

**HIDDEN HURDLES:**  
UNRAVELLING THE COMPLEX,  
CUMULATIVE EFFECTS OF  
BUREAUCRATIC & ADMINISTRATIVE  
IMPEDIMENTS ON CRISIS-AFFECTED  
POPULATIONS AND  
HUMANITARIAN RESPONSE

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A GLOBAL NGO NETWORK  
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HUMANITARIAN ACTION

# Acknowledgements

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# Executive summary

Principled and effective humanitarian action requires full and unimpeded humanitarian access, defined as the ability of humanitarian actors to reach populations in need with assistance, services, and protection and of crisis-affected populations to access the same. Humanitarian access is crucial to alleviating the suffering and promoting the dignity of crisis-affected populations. Bureaucratic and Administrative Impediments (BAI) are a key constraint to humanitarian access and increasingly hamper principled and effective humanitarian response – to the detriment of those in dire need of assistance.<sup>i</sup>

BAI include a range of bureaucratic and administrative measures and practices that authorities adopt for various reasons such as ensuring registration, regulation, and oversight of the work of NGOs, regulating the provision of assistance in their territories, etc., but that go beyond the spirit of International Humanitarian Law (IHL) by constraining efficient humanitarian operations. BAI can be both intentional and unintentional. They can manifest in either context- or actor-specific constraints or a combination of both, and interact with other humanitarian access constraints such as insecurity and violence and humanitarian financing and donor restrictions. BAI must be considered in the larger context of humanitarian access constraints.

Humanitarian agencies must have the consent of parties to the conflict before they can respond. However, these parties cannot withhold consent to impartial, humanitarian agencies if humanitarian needs are unmet or the population is at risk of starvation. When timely assistance is impeded, causing increased suffering of affected populations, BAI may lead to situations that are in violation of IHL. As proving this is extremely difficult in practice, negotiations with the authorities overseeing BAI tend to be more effective and less adversarial when they focus on practical measures to reduce delays and blockages on affected populations rather than on IHL.

Addressing BAI thus requires coordinated multisectoral efforts, improved reporting, and systematic monitoring that is simultaneously context-sensitive and appropriate whilst broad enough to detect and track trends. This requires an increased understanding of the IASC BAI Framework, transparency, and trust to discuss sensitive issues.

This report seeks to deepen understanding of the relevance and severity of different BAI areas and the impacts of BAI on crisis-affected communities, humanitarian responders, and humanitarian response. It explores the complexities of comprehending, linking, and tracing the many sources and impacts of BAI, as well as how BAI intersect and mutually reinforce one another. It also examines how BAI are addressed, in policy and practice, across a multitude of contexts. Finally, the report addresses BAI reporting and monitoring mechanisms, including categorisation schemes and potential indicators. The identified indicators, however, must be contextualised. This is imperative to foster contextually appropriate solutions that go beyond fixing a specific problem and instead address the broader issues that underpin bureaucratic impediments.

This report builds on the Inter-Agency Standing Committee's (IASC) *Framework for a System-wide Approach for Understanding and Addressing BAI*, two earlier studies on the subject, and two surveys implemented by the International Council of Voluntary Agencies (ICVA) to understand the socialisation of the IASC Framework. These findings are complemented by semi-structured interviews with national and international humanitarian response actors across different contexts.

# Key findings

## Impact of BAI

- BAI have diverse negative impacts on the effectiveness, timeliness, and relevance of humanitarian operations and on the ability of crisis-affected populations to meet their basic needs, access services and protection. **The extent and specificity of the impacts of BAI on crisis-affected populations, however, remains understudied and insufficiently understood.** BAI reporting to date has predominantly focused on the impact on humanitarian agencies and on tracking indicators such as number of visas denied, number of project agreements delayed, rather than on delays on services and assistance and population outcome indicators.
- **BAI have an impact on staff wellbeing.** Twelve of the thirteen participants in Key Informant Interviews (KIIs) discussed the detrimental effects of insecurity, harassment, intimidation, violence, and stress – by-products of BAI – on humanitarian actors. These impacts are rarely acknowledged in the wider literature on BAI, despite their pervasive prevalence.
- **Humanitarian actors reported spending 25-40% of their time managing BAI,** and many organisations have multiple lawyers and full-time employees whose sole responsibility is to deal with BAI – a significant investment of time and money diverted from operations and affected communities.<sup>ii</sup>

## Knowledge and understanding

- **More than 60% (19/31) of country-level survey respondents confirmed they were familiar with the IASC Framework, and about 35% (11/31) reported that the Framework had been disseminated at the national level,** either through the AWG, HCT, or NGO Forum. **Only 16% (5/31) said they had had any training or induction within the Framework.**
- Positive steps have been taken to roll out the BAI Framework at HQ level, with **over half of respondents at the global level (6/11) reporting that they were both aware of the policy and had taken steps to socialise the IASC Framework into their organisations.** However, a **lack of knowledge of and/or understanding of BAI frameworks and approaches hampers effective implementation** of the BAI Framework and IASC policies to strengthen participation, representation, and leadership of local and national actors in IASC humanitarian coordination mechanisms.
- Negative assessments of the IASC Framework, according to survey results, are linked to its limited understanding and confusion of the policy as a tool for coordination.

## RESPONDING TO BAI

- **Collective response is generally considered as the best option,** but interviewees and the literature suggest that **individual, ad hoc approaches are more common** and collective response is only sought when individual avenues do not yield results.
- **Unilateral ad hoc responses to BAI have numerous potential unintended negative consequences,** including the normalisation and entrenchment of the BAI, reinforcement of unpredictable governance structures that foster them, and erosion of humanitarian actors' credibility and legitimacy.

- **BAI need to be addressed in terms of finding solutions as opposed to fixing problems**, with attention to the bigger diplomatic issues underlying bureaucratic ones: distrust, collective punishment, control, etc.
- Negotiations on BAI need to focus on the impact of BAI on timely assistance and the alleviation of the suffering of conflict-affected populations – not on negative impacts on aid agencies themselves.

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## Reporting

- Some BAI are unreported because humanitarians become compliant, reinforcing BAI's institutionalisation.
- **Reporting does not consistently occur because people do not see results and consider it a waste of time.** Respondents said they would report BAI if it yielded tangible action.
- People are unwilling to discuss BAI openly both because of a **climate of fear** in some operational environments and because **negotiating BAI entails potential uncomfortable compromises** that threaten or jeopardise humanitarian principles.

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## Monitoring indicators

- **The IASC's BAI categories are associated with specific indicators and offer a comprehensive framework for understanding BAI.** However, the overlapping of various BAI categories (subsuming security and physical constraints within domestic movement restrictions; humanitarian financing and donor restrictions categorised as a separate external constraint but in BAI spread across the areas of administrative delays or refusals, importations and customs, and financial regulations and obstacles) negatively impacts analytical clarity and implementation of the Framework in reporting and monitoring efforts.
- Some organisations have their own monitoring mechanisms; others have none. Levels of integration with HCTs, AWGs, and OCHA differ significantly. **Under-reporting feeds into and is fed by the various, often uncoordinated, and non-systemic monitoring processes.**
- While initially it was envisioned that global indicators could be developed to capture some of the key BAI indicators that are currently not captured in the Access Monitoring and Reporting Framework (AMRF), given the variation between severity and relevance of BAI in different contexts, it appears that **it is more appropriate and effective for specific BAI types to have country-based monitoring systems.**
- Indicators must be contextualized and contextually relevant, and integrated into systems with feedback loops that fulfil the requirements of the specific context. **It may be possible to aggregate certain indicators at higher levels, regional or global.**

# Recommendations

## UNDERSTANDING OF IASC'S FRAMEWORK FOR A SYSTEM-WIDE APPROACH

- There needs to be an improved understanding of BAI and the IASC Framework which goes beyond awareness. Humanitarians cannot engage with BAI if they lack a clear understanding of what they are and the available processes for reporting, response, and resolution.
- HCTs should be tasked with socialising, implementing, and monitoring the IASC Framework, including leveraging widely available materials for training and development of approaches to address BAI collectively and collaboratively.

## IMPACTS OF BAI

- The impacts of BAI should be conveyed in terms of their impacts on crisis-affected populations, who are directly and indirectly affected by all BAI effects on humanitarian operations. It may be difficult to parse out the causality between BAI and population outcomes, like nutrition or food insecurity levels, but such data should be readily available from relevant clusters. Focusing on the impacts of BAI reveals a larger, joint problem between humanitarian agencies and governments. There is a need for more input and engagement from local and national NGOs and a clearer understanding of the distinction between BAI experienced by INGOs vs UN agencies vs NNGOs vs LNGOs.
- Parallel severity ranking exercises should be run for UN, INGOs, NNGOs, and LNGOs, as these actors likely experience and gauge severity of BAI differently.
- Efforts are needed to calculate the impacts of BAI, allowing donors to see how much is lost financially in addressing BAI. Quantifying non-receiptable expenses and the budgeting impacts of delays – while stressing declines across a range of population indicators like health, mortality, and education – would open the door to conversations and lobbying by donors in support of humanitarian operations.

## BAI AREAS

- Address the issues of conceptual slippage as per external constraints to humanitarian operations. BAI under movement restrictions includes safety and detention, and it includes donor and financial restrictions as part of financial regulations and obstacles. This creates confusion and spurs a rumination on categories and labels as opposed to reporting BAI.
- Threats, intimidation, and harassment should be included as a BAI category. Subsuming them under movement restrictions does not do them or their impact justice.

## BAI INDICATORS

- While there is a desire for global level indicators to track and monitor BAI, indicators need to be context-specific and adapted to shifts in context. Multiple indicators monitored at country level for specific BAI areas should be considered. This would also generate examples and facilitate the uptake of the IASC Framework.
- Current indicators may not be best suited for monitoring BAI unless weighted by relevance and the perceived severity of the BAI area with which they correspond.
- Indicators need to be operationalised in terms of staff resources and impacts on reaching crisis-affected populations. The BAI areas and indicators do not change, but their relevance and severity changes according to context and over time and needs to be measurable in a meaningful way.

## REPORTING AND MONITORING BAI

- Reporting BAI at the country-level needs to be confidential and accompanied by a zero-retaliation policy to ensure people report BAI and successes in addressing BAI without fear of negative repercussions.
- There needs to be an effort to foster a culture of openness, non-judgement, and sharing, recognising that different approaches to upholding humanitarian principles are possible, depending on the complexities of the specific local context and humanitarian activities. Collective action is helpful and necessary in navigating challenges to humanitarian principles incurred by BAI, but there needs to be space and understanding of different approaches without accusations of being unprincipled.
- Collaboration and knowledge exchange around BAI should be encouraged and strengthened, including discussions on how BAI have been addressed – effectively or ineffectively. Learning from both successes and missteps needs to be promoted.
- Regular follow up and feedback on the issues shared by NGOs with OCHA or other monitoring mechanisms is necessary to motivate people to continue reporting, whether or not it leads to tangible action. Lack of follow up is perceived as not supporting or taking issues seriously.
- Monitoring BAI needs to be country- or context-sensitive to their interdependence, overlap, and interaction with other barriers to humanitarian access. Monitoring mechanisms should be adaptive enough to identify these configurations and track them or their impacts over time.
- Where monitoring systems exist, efforts should be made to improve and standardise them instead of adding to the multiplicity of extant systems.
- Monitoring BAI involves sensitivity to changes in governance structures and power dynamics, keen assessment of influence of certain stakeholders or actors over others, changes in legal frameworks, and tracking of what collective or other action ‘worked’ and what did not in terms of various manifestations of BAI. Context expertise is imperative.

## RESPONDING TO BAI

- BAI often most acutely impact a collective of NGOs and it is important that collective approaches, where possible, are identified to address them.
- Clearer communication from HCTs on efforts to combat BAI and progress is needed for operational actors to trust collective action.
- NGOs need to identify who is best placed to represent the NGO position and mandate them to negotiate with authorities. In instances where UN agencies are unable or unwilling to do this, the NGO Forum or steering committee could potentially be mandated to negotiate.
- Unilateral ad hoc approaches need to be able to be discussed openly, and their potential unintended consequences considered in a collegial, collaborative fashion.
- Efforts to address BAI by HCTs and OCHA should be collaborative and results-oriented and go beyond 'quick wins', stressing 'finding solutions' over 'fixing problems' by tackling not just the BAI themselves but their architects' rationale for establishing them. This requires broader training on humanitarian negotiations and IHL.



