



Inspector General's Office / Investigation Unit
Bureau de l'Inspecteur Général / Unité des enquêtes

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Inquiry Report

INQ/04/005

Geneva, Switzerland, 12 May 2005

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I. INTRODUCTION

1. UNHCR's Inspector-General's Office (IGO) was contacted at the end of September 2004 by the Office Européen de Lutte Anti-Fraude (OLAF) who informed the IGO that OLAF was conducting a large-scale investigation into allegations of diversion of ECHO food aid and non food items (NFI) destined for Sahrawi refugees in Tindouf, Algeria. According to various protected sources, food and NFI were being diverted at the Port of Oran, en route to Tindouf and after arrival at the Rabouni warehouse in Tindouf, and were then transported to parts of Algeria, Mauritania and Western Sahara. Again according to OLAF, those responsible for the diversion of humanitarian aid were Algerian and Sahrawi nationals working for NGOs such as the Algerian Red Crescent Society (CRA) and the Sahrawi Red Crescent Society (CRS).
2. As there were no allegations of misconduct by UNHCR staff, the IGO considered that these allegations did not fall within the investigative competence of the IGO. However, in accordance with paragraphs 6.2 and 6.3 of IOM/FOM 65 of 2003, the case was registered as an inquiry (INQ/04/005).
3. The OLAF report to UNHCR coincided with statements by the Moroccan Ambassador during ExCom 2004 about the numbers of Sahrawi refugees in the Tindouf camps and reiterating requests for the refugee population to be registered¹.
4. The IGO initiated the inquiry by collecting and analysing available documentation on this issue.
5. On 8 December 2004, a meeting between OLAF, WFP (Office of the Inspector General - OSDI), and UNHCR (IGO) was organised in Geneva. The purpose of the meeting was for the three organisations to share information on the allegations, and the refugee operation in Algeria. Since 2000, the UNHCR/WFP assistance programme to Sahrawi refugees in the Tindouf area has been implemented on the basis of 155,430 beneficiaries. However, it is important to note that no registration of the Sahrawi refugee population has ever been undertaken (see below for more information on this).
6. During the meeting, OLAF provided a satellite imagery report commissioned from the European Commission Joint Research Centre, Institute for the Protection and Security of the Citizen, which, according to them, endorsed the view that the population of Sahrawi refugees in the area surrounding Tindouf was around 91,000 (with a margin of error of 7,000)².
7. It was agreed at the 8 December meeting that UNHCR and WFP would undertake a joint fact-finding mission to Algeria in early 2005 to identify possible vulnerabilities in the food distribution system. In the meantime, OLAF would provide copies of the testimonies it had so far received on the allegations of diversion of food aid, and would begin their investigation into the tender process and the dispatch of food to Oran port.

¹ Déclaration de M Omar Hilale, Ambassadeur, Représentant Permanent du Royaume du Maroc, 31e Réunion du Comité Permanent du HCR, 23 septembre 2004.

² European Commission Directorate General JRC, Institute for the Protection and Security of the Citizen Support to External Security Unit, Estimation of population in refugee camps in Western Sahara [sic], a Study in support of OLAF, September 2004.

8. The joint WFP/UNHCR mission to Algeria took place from 5-12 March 2005, and its findings are outlined below. A follow-up meeting took place between the IG offices of WFP and UNHCR in Rome on 20 April 2005. Agreed recommendations are also included as part of this report.

II. METHODOLOGY

9. As noted above, the IGO initiated this inquiry in accordance with paragraph 6.2 of IOM/FOM 65 of 2003. As well as meeting with other concerned entities (namely OLAF and WFP), the IGO undertook research into the UNHCR archives, internet searches into publicly available documentation, and a field mission to Tindouf where IGO met with UNHCR and WFP field staff, CRA and CRS staff and refugees in three of the four refugee camps.

10. The IGO notes that the conduct of this inquiry did not always run smoothly. In particular, the planned IGO mission to Tindouf encountered several obstacles, and was almost postponed on several occasions. The mission was eventually allowed to go ahead, but its scope was limited to looking into the food distribution system in place.

11. The IGO would like to thank all staff of UNHCR SO Tindouf as well as the Representative in Algiers for their cooperation during the inquiry mission.

