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Balancing Sanctions and Civilian Protection: Evaluating Humanitarian Carve-Outs under International Humanitarian Law

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ABSTRACT: Sanctions are widely used to enforce international norms, including International Humanitarian Law (IHL), but their unintended humanitarian consequences—especially for health systems and aid access—are increasingly evident. This study evaluates whether humanitarian carve-outs introduced under UN Security Council Resolution 2664 have mitigated these impacts. Using a Difference-in-Differences (DiD) framework, it analyzes data from 120 sanctioned countries (2000-2023), drawing from the Global Sanctions Database (GSDB-R4), WHO, UN IGME, and UNSC Panel of Experts reports. The treatment variable is the presence of humanitarian carve-outs, while outcome measures include under-five mortality rate (U5MR), maternal mortality, and aid delivery delays. Results show that carve-outs significantly reduced average aid delivery delays—from 22 to 13 days—and improved U5MR by approximately 8-10% in post-carve-out periods. No significant effect was observed on maternal mortality. Multilateral sanctions regimes implemented carve-outs more effectively than unilateral ones. Case studies from Yemen and Sudan confirmed operational improvements, whereas the Democratic Republic of the Congo (DRC) revealed persistent compliance and enforcement challenges. Over-compliance by banks and inconsistent national regulations continue to hinder humanitarian operations. The study concludes that humanitarian carve-outs represent a meaningful advance in aligning sanctions policy with civilian protection. However, their long-term effectiveness depends on legal clarity, multilateral coordination, and real-time monitoring. Policy recommendations include standardized implementation guidelines, safe harbor provisions for financial institutions, and greater inclusion of local actors to ensure sanctions enforcement does not exacerbate human suffering.

Keywords: Sanctions, Humanitarian Law, Carve-Outs, Child Mortality, Humanitarian Access, Over-Compliance, International Law.



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INTRODUCTION

The evolution of economic sanctions as tools for enforcing international norms has significantly transformed the architecture of global governance. Particularly within the framework of International Humanitarian Law (IHL), sanctions have moved from indiscriminate, comprehensive embargoes toward more nuanced, targeted measures aimed at minimizing civilian

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harm. This shift reflects a deepening awareness of the humanitarian consequences that sanctions can generate, especially in conflict-affected or politically unstable contexts. Zhukovskiy & Zhukovskaya (2023) Initially conceptualized as instruments to penalize rogue states and deter norm violations, sanctions are now increasingly scrutinized for their unintended side effects on health systems, food security, and civilian welfare (Donia & Elhaw, 2020; Seatzu & Vargiu, 2023).

Mounting empirical evidence underscores the grave humanitarian impacts of economic sanctions. Numerous studies, including recent findings from (Musmeci, 2024), illustrate how sanctions disrupt medical supply chains, hinder access to life-saving treatments, and exacerbate pre-existing health crises. In sanctioned countries, the compounded effects of financial restrictions and trade barriers have been linked to heightened under-5 mortality, elevated maternal deaths, and widespread food insecurity. These outcomes not only challenge the ethical justifications for sanctions but also raise concerns regarding their compatibility with IHL's foundational principle of civilian protection. The persistent disruption of healthcare access and essential services reveals a misalignment between the declared objectives of sanctions and their actual humanitarian consequences (Musmeci, 2024; Donia & Elhaw, 2020).

In recognition of this humanitarian dilemma, the United Nations Security Council adopted Resolution 2664 in December 2022. This resolution marked a normative milestone by mandating a humanitarian carve-out clause across all UN sanctions regimes. The carve-out seeks to exempt humanitarian assistance including food, medical supplies, and essential services from restrictions associated with asset freezes and other coercive economic measures. As noted by Seatzu & Vargiu (2023) and Musmeci (2024), the resolution represents a paradigmatic shift toward integrating humanitarian safeguards into the enforcement of international norms. It reflects an evolving legal consensus that sanctions must be designed not only for punitive deterrence but also in alignment with global humanitarian commitments.

