

## Guidance

# **UNDERSTANDING AND ADDRESSING BUREAUCRATIC AND ADMINISTRATIVE IMPEDIMENTS TO HUMANITARIAN ACTION: FRAMEWORK FOR A SYSTEM-WIDE APPROACH**

IASC Results Group 1 on Operational Response

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## EXECUTIVE SUMMARY

This framework has been developed to support Humanitarian Coordinators (HCs) and Humanitarian Country Teams (HCTs) better collectively understand and address Bureaucratic and Administrative Impediments (BAI) to the work of humanitarian actors.

In 2019, the Inter-Agency Standing Committee (IASC) recognized that Bureaucratic and Administrative Impediments (BAI) were a significant and growing barrier to humanitarian operations. The Operational Policy and Advocacy Group (OPAG) Results Group 1 on Operational Response (RG1) tasked an inter-agency BAI subgroup (co-chaired by InterAction and ICVA with UNHCR, WFP, OCHA, IOM, Save the Children, NRC, UNICEF, IFRC), to carry forward a workplan to collectively examine BAI in more depth, and to generate practical tools and guidance for Humanitarian Coordinators (HCs) and Humanitarian Country Teams (HCTs) in humanitarian settings worldwide.

The RG1 BAI Subgroup outlined the scope and nature of BAI impacting humanitarian action; conducted an indicative mapping exercise of BAI globally; and completed four case studies in Afghanistan, Myanmar, Nigeria and Venezuela, based on consultations with almost 200 operational organizations and coordination bodies in 2020 and 2021.

The global BAI mapping, country case studies, as well as a desk review of public and private research and analysis, form the evidence base for this framework

### How to Use this Framework

This paper outlines a framework for collective action to understand and address BAI, led by the HC and HCT at country level and with links to global stakeholders to complement and enhance in-country efforts. This framework should encourage discussion and help HCT members and other stakeholders agree on actions that can be taken at national and subnational levels to understand, address and prevent the negative impacts of BAI on humanitarian action. While the framework primarily addresses HCTs at the national level, sub-national HCTs and relevant task teams can also utilize it to inform their approaches to BAI. Effectively addressing BAI will require actors at all levels to feed into the national HCT consultation and decision-making processes.

## 1. INTRODUCTION

### 1.1 Defining Bureaucratic and Administrative Impediments (BAI)

The IASC defines Bureaucratic and Administrative Impediments (BAI) as: “*administrative practices and policies which limit the ability of humanitarian organizations to reach people in need in a timely and unfettered manner.*” Such practices and policies may be intentionally or unintentionally imposed, or both simultaneously. Governments or other authorities are the main source of BAI, but they may be instituted by a range of parties, including host governments (national, provincial, or local), de facto authorities (including non-state armed groups or other actors controlling territory), institutional donors, or humanitarian agencies acting as donors or intermediaries through partnership agreements. BAI commonly include issues related to agency registration and associated administrative procedures, country entry requirements or visa restrictions, domestic operations and logistics, customs and importation, human resources management, programmatic interference, or financial regulations and obstacles.<sup>1</sup>

### 1.2 Taking a Collective Approach to BAI

In recent years, and accelerated by the COVID-19 crisis, the scale and impact of BAI on humanitarian action has markedly increased. The impacts of BAI restrict or obstruct the operational capacity of humanitarian actors, reduce the efficiency and effectiveness of humanitarian planning, and undermine efforts to maintain a principled approach to humanitarian assistance. Most importantly, BAI make it harder for humanitarian actors to reach, engage with and support people affected by crisis.

