



INTERNATIONAL WEBINARS AND LIVE EVENTS

When borderless Covid-19 hits sanctioned nations, What gives?

Global Health Centre, June 2, 2020

Panellists:

Gilles Carbonnier, Vice-President, International Committee of the Red Cross

Emanuela-Chiara Gillard, Senior Research Fellow, Oxford Institute for Ethics, Law & Armed Conflict

Thomas Biersteker, Professor of International Relations and Political Science, Director of Policy Research, Graduate Institute, Geneva

Edwina Thompson, Founder of Amanacard, Independent Expert to the United Nations

Moderator:

Erica Moret, Senior Researcher, Global Governance Centre, Chair of the Geneva International Sanctions Network

The Moderator opened the panel by stating that **international sanctions risk hindering an effective and unified global response in tackling COVID-19** around the world, notwithstanding the foreign and security policy considerations they seek to address. Countries under the world's strictest sanctions regimes will **struggle to cope with knock-on effects of the pandemic** as they already suffer from a series of unique challenges with serious **humanitarian consequences**, including financial sector "de-risking"; **hindered trade in food and medical goods**; obstacles to scientific and political collaboration; withdrawal of humanitarian and health workers (the "chilling effect") and **fragile or crippled healthcare systems**. This risks **catastrophic impacts**, not only for the countries in question but also regionally and globally, including through a risk of **resurgence of the virus**, increased **refugee flows**, hindered economic recovery and a **rise in instability** and new security challenges.

Gilles Carbonnier addressed the main challenges facing the **ICRC in countries subject to sanctions regimes** and compounded by the Covid pandemic. The restrictions put in place in both these frameworks **limit protection and assistance operations**, in particular through closed borders and limitations on movements of goods and services. The result is reduced space for neutral and independent humanitarian action. While ICRC does not question the legitimacy of sanctions, it invites States to **respect international humanitarian and human rights law** when designing, monitoring and reviewing sanctions regimes. States need to clarify and communicate what is permitted under sanctions and to swiftly grant the necessary exemptions to ensure the **delivery of impartial humanitarian assistance**.

Emanuela-Chiara Gillard observed that the restrictions imposed under sanctions regimes have different sources, therefore **solutions need to be found through different channels**. In the early weeks of the pandemic, the EU, Switzerland, the US put limitations on exports of medical

items in order to have sufficient reserves for **domestic needs**. There is also a difference in the impact of targeted sanctions such as those adopted by the UN, and of **unilateral sanctions**. Restrictions on making available funds to certain groups may have a **negative impact on the population** in the territory that they control. Thus, anti-terrorist sanctions need to **differentiate between political groups and their civil administration**, which can prove very complex. Nevertheless, a pandemic can also be a catalyst for change and provide an **opportunity to review the impact of sanctions**, address the problems created by certain restrictions and **find solutions** through appropriate exemptions in the health and humanitarian sectors.

Thomas Biersteker dealt with the options available for easing sanctions. He underlined that **all sanctions regimes routinely contained humanitarian exemptions** and allowed for the necessary flexibility. Again, beyond formal easing, there existed the possibility of voluntary lifting of restrictions which could be more extensive as required by the prevailing humanitarian situation. There could be a **temporary, time-bound lifting of sanctions**. Again, restrictions can be suspended in relation to sanitary goods and services during a pandemic, trade can be allowed up to a certain level and in certain sectors. What is crucial is not the design of the sanctions but their **implementation**.

Edwina Thompson stressed the need for innovation to circumvent sanctions in order to **provide humanitarian assistance**. One way is to **channel funds to countries under sanctions** and suffering from the pandemic. Some fragile States rely on informal trade to sustain their economies and health services. It is vital to **respect proportionality of sanction measures** in respect to the potential threat that they seek to contain, in order to avoid unacceptable **collateral humanitarian damage**.

Q&A Session

A question was asked on whether it was possible to envisage a **moratorium on sanctions during a pandemic**. Indeed, at the multilateral level, the UN Secretary-General and the High Commissioner for Human Rights have been pushing towards this end. The panel also reiterated that in general sanctions regimes are very targeted and strive to respect as closely as possible international humanitarian and human rights law.