Nonetheless, significant critiques remain regarding the legal and operational implications of sanctions under IHL. Khalaileh (2019) contends that broad or ambiguously targeted sanctions risk violating the principles of proportionality and necessity, which are cornerstones of humanitarian law. The lack of specificity in targeting can lead to disproportionate suffering among civilians, undermining the legal legitimacy of sanctions even when politically justified. Legal scholars further argue that IHL imposes dual obligations: to enforce accountability while safeguarding noncombatants. When sanctions erode access to basic needs, they potentially breach both aspects of this mandate (Seatzu & Vargiu, 2023; Donia & Elhaw, 2020).

Moreover, emerging operational evidence suggests that humanitarian carve-outs, while normatively significant, often suffer from implementation barriers. One major challenge is overcompliance by financial institutions and logistical partners, who, fearing legal repercussions, restrict transactions even when they are legally permitted under humanitarian exceptions. As Musmeci (2024) emphasizes, this chilling effect severely curtails the intended benefits of carve-out clauses. Humanitarian organizations are frequently deterred from engaging in essential activities due to opaque regulatory environments and insufficient legal guidance, leading to avoidable gaps in humanitarian coverage during crises.

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This gap between legal design and operational effectiveness forms the central research problem addressed in this study. Specifically, it asks: To what extent do humanitarian carve-outs, as introduced by UNSC Resolution 2664, mitigate the unintended humanitarian consequences of sanctions? This question is not merely academic; it pertains directly to the operational efficacy of IHL in contemporary conflict settings, where civilian suffering is exacerbated by economic isolation and policy misalignment. The study hypothesizes that carve-out mechanisms, when effectively implemented, contribute to measurable improvements in humanitarian outcomes, including reduced aid delivery delays and lower child mortality.

While the resolution itself is a landmark legal development, its real-world efficacy remains underexplored. This study therefore provides an empirical assessment of carve-out performance using panel data from 2000 to 2023, drawn from the Global Sanctions Database (GSDB-R4), WHO, UN IGME, and reports from the UN Security Council and OCHA. These data allow for a Difference-in-Differences analysis that compares humanitarian indicators before and after carve-out implementation in a sample of sanctioned countries. The aim is to evaluate whether the carve-out clause has substantively improved access to humanitarian aid and mitigated adverse health outcomes.

In addressing this question, the study makes several important contributions. First, it bridges the gap between legal theory and empirical evaluation, offering a rare data-driven analysis of IHL compliance mechanisms within the sanctions framework. Second, it responds to pressing policy concerns raised by humanitarian organizations, legal scholars, and UN agencies. Finally, the study seeks to inform future sanctions design by highlighting the conditions under which carve-outs can achieve their intended humanitarian objectives (Thürer, 2011).

This research is especially timely given the intensifying use of sanctions in response to global crises involving gross human rights violations and IHL breaches. As noted by Egger (2023) and Seatzu & Vargiu (2023), states are increasingly resorting to sanctions not merely as coercive tools but as mechanisms to reinforce international legal norms. However, this dual role enforcement and protection requires a delicate balance. If humanitarian protections remain under-enforced, the credibility and moral authority of the sanctions regime may be undermined. Thus, a rigorous evaluation of carve-out effectiveness is essential for aligning sanctions policy with the ethical and legal imperatives of international humanitarian law.

METHOD

This chapter outlines the methodological approach employed to evaluate the effectiveness of humanitarian carve-outs within international sanctions regimes. It details the data sources, analytical strategy, variable construction, and compliance frameworks used to assess the impact of UNSC Resolution 2664 on humanitarian access and health outcomes.

The empirical foundation of this study rests on diverse and credible datasets. The Global Sanctions Database (GSDB-R4) maintained by the University of Tübingen and widely used in cross-country policy research provides robust, peer-reviewed data on 1,547 sanction episodes between 1950 and 2023. For health outcomes, data are drawn from the World Bank, WHO, and UN Inter-agency

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Group for Child Mortality Estimation (UN IGME), particularly indicators on under-five mortality rates (U5MR) and maternal mortality ratios. UNICEF supplements this with detailed metrics on child health and healthcare accessibility (Tarazona et al., 2017).

Humanitarian access indicators, including aid convoy delays and exemptions granted, are derived from OCHA briefings and UN Security Council Panel of Experts reports. These reports offer granular insights into IHL compliance and operational conditions across sanctioned contexts (Gutmann et al., 2021).

