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Addressing Relief and Repatriation Needs in Nongovernment-Held Areas: Implications for Policies and Programs

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This paper will examine the existing constraints to addressing relief and repatriation needs in nongovernment-held areas and point to areas of possible change. Nongovernment-held areas are held by a force other than a central government army. In the case of Tigray, these areas were not only inaccessible to the army of the former central government of Ethiopia (GOE), but were also administered by an opposition force, the Tigrayan People's Liberation Front (TPLF). Relative to other national liberation movements, the TPLF's administrative system was quite developed; in addition, the movement controlled a wide area encompassing most of rural Tigray and, by 1988, the whole of the region. Effective access was maintained from neighbouring Sudan, and the Relief Society of Tigray (REST) operated as an effective disaster management agency.

Structural Constraints

There are four primary structural constraints to working in nongovernment-held areas, as experienced during the 1984-85 famine in Ethiopia. The first and most significant of these is the fact that the United Nations plays the role of lead agency in both international disaster response and repatriation programs. However, because the UN is comprised of member governments and its member agencies are thus required to deal solely with host governments, UN agencies are structurally prohibited from accessing nongovernment-held areas, except in cases (such as southern Sudan) where the member government gives its approval. This structural limitation was not generally a problem during the post-World War II era when most conflicts

were between states. However, in today's environment, most conflicts are internal, or between a recognized (and UN member) state and an unrecognized opposition movement. As such, the ability of UN agencies to respond in conflict situations has been sharply constrained in recent years.

In the case of Ethiopia, approval for UN involvement in guerrilla-administered areas was denied throughout the emergency period. In fact, the GOE did not acknowledge the existence of armed conflict in Tigray or in the Red Sea territory of Eritrea until 1989, and throughout the crisis period maintained that it had complete and unrestricted access to all areas of Ethiopia (including Eritrea). As such, the UN was unable to design alternative programs, such as Operation Lifeline in Sudan, or to address civilian needs in these areas.

The primary problem that arose for practitioners in the Ethiopian case was not that the UN was unable to work in Tigray or to respond effectively to the repatriation program for Tigrayan refugees returning to TPLF areas, but that it maintained its role as lead agency despite its inability to properly fulfil this role. Similarly, most members of the international aid community continued to defer to UNHCR as a lead agency despite the conflicting realities on the ground. As a consequence, efforts to respond to the famine inside Tigray, as well as to the needs of refugees returning to Tigray, were coordinated by and around an agency that was unable to gain physical access to the crisis area or even to engage in dialogue with the local authorities (in this case TPLF) from those areas.

The second structural constraint derives from what can be called the "second tier" of the international humanitarian architecture, or the bilateral aid agencies. As most governments

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make clear, bilateral aid programs are often guided by foreign policy objectives. In the case of Ethiopia, these objectives were substantial. During the period under consideration, President Reagan had just announced the "Reagan Doctrine," of which Ethiopia was a component; Western governments were pursuing a policy of attempting to seduce the Mengistu regime away from the Soviet Union with emergency assistance that Moscow could not provide; these governments were enjoying access to Addis Ababa that had been denied for some seven years; the majority of Western governments maintained a clear policy against self-determination for Eritrea, which the TPLF supported; the TPLF's policies on the ground were unknown to most bilateral donors, who instead focused on what was perceived as its Marx-

side of the border where the Tigrayans could be defined as refugees. Bilateral aid agencies provided no direct support to the program.

In this case, it was international NGOs who attempted to fill the gaps. Unrestricted by either mandate or foreign policy agendas, NGOs maintained sufficient flexibility to allow them to support both the repatriation program as well as cross-border relief programs inside guerrilla-held areas. However, despite this flexibility, the international NGO community operated at a distinct disadvantage, which posed the third structural constraint in terms of international response. A number of factors contributed to this: as a sector, international NGOs are not united and in fact compete for resources and programming options; within the NGO community, there is a

NGOs attempted, but failed, to fill the gaps created by the structure of the international aid system.