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# Introduction

This report seeks to deepen the understanding of the relevance and severity of different Bureaucratic and Administrative Impediments (BAI) to humanitarian access, as well as the impacts of BAI on crisis-affected communities, humanitarian responders, and humanitarian response in general. It explores the complexities of conceptualising, linking, and tracking BAI's many sources and impacts, and how BAI intersect and mutually reinforce one another. It is presented in two main sections: the first covers the impact of BAI on crisis-affected populations whilst the second addresses the rollout of the IASC Framework and the response to BAI.

**The Inter-Agency Standing Committee (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’.**<sup>iii</sup> In 2019, IASC's Operational Policy and Advocacy Group Results Group 1 on Operational Response tasked an inter-agency BAI subgroup<sup>1</sup> to formulate a workplan to examine BAI in further depth and generate practical tools and guidance for Humanitarian Country Teams (HCTs) and Humanitarian Coordinators (HCs).<sup>iv</sup> The IASC has a task force specially dedicated to compiling, analysing, and centralising learning on BAI.<sup>v</sup>

IASC addresses BAI in terms of nine broad areas:<sup>vi</sup>

1. **Registration** entails the ability to legally register an organization, which may be complicated by a lack of required legal structures or opaque and confusing registration processes.
2. **Entry requirements** speak to securing visas, work permits, and residency for expatriate staff.
3. **Human resource management** includes formal or informal policies on recruitment, attempts to interfere in these processes, and issues contracting, compensating, and assuring the wellbeing of staff.
4. **Domestic movement restrictions** refer to time-consuming and complex procedures to gain approval for domestic travel or transport of relief items, which may be linked to security, administrative, and/or logistical procedures of other actors.
5. **Administrative delays or refusals** encompass burdensome reporting requirements, unclear administrative procedures, barriers to obtaining documents, unnecessary or ad-hoc requests, and unspecified delays in securing needed permissions.
6. Challenges related to **importations and customs** may be the result of other BAI or a lack of procedural alignment between line ministries, including issues with double taxation.
7. **Programmatic interference** may come from sub-national authorities, partners, or donors, impacting the selection of programme participants, geographic areas of implementation, requests for programme participant data, and barriers to specific types of assistance (e.g., cash-based interventions).
8. **Financial regulations and obstacles** speak to efforts to increase taxation revenue or divert funding through government channels, or incongruence between compliance measures instituted by actors or financial institutions and donor requirements.
9. **Lack of policy alignment** encompasses differing policies and procedures between local, provincial, or national actors.

Effective humanitarian response necessitates full and unimpeded humanitarian access.<sup>vii</sup> BAI are a major impediment to providing principled and effective response and need to be understood within the framework of barriers to humanitarian access.<sup>viii</sup>

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1 Led by InterAction and ICVA in collaboration with UNHCR, WFP, OCHA, IOM, Save the Children, NRC, UNICEF, and IFRC.

Two crucial dimensions comprise humanitarian access: humanitarian actors' ability to reach populations in need, and crisis-affected populations' ability to access assistance and services.<sup>ix</sup> Humanitarian access, however, is not an end goal; it is 'a means to achieving a principled and effective response that alleviates suffering and promotes the dignity of crisis-affected populations'.<sup>x</sup> Securing humanitarian access and addressing common implementation challenges are principal functions of the HCT, the interagency coordination mechanism responsible for providing the strategic direction for collective humanitarian response.<sup>xi</sup>

## BAI AND DOMESTIC AND INTERNATIONAL LEGAL FRAMEWORKS

Contexts in which humanitarian operations are undertaken tend to be marked by political instability, prolonged conflict, limited or contested territorial control, and weak governance structures. Domestic legal frameworks facilitating humanitarian action may not exist or may be unenforced or contradictory. This disproportionately impacts BAI related to registration, programming, taxation and other financial regulations, and entry requirements.<sup>xii</sup> Legal voids, overly general laws, and conflicting or inconsistent laws, policies, and inefficient regulatory or compliance mechanisms can result in both unintentional and intentional BAI.

Humanitarian agencies must have the consent of parties to the conflict before they can respond to a humanitarian crisis, however these parties cannot withhold consent to impartial, humanitarian agencies if humanitarian needs are unmet or the population is at risk of starvation.<sup>xiii</sup> Once consent is granted, parties to the conflict must allow and facilitate the rapid, unimpeded passage of humanitarian relief supplies, equipment, and personnel.

**While the provisions of International Humanitarian Law (IHL) prohibit the arbitrary denial of humanitarian access, parties to a conflict have the right to implement 'technical measures' to regulate the provision of aid and ensure that it does not interfere with military action or put humanitarians or civilians at risk.**<sup>xiv</sup> Unimpeded access therefore 'is not a given in any war, but has to be actively negotiated, agreed, and achieved.'<sup>xv</sup>

**Technical measures, however, cannot cause significant delays and suffering nor lead to injustice or deny certain communities access to aid.** Even movement restrictions on humanitarian personnel and cargo during active conflict can only be put in place temporarily in cases of military necessity.<sup>xvi</sup> When such arrangements impede effective humanitarian operations, they may be in violation of IHL. **The deciding factors of whether such BAI are in breach of IHL are their impacts on crisis-affected populations.** To demonstrate that impact, aid agencies must measure the delays on assistance reaching communities in need, the deterioration of health and effects on suffering, and impacts on operational effectiveness and staff safety.

While IHL provides special protections and outlines specific responsibilities concerning humanitarian response during armed conflict, **proving that BAI violate IHL – as opposed to BAI as temporary, legitimately applied restrictions related to security or other legitimate concerns – is extremely difficult.**<sup>xvii</sup> In Libya, negotiators referenced compliance with IHL when they called on Libyan authorities to end arbitrary detentions; they also cited a 2013 constitutional appeal that international law supersedes Libya's national law in all cases of discrepancy.<sup>xviii</sup> Likewise in South Sudan, IHL was leveraged to counter restrictions on the movement of humanitarian personnel and goods and interference with the delivery of humanitarian assistance. In other contexts, government efforts to employ anti-terrorism legislation have resulted in restricting humanitarian operations in areas controlled by armed groups. In a West African country, governmental legal reforms that sought to address an increase in armed violence also curtailed the ability of NNGOs and INGOs to operate in contested areas; humanitarian actors in turn raised concerns that the measures contradicted principles of IHL. They also highlighted the loss of acceptance by crisis-affected communities and reduced access to populations; exclusion of certain populations from aid; and delays in the execution of certain activities.<sup>xix</sup>

Another example from Libya is that of legal precariousness. Institutional processes and the rule of law in Libya were further eroded in the wake of the 2011 uprising, having been dominated under the former regime by limited state institutions prone to corruption.<sup>xx</sup> INGOs had no prior presence and thus no history of operational frameworks, whilst the state was marked by a legal vacuum conducive to efforts to regulate and oversee INGOs with increased scrutiny. Authorities demanded direct oversight of all INGO activities, the disclosure of personally identifying information of programme participants, and the provision of all meeting minutes. More than a decade later, in 2023, visa procedures were still not formally outlined, and the registration process remained unclear, resulting in most INGOs operating in western areas without formal registration.

Whilst Libya is an extreme example, the legal environment in many countries is neither static nor transparent. **Even where humanitarian actors have operated legally for many years, legal reforms, or the threat of them, can significantly impact operational space.**<sup>xxi</sup> Regardless of their domestic legal frameworks, states are obliged to respect and protect the rights of those residing within their territory or subject to their jurisdiction, including the rights to life, health, and protection and, through various normative, binding human rights instruments.

### **BAI CAN BE INTENTIONAL, UNINTENTIONAL, INTERDEPENDENT, AND MUTUALLY REINFORCING**

Conceptualising and classifying BAI is complicated by the diversity of their sources and intent. Government authorities at various levels are the main sources of BAI, but BAI can also be imposed by de facto authorities, including non-state armed groups; institutional donors; and firms and humanitarian agencies doubling as donors or intermediaries in partnership agreements.<sup>xxii</sup> Given the diversity of sources, it is not uncommon for BAI to result in a lack of policy alignment and contradictions.

**Some BAI are intentionally imposed; others are unintentional by-products. Intentional and unintentional BAI exist simultaneously and compound one another.**

One of the prevailing features of BAI is their “*plausible deniability*”: it is difficult to ascertain, let alone prove, **whether or not it is an authorities’** intention to delay or curtail humanitarian assistance or collectively punish a civilian population, even if that is the impact of their specific policies or the manner in which they are implemented. Observationally, some parties to the conflict copy others’ restrictive practices, laws, and/or policies, suggesting there are clear political, military, or economic intentions. *Plausible deniability*, however, obscures that rationale, prompting a myopic fixation on the BAI as opposed to the bigger picture of which they are part.

Various authorities – de jure and de facto, including armed actors on all sides – view humanitarian actors, particularly INGOs, as potential sources of additional income and intentionally impose BAI for financial gain.<sup>xxiii</sup> BAI can also be measures of control to influence operational decisions for the benefit or to the disadvantage of specific individuals or groups.<sup>xxiv</sup> Unintentional BAI can be the result of non-compliance with domestic regulatory frameworks or difficulties aligning disparate policies with humanitarian principles and international law.<sup>xxv</sup> Weak governance structures and limited public institutions exacerbate unintentional BAI whilst creating an environment conducive to intentional BAI.

## BAI ARE CONTEXT-SPECIFIC AND DYNAMIC

BAI manifest differently across humanitarian contexts.<sup>xxvi</sup> In Libya, issues with entry requirements were dominated by visa suspensions for international staff, and domestic movement restrictions manifested as arbitrary arrests and detentions of staff for significant periods of time. In Burkina Faso, Libya, South Sudan, Pakistan, and Sudan, however, domestic movement restrictions were often linked to security and stressed in contexts of armed conflict where authority was contested and territorial control negotiated between state and non-state actors.<sup>xxvii</sup> Restrictions may be imposed on the activities and the freedom of movement of humanitarian relief personnel only in case of imperative military necessity, for example in the case of a military operation in a particular location, and even then only temporarily.<sup>xxviii</sup>

BAI are context-specific and dynamic, and the same BAI can be the result of differing factors across different contexts. Lack of policy alignment, considered across diverse settings, provides examples of these dynamics. In Libya and the DRC, lack of policy alignment was marked by intentional duplication and creation of official procedures for financial and political gain,<sup>xxix</sup> whilst in South Sudan, this was an unintentional consequence of the establishment of additional states,<sup>xxx</sup> and across Asia it was associated with high rates of turnover in government officials and inconsistently enforced regulations.<sup>xxxi</sup> Administrative delays or refusals manifest as burdensome, multi-step processes, a proliferation of paperwork, and layers of necessary, time-intensive approvals.<sup>xxxii</sup> Programmatic interference was related to interference in the selection of programme participants, geographic areas of intervention, and requests for sensitive data across Libya, South Sudan, Pakistan, Sudan, and Yemen.<sup>xxxiii</sup> In Libya, financial regulations and obstacles resulted in banks outright rejecting attempted transfers or delaying transfers from headquarters to local banks.

**Even when considered in isolation from other access constraints, BAI appear to be mutually reinforcing and cumulative.** In South Sudan, line ministries requested payment of fees to address bureaucratic blockages that the ministries themselves were perceived to have created, including duplicate and entirely new and unregulated procedures.<sup>xxxiv</sup> Other government employees charged for services that, according to regulations, were free. Across Asia, administrative delays and refusals compounded issues with registration and entry requirements, also impeding financial transfers.<sup>xxxv</sup> In the DRC, registration delays translated into supplies being held up in customs,<sup>xxxvi</sup> whilst in South Sudan interference with human resource management spilled over into movement restrictions as certain areas were accessible only to staff originating from there.<sup>xxxvii</sup> **This lack of policy alignment is entangled with issues related to entry requirements, registration, importations and customs, and financial obstacles.** Refusal to engage with these parallel systems or to bend to programmatic interference can result in threats, intimidation, and harassment, impacting movement and physical security.

# Methodology

This study used a mixed methods approach, combining findings from relevant secondary and grey literature with semi-structured key informant interviews (KIIs) and data collected through two surveys carried out by ICVA and InterAction. The rapid literature review was guided by ICVA's recommendations and leveraged both published and unpublished material. Confidential documents shared by humanitarian responders provided examples of BAI and contextualized personal experiences navigating these impediments – both successful and not.

## SURVEYS

The survey data included in this report was sourced from two surveys conducted by ICVA and InterAction between 19 April and 26 May 2023. The surveys were administered remotely via an online platform and comprised closed and open-ended questions.