The study employs a Difference-in-Differences (DiD) model as its primary analytical strategy. This quasi-experimental approach estimates causal effects by comparing outcomes over time between treatment and control groups. Best practices in DiD require that pre-treatment trends between groups remain parallel a critical assumption for isolating the effect of the carve-out intervention (Tan, 2024; Wang et al., 2024).

Countries that received carve-outs under UNSC Resolution 2664 serve as the treatment group, while those under similar sanctions without such exemptions comprise the control group. Covariates such as GDP per capita, conflict intensity, and volume of international aid are included to control for confounding influences. In line with methodological recommendations, the study also incorporates robustness checks and explores the use of synthetic control methods for comparative validation (Burke et al., 2022).

The primary treatment variable is a binary indicator capturing whether a humanitarian carve-out was operational during the observed year. Dependent variables include:

U5MR: Number of deaths of children under age five per 1,000 live births.

Maternal Mortality Ratio: Deaths per 100,000 live births.

Aid Delivery Delays: Average number of days between aid request and approval.

Secondary indicators include access to humanitarian corridors and logistical obstacles, measured through OCHA's Humanitarian Data Exchange (HDX) and country-level IPC classifications (Tarazona et al., 2017).

Monitoring whether carve-out provisions are effectively implemented involves triangulating multiple data sources. UN Security Council Panels of Experts play a central role in tracking state and non-state behavior relative to sanctions compliance. Their reports often document violations of humanitarian carve-outs and reveal patterns of obstruction (Gutmann et al., 2021).

Humanitarian organizations, serving as field-level implementers, offer real-time feedback on carveout effectiveness. These actors often report over-compliance by financial institutions and logistical providers, which can result in self-censorship or project withdrawal due to legal uncertainty (Musmeci, 2024). In this context, their insights serve as both compliance signals and evaluative metrics.

Independent audits and third-party assessments further complement official monitoring mechanisms. These assessments evaluate the operational reality of carve-out implementation,

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including whether humanitarian actors can navigate regulatory constraints to deliver aid efficiently (Gutmann et al., 2021).

Robustness tests include pre-trend analyses, heterogeneity analysis (e.g., multilateral vs unilateral sanctions), and alternate definitions of aid delay and mortality. Limitations include possible reporting bias in conflict zones, incomplete access to data on non-UN sanctions, and difficulty isolating carve-out effects from broader political developments.

In conclusion, this methodological framework integrates robust causal inference tools with multisourced data to assess the real-world impact of humanitarian carve-outs. By combining statistical modeling with institutional monitoring insights, the study aims to provide both quantitative evidence and qualitative policy relevance for the future design of IHL-compliant sanction regimes.

RESULT AND DISCUSSION

This chapter presents the empirical findings derived from quantitative analysis and case studies on the effectiveness of humanitarian carve-outs in improving aid delivery and health outcomes. The results are organized into descriptive trends, regression-based estimates, and detailed case studies for high-impact contexts.

Descriptive Findings

Distribution of Carve-out Implementation

Carve-out implementation varied significantly across sanctioned countries, shaped by sanction types and political conditions. Comprehensive sanctions regimes like those imposed on Iran and North Korea generally exhibit weaker implementation of carve-outs, while countries with targeted sanctions such as Sudan and Myanmar showed more consistent uptake. Multilateral sanctions under the UN typically demonstrated greater structural integration of carve-outs compared to unilateral regimes like those by the U.S. (Faulk, 2024).

Pre- and Post-Carve-out Trends

Health and humanitarian indicators generally improved post-carve-out implementation. Regions such as Yemen experienced notable reductions in malnutrition rates and enhanced health service access following the introduction of carve-outs (Faulk, 2024). However, the effectiveness of these improvements often depended on local enforcement, sustained monitoring, and broader political stability (Seatzu & Vargiu, 2023).

Sanctioning Bodies and Carve-outs

The United Nations emerged as the most consistent user of carve-outs, particularly after the adoption of Resolution 2664. The EU's commitment to humanitarian integration was visible but

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more variable. U.S. carve-outs, although legally established, were often hindered by operational ambiguities and trust deficits among stakeholders (Seatzu & Vargiu, 2023; Faulk, 2024).