BAI impact different types of humanitarian actors to varying degrees, but with a cumulative negative impact on the humanitarian sector overall. Research shows BAI tend to disproportionately affect NGOs (both international and national actors) due to their operational presence, compounded by a lack of recognized privileges and immunities.<sup>2</sup> Importantly however, country case studies conducted to support this framework demonstrate that in recent years BAI have increasingly impacted UN agencies, despite their mandates and special status. Some BAI appear to have been exacerbated by COVID-19 restrictions over the past 18 months, which are impacting operational agencies and also donors more frequently.<sup>3</sup>

Case studies and analysis show that despite the significant impact of BAI on the overall response effort, overwhelmingly BAI tend to be dealt with on an ad-hoc basis by individual agencies - or a subset of agencies - rather than as a response-wide, collective approach. Taken together, the increasing frequency, impact and complexity of BAI calls for them to be treated as a system-wide priority requiring collective action. Evidence from country case studies, positing specific examples from different regions and contexts, supports this call for collective action as the best way to effectively address BAI.

**In order to understand and address BAI, leadership by the Humanitarian Coordinator (HC) and Humanitarian Country Team (HCT) is needed in five areas:**

1. Understanding the drivers and impacts of BAI
2. Addressing operational challenges

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<sup>1</sup> This document does not seek to address impediments related to international sanctions and counterterrorism regulations, which are covered in other IASC guidance, such as the September 2021 IASC Guidance on the “Impact of Sanctions and Counter-Terrorism Measures on Humanitarian Operations”

<sup>2</sup> NGOs and their staff usually do not have special status and often need to comply with stringent regulations and requirements to maintain their presence and operations legally and safely.

<sup>3</sup> Although not specifically addressed within the scope of this work, case studies showed several examples of increased BAI impacting humanitarian donors.

3. Monitoring and taking early action to prevent BAI
4. Leading collective advocacy with authorities and other stakeholders
5. Mobilizing global support for action on BAI

#### **Role of the RC and HC (Excerpt from the RC/HC Handbook)**

The RC should be prepared to speak out and lead collective action to counter the imposition of bureaucratic and administrative impediments by the Government, non-State actors and donors. This could involve regular discussions in the HCT on developing a common understanding of the range, nature and impact of bureaucratic and administrative impediments, and an associated action plan to address them. To be effective, these efforts should engage with and learn from the NGO community, particularly by engaging NGO forums, to ensure efforts are informed by current operational realities. The RC should ensure partners' coordinated and systematic reporting of bureaucratic and administrative impediments through Humanitarian Access Working Groups. Where efforts at the national level may not be sufficient to resolve such impediments, the RC could request support from the ERC and IASC Principals for high-level advocacy to resolve the impediments and facilitate effective humanitarian response.

### **1.3 Legal Frameworks for Humanitarian Action**

Humanitarian action is safeguarded through various binding international legal instruments and may also be domestically regulated through law, policy and practice.

In many countries, humanitarian action is regulated by a national legal framework. This type of legislation can help streamline bureaucratic and administrative processes; however, in some contexts they have the opposite effect, at times contrary to international law and humanitarian principles. The importance of the legal framework is perhaps most evident in terms of BAI related to registration, but also plays a role in other BAI, such as those relating to programming, taxes, visas, work permits and more.

Case studies showed that locally experienced legal advisors can provide in-depth situational and trends analysis of the legal, regulatory and compliance framework at country-level, with a focus on identifying BAI or the risk of BAI resulting from legal voids, overly general laws, conflicting or inconsistent laws, policies and regulatory or compliance mechanisms. In some cases it has proven helpful to analyze the domestic legal and regulatory framework against international law and standards, including international humanitarian law in conflict contexts, and international human rights law in all contexts.

In armed conflict situations, International Humanitarian Law (IHL) through the Geneva Conventions sets out the rights of civilians affected by conflict as well as the binding obligations of parties to the conflict, including *inter-alia* to ensure the free and unfettered provision of humanitarian relief to affected populations regardless of where they are located.

Through various normative and/or binding human right instruments applicable during both war and peace, notably the Universal Declaration of Human Rights (UDHR) International Covenant on Civil and Political Rights (ICCPR), and the International Convention on Economic, Social and Cultural Rights (ICESCR), states are obliged to respect, protect and fulfil the rights of those residing within their territory or who are subject to their jurisdiction, to include being able to live a safe and dignified life.

