similar nature.
- "Appreciation" Scale: Within the provided register (refer to "related tools" below), Country Teams can assess both the causality and lingering effects of an issue/incident on a 1-5 scale. While not strictly academic, this scale helps scoping the repercussions of security and CT measures.



Haiti © William Daniels / Handicap International

HOW CAN IT BE DIRECTLY USEFUL TO OPERATIONS?

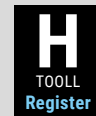
Beyond advocacy purposes, analysing the impact of national or local security and counter-terrorism measures on humanitarian operations or specific sectors at risk can yield several benefits:

- Supporting the different phases of the programming cycle, by offering additional data about the extent of impact these measures have on operations and on specific categories of populations and communities.
- Improving the knowledge of legislative or executive measures that may represent a risk for the organisation, thereby helping to formulate appropriate mitigation measures.
- Helping maximise and adapt negotiations with national or local authorities as well as regulatory bodies
- Facilitating engagement with coordination mechanisms and donors in addressing the impediments caused by these measures.



Jordanie / Jordan © Sébastien Nogier / Handicap International

RELATED TOOLS

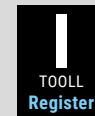


Local Security and CT regulations

in charge: Country Director & Advocacy Co With Access Co support

Involved: Facilitation and support by Focal Point

When: Continuous (register)

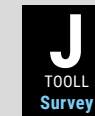


Incidents related to Local Security and Counter-Terrorism Measures

in charge: Country Director, Field/Area Co, Security/ Access Co

Involved: Facilitation and support by Focal Point

When: Continuous (register)



Country Risks and Impact

Tab: Access

in charge: Country Director, Field/Area Co, Security/ Access Co

Involved: Facilitation and support by Focal Point

When: Yearly

4.1 IMPACTS AND RISKS



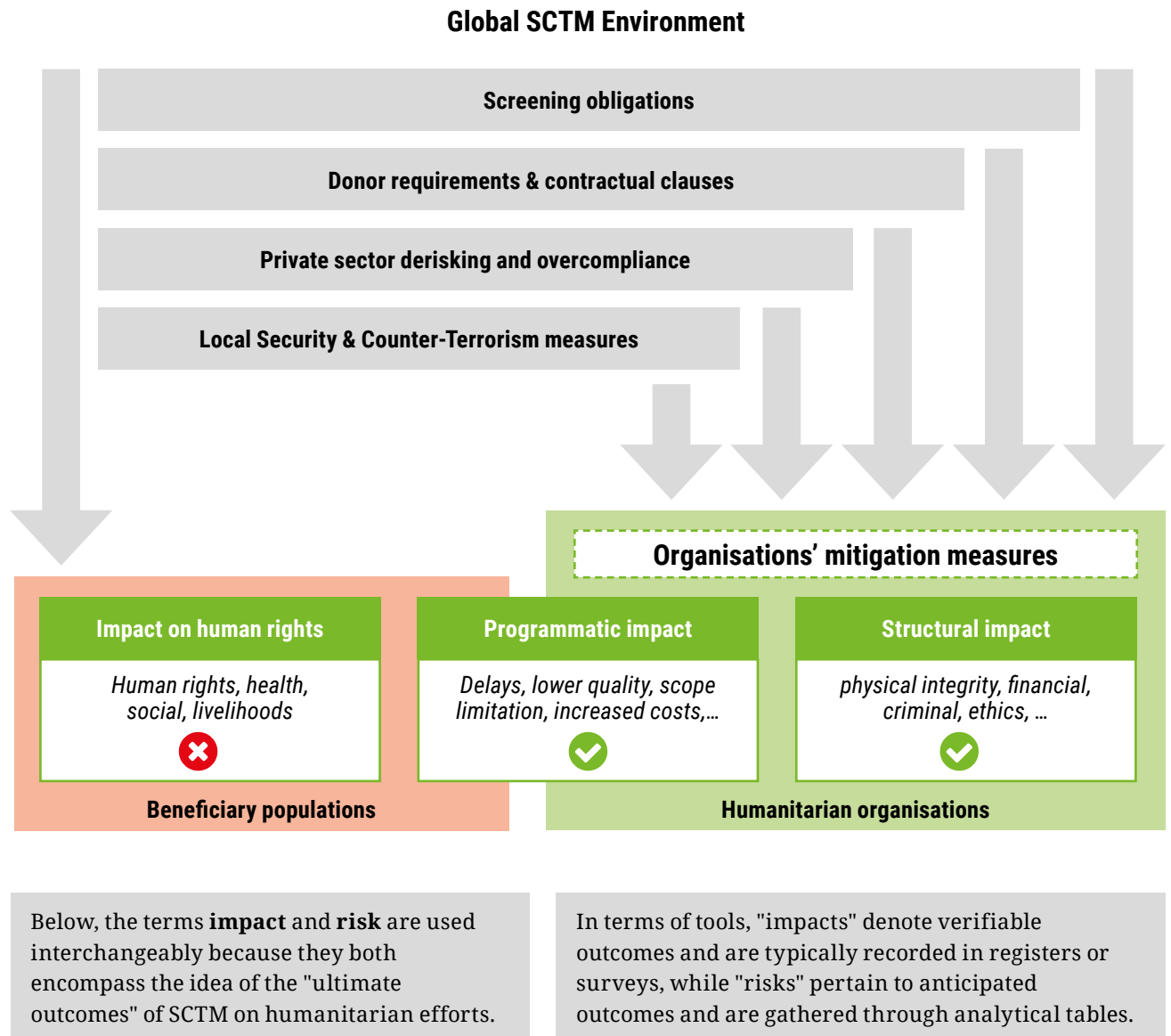
Section 3 of these guidelines focused on the formalization of **issues** and **incidents** that can stem from the global **SCTM environment**, and to analyse how they affect different parts of a humanitarian organisation. In doing so, it aimed at highlighting a first form of causal link: the consequences of the sanction and counter-terrorism normative framework on daily operations. To complete this advocacy effort however, a second form of causal link must be demonstrated: the progression of **issues** and **incidents** into residual **impacts**.