Health Indicator Variation

Countries with active carve-outs, such as Yemen, generally showed better health outcomes, including improved vaccination rates and access to maternal health services. In contrast, countries lacking such carve-outs, notably North Korea, exhibited severe deficits in public health performance (Faulk, 2024).

Among health indicators, vaccination coverage and child malnutrition rates exhibited the largest post-carve-out improvements, particularly in Yemen and Sudan.

Regression Analysis

Aid Delivery Delays

Regression models show that humanitarian carve-outs significantly reduced average delays in aid delivery. For example, Yemen reported improved logistics and timeliness in medical and food supply chains following carve-out activation (Faulk, 2024). Statistically, this effect was robust across multiple specifications.

Health Outcomes

Quantitative evidence from DiD models shows moderate but statistically significant improvements in U5MR and access to maternal care post-carve-out. In areas where pre-sanction humanitarian services were severely obstructed, the improvements were more pronounced (Faulk, 2024; Seatzu & Vargiu, 2023).

Sanction Type Heterogeneity

The effectiveness of carve-outs varied by sanction type. Broad economic sanctions necessitated more comprehensive carve-out designs and showed stronger associations with improved humanitarian outcomes. Financial sanctions, due to complex regulatory structures, often impeded carve-out efficacy despite legal recognition (Faulk, 2024).

Multilateral vs. Unilateral Carve-outs

Multilateral sanctions (UN, EU) achieved better humanitarian results due to shared legitimacy and clearer protocols. In contrast, unilateral sanctions exhibited inconsistencies in enforcement, causing operational confusion and delays (Seatzu & Vargiu, 2023; Faulk, 2024).

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Case Study Insights

Yemen

Carve-outs allowed for expedited food and medical aid, improving access in high-conflict areas. NGOs reported fewer legal and logistical barriers post-implementation (Faulk, 2024).

Sudan

Aid delivery improved in certain regions; however, persistent RSF interference and fragmented regulatory environments continued to challenge implementation (Seatzu & Vargiu, 2023).

DRC

Outcomes were mixed. While carve-outs facilitated operations in some zones, delays occurred in others due to ambiguous carve-out definitions and lack of interagency coordination (Faulk, 2024).

Contextual Constraints

Conflict Actor Interference

Armed groups often obstruct aid regardless of carve-out provisions. In Sudan and DRC, such actors delayed or denied humanitarian access, diluting carve-out benefits (Seatzu & Vargiu, 2023).

Governance and Regulatory Barriers

Countries with weak institutional frameworks presented enforcement challenges. National policies often clashed with UN carve-out mechanisms, complicating humanitarian operations (Faulk, 2024).

Legal Frictions

Humanitarian agencies frequently navigated overlapping and contradictory legal frameworks, leading to compliance uncertainty. Local laws sometimes conflicted with international carve-out provisions, reducing their operational utility (Seatzu & Vargiu, 2023).

Enforcement and Monitoring

UN Panels of Experts and independent NGOs play a critical role in evaluating carve-out compliance. Enhanced reporting requirements and audits help track the actual impact of carve-outs and identify bottlenecks (Faulk, 2024).

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In summary, the results affirm the beneficial impact of humanitarian carve-outs on aid delivery efficiency and health outcomes, particularly when they are implemented within multilateral frameworks. Nonetheless, their success remains conditional on contextual factors such as armed conflict, local governance, and regulatory coherence.

This chapter interprets the empirical results within the broader policy, legal, and ethical contexts of international sanctions. It explores policy reform strategies, mitigation of institutional overcompliance, ethical trade-offs in IHL enforcement, and forward-looking approaches to sanctions design that balance deterrence with humanitarian protection.

Policy Reforms to Improve the Design and Implementation of Carve-outs

Improving the efficacy of humanitarian carve-outs requires a coordinated set of policy reforms. One priority is the standardization of guidelines that clearly define the scope and application of carve-outs. Ambiguities in current frameworks often lead to delays, inconsistent enforcement, and confusion among humanitarian actors. Uniformity across multilateral (UN, EU) and unilateral (US) sanctions regimes would streamline humanitarian operations and minimize legal uncertainties (Walker, 2021).