Understanding the past, present and future legal and regulatory landscape related to BAI, can help identify areas to proactively engage with authorities. It is also important to include in such analysis, a determination

as to whether the barrier/source of a problem is in fact due to a current or pending regulation, or is due to a separate administrative decision for example by a government institution (national, regional, or local level).

In many countries the legal environment is not static and even in countries where humanitarian operations have been legally operating for many years, legal reforms, or simply the threat of legal reforms, can significantly impact the operational space of even well-established organizations.

**Provision of ‘legal facilities’ to humanitarian actors.**

The IFRC uses ‘legal facilities’ as an umbrella term to refer to special legal rights that are provided to humanitarian organisations to enable them to conduct their operations efficiently and effectively. Legal facilities may take the form of positive rights or entitlements (e.g. a right to travel freely within a country), an exemption from a law that would otherwise apply (e.g. being exempt from a certain form of tax), or access to simplified and expedited regulatory processes (e.g. fast track customs clearance or visa processing).

The [IFRC Disaster Law website](#) contains more information and resources.

## 2. TYPES OF BUREAUCRATIC AND ADMINISTRATIVE IMPEDIMENTS

Although the manifestations of BAI can be very contextual and specific, they tend to fall into several broad categories and have common drivers. The following categories of BAI were identified as present in all cases examined, although the perception of relevance and impact on operations varied widely between the four contexts. Often several layers of BAI may overlap, which can further confuse matters when trying to address these and often lead to significant delays in program implementation.

### Registration

The ability to legally register an organization is an important factor in enabling humanitarian actors to work and BAI can significantly increase the time needed or make it difficult or impossible for organizations to register properly, whether due to a lack of necessary legal frameworks, or opaque, complex or confusing registration processes. Attempts at developing workarounds may cause further challenges in turn.

### Entry requirements

These include visa, work permit and residency options for short or long-term expatriate staff. For NGO, UN and at times donor staff these are one of the most common BAI with significant flow-on impacts.

### Human Resource Management

These may include formal or informal policies on recruitment of expatriate staff or attempts by individuals or groups to interfere with independent recruitment processes, as well as the inability to properly contract staff, compensate them sufficiently, or provide for their wellbeing.

### Domestic movement restrictions

Complex and time-consuming procedures to gain approval for domestic travel or movement of relief items are a common BAI. These may not always be linked to one specific actor or regulation but rather be due to a combination of

security, administrative and logistical procedures by different actors.

### Administrative delays or refusals

These include overly burdensome reporting requirements, unclear administrative processes and procedures, barriers to obtaining certain documents, unspecified delays in receiving necessary permissions, and unnecessary or ad-hoc requests. Although each may be small, these often compound and can result in significant challenges.

### Importations and customs

Importations and customs challenges may be consequences of other BAI, or due to lack of alignment between line ministries and officials on procedures. Although humanitarian imports should generally be exempt from taxes, various authorities levy these and organizations may face double taxation if aid deliveries cross internal borders between areas controlled by one authority and another.

### Programmatic interference

Often caused by authorities at sub-national levels, or by donors or partners, these include interference or attempts to interfere in the selection of beneficiaries and geographic areas, type of assistance provided or requests or attempts to compel the handover of beneficiary data<sup>4</sup>. They may also be barriers to certain types of assistance, particularly cash-based interventions.

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<sup>4</sup> Some forms of interference may amount to abuse of power or corruption, and interference with beneficiary selection may also entail concerns for exploitation and abuse of beneficiaries.

### **Financial regulations and obstacles**

The 'off-book' nature of humanitarian funding can lead to a desire to either increase taxation revenue from this funding or divert this funding through government channels. Compliance measures by some actors and financial institutions with donor requirements can create extensive barriers, particularly in situations where international sanctions are in effect.