These **impacts** are the final and unrecoverable consequences of SCTM on both **humanitarian organisations** and **beneficiary populations**, despite – and sometimes because of – the mitigation measures implemented by the organisation.

In the context of this framework, impacts are divided along three main categories:

- **Programmatic impacts** encompass all end consequences on the design, implementation and sustainability of humanitarian activities. As such, they affect both the aid agencies and beneficiary populations.
- **Structural impacts**, while not always affecting aid delivery directly, reverberate throughout the organisation or sector, and can lead to deeper fault points in the humanitarian mandate of the organisation.
- **Impacts on human rights** affect the wider well-being of beneficiary populations. To the exception of populations' access to humanitarian assistance, it is for now **not covered in this data collection scope**.

Mapping the causal link from global SCTM framework to Humanitarian end impacts



TYOLOGY OF IMPACTS AND RISKS

The following tables describe the main categories of end consequences and the types of SCTM issues/incidents they generally derive from.

	Screening obligations	Donor requirements	Private Sector De-risking	Local Security & CT	General SCTM environment
Delays Inability to deliver timely assistance / Discontinuation of activity or service SCTM constraints or the organisation's efforts to mitigate them can often lead to a backlog of activities. <i>Example: Since a designated organisation took power in Afghanistan (August 2021), bank de-risking has been affecting NGOs. 8 out of 10 international NGOs have faced challenges transferring funds to Afghanistan and utilizing banking services.</i> <i>Example: In country "X", in the wake of a famine outbreak, a local counter-terrorism ordinance was enacted to monitor aid funds. Lacking clear humanitarian exemptions, numerous aid agencies temporarily halted their relief efforts, awaiting understanding of the potential implications.</i>	✓	✓	✓	✓	✓
Lower quality Concrete deterioration of the activities' outputs <i>External SCTM factors, or the subsequent organisation's mitigation measures, including in implementing activities perceived as less risky, may affect the quality, contextual suitability, or efficiency of the response.</i> <i>Example: In many contexts, organisations might opt for local procurement to steer clear of bureaucratic hurdles and potential delays associated with international sourcing. However, this approach may result in compromising on the quality of the goods or equipment.</i>		✓	✓	✓	
Increased costs Rising expenses for similar outputs SCTM-related issues result, whether directly or indirectly, to an increase in the overall costs of the response. <i>Example: NGO Aid Without Borders, focused on providing medical assistance in a conflict zone, faced increased costs when bank de-risking strategies restricted its ability to transfer funds to local healthcare providers. Compliance efforts and legal consultations added significant overhead, along with the mobilisation of alternative transfer modalities (such as Money and Value Transfer Systems), reducing the resources available for direct aid, ultimately impacting the organisation's ability to save lives.</i>	✓	✓	✓	✓	✓
Scope limitations Restrictions in the nature of activities (outcomes) Screening obligations, donor requirements and local SCTM measures may have an impact on the sectoral, geographical, or temporal (long-term activities) boundaries of the response. <i>Example: In Burkina Faso in 2021, in an attempt to prevent any resources to reach entities considered as terrorists, several regional governors banned the use of cash transfer modalities in humanitarian activities.</i> <i>Example: depending on the scope of the screening obligations imposed by institutional donors, several NGOs stated having discarded specific activities, such as trainings or capacity building, from their proposal design to avoid the screening of individuals.</i>	✓	✓		✓	
Other limitations Restrictions in the modalities of activities (approach) SCTM may lead to various other constraints within the methodological outlines of the response, such as the type of beneficiaries targeting, operational partnerships or community mobilization. <i>Example: The majority of non-governmental organisations (NGOs) decline to conduct beneficiary screening on ethical grounds. In certain cases, projects that involve cash transfers have been adjusted to work around the requirement imposed by specific donors to screen recipients.</i>	✓	✓		✓	