The fourth structural constraint relevant to the Tigrayan repatriation was the fact that the refugees themselves were afforded no mechanism for representation. While REST was able to speak on behalf of the refugees, the organization was denied access to policy- and program-related decision making by UN and bilateral agencies, and was only able to participate in occasional discussions related to operations. This posed considerable problems, particularly with respect to the determination of the "voluntary" nature of the repatriation and of the extent to which fundamental change had taken place in the area of origin. Based on what they viewed to be the best interests of the refugees, the majority of donors determined that the repatriation was not viable and should not proceed, primarily because famine was still extensive in Tigray. By contrast, the refugees actively wished to return to Tigray in time to cultivate their land.

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ist-Leninist character; and the United States, Israel and Sudan were then engaged in a covert operation along the Sudanese-Ethiopian border to evacuate Ethiopian Jews to Israel. Each of these policy trends were against supporting cross-border relief operations into nongovernment-held areas of Tigray (and Eritrea) and led some governments to actively lobby against flexibility on the part of UNHCR vis-à-vis the Tigrayan refugee repatriation.

With the UN constrained by mandate and bilateral aid agencies operating on the basis of foreign policy objectives, significant gaps emerged. Relief assistance provided to nongovernment-held areas was significantly less than what was required, and was proportionally less than what was provided by the international community to civilians living in areas accessible to the GOE. With respect to the repatriation program, similar gaps emerged; UNHCR provided little assistance in the first phases and additional assistance as the program developed, but this was provided only on the Sudanese

diversity of expertise and, in some cases, a lack of the technical capacity to respond effectively; many international NGOs are to some extent dependent upon, and thus influenced by, donor governments; and, finally, NGOs represent the weakest link in the international aid chain.

Although a relatively small group of NGOs identified a viable alternative approach to meeting the needs of civilians in nongovernment-held areas—by supporting both cross-border and the repatriation program inside nongovernment-held areas—they were incapable of enforcing or expanding this approach within the aid community. In fact, NGOs working in nongovernment-held areas were consistently excluded from policy and planning forums convened by the UN and bilateral government agencies, and their information and experience was not included in reports or analyses developed by, for example, the UN Office for Emergency Operations in Africa, which coordinated the international response to Ethiopia. Operating with limited resources, international

Conceptual Constraints

An effective international response was also constrained by conceptual problems within the aid community. Among these was the misidentification of push and pull factors affecting the Tigrayan refugees. Some seven million Ethiopians were affected by the famine of 1984-85; only selected populations sought refuge in Sudan. These were civilians living in nongovernment-held areas of Tigray and Eritrea who, because of the structure of the international aid system and, in particular, the inability of UN agencies to provide assistance into these areas, received inadequate emergency assistance. Fearful of entering the government-held towns where international assistance was available (due to the risk of forced resettlement, conscription into the Ethiopian army or the possible denial of rations), these people opted to walk to Sudan in order to qualify as refugees and thus obtain international assistance that was unavailable in their areas of origin. Most of these refugees had lived under conditions of war for at

least a decade, and had not, until the autumn of 1984, opted for out-migration.

Nonetheless, most donor agencies assumed that the push factors were famine and, secondarily, war. When the Tigrayan refugees voiced a desire to be repatriated, donors countered that both famine and war still posed considerable problems in Tigray, and that consequently there was insufficient fundamental change to warrant a return. However, the refugees were prepared to return because conditions in the Sudanese camps were poor, the migratory system had provided them with sustenance and a respite, there had been a slight increase in the assistance available within Tigray, and also because the repatriation program provided them with the means to return to production in time for the cultivation season.

This difference in conceptual thinking was also coloured by varying definitions and understandings of famine and famine response. From REST's point of view, famine was primarily an economic phenomenon whereby the rural population had been rendered increasingly vulnerable to disaster agents such as drought. As vulnerability increased, peasants sold their productive assets and, as a survival mechanism, migrated in search of food. The objective of the response was not simply to provide food to fend off starvation, but also to provide farmers simultaneously with the rudimentary means of production. By contrast, most donors viewed famine as the consequence of drought and, thus, food aid as the primary means of response. This conceptual gap was exacerbated by the fact that relief is most often viewed in isolation from rehabilitation or development; as such, REST's attempt to provide a dual response in its relief and repatriation programs—that is, to prevent starvation while at the same time rehabilitating productive capacity—was not understood or supported by most donors.