The surveys were conducted at the country-level (32 respondents) and at the HQ-level (11 respondents) covering countries across Africa, Asia, Europe, Latin America, and the Middle East. Most respondents to the country-level survey held leadership roles, such as Country Director or member of HCT, other coordination body, or Humanitarian Access Working Group. Descriptive statistics were compiled using AirTable with support from InterAction.

## INTERVIEWS

Thirteen KIIs were conducted between 18 October and 6 November 2023. Participant selection was based on purposive sampling<sup>xxxviii</sup> and a most different design, oversampling to assure the inclusion of national organisations which were under-represented in survey data. The pool of potential respondents was drawn from a list prepared by ICVA, compiled following a network-wide call for members interested in discussing humanitarian access challenges and through a call on the NGO Forum's Skype group for case studies and organizations interested in participating in interviews. The response rate was roughly 87% (13/15), representing: 5 NNGOs, 3 NNGO Forums, 4 INGOs, and 1 INGO Forum. Seven respondents were men and six were women.

The individuals who participated in the KIIs had decades of experience in the humanitarian and development sectors and were able to speak to BAI and how they impact humanitarian operations and crisis-affected populations across a wide range of contexts and over time. They were able to assess BAI in a comparative, detailed fashion whilst providing granular examples.

The interviews were transcribed, and the data coded thematically. Initial codes capturing the most important aspects of the data were inductively generated using HyperRESEARCH to identify patterns common across the dataset. Coding was then refined to assure emerging trends were supported by the data and accurately depicted in the content. Emerging themes and sub-themes were used to structure the report and provide analytical depth to the treatment of the topic.

## LIMITATIONS

The number of KIIs pursued was constrained by limited time and resources. Because interview guides and survey questionnaires necessarily touched on sensitive topics, and to protect the anonymity of participants who contributed to the study, identifiers like their geographical location, position, and organizational affiliation had to be excluded from the report.

Survey data is limited by a low response rate according to ICVA and InterAction. Further statistical analysis could not be pursued due to the small sample size and non-probability sampling approach. The survey also targeted country- and HQ-level respondents, individuals who by the nature of their roles would not have much direct contact with members of affected communities and may not personally address obstacles and challenges related to BAI. The KIIs were thus leveraged to collect data on these topics and complement survey results.

# Section 1: Impacts of BAI

BAI have diverse impacts on both humanitarian operations and crisis-affected populations. The severity of these impacts is varied and context-specific. Impacts on humanitarian operations carry negative repercussions for communities needing assistance, but **the extent and specificity of the impacts of BAI on crisis-affected populations, which are for the most part indirect offshoots of their impacts on humanitarian operations, remain understudied and insufficiently understood.** Similarly, **the cumulative effects of BAI on staff wellbeing are rarely discussed,** despite being a commonality shared by all humanitarian actors, and one that likewise impacts members of crisis-affected communities as they struggle waiting for delayed assistance.

The IASC identifies the most common consequences of BAI as:

- Humanitarian assistance being delayed or obstructed.
- Increased staff and operational costs for humanitarian programs.
- Legal vulnerability and security challenges for humanitarian workers.
- Good practices, humanitarian standards and principles are undermined.
- Increased tensions, mistrust, and misunderstanding – within the humanitarian community, between humanitarian actors and authorities, and between humanitarian actors and affected communities.

These impacts all result in the reduction of speed, quality, and accountability of humanitarian operations.<sup>xxxix</sup> Most importantly, impacts on humanitarian operations are inextricable from impacts on communities who rely on their assistance in times of crisis.

*'The impacts of BAI make it difficult to place the needs and priorities of communities themselves at the centre of humanitarian action.'*<sup>xl</sup>

**A discussion of BAI impacts is not possible without referencing these communities, nor should it be.**

## IMPACTS ON CRISIS-AFFECTED POPULATIONS

Impacts of BAI on crisis-affected populations are both indirect and deceptively self-explanatory, partly accounting for their limited coverage in much of the literature on BAI. Discussing the impacts of BAI on such communities, an interview participant stated:<sup>xli</sup>

*'The direct [impact] is they cannot get the services and there are very direct impacts – malnourishment, hunger, and death.'*

BAI, like most impediments to humanitarian access, carry financial ramifications. As more of the budget is diverted to managing BAI, less is available for affected communities. BAI also contribute to a decrease of the quality of assistance. When people do not receive the assistance they need, their circumstances are exacerbated and more people with limited resources become affected. Delays in assistance mean the assistance received does not adequately correspond to needs. Finally, the knock-on effects of BAI create dynamics that undermine communities' agency in defining the assistance they need, fomenting mistrust of humanitarian actors and potentially leading to violence against them.



Vulnerable communities are disproportionately affected. The indirect impacts of BAI also affect distinct groups differently because of diverse needs and because humanitarian organisations provide a wide range of services.<sup>xiii</sup> Different humanitarian programmes are likewise impacted by BAI in different ways and to varying degrees.

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### Budgetary diversions to mitigating BAI – from affected communities

BAI can directly and indirectly impact on the cost of a humanitarian response. Indirectly, the substantial resources required to manage BAI means that less aid reaches the people who need it most, as an interview participant stressed:

*'More people need to be hired for coordination and administrative tasks, resulting in less aid reaching people.'*

A respondent to the country-level survey noted that in their region of operation, accreditation is a precondition for renewal of collaboration agreements with the government, which includes benefits such as customs duties exemptions, visa fees exemptions, etc. However, INGOs were struggling to have their accreditations renewed, despite applying on time. As a result, several had their collaboration agreements expire, obliging them to pay fees they did not have to pay before. As one interviewee concluded,

*'This results in more money going to administrative and bureaucratic purposes and less to affected communities.'*

Discussing different contexts in Asia, the Middle East, and Central Africa, interview participants conveyed similar assessments:<sup>xliii</sup>

*'The amount of time, effort, and headcount invested in handling bureaucracy is staggering, and that means aid that is not directed to communities.' 'Not every dollar goes to the people that need it most... That money is eaten all the way along the way. That's the reality of the situation.'*

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### Exacerbated needs and limited services

BAI can significantly delay the provision of relevant and quality assistance. As one interviewee stated,

*'[BAI] delay the delivery of humanitarian assistance to people in need, so people do not receive assistance in a timely manner. A delay of even one month can make a certain type of assistance irrelevant and new needs may have arisen.'*

In South Sudan, BAI related to importations and customs meant humanitarian actors did not have supplies to run their activities<sup>xliiv</sup> and many nutrition sites were unable to provide support for malnourished women and children. By the time supplies were delivered, those malnutrition rates had critically deteriorated, and the number of people impacted had increased dramatically. Additional staff had to be hired to respond.

A State's interdiction of certain services means the needs of some crisis-affected populations remain unmet, despite humanitarian actors' capacity. In one country in Asia, MoUs with the government include an explicit ban on programming that touches on the areas of human rights, women's rights, and sexual and gender-based violence (SGBV).<sup>xlv</sup> In a Central African country, programming that includes education has been prohibited by the government – in some humanitarian operations and not others – in areas affected by a rebellion.

**Authorities' interference in programmatic activities can result in acute, unmet needs of target communities, and most organizations do not have the flexibility to drastically alter their programming or negotiate a response.**<sup>xlvi</sup>

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## Exclusion from aid

Another potential impact of BAI is the exclusion of certain communities from humanitarian assistance. This exclusion can be a by-product of domestic movement restrictions and/or programmatic interference. The former can be brought about by host governments or humanitarian actors themselves.

**Those excluded from aid tend to be vulnerable groups, and exclusion of certain crisis-affected populations from accessing assistance can reinforce pre-existing social inequalities, thus failing to adhere to the principle of 'do no harm'.**<sup>xlvii</sup> Their exclusion may also be instrumentalised to shore up unconsolidated political power or repress dissidents, communities, and opposition movements. An interview participant concluded:<sup>xlviii</sup>

*'It is a direct weapon of violence – restricting aid, in any manner [bureaucratic or otherwise], is a very deliberate tactic intended to have deliberate consequences on communities that are not aligned with the established authorities. We need to see it that way.'*

This assertion likewise pinpoints the diplomatic issues and political motivations potentially underlying many BAI.

In one Asian country, government-imposed restrictions on programmatic areas compounded cumbersome, lengthy, and complicated authorisation procedures for operating in one geographic area prompted many organisations to shift their operations to other geographic areas.<sup>xlix</sup> The same dynamics that resulted in the exclusion of certain crisis-affected populations from aid engendered an over-concentration of humanitarian presence in government-held areas.

Such exclusion may also be the direct result of host governments' prohibiting humanitarian actors from engaging with certain populations. In addition to constraints on programming and areas of operation, humanitarians in one Asian country are precluded from working with IDPs and refugees from specific countries, the latter becoming an increasingly sensitive issue politically.<sup>l</sup> In the first quarter of 2023, one-third of reported BAI in Libya comprised accessing migrants, refugees, and asylum seekers – communities that fall within the highest needs brackets and outside formal legal frameworks.<sup>li</sup>

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## Unknown needs, accountability to affected populations, and misaligned humanitarian responses

The inability to access crisis-affected populations obstructs humanitarian actors' understanding of populations' needs and accountability. BAI can create information gaps, which translate into poorly understood or unknown needs and consequently misaligned, top-down, or non-existent responses. The lack of information may also diminish the gravity of the crisis – and the suffering of those impacted by it – in the eyes of donors, impacting funding of the response. In this case, populations have limited, if any, access to aid because providers are unable to engage with them and may not even be aware that such needs exist.

An interview participant elaborated on these dynamics in reference to a Northeast African country, positing that one of the long-term impacts of BAI on crisis-affected populations is the increasing detachment of humanitarian actors from the populations they serve:<sup>liii</sup>

*'There is limited dialogue between international responders and communities because of decades of restrictions that limit proximity with communities.'*

Similarly, access constraints across Libya continue to obstruct data collection and monitoring.<sup>liiii</sup> Humanitarians are prohibited from engaging with migrants, refugees, and asylum-seekers and thus prevented from assessing and acting on the manifold crises affecting them: exploitation, abuse, arbitrary detention, human trafficking, violence, and SGBV. The UN, where permitted access, found many in-country violations to be crimes against humanity; their requests to visit prisons and detention centres were ignored.<sup>liv</sup> **The inability to document crimes against humanity are amongst the impacts of BAI on crisis-affected populations.**

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### Agency of affected populations

Discussions of crisis-affected populations and how BAI impacts them – this study included – tend to unintentionally reinforce these individuals' depiction as passive recipients of aid. Crisis-affected people still have agency. However, the curtailment of their agency is another by-product of BAI, diminishing their trust in both the host government and humanitarian actors.<sup>lv</sup>

In Sudan, for example, humanitarian actors are routinely accompanied by a governmental body that manages and organizes all humanitarian operations carried out in the country. In refugee camps, the state-controlled presence of aid workers impedes the participatory design of programs, undermining affected communities' agency and creating a perception that humanitarians serve the state.<sup>lvi</sup> In this case, refugee communities clearly communicated that they refuse the government body's presence in their camps. When their requests were ignored, a strike was organised barring both the government body and humanitarian aid workers from accessing the camps. Both were viewed as agents of the state – and mistrusted in the same manner.

Like state actors, members of affected communities can also create and instrumentalise BAI. A survey carried out in South Sudan in 2017 revealed that direct programme participants of humanitarian assistance were responsible for around 43% of BAI reported in Protection of Civilians (PoC) sites.<sup>lvii</sup> Some survey respondents noted that their organisations had been barred from accessing PoC sites and implementing activities in the wake of disagreements with IDPs while others attested to high-level operational interference in the management of these sites. According to respondents, IDP leaders interfered in the hiring of IDP community workers and in the identification of vulnerable programme participants to expand their influence and gain power in the PoC sites.

## IMPACTS ON HUMANITARIAN ACTORS

BAI impact humanitarian actors in different ways and degrees depending on their registration, location, and mandate. BAI tend to disproportionately affect INGOs and NNGOs, but increasingly also affect UN agencies.<sup>lviii</sup> For example, in Libya, INGOs faced a unique and specific year-long visa suspension that did not impact UN agencies in the same way.<sup>lix</sup> NNGOs and LNGOs with few, if any, expatriate staff were mostly unimpacted. NNGOs and LNGOs, however, tend to face additional approval requirements and when they suffer significant administrative delays, donors may lose patience and terminate funding.<sup>lx</sup> A case study in one West African country revealed that NNGOs perceived BAI risks associated with international donor reporting requirements, whilst INGOs viewed them as related to national regulations.<sup>lxi</sup>

BAI impact may also differ according to area of intervention. For example, in South Sudan, humanitarian actors working in the health sector are especially impacted by BAI, particularly by importations and customs.<sup>lxii</sup> Even UN agencies were unable to receive tax exemptions for up to six months to import medicine, vaccines, and hospital equipment, such that some life-saving drugs expired.