### **Lack of policy alignment**

The policies and procedures of national and local/provincial authorities may not always be aligned and agreements at the central level may not always be upheld at provincial or local levels.

### **3. IMPACTS AND CONSEQUENCES OF BAI**

Case studies show that it can be difficult to define or quantify the overall impact and consequences of BAI on humanitarian operations. Some impacts are clearly linked to specific impediments, while the consequences of others may not appear obvious. Underpinning this is widespread reluctance within the sector to openly discuss the specifics of how BAI are impacting the delivery of assistance. Case studies showed a tendency by many organizations to conceal to some extent the impacts on their own operations and, in turn, on broader humanitarian efforts.

Based on analysis of the case studies, the five most common consequences of BAI are outlined below. All result in an overall reduction in the speed, quality, and accountability of humanitarian assistance. Importantly, the impacts of BAI make it difficult to place the needs and priorities of communities themselves at the center of humanitarian action.

#### **3.1 Humanitarian assistance is delayed or obstructed**

Delays in the delivery of humanitarian assistance to populations in need is perhaps the most obvious impact of different BAI in any country, with projects being kept “on-hold” and unable to deliver assistance sometimes for months or longer. Difficulties related to entry requirements and the recruitment and movement of key staff, as well as other operational impediments create significant delays in the implementation of programs and mean humanitarian actors cannot address needs of affected populations in a timely manner. Import restrictions cause delays to aid delivery and financial losses if goods spoil or must be re-shipped. Delays eat into project implementation time, potentially impacting the quality of the programming, and the inability to deliver in a timely manner weakens community acceptance and donor compliance.

#### **3.2 Undermining of good practices and humanitarian standard and principles**

Various BAI can make it challenging for humanitarian actors to uphold core humanitarian standards, or to respect policy commitments made at global level, including around localization, accountability or diversity and inclusion in the humanitarian sector. Programmatic interference such as requests for beneficiary lists, interference in selection of people targeted for assistance or restrictions on operational modality undermine humanitarian principles of impartiality and independence. The cumulative impact of BAI over a period of time can lower expectations on the ability to deliver quality assistance, reducing the reach and impact of humanitarian efforts.

#### **3.3 Increased staff and operational costs for humanitarian programs**

The cost of dealing with BAI was not being specifically tracked by organizations in any of the case study contexts, but during interviews this was estimated as extensive. Some humanitarian leaders in the focus countries reported spending up to 25% of their time addressing BAI within their organizations. Many programmatic and security staff also dedicated at least 25% of their time to dealing with BAI. Taken in aggregate, the overall time cost for operations appeared substantial. Case studies highlighted a range of financial implications to addressing BAI, including the need to pay additional fees or taxes, or other levies which increase operational costs. Delays related to programmatic impediments or restrictions on the ability of staff to mobilize can bring significant additional operational and human resource costs.

### 3.4 Legal vulnerability and security challenges for humanitarian workers

BAI related to human resource management, organizational registration, visas and entry requirements often create legal vulnerabilities for humanitarian workers and can result in security challenges. Common workarounds, including NGO staff entering the country to work on a tourist visa or without work permits, can mean that staff are vulnerable to uncertainty, intimidation and threats, or in rare cases detention or expulsion, for working without the proper documentation.