III. THE ISSUE OF REGISTRATION OF SAHRAWI REFUGEES IN ALGERIA

12. The issue of the numbers of Sahrawi refugees is a contentious one, intrinsically linked to the political goals of both Morocco and the Polisario. In fact, a background note on the question of registration of the "Sahrawi refugees" forwarded to the UN Secretary General in February 1977 from the then High Commissioner indicated *"that the number and origin of Sahrawi refugees in the Tindouf area has become, by the nature of things, the central point on which may hinge the ultimate solution of the problem of Western Sahara"*.

13. Currently, as in the past, UNHCR and WFP are working with the numbers provided by the Algerian Government. From year 2000 – September 2004, this was 155,430 refugees, however since September 2004 the figure has been increased to 158,000.

14. No registration exercise of Sahrawi refugees has ever taken place, and UNHCR has continuously relied on figures provided by the Algerian Government³. Throughout the existence of this operation, the reliability of these figures has continually been questioned.

15. The influx of Sahrawis into the Tindouf area of Algeria first occurred in late 1975. At the time, the Algerian local authorities referred to 20,000 persons (although a UNHCR mission in December 1975 thought the real number was probably lower: around 12,000). In March 1976, following a new influx into Algeria, the Algerian authorities and the CRA referred to a new figure of 45,000 refugees in the Tindouf area. In April 1976, UNHCR appealed for funds for the Sahrawi refugee population using the new figure of 45,000. In November 1976, the figure of Sahrawis appeared to have increased to 50,000 and in January 1977, WFP announced the provision of food aid for 50,000 refugees on a *"working basis"*.

³ See Annex 1 for a chronology of discussions on the question of figures and registration of Sahrawi refugees. In 1975-1977, the Algerian authorities repeatedly claimed that they were using the figures as estimated by UNHCR field missions.

16. During this same period (1975-1982), the question of the number of Sahrawi refugees in Algeria was raised several times. It appears from the archived documentation that figures provided by CRA and the Algerian authorities tended to be higher than those estimated by UNHCR. However, UNHCR eventually accepted the Algerian authorities' figure. When WFP first began to provide food assistance for this caseload, although they accepted the estimation of 50,000 refugees, they cautioned that this was only in order to provide assistance and did not amount to an acceptance of the figure provided.

17. A letter from WFP (Mr. Vishnu Dhital) to UNHCR (Mr. Zia Rizvi) dated September 1977, specifically indicated that *"you may also wish to note that the number of refugees estimated is far from accurate and the estimate of individual family size appears to be very large. While the Algerian Red Crescent itself is providing food for an average of 50,000 persons the estimate of 70,000 appears to be highly exaggerated"*.

18. As noted, the whole question of registration of this caseload was raised as early as October 1976 by the Moroccan authorities during ExCom. Interestingly, this was followed by a UNHCR internal memorandum which referred to a possible forthcoming request by the Algerian authorities for refugee registration. However, there is no record that this request was in fact ever made.

19. In February 1977, a note on the *"Question of census of Sahrawi refugees"* was prepared by UNHCR for the then Secretary-General of the UN. The note indicated that the three parties concerned with the idea of a registration exercise (Algeria, Morocco and Mauritania) of Sahrawi refugees all appeared to see some advantages to the proposal. There was no reference to the views of the Sahrawi refugees themselves. The note also mentioned the fact that UNHCR had no previous experience of conducting registration exercises.

20. In April 1977, the Secretary-General informed the High Commissioner that the Algerian authorities had agreed to a registration exercise. Subsequently, on 18 May 1977, UNHCR wrote to the Algerian Permanent Mission in Geneva with details of the proposed registration exercise, referring to the Algerian agreement with the Secretary General. There is no record of a response to this *note verbale*. In August 1977, the Moroccan Government agreed to the proposed registration exercise. That same year, during ExCom, the Algerian delegation made a statement indicating that they were considering the modalities of such an exercise. No further feedback was received from the Algerian authorities and a protected source recently told IGO that the Algerian Government was never in agreement with this proposal.

21. More recently, in 1999/2000, UNHCR undertook a pre-registration exercise for voluntary repatriation. In order to conduct this pre-registration, UNHCR relied on the MINURSO identification exercise and the documentation that those identified were given by MINURSO. According to information available on file⁴, the objectives of the pre-registration exercise were *"to assess the number of refugees and their immediate family members willing to repatriate to the Territory in order to participate in the referendum of self-determination and to determine [their] final destination within the Territory"*.