NNGOs and LNGOs tend to lack the resources to adopt the various strategies employed by INGOs and UN agencies in the face of increasing BAI; they cannot afford to hire additional brokers or fixers, clearing agents, or lawyers.<sup>lxiii</sup> For the same reason, they struggle to navigate increasingly complex, multi-levelled administrative processes and requirements and to counter the harassment of certain security agencies.<sup>lxiv</sup>

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## Gender, nationality, and ethnicity

The ability of humanitarian staff to navigate BAI can be impacted by their gender, nationality, or ethnicity. Across all contexts women tend to be disproportionately affected by harassment.<sup>lxv</sup> At the same time, like in two Central and South Asian countries, women may also be privileged in some ways (while still experiencing harassment). One participant noted,<sup>lxvi</sup>

*'In terms of gender, women are seen as getting more favourable treatment than men in government offices, such as cultural norms around women not waiting in line.' Another shared, 'I'm not saying that the situation for women is perfect, and they aren't handed permissions openly. It's more that a man following up on something may be kept waiting outside a room, whereas women are facilitated more. They're not asked to wait outside, they're given priority. Women are accorded additional courtesies, but they still have to go through all those additional clearances.'*

In other instances, interview participants stressed that gender is less of an issue than nationality, particularly in securing visas to travel outside operational contexts.<sup>lxvii</sup> Fear among national staff can also contribute to BAI that directly impact upon crisis-affected communities, such as information deficits and funding. An interview participant recounted:<sup>lxviii</sup>

*'In [one Asian country], it's so clear how BAI is affecting the ability [for national staff] to even talk about what is happening at the community level and what communities need, and as a result funding has significantly dropped. Donors are not going to preserve funding for a context that they get no information about, where they have no visibility, where they cannot understand how aid is directed and received.'*

National staff within international organisations are disproportionately affected by BAI, including detention and arbitrary interrogation by state and non-state actors.<sup>lxix</sup> In some contexts, international staff may be perceived as more impartial and neutral, and thus at lower risk of being targeted by parties to the conflict. Additionally, when international staff are unable to access certain areas, the burden rests with national staff who are then exposed to even greater risks. National staff are also routinely tasked with frontline negotiations whilst being employed in administrative-level positions. The lack of adequate institutional support increases chances of failure whilst exacerbating stress levels to the detriment of staff wellbeing.<sup>lxx</sup> An interviewee noted,<sup>lxxi</sup>

*'National staff generally can find a way around it and know how to work things out, but it can also work against them depending on how their tribe/ethnic group relates in a given area and can put them at more risk.'*

### Security, stress, burn out, and staff wellbeing

BAI may lead to grave violations against humanitarian workers, including violence, arrest, detention, intimidation, and threats. In Libya at the beginning of 2022, raids by security officers resulted in the detention of several staff for hours.<sup>lxxii</sup> Also in Libya, delayed payments for goods and services along with donor reporting requirements led to violence and harassment from suppliers towards humanitarian staff. A significant number of BAI were accompanied by violence in South Sudan as well, including issues related to HR management, programmatic interference, and importation and customs.<sup>lxxiii</sup> Two-thirds of organizations that reported experiencing threats, intimidation, and harassment said the phenomenon was recurrent; five percent were exposed to it daily. Staff said such continued exposure generated feelings of vulnerability. Harassment, intimidation, and violence in connection with BAI were also noted as pervasive in countries across South and Southeast Asia, the Middle East, Central Africa, Northeast Africa, and East Africa.<sup>lxxiv</sup> Interview participants disclosed:

*'I'd also like to discuss depression. You have to be resilient, but it goes too far. Even PTSD, for those dealing specifically with the cases. If you're working in a clinic, need to help people, but have no permission to open the clinic. It's traumatizing for the patients and the providers, the staff.'*

*'Staff are facing burnout, stress, and harassment because of government and the fact that it's a hostile environment.'*

*'The instability also has a massive impact on people's mental health, it has always had one on my mental wellbeing.'*

Although 12 of the 13 participants in KIIs discussed the detrimental effects of insecurity, harassment, intimidation, violence, and stress – by-products of BAI – on humanitarian actors, these impacts are rarely acknowledged in the wider literature on BAI, despite their pervasive prevalence. **The tacit acceptance of the effects of experiencing insecurity and violence render them part and parcel of everyday work in crisis-affected contexts, a normalisation that undermines efforts to enhance security and safety and provide a healthier work environment.**

*'Being resilient at the individual level is very important. Dealing with stress, pressure, burn out, psychological factors are very important. You need to build skills to be more resilient, to facilitate or address the challenges we are facing.'*

*'Usually when I talk to people, I say that those working on this don't have the luxury to say it's a headache and you don't have time for it. You develop resilience, but some become overwhelmed and burned out due to the stress. Also energy-wise. [...] You have to think on your feet. The system can change day to day. It takes its toll eventually. It's like being crippled by the system.'*

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## Legal vulnerability and security challenges for humanitarian workers

Challenges related to organisational registration, HR management, programmatic interference, and entry requirements contribute to legal vulnerabilities for humanitarian actors, sometimes jeopardising their safety and security. Working on a tourist visa, without a work permit, or on expired registration makes staff vulnerable to uncertainty, harassment, or even detention or expulsion. This can lead to increased staff turnover. It also complicates the ability of organisations to intervene on behalf of their staff.

In Libya, problems with registration and renewal were linked to the opaque domestic legal framework and unclear, burdensome administrative procedures, and disproportionately impacted humanitarians.<sup>lxxv</sup> Additional insecurity resulted from some certificates being inexplicably retracted, whilst other organisations worked on informal assurances of their compliance with regulations. The situation culminated in increased risk transfer to national staff, including detention and arbitrary questioning by non-state armed actors. In Syria, some organizations work without registration, creating risks for staff members employed across Türkiye and Syria.<sup>lxxvi</sup> Decisions to make such compromises, even at the cost of one's safety, entail weighing the effects of not making them – the neglect of communities in desperate need of assistance – which understandably supersede other humanitarian principles. At the same time, however, circumventing regulations exacerbates safeguarding and legal risks for staff and negatively impacts humanitarian actors' credibility and legitimacy, with indirect effects on established practice and the ability to engage in advocacy.

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## Increased staff and operational costs for humanitarian programs

**The cost of managing BAI is difficult to calculate.** Costs incurred include significant staff time invested in addressing BAI (and diverted from other responsibilities); expenses of hiring additional staff to manage BAI; extra fees, taxes, or levies that increase operational costs; non-receiptable expenses that staff tend to pay out-of-pocket; and various other intangible impacts that complicate quantification. Delays in customs incur delays in implementation, additional costs, and even the need of extra staff to respond to the increased needs of affected populations, exacerbated by cumulative delays.<sup>lxxvii</sup> **Humanitarian actors reported spending 25-40% of their time managing BAI**, and many organisations staff multiple lawyers and full-time employees whose sole responsibility is to deal with BAI – a significant investment of time and money diverted from operations and affected communities.<sup>lxxviii</sup>

In one Middle Eastern country, myriad overlapping manifestations of challenges related to financial regulations and obstacles resulted in a series of knock-on impacts on humanitarian operations: increased costs of paying salaries at government exchange rates, resulting in financial loss to NGOs because they had to pay more than contracted prices; inability to pay staff and suppliers, affecting their ability to implement projects and collectively halting the provision of some aid; suspension of activities, particularly of under-resourced NGOs and INGOs unable to pay delinquent taxes; and future ineligibility for funding due to present inability to reimburse donors.<sup>lxxix</sup>

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## Undermining of good practices and humanitarian standards and principles

*'Humanitarian actors in South Sudan are usually willing to provide humanitarian assistance at any cost.'*<sup>lxxx</sup>

Uncomfortable compromises mark the delivery of humanitarian relief in fragile and conflict-affected settings. While to an extent this is to be expected in complex environments,

*'At times humanitarian actors feel like they might have to compromise their professional integrity in order to prevent delays that would seriously affect the populations in need of humanitarian aid.'*<sup>lxxxix</sup>

BAI blatantly exacerbate the challenges of upholding core humanitarian standards and policy commitments at the global level, especially in terms of localisation, accountability, diversity, and inclusion. Specifically, programmatic interference – requests for programme participants' personal data, intrusion in targeting approaches, restrictions on programming components, and restrictions on geographic scope – undermines humanitarian principles of independence and impartiality. The IASC has stressed that over time, cumulative BAI contribute to lower expectations of quality of assistance and decrease the reach and impact of humanitarian operations.<sup>lxxxii</sup> Not respecting BAI, however, may be read as breaking national laws, carrying with it losses of legitimacy and integrity, likewise hampering humanitarian response and future activities.

Compounding the Catch-22, as a contributor to this study explained, the very operational context may inherently contradict humanitarian principles:<sup>lxxxiii</sup>

*'I have questions on most humanitarian operations across most of the country, especially in areas where the government is a party to the conflict. Humanitarian actors are dependent on government approval on where they can and cannot work, so in the literal spirit of neutrality and impartiality, they are not neutral and impartial.'*

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### Increased tensions, mistrust, and misunderstanding

An impact of BAI that magnifies other impacts is increased tension, mistrust, and misunderstanding. Varying impacts of BAI on different humanitarian actors means some face greater stresses and burdens than others. Tensions are exacerbated when certain actors take individualistic actions to implement workarounds that, at times, may have detrimental effects on others. Mistrust and misunderstanding are at the core of these tensions and function at various levels, impacting relationships within the humanitarian community, between humanitarian actors and authorities, and between humanitarian actors and affected communities. Confusion in approaches to mitigate BAI, poor understandings of humanitarian principles, and organisational constraints can all damage relations between humanitarian actors and authorities, even if unintentional. Likewise, affected populations' trust in humanitarian actors deteriorates when they are not informed of the causes of delays. **The lack of trust created by BAI can spawn further BAI.** When authorities are unclear of what humanitarians do and how they assist affected populations, unfavourable narratives can intensify BAI impacts and foster others.

In Libya, confusion over processes to secure visas led INGOs to unwittingly court and legitimise the Ministry of Foreign Affairs over the Ministry of the Interior, creating tensions with the latter who retaliated by delaying visas.<sup>lxxxiv</sup> In South Sudan, both state and non-state actors suspected humanitarian convoys were being used for military purposes against them, crippling rapport with authorities and making movement of staff and goods impossible.<sup>lxxxv</sup> In one country in Northeast Africa, mistrust between INGOs was fuelled by mutual perceptions that they were securing travel permits by offering office equipment or inflated per diems to authorities. Differential impacts of BAI, disproportionately affecting INGOs relative to the UN, likewise spurred mistrust and tensions between agencies, undermining partnerships, and collaboration.<sup>lxxxvi</sup> **When humanitarians mistrust one another, they do not share information and a collective approach to addressing BAI is not possible.**

# Section 2: Responding to BAI

## POLICY: IASC FRAMEWORK FOR A SYSTEM-WIDE APPROACH

Recognising the impact of BAI on principled and effective humanitarian response, ICVA and Interaction led the development of the IASC Framework for a System-wide Approach on Understanding and Addressing BAI. Published in January 2022, the framework recognises that there are no generic, one-size-fits-all-contexts solutions to any BAI.<sup>lxxxvii</sup> The five-pillar framework for developing HCT-led strategies to tackle BAI takes into account these complexities.<sup>lxxxviii</sup>

The five pillars comprise non-sequential, inter-related processes:

1. Building a common understanding of the drivers and impacts of BAI.
2. Strengthened coordination to address the operational impacts of BAI.
3. Preventing BAI through monitoring and early action.
4. Collective and strategic advocacy.
5. Mobilising global support for action on BAI.

## UNDERSTANDING AND SOCIALIZING THE IASC FRAMEWORK

To support the rollout of the IASC Framework, the IASC Taskforce 3 on Preserving Humanitarian Space conducted a peer exchange with HCT members. InterAction and ICVA also conducted trainings for the NGO fora both collectively and individually on request. These efforts directly address the observed limitations in terms of knowledge and/or understanding of the BAI Framework and existing response mechanisms, which have hampered more effective implementation of the BAI Framework and IASC policies to strengthen participation, representation, and leadership of local and national actors in IASC humanitarian coordination mechanisms.