The third and, perhaps, most significant conceptual divergence occurred at the level of politics. Despite the fact that the war in Tigray was waged between the GOE and the TPLF, and despite the fact that REST and the GOE's Relief and

Rehabilitation Commission (RRC) assumed parallel responsibilities, REST and TPLF were perceived as more political than their government counterparts. This was in part due to the fact that the international aid system bears a distinct bias towards states and because, as a consequence, there was an "official" relief operation (in coordination with the GOE) and an "unofficial" relief operation (cross-border from Sudan through REST and, in the case of Eritrea, through the Eritrean Relief Association). One was recognized and the others were not.

The definitional disparity was made manifest in policy- and program-related decision making at the international level, where neither REST nor TPLF were allowed access. In fact, neither the UN

signed in such a way as to prevent the accrual of undue military advantage on the part of either of the contending armies. In the case of Ethiopia, however, the bias of the aid system towards the state skewed the concept of neutrality in such a manner that it was viewed as respect for the state or official side of the conflict and relief operation. Promoting assistance to nongovernment-held areas was most commonly viewed as political rather than as an attempt to promote parity. Neutrality was often used as the argument for not discussing or responding to needs in nongovernment-held areas. From the viewpoint of the civilians living in nongovernment-held areas, their resultant nonexistence was perceived as partiality in favour of the GOE.

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nor bilateral government agencies maintained communications with both parties to the conflict, and instead maintained relations only with the GOE. Again, one was "official," and thereby "acceptable" at the level of international interaction, while the other was not. This resulted in a common assumption, when relief efforts were impeded by the conflict, that REST and TPLF were "guilty until proven innocent," while the GOE was "innocent until proven guilty." On the numerous occasions when the relief system became a direct victim of conflict (road blockages, attacks on relief convoys or relief centres), the international community failed to promote accountability on an equal basis, instead of holding the opposition to higher standards than the GOE. This lack of parity was also expressed in terms of reporting and monitoring requirements, which were more extensive for REST and ERA than for their GOE counterpart.

Neutrality was also a concept that provoked differing views. My own view is that neutrality is not, in fact, possible when intervening in a conflict situation. "Even-handedness" might be possible as a goal, if in fact interventions are de-

A genuinely neutral position would have argued in favour of giving civilians in government and nongovernment-held areas equal access to international assistance; "even-handedness" would have resulted in an attempt to provide assistance in this fashion. In reality, unfortunately, neutrality meant not taking a position at all and, consequently, the failure of the international community to attempt the more attainable "even-handedness."

Both structural and conceptual limitations affected relief operations. Coordination was the primary problem in this area. Throughout the famine crisis in Ethiopia, there was no coordination between aid agencies working on the government side and those working on the nongovernment side. This resulted in a problematic disparity in terms of information and analysis, and prohibited the international community from identifying the best means of reaching all civilians in need. At the same time, the sourcing of information—and thus planning—was skewed in favour of official GOE data. UNHCR, for example, was unable to operate on the basis of information obtained from REST, despite the fact

that REST was in a position to provide accurate information regarding population migrations into Sudan in such a manner as to allow for effective advance planning. Figures regarding total population, as well as numbers in need and response, were widely divergent.

Parallel to the conceptual constraint posed by divergent understandings of famine was the fact that relief and development actors were divided. Development agencies had little knowledge of relief and, in general, held relief agencies in contempt. On the other hand, relief agencies tended to operate without the economic perspective maintained by the development agencies. Promoting the dual response approach taken by REST was made extremely difficult by the fact that one had to speak to different staff members within the same aid agencies, and by the fact that their responses were not coordinated with one another.