	Screening obligations	Donor requirements	Private Sector De-risking	Local Security & CT	General SCTM environment
Physical integrity Reduced acceptance or direct targeting of the organisation personnel and assets	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<p>The inability to engage with designated groups or individuals, the operational chilling effect related to SCTM or a perception of affiliation to any party or external actor are interrelated factors that can increase the risks of targeting for the organisation or its staff.</p> <p><i>Example: In 2020, an international organisation operating in Burkina Faso became the target of a widespread disinformation campaign. The campaign falsely accused the organisation of providing support, including food supplies and intelligence, to local opposition groups, resulting in threats against its personnel.</i></p>					
Criminal Prosecution of the organisation or criminalisation of its personnel		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<p>SCTM can create uncertainty for organisations about whether contact with NSAGs that are also DTGs is permissible. In extreme case, it may lead to legal or administrative (e.g. expulsion) measures against the organisation or its staff.</p> <p><i>Example: In 2017, Norwegian People's Aid (NPA) reached a settlement of USD 2 million in compensation after being accused of violating the terms of its 2012 USAID contract. The accusation stemmed from NPA's alleged failure to disclose its prior involvement in previous projects, such as supporting democratisation efforts for youth in Gaza and participating in a demining initiative in Iran.</i></p> <p><i>Example: In 2022, four MSF staff were arrested and accused of supporting terrorist activity in South West Cameroon, while they were carrying out humanitarian work.</i></p> <p><i>Example: In Burkina Faso, Article 311-7 of Law no. 2018-025/AN, amending the Penal Code, poses a special risk for the negotiation of humanitarian access because it potentially criminalises interaction "with an individual conducting an activity prejudicial to state security." As this law does not provide a humanitarian exemption, NGOs operating in contested zones may fall within the scope of the article when they initiate a humanitarian dialogue with NSAGs that meet this description.</i></p>					
Financial Loss of financial resources, including funding cuts or terminations		<input checked="" type="checkbox"/>			
<p>Donor SCTM requirements may result – at various stages of the project cycle – in a grant annulment, the ineligibility of some expenses, or the discontinuation of a funding partnership.</p> <p><i>Example: In 2022, a humanitarian NGO refused funding for a project in the occupied Palestinian territory because the donor required a vetting of beneficiaries and most of staff members, outside of the NGO policy.</i></p> <p><i>Example: In some instances, grant agreements may incorporate clauses with a vague scope of application. As a result, some project-related expenses may be deemed ineligible by the donor at the audit stage, with no recourse for the NGO but to cover these costs itself.</i></p>					
Humanitarian principles Compromises on the principles of humanity, impartiality, neutrality and independence	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Compliance with SCTM requirements may, at times, impact an organisation's ability to adhere to a principled approach, whether directly (e.g., arbitration against one of the principles) or indirectly (e.g., chilling effect).</p> <p><i>In Mali, due to mounting pressure from authorities to not engage with DTGs (Designated Terrorist Groups) and following multiple near-miss incidents with the military forces in areas partly under the control of NSAGs, an organisation chose to temporarily shift a portion of its activities to safer southern districts to safeguard its teams. This decision was made despite knowing that the former area hosts the direst needs in the country.</i></p>					
Other ethical breaches Compromises on other internal values and commitments	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<p>In addition to compromising on core humanitarian principles, compliance with SCTM requirements may push organisations to infringe on their own internal sets of values and standard operating principles.</p> <p><i>Example: In Iraq, local staff members of one INGO mentioned that the requirements to screen supplies put them at risk of threats and backlash when suppliers are not selected and fear for their reputation that they can be associated with terrorism. To protect them, the organisation decided to handle most procurement at HQ level.</i></p> <p><i>Example: In some contexts, NGOs are required to disclose sensitive individual information to local authorities or donors (such as beneficiary lists). While many organisations implement anonymization processes to avoid such disclosure, others – such as local NGOs – do not always have the capacities to do so, and may prefer sharing data than having their activities suspended.</i></p>					