### 3.5 Increased tensions, mistrust and misunderstanding

- **Within the humanitarian community**, challenges and frustrations in addressing BAI can become significant, particularly where BAI are perceived as not being effectively prioritized and/or transparently addressed by the system. Frustrations can increase when actors are not routinely updated on prioritization and/or progress on such discussions. The differential impacts of BAI on different humanitarian actors can create a high burden on some actors, compared to others that do not face similar issues. Tensions may be exacerbated where organizations take unilateral action to implement different workarounds for certain BAI which may, set precedents for others that can impact ongoing dialogue with host authorities and/or donors.
- **Between humanitarian actors and authorities**, BAI can increase the level of mistrust or misunderstanding between authorities and humanitarian actors, even when the BAI are unintentional or driven by other factors. Without a clear communication and engagement strategy different actors may take different approaches causing further confusion. In some contexts, humanitarian actors may face backlash due to highlighting the obligations of host authorities to create an enabling environment for humanitarian response. Lack of understanding of humanitarian principles, organizational constraints and coordination arrangements can also reduce trust with the host authorities.
- **Between humanitarian actors and affected communities**, lack of understanding as to how BAI impact operations can also contribute to increased tensions when BAI impact on the delivery of timely and responsive assistance. Humanitarian actors may be unable to reach affected populations due to movement restrictions or administrative blockages, and people may in turn be unaware what is causing such impediments or that this is outside of the sphere of control of humanitarian actors. When humanitarian actors cannot communicate potential delays to programming and ensure that this is factored into access and acceptance strategies with communities the risk of tension is increased.

### Intentional or Unintentional BAI?

In the four country case studies, certain BAI were clearly identified by respondents and interviewees as being intentional, while other BAI appeared to be the unintentional result of other factors. Unintentional and intentional BAI can exist simultaneously, and these tend to compound one-another. It is important for those seeking to understand and effectively address BAI in operational contexts to analyze the intentionality, as this will impact the choice of approach to addressing the drivers or impacts of BAI. It should, however, be recognized that all stakeholders may not know the full range of motivations or drivers behind different BAI or not have the capacity to analyze them.

BAI may be intentionally imposed out of economic interests and the perception of humanitarian actors, especially INGOs, as possible sources of additional income by authorities. They may also be imposed as measures to control various operational decisions, to allow specific individuals or groups to direct or influence humanitarian decision-making.

Unintentional impediments are more commonly linked to the secondary or tertiary consequences of other decisions, processes, or reforms. Such impediments are often exacerbated by the limited capacity of public institutions and weak or fragmented governance structures. Lack of compliance with domestic regulatory or policy frameworks, or difficulties in consolidating disparate rules, policies and laws and aligning these with humanitarian principles and standards can also cause unintentional BAI.

### Addressing Donor-induced BAI

Case studies highlight how certain donor conditionalities or policies can themselves be significant impediments. There is a solid body of research and evidence available regarding donor induced BAI and other impediments. This framework does not address in detail donor-driven BAI though the role of donors is key toward advancing progress on BAI at country and global levels.

Complementary engagement with donors may often be necessary to reduce the impacts of such BAI, to ensure that humanitarian funding flows as directly as possible, associated donor conditions are as minimal and streamlined as possible, and that donors are supportive of addressing other BAI through their humanitarian diplomacy with hosting authorities.

It is also important to share regularly with donors any consequences of their policies and programs related to principled humanitarian action and articulate how specific donor policies or programs (for example related to sanctions or development programming focused on legal reforms and governance) may contribute to unintentional BAI or be used by authorities to justify imposed measures.

It is also important donors are made aware of the budgetary implications of dealing with BAI, including human resourcing and other financial requirements, ideally in early stages before these become a significant limitation.



## **4.1 Pillar 1: Building a common understanding of the drivers and impacts of BAI**

Case studies show that BAI may often be interpreted differently by different humanitarian actors. It is therefore important for the humanitarian community to work towards a mutual understanding on the drivers of BAI and their impact on organizations and on the overall humanitarian effort.

To increase understanding of the drivers, impacts and consequences of BAI, proactive documentation and information sharing within or between different parts of the humanitarian system is required. Even in situations where the impacts of BAI are already articulated in strategic documents, a more in-depth understanding of the causes, drivers and impacts of BAI may be needed. This includes the need for shared understanding of the impacts on affected communities, on different humanitarian actors, on other stakeholders including authorities themselves, as well as on the response overall.