The most significant operational constraint, however, arose from the fact that the majority of aid agencies responding to the famine crisis had little or no knowledge of military theory or strategy despite the fact that they were intervening in the midst of a major armed conflict. It is my argument that any economic intervention—whether it be relief or developmental—in a conflict situation will have a bearing on that conflict. This was made clear most explicitly when the relief system came under attack; at a more subtle level, however, relief interventions affected the capacities and strategies of the contending armies. Infrastructure was developed; assistance that determined whether populations shifted from one operational area to another was made available in large quantities; the abilities of both armies to deliver to their constituencies was affected. At the operational level, however, most practitioners failed to duly examine the relationship between their interventions and the conflicts, and thus to ensure—as far as possible—that undue military advantage was not accrued by either party.

The balance of power was also affected. This posed considerable controversy within the aid community, which, as outlined earlier, suffered from an inappropriate view of neutrality. At the

outset of major international aid intervention, roughly 60 percent of those civilians affected by famine resided in nongovernment-held areas. International assistance was allocated in such a fashion that civilians living in government-held areas were initially provided with 90 percent of all assistance, leaving civilians on the wrong side of the lines at a distinct disadvantage. The cross-border operations, while significant, failed to redress this imbalance, and instead shifted the ration to only 20:80 (still in favour of civilians in government-held areas). Despite the fact that the balance remained skewed, cross-border agencies were often viewed as “supporting” the TPLF (and Eritrean People’s Liberation Front [EPLF] in Eritrea) and shifting the

held areas. This is only true in cases where the member government in question denies the existence of conflict or denies the UN access to conflict areas, however. In the case of southern Sudan, the government of Sudan has allowed UNICEF access (albeit with considerable obstacles), so UNICEF is to some extent capable of addressing civilian needs.

In cases where the UN is unable to operate on the basis of parity and complete access to information, it is impossible for UNHCR to determine either the voluntary nature of a repatriation or the extent of fundamental change within the area of origin. At the wider level, the UN is unable to accurately assess needs or the effectiveness of the international response. Also in these cases, the UN is

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balance. It is true that cross-border interventions affected the political and military capacities of the movements. It is also true that aid intervention on the government side strengthened the military and policy capacity of the Ethiopian army and government. It is not accurate, however, to argue that cross-border operations lent undue advantage to the liberation movements; in fact, despite the fact that assistance was provided into these areas, the movements still operated at a loss in terms of advantage gained by the relief effort.

Lessons from the Ethiopian Experience

Based on the Ethiopian experience, one can draw certain conclusions, some of which may be relevant to other cases of aid intervention in nongovernment-held areas. First is the fact that the mandates of UN agencies prevents them from playing an effective and even-handed coordinating or operational role, as they do not have appropriate mechanisms for obtaining information from all sources or for gaining access to nongovernment-

restricted from responding to indigenous alternatives that may emerge on nongovernment-held areas. One of the greatest tragedies of the 1984-85 famine, and in particular, the repatriation of Tigrayan refugees, was that the UN and other agencies were unable to take advantage of the opportunities provided by REST’s effectiveness and the existence of a well-organized (and self-organized) refugee population.

Perceptions of neutrality defined on the basis of a bias towards the state lead to an absence rather than the promotion of even-handedness. This, in turn, can lead to a dangerous lack of confidence in the international system on the part of the civilians it is mandated to serve. In the case of Ethiopia, this loss of confidence coloured later efforts by the UN to address needs in nongovernment-held areas, i.e., the World Food Programme’s (WFP) negotiations to reopen the port of Massawa after it came under EPLF control and UNICEF’s attempts to undertake an immunization program in nongovernment-held areas of Eritrea and Tigray.

Significantly, we can conclude that given the prevailing situation, international NGOs can fill gaps created by the inability of other aid actors to respond effectively in nongovernment-held areas. This being said, it must be pointed out that this flexibility remains underutilized and that the nature of NGO response in these situations remains ad hoc and dependent upon the will of individual agencies. In other words, there is no guarantee that international NGOs will fill these gaps or will do so effectively. At the same time, it must be understood that responding in nongovernment-held areas poses risks for NGO institutions. Given the unofficial status of these areas and of their authorities (liberation movements), NGOs

that relief operations in conflict situations can provide a pretext for small-scale and limited objective negotiations and, in some cases, provide a basis for conflict resolution.