Challenges to implementation include insufficient reporting and logging incidents of BAI when they occur, undermining the ability of the humanitarian response to track whether such BAI are systemic or happening at the level of individual organisations, and thus impeding collaboration, cooperation, inclusivity, participation, and collective action to address BAI. **Reporting is also hampered when humanitarians bend values and principles to be able to deliver assistance to affected populations.** This leads to the normalisation of such actions; they become practice and policy.



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## Reflections from TF3 survey respondents

**Over half of respondents (6/11) to the HQ-level survey of TF3 members reported that they were both aware of the policy and had taken steps to socialise the IASC Framework into their organisations.** All consulted UN agencies reported they had done so; those who had not were INGOs or the IFRC. Respondents accounted for their lack of uptake as follows:

- They did not find the IASC Framework to be operational and relevant to country programs.
- They already approached BAI identification through existing mechanisms (OCHA's Access Monitoring and Reporting Framework, Hard2Reach [H2R] exercises, access severity mapping).
- They used a different set of recommendations, such as those of the International Disaster Response Law (IDRL).
- They were new to the organisation and had not attended the presentation of the IASC Framework.

ICVA and Interaction created presentations for NGO fora and members to disseminate the framework. These are available to all IASC members on request. HQ-level survey respondents who reported having taken steps to socialise the framework did so via email distribution or as part of the dissemination of other key global policy documents. Two HQ-level survey respondents affirmed having prepared and disseminated learning materials, modules, or other resources on the IASC Framework. They noted barriers to disseminating such material, including:

- Preferences for context-specific material on resolving particular BAI and supporting HCTs.
- Overlap between BAI and other access constraints.
- Staff turnover.
- Lack of staff awareness of the utility of the materials.

**Whilst results indicate awareness of the policy and efforts to operationalise it, such efforts were largely limited to passive dissemination of materials, which does not promote active engagement or learning.**

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## Reflections of country-level survey respondents

**More than 60% (19/31) of country-level survey respondents confirmed they were familiar with the IASC Framework, and over 30% (11/31) reported that the framework had been disseminated at the national level,** either through the AWG, HCT, or NGO Forum. **Only 16% (5/31), however, said they had had any training or induction within the framework.** All country-level survey respondents who had received training on the framework were Country Directors (CD), AWG Chairs/co-Chairs, or members of the HCT. This reflects the self-confirming bias of the sample. However, the results point to a much higher general awareness of BAI than that indicated in Louise et al.'s (2023) report on the topic, particularly at the level of HCTs.

**Less than 13% (4/31) of country-level survey respondents said they had taken steps to implement the IASC Framework after reading it.** Three of the four were AWG Co-Chairs and one was a CD. **They reported having trained clusters and coordination teams to deal with BAI, including HCT-level responsibilities in monitoring and addressing BAI in the HCT Access Strategy, tracking BAI, and collecting evidence on the impact of counterterrorism (CT) sanctions and restrictions.**

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## Limitations to understanding of the IASC framework

Some HQ-level survey respondents remarked that having several access categories runs the risk of removing the conversation on BAI from other operational challenges and intersecting access constraints. This was echoed by a country-level survey respondent who noted that because monitoring BAI is different to monitoring security-related access challenges, they struggle with monitoring and with obtaining a comprehensive picture of BAI. Other HQ-level respondents also noted that the IASC Framework was developed as a coordination tool, limiting its capacities as a monitoring mechanism. **Reducing the policy to a coordination tool obscures the fact that the policy is a five-pillar framework for developing nuanced, contextually sensitive, HCT-led strategies to tackle BAI.** This suggests that overall awareness is not commensurate with accurate understanding. One interview participant noted that some of the BAI categories were poorly articulated and were overlapped with other access constraints, resulting in discussions focusing on categorisation rather than action:<sup>bxxxix</sup>

*'An imposition of an armed escort is not a BAI, for example, then you waste time labelling something instead of addressing it. BAI brought this forward more than anything else. We're so keen to label something instead of acting, which means we're wasting operational time and giving those BAI time to get entrenched and become even harder to remove. We have to simplify [BAI] enormously in a way that is understood, as a phenomenon and the impact of the phenomenon. What does it mean that you have hired someone under pressure today? What are the knock-on effects?'*

Two HQ-level survey respondents said that while IASC's policy was interesting, there is insufficient time and resources for humanitarian respondents to fully engage with the framework. About 16% (5/31) of HQ-level respondents said they would conduct trainings on BAI and access in 2023. These results are inconclusive and may indicate variability in humanitarian actors' engagement with and efforts to socialize and operationalize the IASC Framework, as alluded to during an interview.<sup>xc</sup>

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## HCT and AWGs facilitation of humanitarian access

When asked how the HCT or AWG had facilitated improved humanitarian access outcomes, country-level survey respondents provided the following answers:

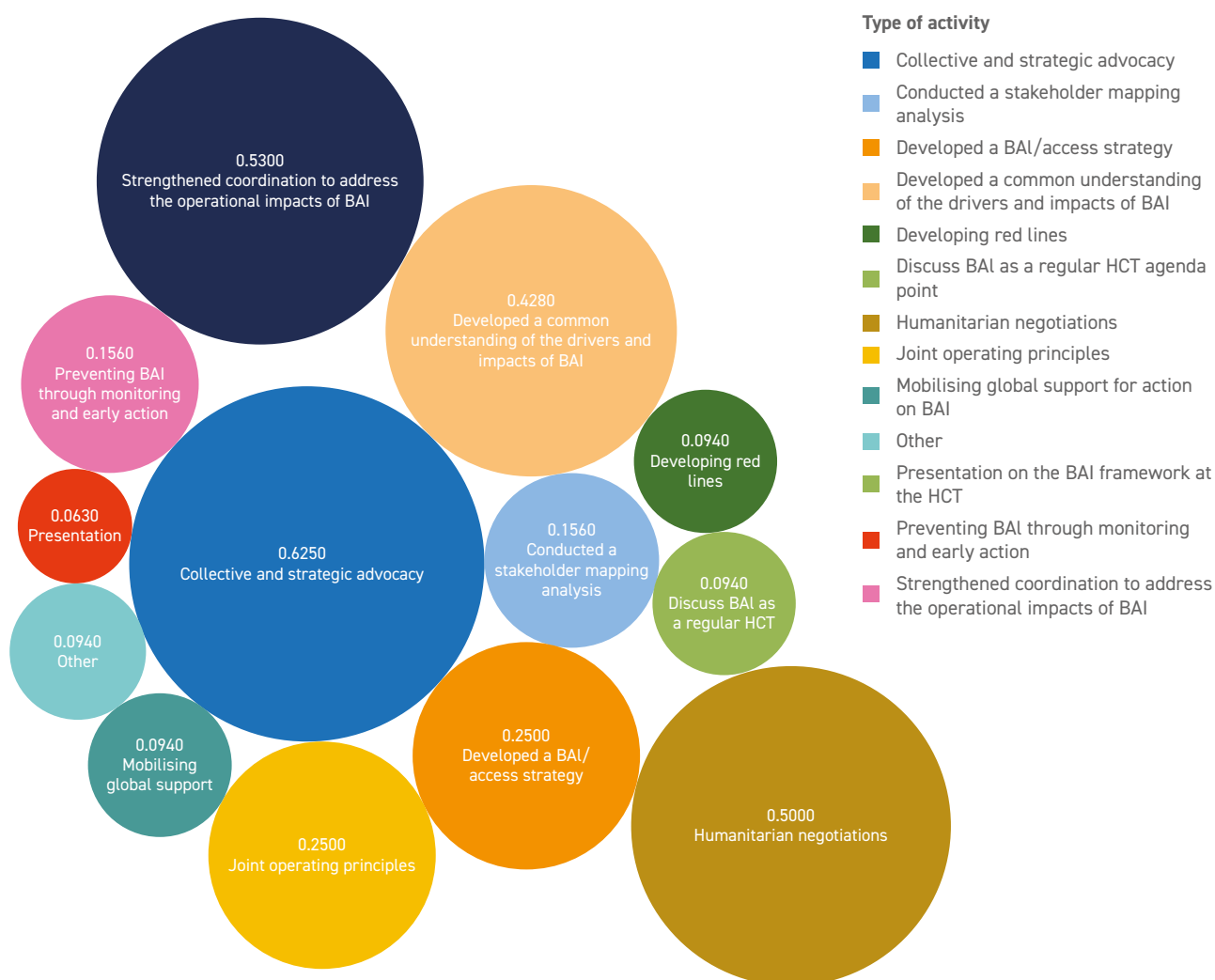
- Through regular updates and information sharing, advocacy towards the government and donors, fundraising to ensure the maintenance of airstrips, and advocacy to UNHAS for better coverage of hard-to-reach areas with humanitarian flights.
- The level of helpfulness of the HCT or the AWG on BAI and access is context-dependent. In some contexts, the HCT were not considered helpful, and the AWG were. In other contexts, this was reversed.
- An Access Strategy was adopted with annexes on engagement with armed groups and use of armed escorts, and training was provided on humanitarian negotiations.
- The AWG and Civil Military Coordination partners improved the relationship between humanitarians and the military and managed to secure increased fuel clearance allowances and humanitarian exemptions to movement restrictions during key events (elections, religious holidays, etc.).

**Many country-level survey respondents did not see any positive outcomes in BAI due to support from the HCT or AWG.** These results present a variable, albeit mostly negative, assessment of the HCT and AWGs' efforts to improve humanitarian access, echoing Louise et al.'s (2023) findings concerning their operationalization of the IASC Framework.

## PRACTICE

Country-level survey results indicate that respondents are employing elements of IASC's five-pillar framework to address BAI. They reported implementing the following activities (circles sized by order of frequency mentioned – respondents could select more than one option):

**Figure 1: Activities implemented to socialise IASC's five-pillar framework to address BAI (decimals refer to percentage, i.e., 0.5300 = 53%)**



The IASC's policy document 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.'<sup>xcii</sup> **Country-level survey respondents mentioned collective and strategic advocacy – a requisite component of collective action – most frequently.** By design, the framework necessitates inclusivity, collaboration, coordination, participation, transparency, and accountability.<sup>xciii</sup> These skeins run through each of its pillars.

Aside from collective and strategic advocacy, **leveraging strengthened coordination and humanitarian negotiations to tackle BAI were cited 50% of the time by country-level survey respondents. Developing common understandings of drivers and impacts of BAI, championed in the IASC Framework, was cited 43% of the time.** Establishing a BAI/access strategy, for which IASC's framework serves as a tool, was only mentioned a fourth of the time by country-level survey respondents, and monitoring and early action even less frequently. The latter may present the greatest challenges in terms of operationalisation, while the former is the accumulation of the operationalisation and implementation of IASC's five pillars.

When asked how the HCT and INGO Forum had helped address BAI, country-level survey respondents provided some positive feedback. One respondent said the INGO Forum in their country of operation had been proactive in identifying BAI and seeking support from the HCT, donor community, and embassies, all of whom supported advocacy efforts to lift administrative impediments in a timely manner. BAI was a regular agenda topic in the HCT, and the INGO Forum provided regular updates on BAI and progress regarding issues around accreditation renewal. Another country-level survey respondent said they had legal expertise on hand to identify issues and provide rapid legal advice, and that the INGO Forum follows and monitors BAI. However, they also noted that in this country, long-term advocated-for solutions have not come to fruition. Another country-level survey respondent said in their country of operation, they had been able to leverage ministries friendly to the humanitarian sector to help them advocate to other more reluctant ministries. Yet another country-level survey respondent said a document outlining operational red lines that all members sign off on and regular updates to the advocacy strategy based on changes in the BAI landscape had been useful.