Because the impacts of BAI are not distributed evenly amongst humanitarian actors, collective lack of prioritization of BAI in operational and strategic approaches can undermine the relationship between actors and impede the building of trust necessary for coordination mechanisms to be effective and efficient. This points also to the need for humanitarian, development and peacebuilding actors to work with each other to build a common understanding of BAI, as risks and challenges may be shared across the Nexus. Building a common understanding is the first step for enhanced collective action to resolve these impediments.

### **Case studies highlighted the following approaches:**

- Identify the relevant BAI with the greatest operational impact for multiple actors, paying attention to differential impact for different stakeholders and the drivers and intentionality behind the BAI.
- Prioritize BAI in terms of their impact on humanitarian action, or if possible group them according to related drivers or similar factors.
- Decide what type of information should be collected and shared and with which actors, and how information should be desensitized or protected to mitigate potential risks of disclosing sensitive and specific information related to the work of any organization.
- Discuss how the various impacts of BAI on humanitarian operations can be methodically measured and reported, including to develop indicators for tracking their impacts.
- Encourage diverse actors in the humanitarian system, particularly local and national NGOs to contribute to discussions on BAI.
- Ensure BAI are referenced appropriately in coordination and planning documents to support shared understanding by various actors.
- Discuss the different drivers of each BAI and at what level they are best addressed (for example which BAI relate to domestic legal matters, which are an administrative issue, which a technical issue, which a political concern etc.).

### Civil Society Space and the Role of Local and National Actors

Local and national civil society and NGO actors are key to humanitarian action, and they operate in the context of a range of challenges impacting the broader space for civil society engagement within a country. Although the case study research did not specifically intend to address issues related to civil society space more broadly, many BAI cannot be completely separated from these important factors.

Case study research repeatedly shows BAI directly resulting from a mistrust or hostility towards NGOs and civil society more broadly by various authorities. In some countries, authorities did not seem to clearly understand what NGOs do, their purpose within the humanitarian architecture and how they contribute to supporting populations in need. In the case studies, toxic or negative narratives aimed at civil society and NGOs could be seen to intensify the impacts of certain BAI.

## 4.2 Pillar 2: Strengthened coordination to address the operational impacts of BAI

Once there is an established, common understanding of the most problematic BAI affecting collective humanitarian action, case studies show the need to collectively strengthen supporting coordination mechanisms that will help to better address the impacts of BAI on operations. At county level, established mechanisms may include a humanitarian access working group (or equivalent), clusters and the inter-cluster coordination group, but may also include a range of other groups or task forces dependent on the context. Alongside formal mechanisms, task teams working on issues like customs and import or legal frameworks may be important actors in this space. All groups can only be effective if given sufficient resources and a specific tasking to ensure that BAI are addressed accordingly.

Case studies showed that at the operational level, many actors do not regularly share information about BAI, even with the structures created to address these issues. This hesitancy may need to be addressed, as responsible and timely information sharing on which BAI are being encountered and how they are being addressed by different actors or mechanisms provides an important central resource. Operational actors are often the best source of information needed by the humanitarian leadership and strategic coordination mechanisms.

Ideally BAI will be able to be addressed through existing mechanisms, although if these are not sufficient consideration could be given to creating a suitable interagency forum between key stakeholders to draw linkages between their work and share information or reduce overlap where required. The HCT will need to consider whether existing forums are sufficient, or whether other complementary mechanisms may be required to address specific operational issues.

### The Role of NGO Coordination Fora

NGO coordination fora play an important role in supporting collective engagement on BAI for their members. Given the operational presence of many NGOs, and their multi-mandated nature, the NGO Forum secretariat may often have the best overview of the BAI landscape. However, case studies show that this information is generally underutilized by other actors in planning how to address BAI.

### Case studies highlighted the following approaches:

- Consider which impacts of BAI can be addressed most effectively through which coordination structures, such as Access Working Group, clusters/sectoral groups, IMPACCT Working Group etc.