Short- and Long-Term Change

It is clear that the international system has yet to devise an effective means of responding effectively in nongovernment-held areas. In the short term, there are a number of changes that can be made. First and foremost is the adoption of a division of labour approach, whereby it is acknowledged that the traditional UN-coordinated and bilateral-dominated approach cannot work effectively. At that stage, the crisis can be essentially mapped out, identify-

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often become vehicles for articulating needs and realities in these areas and are thus labelled as "political."

On a more positive note, we can conclude from the Ethiopian experience that continued intervention in nongovernment-held areas can lay the foundation for coordinated and more effective negotiated efforts. In the late 1980s, for example, the Joint Relief Partnership was negotiated between REST and Ethiopian church agencies to allow the delivery of assistance to civilians on both sides of the lines. Some months later, the WFP was able to negotiate bilaterally with the EPLF and the GOE to reopen the port of Massawa and to use the port for providing assistance to civilians in government and nongovernment-held areas. While these were positive developments, however, it must be pointed out that proposals for the safe passage of relief supplies (and movement of relief personnel) put forward by the TPLF and EPLF (in 1983 and 1984, respectively) failed to generate negotiations, largely because the GOE at that time maintained that peace prevailed throughout the country. The Ethiopian example aside, the relevant fact here is

ing populations in need and possible means of access. Resources can be allocated on the basis of which agencies are able to respond in specific areas; in other words, UN agencies would target government-held areas, while bilateral agencies would allocate their assistance primarily to those areas or, given policy considerations, to other areas of their choosing. Most nongovernment-held areas would become the responsibility of international NGOs who would necessarily be forced to improve coordination and collaboration among themselves.

It should be noted that in most cases, working in nongovernment-held areas requires a considerable discretion so as not to alienate or antagonize the central government or the government that is allowing access to the nongovernment-held areas of a neighbouring country. This discretion must be maintained for obvious reasons. However, discretion at the expense of coordination—as was the case in Ethiopia—is detrimental, as it prevents the cooperation necessary to ensure that all civilian needs are addressed or that they all have equal access to international assistance.

Access and use of information can also be improved. While UN agencies may be restricted from operating in nongovernment-held areas, it may still be possible for them to gather information from these areas and to include it in planning and analysis. If that is not possible, it may be necessary to identify an alternative information coordinator; the salient point here is that effective response in a conflict situation and, in particular, ensuring adequate response in nongovernment-held areas, requires that the international community operate on the basis of a comprehensive information base and not, as was the case in Ethiopia, on the basis of distinct and nonintegrated pieces of the picture.

Third and also important is coordination that fills gaps in meeting crisis needs that may arise. This should be the objective of coordination at large, but in most disasters minor emergencies regularly occur and require quick responses. Those agencies capable of responding to these minor crises must be identified in advance and prepared to respond with speed.

In the longer term, the increase in the incidence of human need in nongovernment-held areas poses the question of reexamining the mandates of UN and other international aid agencies, including the International Committee of the Red Cross. This, in turn, provokes considerable debate surrounding the wisdom and viability of humanitarian intervention and the nature of national sovereignty. While this paper cannot address these significant debates, the Ethiopian experience pointed to the possibility of devolving responsibility in these matters to the regional level. Significantly, the governments of the Horn of Africa convened a regional summit on humanitarian issues in April 1992 in which there was a consensus on the need for cross-border operations, coordination of refugee migrations and repatriations, and the protection of relief goods and relief personnel. While the regional governments' willingness and ability to fulfil the pledges made at the summit remain to be seen, the summit has provided, in this region, a basis for overcoming obstacles posed by govern-

ments and for increased and balanced accountability.