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## Collective action on BAI

Considering their increasing frequency, impact, and complexity, the IASC promotes collective action as best practice for effectively confronting BAI.<sup>xci</sup> Country-level survey results suggest that humanitarian actors most frequently leverage collective approaches to navigate BAI. Literature on the subject, including IASC findings, however, demonstrates that **in current practice, collective action is rare and its success rate inconsistent. Despite how difficult collective action can be to implement, it has, however, also been pursued very successfully.** Interview participants explained:<sup>xci</sup>

*'It [collective action] requires bold actions that we do not pursue. These solidarity moments are very rare. I have seen remarkable success, but it's very costly to implement. It requires coalitions. And we're very poor at that.'*

*'Niger. 2021. The entire Tillabéri region required armed escorts, so we tried several times to persuade the authorities. We created a training module for authorities, then for humanitarians, and created two coalitions, informed of how we work on both sides. We started with "you can't drive around with cash because there are bandits" then proceeded through to what it means to do an assessment, etc. Then we did risk assessments together and consolidated decision-making. It was a very big financial commitment to soften authorities and harden humanitarians. Flight costs, per diems, workshops. Then every humanitarian organization went to Tillabéri and to the government with the same message, and within a few weeks we had no armed escorts imposed. We decided how to escalate, nine of us, and issued an ultimatum that unless our conditions are met, we can't work in the region. Then there was constant reminding new authorities of these actions, and it was pure multi-layered collective actions. We even dragged the UN with us. But solidarity faded away. It requires maintenance.'*

Two other interview participants reported that collective action is 'sometimes' adopted to deal with BAI.<sup>xcv</sup> Collective action necessitates sustained coordination, collaboration, exchange of information, and of course trust – it is time- and resource-intensive.<sup>xcvi</sup> The success of collective action is also determined by the capacities, commitment, and will of its actors, including strong and principled leadership of the HCT, engaging all relevant stakeholders.<sup>xcvii</sup> One country-level survey respondent disclosed that in their country of operation, addressing BAI is viewed by the UN as a predominantly NGO-problem, and thus efforts to address BAI fall on the INGO Forum and INGOs in general, falling short of collaboration from the UN as well. This was echoed by interview participants, who said the UN is viewed as 'not putting its weight behind NGOs' and reluctant or refusing to partake in collective action.<sup>xcviii</sup> However, other interview participants presented a differing assessment:<sup>xcix</sup>

*'OCHA and the Humanitarian Donor Group do a great job with the power they hold. When we use UN agencies or entities, it adds weight. [...] ...their voice is heard by the government because they are funding substantial amounts of money.' 'If the right person in the UN takes action, things may be resolved.'*

**According to interview participants, BAI-related challenges successfully taken up by HCT may not necessarily be the most relevant nor the most severe in impact – they tend to be those deemed 'easy wins' in extremely adverse contexts.** Even 'easy wins', however, are true feats to secure, and in the most successful of instances result from intense and sustained collective action. Furthermore, such wins are based on the ability to demonstrate the direct negative impact of BAI on crisis-affected populations. Referencing a Central African country, for example, an interviewee discussed the ban on the importation of certain molecules of medicine in support of local production.<sup>c</sup> Supply did not meet demand and quality was questionable. The health cluster lobbied the health ministry, negotiated the support of the WHO, then the humanitarian coordinator on behalf of the HCT and the INGO Forum lobbied the Prime Minister. The ban was lifted for a year.

*'It seems that health is an area that is easier to intervene in. It shows that if you show the concrete impact – if people don't get this medicine, they will die – and you have a very strong black and white argument, it's easier. [...] The more there's a connection between the delivery and the impact on people, the easier it is.'*

An LSE study on collective engagement and influencing for humanitarian access found that the HCT and OCHA have had more success with collective action on specific issues (e.g., removing barriers at checkpoints) than on big picture challenges.<sup>ci</sup> The authors, however, note a patchy record of interventions on narrow issues (e.g., securing a visa for a senior humanitarian actor, and failing). The focus on individual issues can obscure the big picture. Fixing individual problems as they arise does not address the bigger root causes or motivations of BAI and what their architects are trying to accomplish through them, which may be entangled with distrust, miscomprehension of mutual aims and objectives, and control.

**Interview participants discussed how thorny such big picture challenges can be to tackle, even with collective action.<sup>cii</sup>**

*'Collaborating or supporting other organisations can put us at risk. Supporting an organization that is unregistered or in the process of registration puts us at risk. Similarly, if some organisations have an approach more towards activism and are very vocal on human rights violations, associating with them puts us also at risk. This hinders NGOs from collectively raising their voices. NGOs are afraid to raise a collective voice because they're afraid of negative consequences by association with another actor and they do not know which NGOs the government looks upon unfavourably.'*

Libya maintained a year-long visa suspension despite collective meetings of INGOs with senior state leadership and ardent commitments from some key stakeholders to lift the suspension, for example. In other cases, it is possible that collective action is ineffective because, in some contexts, humanitarian actors do not commit to it, fearing unpredictable negative repercussions.<sup>ciii</sup>

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## Unilateral, ad hoc responses to BAI

Contrary to what country-level survey results suggest, data from confidential case studies and KIIs substantiate that BAI are disproportionately managed unilaterally on an ad hoc basis.<sup>civ</sup> One interview participant explained that **even improvised approaches are pursued in phases of hierarchical escalation of the problem.**<sup>cv</sup> The first, and most common, is to simply accede. Where the issue at hand does not allow it, like negotiating visas, many humanitarian actors negotiate directly with authorities, at times leveraging the influence of different ministries. **When internal organisational strategies fail, humanitarian actors then escalate the issue by reporting to OCHA, NGO forums, clusters, and the HCT in pursuit of collective action.** These tactics underpin and are underpinned by backchannel diplomacy and negotiations, in which allegedly up to 60% of humanitarian actors engage.<sup>cvi</sup>

Considering the complexity of the contexts in which much humanitarian action is undertaken, the manifold manifestations of different BAI areas alone or in combination, and their diverse and differential impacts, it is unsurprising that humanitarian actors would pursue multiple, even conflicting, pathways in search of solutions.<sup>cvi</sup> Specific individuals in the same organisation may even adopt incongruent approaches, with or without colleagues' knowledge. The latter was the case when liaison officers acted independently to expedite residence permits in a Northeast African country, regularly paying small sums out-of-pocket for printing costs to speed up the process without notifying line managers.<sup>cvi</sup> Such non-receiptable expenses are not documented fees. They start small and quickly add up. Calculating their impact on operations is complicated, as paying a small sum out-of-pocket for printing costs could save eight hours of staff time that would have otherwise been invested in waiting. However, this comes at the cost of an organisation's credibility and can impact its legitimacy – both of which are priceless.

The inherently complex nature of BAI lends itself to unilateral, adaptive, ad hoc responses which can be individual-specific.<sup>cix</sup> Interview participants noted that the personality of staff also plays a key role in manoeuvring BAI.<sup>cx</sup> In terms of general characteristics, they stressed patience, flexibility, and a keen understanding of the systems, people, affected communities, and languages.<sup>cx</sup> Arguably, such approaches leverage interpersonal understanding of aims and motivations and the diplomatic issues underpinning why the BAI was established in the first place, but on a smaller level to fix individual problems, as opposed to finding durable solutions by addressing the big picture issues.

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## Networks and relationships for navigating bai

Some interview participants noted that relationships – having, maintaining, and continuously forging them – are just as important as personality.<sup>cxii</sup>

*'[A Central Asian country] is the clearest case. We secured visas in two weeks when everyone else was struggling for six to eight because our focal point has a truckload of connections and used to work in the visa office. They used those personal relations to make the extra phone call and knew exactly where to go. For NGOs that didn't have that connection, it was very difficult. A lot of people were going the extra mile in the wrong direction.'*

One interview participant added that personal knowledge about specific government officials is imperative as they have specific stances regarding humanitarians. Thus, navigating BAI effectively may come down to knowing which issues power brokers are passionate about and how they position themselves in respect to those issues.<sup>cxiii</sup>

Those relationships, and the management of interactions – 'the practice of BAI' – may be imbued with unspoken or informal social norms whose successful navigation heavily weighs in on whether the BAI-related issue at hand is addressed effectively.<sup>cxiv</sup>

*'In the Sahel [...] running very clearly through ethnic fault lines, right ethnicity had to speak with right ethnicity for the army to stop imposing armed escorts. On the de facto authorities, the military regime, the right ethnicity staff had to speak in the same micro cultural terms with the right authorities on extraordinary reporting burdens, and we managed to secure certain waivers. But it's very hard to point the finger and say, "this is right now".'*

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## Unintended consequences

The importance of personalities, relationships, and backdoor negotiations in unilateral, adaptive, ad hoc approaches to address BAI has distinct benefits and drawbacks.<sup>cxv</sup> The excessive influence of personalities can be an advantage, reinforcing the negotiating leverage of the UN and the HCT's clout when engaging with state representatives, non-state armed groups, and other powerful stakeholders. Backchannel diplomacy can be the most appropriate and effective component of strategies to tackle BAI, to which building and sustaining personal relationships with actors relevant to managing BAI is indispensable. At the same time, dependence on individual personalities – single points of failure – compounds an already unpredictable and unaccountable system, exacerbating extant BAI and generating further BAI, potentially to the detriment of credibility and legitimacy as principles are simultaneously bent, if not broken, in the process.

In the absence of effective, legitimate structures of governance and formal processes, some humanitarian actors pursue the most influential channels to address BAI-related challenges. This creates opportunities for entrepreneurial or ambitious state and non-state actors to portray themselves as the more influential agent or overseer of a particular process. Humanitarian actors then entrust these spurious officials with authorisations for processes over which they have no formal oversight. In Libya, these dynamics inflamed ongoing competition between officials seeking to establish command of INGO oversight.<sup>cxvi</sup> Humanitarian actors in South Sudan likewise found themselves routinely paying administrative charges that appeared to be legitimate but were not.<sup>cxvii</sup> The situation arose partly because there were no official avenues humanitarian actors could use to verify official rates and report instances of abuse.

Interview participants described similar processes in a Central African country.<sup>cxviii</sup> One detailed how individuals would arrive at their home claiming an audit was necessary and asking for payment, announcing they required an impact statement for planting seeds, or citing infrastructural inspections.<sup>cxix</sup>

*'I figured we had to go back to the law and figure out what it says, and it didn't say that. I did pay, then they ['officials'] went back to my friend and said, "See? He paid. So you have to pay!"'*

When humanitarian actors formally engage with unofficial 'officials', their actions inadvertently build the unfounded legitimacy of those 'officials', simultaneously undermining that of the formal holders of the specific post and undercutting their own legitimacy. In the same vein, when humanitarians conform to fabricated policies and tariffs, as a community and over time, their actions serve to unintentionally normalise and institutionalise these fabricated policies. Many adaptive, unilateral, and ad hoc approaches to dealing with BAI carry such unintended consequences:<sup>xxx</sup>

*'We can be BAI creators. We have to be honest and candid about the fact that being reactive can actually be entrenching and creating new BAIs.'*

Another interviewee related similar experiences.<sup>xxxi</sup> To travel outside main cities of residence, the DRC formally requires government employees on official travel to present an *ordre de mission*, akin to authorized domestic movement permits. By extension, all shades of 'official' authorities, from the police to the parking guard, feel empowered to demand to verify such documents not only from government employees for which they are required but also from humanitarian workers or traveling NGO staff, stamp and sign them, and attempt to charge for the service. Some humanitarian organisations' policies, many now revised, that required staff to have their domestic movement permits stamped at every location as evidence that the staff member had actually been there fuelled the proliferation of 'official' authorities and institutionalised this practice, increasing BAI in prevalence and severity of impact.

Also in one of the countries surveyed, a forum was recently created to understand and address BAI and their impacts and held a meeting with several ministries during which BAI were discussed at length. The meeting concluded with the participants' commitment to create another commission to undertake BAI.<sup>xxxi</sup> A BAI forum created another BAI forum in the form of a BAI commission.

The first and most common approach to addressing BAI, according to one interview participant, is acceptance of certain BAI – which can likewise lead to their normalisation.<sup>xxxi</sup> In one Central African country, such practices include non-receiptable expenses like overpaying officials for services they provide, paying small bribes to authorities, and tolerating interference in humanitarian activities.<sup>xxxi</sup> Acceptance of BAI is largely driven by fears of violence and other negative consequences that could result from non-compliance, rooted in past experiences of being threatened with harm, detention, or expulsion when engaging with state and non-state security and administrative institutions. These practices may be linked to humanitarian organisations upholding humanitarian principles inconsistently, damaging their own reputations, credibility, and legitimacy.<sup>xxxi</sup>

In one Northeast African country, some BAI are so institutionalised that they are no longer considered BAI by national staff. An interview participant noted BAI-related to HR management, describing an ever-present government body presiding over recruitment.<sup>xxxi</sup> The same could be said for the DRC, where, like in so many other places, many humanitarian actors accept certain BAI as aspects of daily working or personal life, including the constant payment of non-receiptable costs to countless 'officials' for contrived services:<sup>xxxi</sup>

*'You find justification for it, become complacent, and you become part of the problem.'*



## Reporting and discussing BAI

Reporting and discussing BAI varies across humanitarian actors and contexts, differing in relation to the level of development of BAI reporting structures and practices, the legal framework of the host country, the relevance and severity of BAI experienced, and the facility of their management.

