

THE TINDOUF REFUGEE CAMPS: THE RESPONSIBILITIES CONFRONTING ALGERIA AND THE POLISARIO FRONT

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By way of introduction

For more than 30 years, the Polisario Front and Algeria have systematically and categorically turned down requests of the High Commission on Refugees (HCR) to carry out a census of the Sahrawi population in the refugee camps of Tindouf province, in Southwest Algeria.

While the unjustifiable refusal of Algeria can be easily understood in the context of its relations with Morocco and its need for political propaganda over the issue of refugees living on its soil, the refusal of the Polisario is primarily motivated by the profit which the separatist Front gains from an overestimation of the number of refugees and, as a result, larger amounts of humanitarian assistance flowing in. This is, among others, reflected in a confidential report of the European Union we were able to browse through.

The issue surrounding a census of Sahwari refugees

In 1976, shortly after Spain withdrew its forces from the Western Sahara and clashes linked to its control broke out, Sahrawi refugees began to arrive in Algeria. Today, more than 30 years later, most of them are still living in the camps of Tindouf.

The HCR bears the statutory obligation to conduct a census of the refugees and this has been restated numerous times in resolutions passed by the UN General Assembly¹ which also say that: *'it is incumbent on the receiving country firstly to preserve the civilian and humanitarian nature of the asylum (...), to monitor and see that the civilian and humanitarian nature of the refugee camps is not compromised by the presence or activities of armed elements (...), to see that the camps are not used for purposes incompatible with their civilian nature.'* The same is found in the recommendations of the Executive Committee of the HCR.² In effect, registration and the census are preliminary steps for the HCR to

¹ Resolutions 58/149 and 59/172

² Conclusions of the Executive Committee of the HCR No 91 (LII) of 2001, No 95 (LIV) adopted in 2003 and No 99 (LV) adopted in 2004.

perform its mandate, which consists of delivering the humanitarian aid required by populations in need.

For many years, Algeria has displayed total disregard for the repeated requests of the HCR and has made an overall settlement of the conflict in the Western Sahara a precondition for carrying out the census. Meanwhile, in their capacity as the 'receiving state' of the camps, the authorities in Algiers bear legal, political and moral obligations vis-à-vis the Sahwari population. These obligations include facilitating the execution of the HCR mandate and enabling it to ensure the protection of the population by authorizing it to carry out registration and a census of the population.

Absent a reliable census, humanitarian assistance is not based on any verifiable data. The last official census dates from 1974, at the time when the territory was still a Spanish colony. As François Soudan explains in *Jeune Afrique*, it presents us with what is "both an under-estimate, because it did not take into account the many Sahwaris living in exile at that time and an over-estimate insofar as nomads who arrived from neighbouring countries (...) were included in the operation."³

In 1978, Algeria spoke of 50,000 refugees in a report submitted to the HCR. During the 1980s, the Polisario claimed there were 300,000 persons, while some NGOs taking up their cause advanced the astounding number of 700,000 refugees. Since the middle of the 1990s, both the Polisario and the Algerian authorities have estimated the Sahwari population in the camps at around 165,000 persons.

In 2005, pending a serious census, the World Food Programme (WFP) and the HCR decided to allocate their humanitarian assistance based on a population assumed to number 90,000 persons. Meanwhile, according to various evaluations of the population carried out by demographic experts based on satellite images and on the testimony of Polisario directors, the number of refugees has been placed at between 40,000 and 50,000.

According to the European Union, a "massive" diversion of humanitarian aid...

The discrepancy between the actual population and the estimated population poses many problems.

1. It makes any **adjustment of aid impossible**. However, it is crucial to be able to provide a suitable nutritional regime, especially to young children.
2. It contributes to continuation of **all kinds of trafficking and to the embezzlement of humanitarian assistance**, because the HCR does not have any permanent presence in the Tindouf camps and generally speaking the visits of 'outsiders' to the camps are very restricted and controlled by Algeria.

To be sure, the Sahwari population is the first victim of these practices of embezzlement of international aid which is generally condemned by the various international organisations, beginning with the HCR but also by the WFP and by an American NGO, the US Committee for Refugees and Immigrants (USCRI) which, in a recent report, presents a catastrophic picture of the living conditions faced by the Sahwari population

The USCRI also refers to passages in the 2005 report of the European Anti-fraud Office (OLAF) when it speaks of embezzlement of humanitarian aid by Algerian leaders and

³ *Jeune Afrique*, 'Sahara: how many refugees ?' 21 September 2009

members of the Polisario, saying that: *'the number of beneficiaries is below the number for which the international community has supplied assistance.'*