Related to the reexamination of mandates is the issue of cross-border operations, which are commonly undertaken on an ad hoc basis and for which there is no formal mechanism in the international aid system. While the issue of national sovereignty and its potential manipulation would likely suggest the imprudence of formalizing cross-border response, there is now ample experience from Ethiopia, Eritrea, Sudan, Afghanistan and other regions to warrant further examination and analysis that might inform the future effectiveness of cross-border operations into nongovernment-held areas.

It is also necessary, in the longer term, to create structural linkages between relief response on the one hand, and rehabilitation and development response on the other. This is true with respect to government and nongovernment-held areas, and also true in cases where conflict is not a factor. This need is particularly clear in the case of repatriation, where reintegration is not as yet a responsibility of any international agency and which, as a consequence, can have the effect of preventing viable repatriations from taking place (as in the case of the repatriation of Eritrean refugees from Sudan). In nongovernment-held areas, linking these two issues and promoting a dual response also requires overcoming the conceptual gap regarding the potential for development in conflicts. In the Ethiopian case, most donors argued that rehabilitation and development were not viable in nongovernment-held areas (active war zones) while the war was still going on. Development programs were undertaken in government-held areas. In contrast, there wasn't a single Ethiopian who was prepared to wait until the end of the war to improve his or her economic standing. "Development" continued, regardless of the extent of international support for it.

Finally, working in nongovernment-held areas requires due consideration of the political impact of such interventions. In any relief intervention, infrastructure, distribution and economic viability are

generally improved. In a situation of conflict, this has political dimensions that must be gauged carefully to ensure that the political balance is not unduly affected.

In a nongovernment-held area, the local authority—and thus one of the partners—is most often a liberation movement with political and military aims. In some cases, there might be an organization such as REST that allows for a separation between aid intervenors and the liberation movement itself, but rarely are such organizations as distinct and effective as REST. In any case, however, it is important to acknowledge that aid interventions will affect the liberation movements' political and military capacities, since most liberation movements adopt a guerrilla strategy whereby gaining the

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allegiance of civilians (i.e., the target population for aid intervenors) is critical. It is the same when working in government-held areas where, in the case of guerrilla warfare, the goal is to drain liberation movements of their popular support.

This does not imply that aid intervenors should make a political determination of the "good" or "bad" nature of the liberation movement, or that they should take a political stance in the conflict. It does mean, however, that due consideration must be given to operation methodology and the extent to which institution-building can or should be promoted. This, in turn, requires considering the efficiency, level of community support and organization, degree of adherence to internationally-accepted humanitarian principles, balance of power and social motivations extant in a nongovernment-held area. In the case of Tigray, for example, most NGOs felt that

REST was sufficiently autonomous from TPLF, sufficiently rooted in the community and sufficiently geared towards genuine social development objectives to warrant supporting a lesser degree of operationality on the part of the international NGOs and to warrant deliberate support for capacity-building. In other cases, this may be less desirable (as in the case of the Mozambique National Resistance or the Khmer Rouge, for example).

This last point is one that is likely to spark controversy. Again, it is important to stress that it is neither necessary nor advisable to pass judgement on the liberation movement's political nature or objectives, as the objective is to address civilians' needs despite the constraints imposed by the political or military environment. It is important to accept the fact that aid intervention in a conflict situation implies, necessarily, some degree of involvement in that conflict, whether it be in government or nongovernment-held areas, for aid is both a potential weapon of war and agent of political change in the eyes of the conflicting parties.

Given this fact, it is critical that aid intervenors tailor their methodologies to ensure that civilians' needs are met effectively and with even-handedness. This, in turn, requires careful consideration of the degree of operationality assumed by the external aid agency, which must be weighed against attempts to build local capacity to manage disasters on the one hand, and the need to ensure the independence of relief operations from political agendas on the other. This also requires examining the degree to which institution-building is advisable and how it should be undertaken. In the final analysis, it must be acknowledged that when we intervene in a conflict situation, we essentially abandon our neutrality, for our assistance becomes part of the conflict. Our goal should be achieving the greatest possible even-handedness. We should not avoid politics because we are humanitarians, but we should enhance our ability to operate as humanitarians by maintaining continued awareness of the fundamentally political environment in which we are operating. ■