BAI remain heavily under-reported for a host of reasons.<sup>cxviii</sup> In South Sudan, only about one-third of all known BAI-related issues are reported.<sup>cxix</sup> BAI that have been accepted and institutionalised as unavoidable aspects of daily life, as well as those that had been effectively managed,<sup>cxx</sup> are rarely reported, further distorting available data. Under-reporting is also a result of a lack of awareness, particularly on the parts of CDs and under-resourced humanitarian actors. The former are often unaware of the extent to which BAI are affecting their organisations or of the compromises staff routinely make to manage these challenges.<sup>cxxi</sup> The latter are often unaware of reporting mechanisms or how different actors share BAI-related incidents with OCHA. This was noted by interview participants for several organizations in South Asia.<sup>cxxii</sup> Under-reporting also results from mistrust, time constraints, and a lack of discernible impact or even feedback from reporting BAI incidents.

Compounding these aspects of under-reporting is the widespread reluctance within the humanitarian sector to openly discuss the particulars of how BAI impact the delivery of assistance, and the approaches used to mitigate those impacts.<sup>cxviii</sup> **The prevalence of unilateral, adaptive, and ad hoc approaches to addressing BAI deters their reporting and discussion.** Some humanitarian actors harbour concerns of possible interference that may negatively affect their negotiations.<sup>cxviii</sup> Others may feel uncomfortable disclosing their responses to BAI in fear of country offices condemning such practices.<sup>cxv</sup> Interview participants explained:<sup>cxvii</sup>

*'People are a bit embarrassed about how they solve their problems. Or they feel stupid. Speak with colleagues, to the forum, to donors, it may turn out that how they solve the problem is not legitimate, so they don't want to have those conversations with donors, who are solving problems the same way.'*

*'I think hesitation for sharing what works is more motivated by a fear that eventually that option will be closed down than it is by something more nefarious. So, if you've figured out how to do it, you might share it with a close group of people who won't take advantage of it, but if you share it more widely that loophole may be closed.'*

**Lack of trust and fear of negative direct or indirect consequences of reporting are more salient to under-reporting than the frustrations of fruitless reporting exercises.** Lack of trust functions on different levels, prompting suspicion of what is done by whom with the information provided. Mistrust of the UN and other actors dissuades disclosure of sensitive or potentially incriminating information, as does suspicion of the presence and intentions of state and non-state actors and doubts vis-à-vis other humanitarian actors:<sup>cxvii</sup>

*'Any retaliation from the government doesn't come with information on why the retaliation is happening, so they don't know who they can or cannot trust and who informed the government of something that was shared.'*

*'For example, if you are working within the organisation and you report a procedure, it could be misunderstood and there are fears of retaliation. It's seen as an expected risk. It's about trust. You report it wrongly, you're misunderstood. Confidentiality... If you breach that, it's a huge issue for retaliation. And [with] doubt about the effectiveness and responsiveness about the reporting system, is it worth it?'*

Being potentially subjected to threats, intimidation, and violence because of reporting BAI can easily make those costs too high to bear.

Humanitarian actors also expressed frustrations with reporting to parallel systems, duplication of efforts, and unclear feedback mechanisms via OCHA. Many said they felt they were reporting for no reason as the promised relief mechanisms addressing identified challenges did not materialise. They questioned the insistence on reporting if it remains divorced from resolution and noted that the potentially grave personal and institutional consequences of reporting cannot be justified if reporting carries no results. **Under-reporting is thus rooted in a lack of trust as well as a lack of remedies.**

Reasons to refrain from reporting BAI incidents tend to outweigh reasons for reporting. When humanitarian actors do report BAI, they report incidents that lead to a direct denial of access, such as domestic movement restrictions and financial regulations and obstacles. **Reporting avenues and organisations are usually selected through an assessment of which structures can most readily deal with the problem at hand.** Humanitarian actors will also opt for internal reporting mechanisms before reporting to the like of OCHA and INGO forums. These bodies do not always benefit from trust, and in some contexts are perceived as being closely linked with state and non-state actors. They are thus only sought out when all other avenues have been exhausted and as part of collective action.

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## Monitoring BAI

Monitoring trends in BAI is hampered by poor reporting. Various humanitarian actors have developed their own internal systems to track BAI, ranging from complex monitoring approaches to ad hoc informal meetings, while others still do not track BAI. Monitoring of BAI thus remains underdeveloped and will not effectively show trends until reporting improves to reflect the prevalence and severity of BAI more accurately. This will not occur unless humanitarian actors become confident in reporting mechanisms and the actors that oversee them. Humanitarian actors are unlikely to embrace reporting until they feel it no longer risks their safety nor that of their organizations.

**Reporting and monitoring BAI also require an improved understanding of BAI and a commitment to collective approaches to addressing related challenges.** Paradoxically, humanitarians need to see the effects of reporting for its benefits to outweigh inherent risks in many contexts; yet monitoring will not result in effective mitigation and prevention strategies capable of bringing about such change unless the reporting on which it is based improves significantly.

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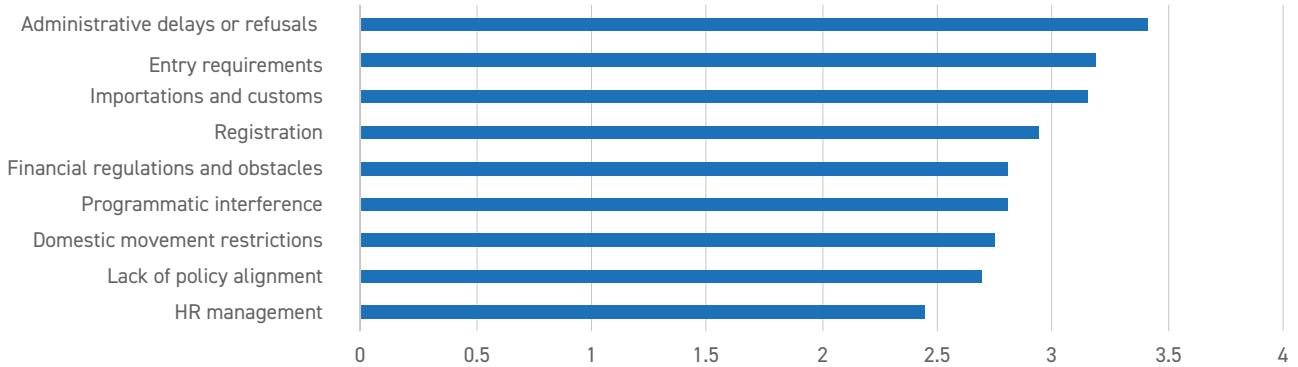
## Assessing BAI severity and indicators

General assessments of reporting and monitoring BAI, cited in available literature and discussed by interview participants, paint a bleak picture. **Survey results, however, indicate promise in terms of future reporting and monitoring, and attest to the utility of the IASC framework.** Survey respondents completed the survey anonymously and online. They thus did not face many of the obstacles to reporting discussed above.

## Severity of BAI areas

Survey respondents were asked to rank IASC's nine areas of BAI in reference to the severity of their impacts; each selected four they viewed as the most severe.

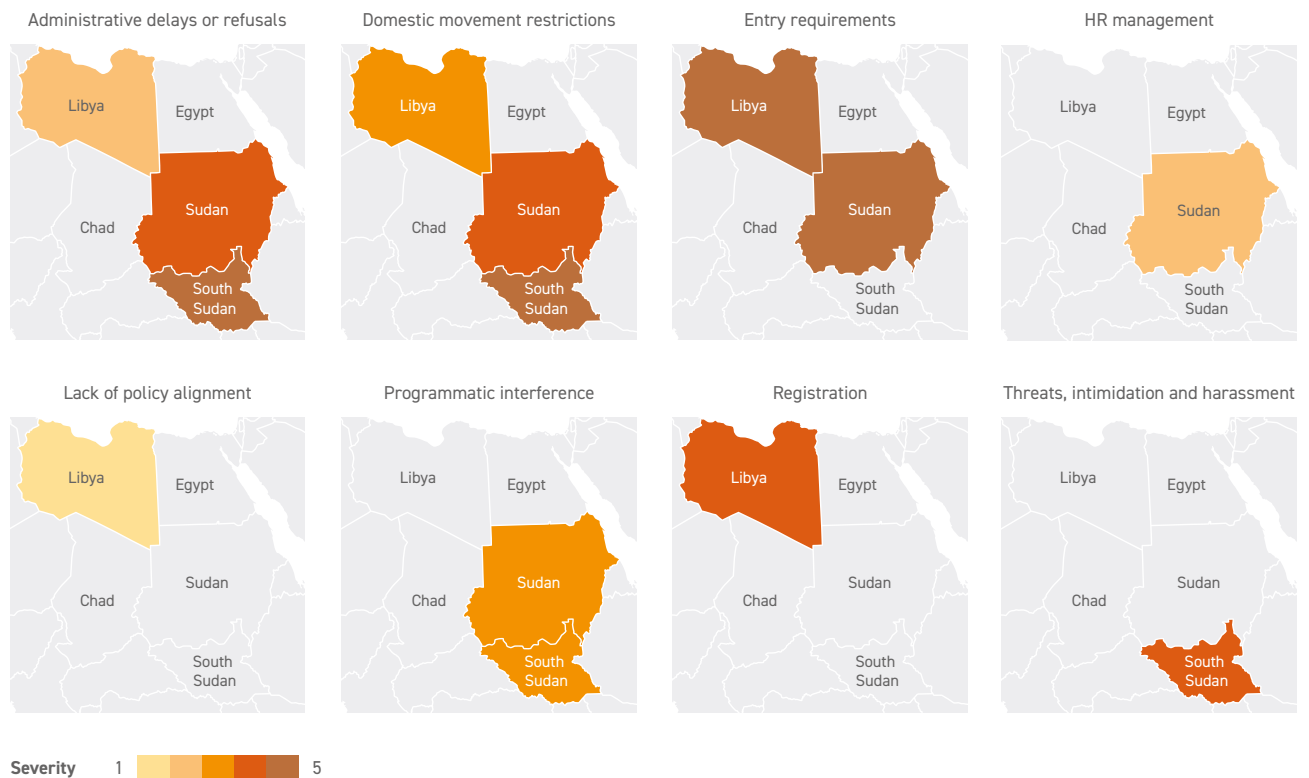
**Figure 2: Severity of BAI areas (ranked on 4.0)**



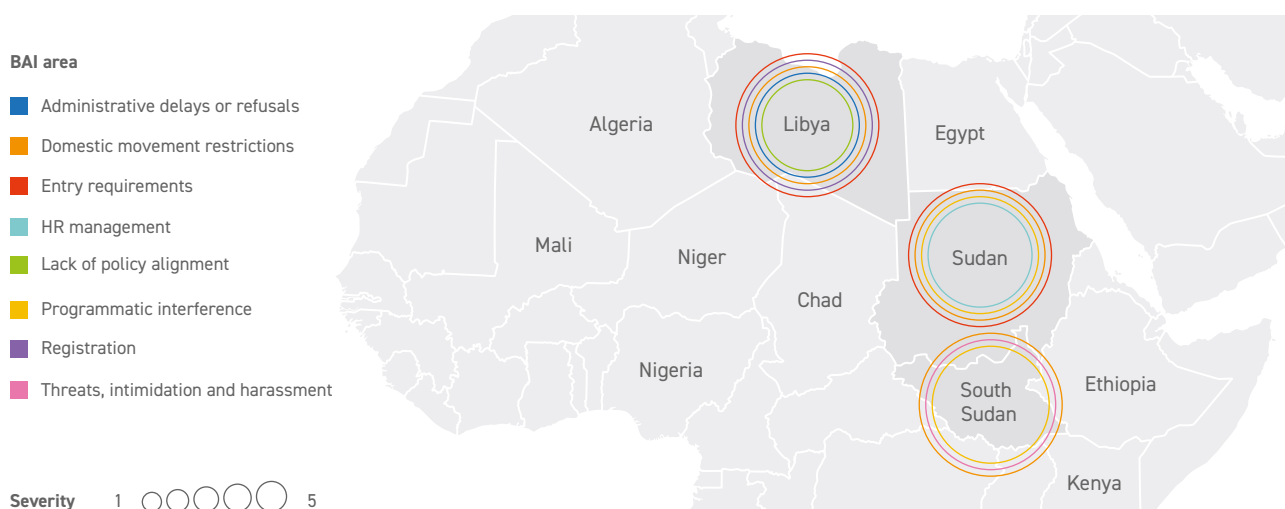
Notably, **severity considers each BAI area separately, imposing unrealistic boundaries between interdependent and mutually reinforcing BAI areas with potentially differential, context-specific impacts.** Severity of BAI areas is also rarely equivalent with frequency, and severity changes over time, even in the same context.<sup>cxxxviii</sup> It is important to note that **in the survey, severity was ranked primarily by international responders.**

Various studies of BAI across diverse contexts support these observations. Studies of BAI in Libya,<sup>cxxxix</sup> South Sudan,<sup>cxli</sup> and Sudan<sup>cxlii</sup> all note differences in rankings of BAI categories. However, whilst the manifestations of BAI areas have taken different shapes over the years, the most severe areas remained:

**Figure 3 A: Severity of BAI areas at the country-level**



**Figure 3 B: Severity of BAI areas at the country-level, with colours representing BAI area and circle size representing level of severity from 1-5 (least to most severe)**



The study on South Sudan stressed the difference between severity and frequency of BAI areas. For example, domestic movement restrictions were ranked as the most severe in terms of impact but were encountered by less than half of survey respondents, as were threats, intimidation, and harassment. Programmatic interference, however, was ranked third in severity, but was the BAI area most frequently encountered by survey respondents (nearly 70%).