The most recent report of OLAF which we were able to obtain underlines the persistence of the same problems from the very beginning of the conflict: the number of refugees, the absence of registration and census taking, the lack of transparency and the responsibility of the Algerian Red Crescent, as well as insufficient monitoring. But there are far worse predicaments; **in preparing this report OLAF used the most advanced and sophisticated methods, including concealing geo-location beacons – “balises” – in containers intended for Polisario.** Upon arrival, the discoveries made through these unprecedented efforts paid off. This was underscored when **in effect, once humanitarian assistance arrives at Oran, it takes on average 48 days to be finally delivered at the Tindouf camps and a large part⁴ of the aid never reaches the Sahwari people in need.** The report details how the Algerian Red Crescent is the first beneficiary of the aid, followed by the leaders of the Polisario Front, who use this financial manna either to buy arms but also and above all to buy real estate for personal use in the Canary Islands and in Spain. The OLAF investigators went so far as to identify with precision where the arms caches are located and to name those leaders of the Polisario Front who are guilty of misappropriating the humanitarian assistance. **The OLAF investigators were able to pinpoint the cashes used by the leaders of the Polisario to store stolen humanitarian aid goods before their redistribution on the sub-Saharan markets. Furthermore, they managed to identify the culprits within the Polisario Front responsible for these circumventions and were able to locate some of the luxury villas bought in southern Europe.**

This report is the result of a 6-month long investigation carried out in Brussels (under the aegis of ECHO, the Office of Humanitarian Aid of the European Commission), in Algeria, in the Western Sahara in Morocco and in other countries of the region. Given the numerous violations of international laws and European rules, which it sets out, the 20 page report has only been made available to a handful of high-ranked European officials on the secure internet site of OLAF. Many European deputies have tried in vain to demand that it either be made public or that access be given to members of the concerned Commissions and Delegations in the European Parliament. Unfortunately the refusal can be easily understood. Indeed, the highest European authorities are aware of the disastrous consequences which publication of the report would have for relations between Algeria and Europe, whereas Algeria is one of the main suppliers of natural gas and oil to the European Union.

Furthermore, as it is a general custom, a part of the European humanitarian aid is provided through funds used to finance purchases on the spot, thus in Algeria. **Moreover, the Algerian authorities illegally apply taxes to the aid commodities!** In other words, not only is the assistance being diverted, but the Algerian state is receiving taxes on embezzled goods sold on its territory! Ultimately, **a part of the European taxpayers' money intended for humanitarian aid is therefore used to enrich the Algerian state through its tax system.**

OLAF is not the only one to expose these mafia practices which totally contradict humanitarian law. Many investigations carried out by numerous international NGOs have also confirmed the existence on the markets, especially in Mauritania and Algeria, of large quantities of foodstuffs taken from the humanitarian assistance shipments.

In February 2010, the Sahwari Association for the Defence of Human Rights (Asadeh) condemned the blockade imposed by the Polisario on the population in the Tinfouf camps.

⁴ As a general rule, 2 to 3% of humanitarian aid is systematically misappropriated. In the case of European assistance in the Tindouf camps, we are talking about massive embezzlement, well above the 2 to 3% base line.

Asadeh President Mesaud Ramdane criticised '*systematic embezzlement by the Polisario of humanitarian aid intended for the population in the camps of Tindouf*' and pointed his finger at the '*refusal of the Polisario leadership to allow any census of the population of the camps.*'⁵ Mesaud Ramedane also explained '*that it is not in the interests of the Polisario, which takes its orders from Algeria, to go ahead with a census of the Sahwari population in the Tindouf camps (because) the Polisario is inflating the number of persons living there in order to receive substantial humanitarian assistance.*'⁶

By way of conclusion

The last session of the Executive Committee of the HCR (28 September-2 October 2009) and the 47th meeting of the Permanent Committee of the HCR (3 March 2010) still had long discussions on the responsibility of Algeria for the Sahwari refugees and its total abdication in their regard. Morocco is not the only country to be concerned about its neighbour's failure to respect international law and to demand that Algeria acquit its statutory obligations properly. NGOs, the European Union (the Commission – via OLAF and European deputies) are also interested in this matter and reach many of the same conclusions.

The European MPs will meet with António Guterres, UN High Commissioner for Refugees (UNHCR), on April 28; during a joint meeting of the Subcommittee on Human Rights and the Committee on Civil Liberties, Justice and Home Affairs (LIBE).

For more than thirty years, the Sahwari population has been used by the Polisario and by Algeria to apply pressure to international institutions. Unfortunately, unlike Algeria, which makes a solution of the conflict in the Western Sahara a precondition for holding a census of the population, neither Europe nor the United Nations can make the holding of a census a precondition for extending the assistance so needed by the refugees. In fact, a census would be the only tool making it possible to continue to meet the needs of the Sahwaris while curtailing the misappropriation of assistance.

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⁵ In Le Matin, 24 February 2010, <http://www.lematin.ma/Actualite/Express/Article.asp?id=128596>

⁶ Ibidem.