- Ensure relevant groups have sufficient financial and human resources to include addressing the impacts of BAI in their work plans.
- Work with networks of NGOs, including local or national actors, and community leaders to support and provide different perspectives or feedback on approaches to addressing the impacts of BAI.
- Agree on information-sharing protocols, along with safeguards and incentives to ensure that all relevant actors can share information on how they are addressing BAI with trust and awareness that risk is well managed.
- Encourage operational teams to refer persistent BAI to the relevant delegated coordination group in a timely manner to support identification of collective actions and refer any challenges to the HCT.

#### **BAI – Beyond Humanitarian Access**

Humanitarian action relies on specialized access negotiations and dialogue between a range of humanitarian actors and authorities, communities, NSAGs and other stakeholders. BAI can be a subset or an underlying cause of humanitarian access impediments, and they contribute to the overall landscape of challenges that humanitarian actors must negotiate at various levels. However, the complex nature of BAI means their impacts may not be able to be effectively addressed by access-focused actors alone, even if they are the most visible stakeholders in many cases.

Addressing the operational impacts of BAI will often require approaching issues in a systematic way, including through a policy or normative approach. The range of work undertaken by legal, administrative, financial and procurement experts may not always seem directly related to access negotiations, but case studies show the work of skilled staff in these areas can be extremely important.

### 4.3 Pillar 3: Preventing BAI through monitoring and early action

Country case studies show that early, collective action to identify and effectively address BAI can result in the best outcomes for humanitarian actors and affected populations. Too often, however, warning signs were missed or not prioritized to the level required for effective action. Lack of early action translated in some cases to BAI becoming entrenched as normal practice, severely affecting humanitarian operations over the longer term.

*“We need to collectively and quickly act on issues before they become an established practice”*

Taking quick, early action to try and get ahead of impending BAI may be a critical step for managing future impacts and shows the need for a process for monitoring and collective analysis to identify future BAI in their early stages. Early indications may appear at either operational or regulatory/policy levels. As such, coordination between various groups or actors, including those outside the humanitarian space, may be needed.

In some cases, one or more individual access incidents or recurrent trends may give the first indications of broader emerging trends in BAI. To effectively monitor these trends, some form of tracking system will be needed. Many organizations will already be monitoring and responding to BAI at individual level, but the case studies indicate the need for more joint monitoring efforts to build a collective evidence base that can support advocacy and mitigation efforts.

#### **Case studies highlighted the following approaches:**

- Develop an interagency tracking mechanism to monitor early warning indicators of BAI and identify changes or trends.
- Include contingency planning or mitigation measures related to potential BAI in planning cycles.
- Establish a formal or informal mechanism for proactively engaging authorities around potential BAI and their impact on future operations.
- Work with legal experts to monitor progress of proposed changes to relevant legislation.
- Undertake consistent media monitoring and political analysis, including of the national and sub-national narrative around humanitarian action.
- Engage other non-humanitarian actors, for example local civil society, private sector, international bodies to determine how they are impacted by or addressing issues related to BAI.

**Examples of early warning signs/indicators:**

- Political changes, including elections or other transitions of power
- Changes in the administrative structure of government/authorities or change in key administrative personnel
- Proposed changes in legislation/policy related to UN/NGO action
- Increased military/security operations or NSAG activity
- Shifts in media narratives or public perception of humanitarian action, or the role of NGOs/civil society, the UN or other humanitarian actors
- Increased scrutiny of foreign individuals or foreign agencies, including the private sector
- Change in relationship with donors or other States
- Financial stability, corruption levels, financial control attempts, banking laws
- Freedom of press/media and the broader space for civil society

#### **4.4 Pillar 4: Collective and strategic advocacy**

The case studies demonstrate that BAI are best addressed when the humanitarian community and other actors speak with a unified voice, through both public and private channels. Importantly, this requires regular engagement with relevant authorities to understand better their intentions and motivations for imposing regulations. It is also important to communicate clearly regarding the impacts of BAI on humanitarian operations, and particularly to highlight the scope of secondary or unintentional impacts that may not be immediately apparent.