Differences of perceived severity of BAI categories areas at the country-level lends further support to the contextual specificity of BAI, indicating that they manifest differently in different contexts as unique and mutually reinforcing configurations. This overlap is recognized by IASC and cited as complicating efforts to address BAI, sometimes resulting in significant delays in humanitarian operations.<sup>cxiii</sup>

### Relevance of BAI indicators

**IASC’s BAI areas are associated with specific indicators, offering a more comprehensive framework than that of BAI as one of the three external constraints to humanitarian access.** At the same time, subsuming security and physical constraints within domestic movement restrictions may reduce attention to the very real dangers and tensions associated with the intentional targeting of staff. Humanitarian financing and donor restrictions, categorised as a separate external constraint, are potentially spread across the areas of administrative delays or refusals, importations and customs, and financial regulations and obstacles. **While security and physical constraints and humanitarian financing and donor restrictions may be part of BAI, the overlap negatively impacts analytical clarity and implementation of the framework in reporting and monitoring efforts.**

Necessarily, the relevance of different BAI indicators (e.g., issues of visas versus work permits in reference to entry requirements) in a given context and at a given point in time will also vary, as evinced in the 2023 study of BAI in Libya.

Respondents to the two surveys were asked whether the existing indicators identified by IASC regarding BAI areas were a duplication of other indicators collected by the AWG. Four said ‘no’; two said they did not know; and the rest left the answer blank or said it was not applicable. Here, indicators are broken down according to their corresponding BAI areas. By and far, the most relevant indicator was associated with the BAI area of entry requirements, which was ranked second in terms of severity:

**Figure 4: Relevance of BAI indicators**

BAI AREA	INDICATORS	% OF HUMANITARIANS INDICATING RELEVANCE
Entry requirements	Number of visas and travel permits pending, delayed, or denied	87.50%
Registration	Number of days from initiation to full registration and/or the approval of MOUs	59.30%
Administrative delays or refusals	Presence of unclear or lengthy administrative processes and procedures	40.60%
Importation and customs	Number of days relief goods are held back from transport and delivery	40.60%
Registration	Number of organisations denied registration and/or MOUs	37.50%
Lack of policy alignment	Consistent policies across government departments	34.36%
Domestic movement restrictions	Requirements for internal travel permits and approvals	31.25%
Importations and customs	Values of fines or taxes imposed	28.12%
Programmatic interference	Number and types of activities interfered in during selection and planning	28.12%
Financial regulations and obstacles	Financial institution de-risking/chilling effects due to sanctions	15.62%

Survey respondents ranked only the indicators, not associated with BAI areas; the areas were incorporated during the analysis of the results. It is worth noting that **the ranking of relevance of indicators does not align with the ranking of the severity of the BAI areas of which they are indicative.**<sup>2</sup> Furthermore, as in the case of severity, the ranking reflects the sample being composed primarily of international respondents.

**The similarities in how BAI manifest across different countries, however, attest to the appropriateness of the indicators associated with IASC’s BAI areas.** At the same time, diverse contexts were marked by configurations of interdependent BAI, pointing to differences in perceived severity of BAI areas as well as in the relevance of specific indicators.

### Refining BAI indicators

Almost all survey respondents agreed that the IASC Framework provides relevant definitions and measures. These are reproduced below, distinguishing between indicators and possible avenues for their operationalisation or measurement over time. Notably, harassment and/or intimidation of staff have been disaggregated from the BAI area of domestic movement restrictions. **Additional indicators are recommended to promote focus on the effects of BAI on crisis-affected populations and to encourage the inclusion of the operational costs of BAI.** Primary and secondary data attest to the need to quantify these impacts. These indicators may not all always apply to every context. Applicable indicators will need to be contextualized and integrated into extant monitoring systems, which need effective feedback loops that serve to fulfil institutional requirements. Where monitoring systems cannot be revamped or do not exist, they would need to be built.

**Domains of change highlight potential broader areas of change that may affect BAI and their manifestations, and thus should be monitored.** These areas, unlike the indicators, do not specify precisely what change is relevant for understanding changes and emerging trends in BAI. They are, however, useful ways to gauge unintended changes and means of factoring contextual dynamics into growing understanding of and responses

<sup>2</sup> 36.5% of respondents included in their top four most relevant indicators the number of HCT, AWG, and NGO meetings where BAI is on the agenda, and 18.75% of respondents cited a lack of presence of access or engagement strategies on BAI amongst their top four indicators. These were initially included in 'relevance of types [or areas] of BAI', but arguably should be considered in terms of addressing BAI.

to BAI. The domains of change recommended below build on those that will already be monitored through the IASC Measurement Framework to Support Implementation of the Centrality of Protection.<sup>cxliiii</sup> As such, they are not duplicated here. Taking into consideration the different extant systems of reporting and monitoring barriers to humanitarian access, including BAI, in various stages of development across many countries and agencies, the goal is to complete data already being compiled – not to replicate these efforts – and to assure that this data is comparable across contexts to the extent possible.

**Figure 5: BAI indicators and measures**

BAI AREA	INDICATORS	MEASURES
Registration	Complex, costly, and time-consuming registration and/or MoU process for the organisation	Number of days from initiation to full registration and/or MoUs approval measured over a specific time period
	Complex, costly, and time-consuming registration and/or MoU process for the organisation	Number of agencies denied registration and/or MoUs approval out of number of agencies having applied (percentage) measured over a specific time period
Entry requirements	Constraints on visa/permits for international staff	Number of visas/permits pending/delayed/denied out of how many were applied for (percentage) measured over a specific time period
HR management	Attempts to interfere in recruitment processes, including contracting, compensating, and assuring staff wellbeing	Number of instances of such interference, categorised, described and recorded over a specific time period
Domestic movement restrictions	Requirement for internal travel permits/ approvals	Whether or not internal travel permits/approvals are required (yes/no), recorded over a specific time period
	Travel permits/approvals pending/delayed/denied	Number of travel permits/approvals pending/delayed/denied out of total applied for, over a specific time period
Administrative delays or refusals	Presence of unclear/lengthy administrative processes and procedures	Presence of unclear/lengthy administrative processes and procedures (yes/no), recorded over a specific time period
Importations and customs	Constraints on imports of relief items or equipment	Number of days relief goods are held back from transport and delivery, over a specific time period
	Taxes, fines or quotas on passage of goods to reach people in need	Value of fines or taxes imposed, above that budgeted/anticipated, over a specific time period
Programmatic interference	Interference or disruption of humanitarian activity selection and planning (e.g., states/ non-state actors favoring/facilitating tangible cash/food/shelter vs less-tangible protection/education/rights)	Number and types of activities interfered in during selection and planning, over a specific time period
Financial regulations and obstacles	Financial institution de-risking/chilling effect due to sanctions	Financial institution de-risking/chilling effect due to sanctions (yes, no), over a specific time period
Lack of policy alignment	Alignment of policies and procedures across government departments and levels (national, local, and provincial)	Consistent policies across government departments and subnational (yes/no), over a specific time period
Harassment/ intimidation of staff and/or suppliers	Number of incidents of intimidation/ harassment of NGO staff and suppliers	Number of incidents of intimidation/harassment of NGO staff and suppliers, over a specific time period

ALL BAI AREAS	INDICATORS	MEASURES
	Crisis-affected populations unable to access basic services, assistance, and/or protection	Number, proportion, and characteristics of people not receiving access to basic services, assistance, and protection, over a specific time period
	Additional, unbudgeted, and/or unanticipated operational costs	Additional operational costs incurred due to difference between anticipated and actual costs of procedures and delays (staff hours required to process administrative requirements, costs of administrative requirements in and of themselves, costs of extended implementation/provision schedules), over a specific time period

DOMAINS OF CHANGE	INDICATORS	MEASURES
Health, food security, malnutrition, water, and sanitation	Changes in health, food security, malnutrition, water, and sanitation	Compile relevant data from available sources, over a specific time period
Delivery of humanitarian assistance	Average length of time it takes to provide humanitarian assistance	Difference between budgeted/anticipated and actual length of time it takes to provide humanitarian assistance, over a specific time period
Legal frameworks and governance	Changes in domestic and international legal frameworks and governance structures	Noted changes, over a specific time period
Coordinated and coherent approaches to tackle BAI	Presence of access strategy/engagement strategy on BAI	Presence of access strategy/engagement strategy on BAI (yes/no), over a specific time period
	BAI inclusion in meeting agendas	Number of HCT, Access WG, and NGO meetings where BAI is on the agenda, out of total number of meetings, over a specific time period
	Feedback on BAI reporting	Number, type, and efficacy of responses to reported incidents of BAI, out of total number of reported incidents, over a specific time period

Survey results are based on a small, non-representative sample. These indicators and domains of change are suggestions that must be refined and adapted by HCTs, so they are context-specific and appropriate. Country-level workshops on refining and finalising these indicators should be held, assuring the participation of actors working on access, programme implementation, and logistics. The inclusion of NNGOs, LNGOs, and CSOs, in addition to INGOs, UN agencies, and coordination bodies, is imperative. Global-level workshops can be convened in the future to gauge potential aggregation of country-level indicators or monitoring domains of change beyond the country-level.

# Endnotes

- i** ICVA, *Result-Based Protection Support: A Measurement Framework to Support Implementation of the Centrality of Protection* (ICVA, 2024).
- ii** KII 2, 2023; KII 3, 2023; KII 6, 2023; 'Confidential Humanitarian Document E', 2023.
- iii** IASC, *Understanding and Addressing Bureaucratic and Administrative Impediments to Humanitarian Action: Framework for a System-Wide Approach* (Inter-Agency Standing Committee (IASC), January 2022), p. 4.
- iv** IASC, *Understanding and Addressing Bureaucratic and Administrative Impediments to Humanitarian Action: Framework for a System-Wide Approach*.
- v** 'Confidential Humanitarian Document M', 2023.
- vi** IASC, *Understanding and Addressing Bureaucratic and Administrative Impediments to Humanitarian Action: Framework for a System-Wide Approach*.
- vii** Jenny McAvoy, 'OCHA On Message: Humanitarian Access' (OCHA, 2010) <chrome-extension://efaidnbmninnbpcjpcglclefindmkaj/https://www.unocha.org/sites/unocha/files/dms/Documents/OOM\_HumAccess\_English.pdf>; Michael Russo and others, *Strengthening Collective Engagement and Influencing for Humanitarian Access* (ICVA/LSE, March 2023).
- viii** Russo and others, p. 6.
- ix** McAvoy.
- x** Russo and others, p. 12.
- xi** IASC, 'Standard Terms of Reference for Humanitarian Country Teams', 2017 <chrome-extension://efaidnbmninnbpcjpcglclefindmkaj/https://interagencystandingcommittee.org/sites/default/files/migrated/2019-02/hct\_tors.pdf>.
- xii** IASC, *Understanding and Addressing Bureaucratic and Administrative Impediments to Humanitarian Action: Framework for a System-Wide Approach*.
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- c** KII 2.
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