WHAT EXACTLY DO WE WANT TO COLLECT?

Type of information	Level of granularity	Source of information
Examples of programs or activities that were halted or altered as a potential end result of SCTM considerations (programmatic impacts), along with the processes that led to these alterations.	Area (L1), sectoral	Program managers and coordinators
Examples of other - structural and organisational - impacts that the organisation faced, potentially as a result of SCTM considerations.	Country	Support departments managers and coordinators
Self-evaluation of the major SCTM-related risks the organisation faces in the near future.	Country	Senior Country Team

- While Program Coordinators are most relevant in reporting programmatic alterations, it can be challenging for them to determine the extent to which they are related to SCTM considerations. We recommend conducting this exercise **in a focus group** that includes collaborators from both program, support and senior management, and that may also mobilize the focal point (cf. tool J).
- **Structural issues or incidents and their associated impacts or risks can sometimes overlap** in terms of reporting. For instance, the arrest and indictment of humanitarian staff based on alleged support to terrorism can be categorized both as an incident and as an end impact by itself. The specific categorization isn't critical, as long as the incident or impact is reported using one of the available tools.
- **Self-evaluation:** In addition to the incidents and issues register, the framework enables the Country Team to analyze the most critical risks arising from SCTM constraints and issues (cf. tool J for further guidance).

WHY DO WE COLLECT THIS INFORMATION?

One of the most critical aspects of SCTM-related advocacy is establishing the causal link between the international or local **SCTM framework**, the resulting **issues and incidents**, and their ultimate **impact** (or associated risks) on the humanitarian response and organisations. This latter link can be even more challenging to demonstrate because issues and impacts are often experienced across different parts of an organisation.

As a result, it is crucial to collect as many cases of programmatic and structural impacts as possible, whether they are actual or anticipated (risks), even if their connection to SCTM constraints may initially seem distant.

- While it may not always be entirely possible to formally prove causality, by **accumulating sufficient evidence clusters** iteratively, advocacy teams can present a compelling case to external stakeholders. This may not prove causality definitively but can demonstrate strong trends.
- **Concrete and quantifiable impacts**, whether financial, ethical, physical, or leading to changes in assistance to populations, are also more effective in prompting organisations to recognize the significance of addressing SCTM constraints. Internally, they hold greater weight than a lengthy list of incidents and issues, which organisations often perceive as routine operational factors.

HOW CAN IT BE DIRECTLY USEFUL TO OPERATIONS?

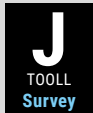
Beyond advocacy purposes, flagging areas of impact of SCTM on the running of country-based operations may help prioritizing mitigation measures:

- By identifying significant negative effects that could easily be mitigated through measures directly available to the Country Team (e.g. minor adjustments of operational modalities, interaction with a few key interlocutors).
- On the contrary, letting go of cumbersome mitigation measures towards issues that analytically prove to have minimal consequences (in terms of likelihood or residual impact) on the organisation.



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RELATED TOOLS



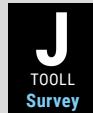
Country Risks and Impact

Tabs: Access, Grant, Partners, Finance, Procurement

in charge: Country Director, and all relevant support Coordinators

Involved: Focal Point (when relevant)

When: Yearly



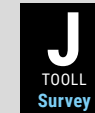
Country Risks and Impact

Tab: Program

in charge: Program Coordinator

Involved: Focal Point (when relevant)

When: Yearly



Country Risks and Impact

Tab: Risks

in charge: Senior Country Team (Country Director)

Involved: Focal Point (when relevant)

When: Yearly