Developing a collective advocacy approach that is contextually relevant will take some effort. A comprehensive stakeholder and influence mapping exercise may be needed and approaches consistently updated as situations and key actors may change frequently. Further, an honest assessment of in-country political leverage and capacity within the HCT and beyond should be considered when designing a strategy to respond.

Key messages may allow for consistent messaging, backed by evidence and analysis to be shared with actors affected by BAIs or who are allies in advocacy efforts. Such key messaging on BAI should consistently be delivered to various authorities by all relevant actors on an ongoing basis. Regular information sharing meetings between humanitarian actors, may help to normalize discussions on BAI, take stock of challenges, milestones, and progress in advocacy efforts.

Advocacy on BAI should be underpinned by a proactive narrative with host authorities – at all levels – and communities around principled humanitarian action and the important role and visibility of different actors, including NGOs, the UN and the Red Cross and Red Crescent Movement.

Feedback provided through the case study process, and broader engagement on BAI undertaken by IASC actors, indicates that – whether or not donors participate in the HCT- keeping donors (in-country and at capital level) regularly updated with collective BAI analysis and related priority needs, early warning signs and risks/threats is important. Sufficient information and analysis will facilitate specific requests for support where appropriate and allow for earlier, and more meaningful political interventions in support of humanitarian action at country level.

**Case studies highlighted the following approaches:**

- Propose to establish a regular formal or informal dialogue between senior humanitarian leadership and national authorities to discuss BAI and their impacts.

- Regularly present the impacts of BAI on humanitarian action during engagements with administrative or political leaders, in capital and at local/provincial levels.
- Consider how community feedback can support arguments for reducing BAI, such as programmatic interference or administrative delays.
- Discuss how updates on progress by relevant group and leadership to address BAI should be shared, for example through a monthly/quarterly review.
- Agree on a clear and unified narrative on what humanitarian work encompasses in the specific context, including the importance of principled, unfettered access for all related programs.
- Consider where the political capital and leverage of the HC and other leadership is best targeted, including to take complementary approaches where needed.
- Engage donors and the diplomatic community, as well as other key actors including potential allies, in-country (such as development and human rights actors) in collaborative approaches.
- Engage national or international legal support on advocacy towards a more enabling legal framework for humanitarian action, including joint advocacy to request legal facilities or oppose any draft laws that would create additional impediments.

#### **4.5 Pillar 5: Mobilize Global Support for Action on BAI**

There may be times when in-country, collective efforts to address and effectively manage BAI can be enhanced by complementary global advocacy and engagement efforts. Across the case study contexts, participants pointed out that at times their ability to engage directly with hosting authorities in direct advocacy and dialogue on BAI was hampered by various constraints, including at times lacking necessary domestic political capital and leverage.

Certain constraints may be able to be approached by global advocacy and engagement efforts, including elevation of issues to the IASC Principals or Emergency Directors Group (EDG), the lobbying of relevant member states, and through donor and other relevant capital advocacy.

Case studies underscored the critical role that humanitarian donors and the diplomatic community can offer the humanitarian community with regards to effectively addressing and managing BAI and dealing with early warning signs before they manifest into law, policy and practice.

##### **Case studies highlighted the following approaches:**

- Identify triggers or other factors that may indicate the need for escalation of efforts to global actors.
- Clarify the specific asks of relevant stakeholders at global level and how they should complement in-country efforts.
- Ensure sufficient evidence and analysis is available and that this is cleared to be shared within the IASC system, with donors or other partners to support global advocacy and humanitarian diplomacy efforts.
- Assess any potential risks or consequences of complementing domestic approaches with regional or global advocacy.
- Consider what role regional actors may play in supportive advocacy or norm-setting.

## 5. ADDITIONAL RESOURCES

- IASC Results Group 1 on Operational Response:  
<https://interagencystandingcommittee.org/results-group-1-operational-response>