

Understanding and Addressing Bureaucratic and Administrative Impediments (BAI) to Humanitarian Action¹

Definition: The IASC defines BAI as: “*administrative practices and policies which limit the ability of humanitarian organizations to reach people in need in a timely and unfettered manner.*” BAI include **administrative obstacles** such restrictions on registration, entry, domestic movements, importation, and customs; **programmatic interference**; and **restrictive financial regulations**. Such practices and policies may be intentionally or unintentionally imposed, or both simultaneously. They may be instituted by host governments (national, provincial, or local), *de facto* authorities (including non-state armed groups), donors, or humanitarian agencies acting intermediaries through partnership agreements

Impact: In recent years, and accelerated by the COVID-19 crisis, the scale and impact of BAI on humanitarian action has markedly increased and is inhibiting timely, effective, and principled support to people affected by crisis. In addition to the legal and security implications to organizations and staff who are directly implicated, BAI have led to program interruptions, increased operational costs, and taken away staff time from the humanitarian response at a time when humanitarian resources are severely constrained, and humanitarian needs are increasing. The resulting reduced and less efficient humanitarian response is in turn increasing tensions, mistrust and misunderstanding within the humanitarian community; between humanitarian actors and national and/or local authorities; and, between humanitarian actors and affected communities.

IASC guidance on addressing BAI: Given the serious implication of BAI on timely, effective, and principled humanitarian action and the prevalence across humanitarian organizations, it is essential that efforts to address BAI are a collective IASC and HCT priority. Based on extensive research including a deep dive in 5 country level contexts, the IASC Framework provide a step-by-step guide on how to address BAI for humanitarian partners to refer to in the following main strategic areas in that should be part of efforts to address BAI:

1. Building a common understanding of the drivers and impact of BAI
2. Strengthening coordination to address the operational impacts of BAI
3. Mitigating BAI through monitoring and early action
4. Leading collective negotiation and strategic advocacy at country level.
5. Mobilizing and utilizing global humanitarian leadership channels to advocate where needed.

¹ This one pager is meant to accompany the full IASC framework on BAI, “Understanding and Addressing Bureaucratic and Administrative Impediments to Humanitarian Action: Framework for a System-Wide Approach”.

The Framework supports the specific role of Resident and Humanitarian Coordinators (RC/HCs) as outlined in the RC/HC handbook and consisting of the following:

1. Regularly advocate on the impacts of BAI on humanitarian action during engagements with authorities and donors and what actions are required to support humanitarian agencies.
2. Hold regular discussions in the HCT on the range, nature and impact of these impediments, and lead development of a collective action plan to address them.
3. Ensure the establishment and functioning of Humanitarian Access Working Groups or similar dedicated inter-agency fora (UNCT, INGO/LNNGO) to ensure consistent monitoring and systematic reporting of BAI
4. Engage with host authorities and donors on behalf of the HCT and – where required – lead bilateral negotiation on behalf of the collective.
5. Engage and mobilize global IASC support, if relevant, to amplify advocacy around operational solutions at field level.

RC/HCs offer advice and reflections based on their own experiences addressing BAI at field level, summarized from a closed-door discussion with RC/HCs on the BAI framework in the fourth quarter of 2021:

- **BAI is a system-wide concern which is growing in humanitarian and development contexts, and which takes up the attention, time, and resources of RC/HCs and operational partners.** In the last two years, BAI issues may have been exacerbated by COVID measures. While in the past, BAI primarily affected NGOs, they are increasingly impacting UN agencies as well. Collective action is essential to avoid divide and rule and single agency agreements which set precedents.
- While BAI are negatively affecting timely, effective and principled humanitarian response in most cases, **there are cases when BAI can be positive. Additional administrative requirements imposed by national authorities to mitigate PSEA for instance should be welcomed.**
- While HCs, the ERC, and the broader IASC (including through a dedicated workstream under “results group 1”) are prioritizing the issue through a collective approach, **dedicated field capacity to better understand BAI and a more consistent engagement by all HCT members is required**, including through better information sharing and analysis of BAI trends and opportunities to address them.
- **In order to be effective, approaches to address BAI need to be anchored in a sophisticated understanding of the motivations behind them.** Motivations may include distrust and suspicion of humanitarian organizations by host governments and/or non-state armed groups (sometimes legitimately based on past experience), attempts to boost government revenues, rent-seeking behaviors by individual actors, disruption or prevention of humanitarian access to specific populations or locations, and institutional gaps in administering humanitarian organizations. Each of these drivers require specific approaches.
- **Counter-terrorism settings often provide more challenging BAI environments, and lead to greater suspicion by governments of humanitarian actors. These settings demand high levels of transparency and robust due diligence from humanitarian actors.**
- **Approaches to address BAI need to be balanced. In some contexts, the political engagement and behavior of the international community (including imposition of sanctions; counter-terrorism legislation etc..) leads to increased imposition of BAI.** This needs to be recognized and addressed in a systematic way including through high-level advocacy, for instance, to standardize exemptions and/or other financial and administrative requirements by donors.

- **Trust building is a critical part of addressing BAI and requires authorities and other stakeholders to understand and respect humanitarian principles, and humanitarian partners to consistently understand and respect national rules and regulations.** It is important not to assume that all actors understand humanitarian principles or international humanitarian law, and to recognize that systematic educational efforts are required when ministers or other key actors are changed.
- **Identifying threats and risks that could cause a deterioration in BAI is key to a more systematic, collective and coordinated approach to addressing BAI.** Early action is also critical to establishing monitoring and alert systems that identify emerging issues before they become embedded.
- **The role of the RC/HC is critical to guide a collective HCT effort, build/rebuild trust with relevant authorities, open doors and create space for dialogue for operational humanitarian agencies to engage. In some cases the RC/HC may need dedicated legal capacity in their office to properly address BAI issues**
- **Donor engagement needs to be carefully considered and timed.**