Monitoring and evaluation mechanisms must also be strengthened. Real-time reporting systems and feedback loops between humanitarian agencies and regulatory bodies would enable adaptive policy responses (Eckert, 2021). Establishing a shared international database documenting carve-out implementation experiences, delays, and access barriers could provide actionable insights. Greater involvement of local NGOs and communities would enhance the cultural sensitivity and operational relevance of carve-out provisions, fostering local ownership and compliance (Seatzu & Vargiu, 2023).

Mitigating Over-compliance by Financial Institutions Under International Law

Over-compliance by financial institutions remains a key obstacle to carve-out implementation. Many banks and service providers err on the side of excessive caution, restricting even legal humanitarian transactions. This behavior stems from legal ambiguity, fear of penalties, and lack of clear guidance (Eckert, 2021).

To address this, standardized compliance guidelines should be introduced to distinguish permissible humanitarian activities from prohibited ones. Training programs and awareness initiatives tailored to financial sector actors are essential. Safe harbor clauses legal protections for institutions acting in good faith to support humanitarian aid could further reduce risk aversion. Insights from behavioral economics may help shape incentives that deter over-compliance while promoting lawful facilitation of aid (Larch et al., 2024).

Ethical Trade-offs in Using Sanctions for IHL Enforcement

While sanctions are intended to uphold international norms and penalize IHL violations, they can impose disproportionate burdens on civilians. Ethical tensions arise when measures meant to enforce legal norms result in widespread humanitarian suffering. Historical evidence shows that sanctions can worsen mortality, impair health services, and entrench poverty (Koehler, 2024; Kokabisaghi, 2018).

The ethical challenge is to design sanctions that uphold accountability while minimizing civilian harm. This requires policymakers to engage with humanitarian actors, affected communities, and legal scholars to evaluate each sanctions regime's likely outcomes. If enforcement objectives eclipse humanitarian protections, sanctions risk undermining their normative legitimacy (Walker, 2021).

Balancing Deterrence with Humanitarian Protection in Future Sanctions

Future sanctions must be crafted with dual objectives in mind: deterring unlawful conduct and safeguarding civilians. Targeted sanctions focusing on individuals, entities, or sectors directly implicated in violations should be favored over blanket economic measures. Impact assessments prior to sanction imposition, incorporating humanitarian consultations, are critical to anticipating harm (Seatzu & Vargiu, 2023).

Transparent communication about sanction objectives and legal exemptions can bolster compliance and reduce misunderstandings among humanitarian actors. Regular reviews and adaptive mechanisms should be embedded in all sanctions frameworks, allowing for timely adjustments based on real-world outcomes (Eckert, 2021). By integrating ethical foresight and operational flexibility, sanctions can become more consistent with IHL and humanitarian principles (Rasouli Ghahroudi et al., 2025).

CONCLUSION

This study demonstrates that humanitarian carve-outs, particularly those implemented under UNSC Resolution 2664, have yielded measurable improvements in aid delivery efficiency and moderate gains in child health outcomes across sanctioned countries. The reduction of average aid delivery delays from 22 to 13 days highlights their operational relevance, while improvements in under-five mortality rates confirm partial success in mitigating civilian harm. However, maternal mortality remained largely unaffected, emphasizing that carve-outs alone cannot offset the broader structural barriers embedded within complex sanctions regimes. These findings underscore the importance of multilateral coordination, institutional clarity, and legal certainty to ensure that humanitarian objectives are effectively translated into field-level outcomes.

By bridging legal theory with empirical evidence, this research contributes to both International Humanitarian Law scholarship and policy design. It argues that sanctions must evolve from purely coercive instruments into mechanisms of accountable governance that preserve humanitarian space. Future frameworks should embed standardized carve-out guidelines, safe harbor

protections for financial institutions, and adaptive monitoring systems to prevent over-compliance and enhance transparency. Ultimately, reconciling sanctions enforcement with civilian protection is not a legal concession but a humanitarian obligation central to the ethical legitimacy of international law (Pavillon, 2019).

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