22. In the course of this exercise, UNHCR pre-registered some 126,000 Sahrawis in the Tindouf area. However, there were concerns expressed by UNHCR Headquarters at the time the exercise was undertaken. These concerns referred to the fact that there were no

⁴ Mission report: Pre-registration exercise in Tindouf, 9 June 2000, and exchange of emails between UNHCR Geneva and Algeria, dated 5 June 2000, on suspension of the pre-registration.

safeguards in place to avoid double registration, and that dependants were registered based only on “*word of mouth of the principal applicant*”. In fact, the pre-registration team only saw 19,984 principal applicants and the remaining 106,213 were registered as dependants with no random family visits being undertaken to double-check the information provided by the principal applicants. Furthermore, UNHCR pre-registration lists were not checked against MINURSO provisional voter lists. It is quite possible that some family members not physically present in the refugee camps were included as part of this pre-registration exercise.

23. The 1999/2000 pre-registration exercise was not completed and UNHCR estimated that approximately 28,000 refugees had not been registered (25,000 of which formed the so-called residual “non-voter” caseload and 3,000 who did appear on the Minurso provisional voter lists but who had not been pre-registered by UNHCR before the exercise was halted).

24. This pre-registration exercise formed the basis of the new beneficiary figure of 155,000. It is worth reiterating in this context that individual family members did not have to be present for pre-registration, and that all family members who had been identified, but not necessarily only those who were present in the Tindouf refugee camps, were included. It is also important to note that concerns of possible fraud had already been expressed by UNHCR at the time of the pre-registration exercise. The figures obtained as a result of this exercise have since formed the basis of UNHCR’s and WFP’s continued provision of assistance to Sahrawis.

25. Altogether, as far as UNHCR records showed, there were three formal requests from UNHCR to the Algerian Government for the registration of Sahrawi refugees: 18 May 1977 (as noted above), 7 June 2003 when UNHCR sent another *note verbale* to the Ministry of Foreign Affairs in Algiers on the same matter, which remained unanswered. Finally, on 23 March 2005, during a debriefing session on the IGO mission to Tindouf, the Deputy Director of CASWANAME made a formal demarche to the Algerian Permanent Mission in Geneva on the issue of registration. The Mission’s response was that the matter would have to be raised with Algiers. UNHCR indicated that a written request from UNHCR and WFP on this matter was likely to follow. On 25 April 2005, UNHCR Algiers followed this verbal request with a written request to the Algerian Ministry of Foreign Affairs asking for the registration of Sahrawi refugees in the Tindouf area. The IGO takes note of this recent initiative and emphasises that UNHCR should not compromise its registration standards when it comes to planning and carrying out this exercise.

26. The IGO would also like to point out that the non-registration of a refugee population for such a prolonged period constitutes an abnormal and unique situation in UNHCR’s history. The political dimension given to the refugee numbers in this context should not be considered an acceptable obstacle, in 2005 (i.e. almost 30 years after the arrival of these refugees), to a full and standard refugee registration of persons in need of international protection and assistance.

27. Various other sources have questioned the numbers of Sahrawi refugees in Algeria. A US Committee for Refugees (USCR) report on Western Sahara⁵ reported 80,000 refugees in Algeria. A later USCR report for Algeria⁶ indicated that there were an estimated 165,000 Sahrawi refugees in Tindouf. The report added that USCR had previously cited 80,000 refugees and that this revised figure of 165,000 arose as a result, not of a new influx, but “*after further research and an extensive site visit to North Africa to examine the plight of*

⁵ World Refugee Survey 2003 Country Report

⁶ World Refugee Survey 2004 Country Report

Sahrawi refugees [...], USCR is readjusting the figure to reflect the number of beneficiaries served by international humanitarian agencies”.

28. It would therefore seem reasonable to conclude that the various doubts raised about the numbers of Sahrawi refugees in south-western Algeria are well-founded. The IGO would like to recommend that a full standard registration exercise (PROFILE), with DOS support, be undertaken by UNHCR in order to establish the number of refugees receiving international protection in Tindouf. Any sub-standard registration exercise, as with the 1999/2000 pre-registration exercise, would lead to new controversies on refugee figures.

29. In the event that the Algerian authorities refuse to allow the registration of Sahrawi refugees in the Tindouf area, UNHCR should seriously consider reducing without delay the beneficiary number to 90,000. This figure was mentioned by a Polisario representative, Mr. Haddad, during his early March 2005 visit to UNHCR Geneva⁷.

IV. ACCOUNTABILITY OF UNHCR'S IMPLEMENTING PARTNERS

30. UNHCR's main implementing partner in Algeria is the Algerian Red Crescent Society (CRA). Not only is the CRA responsible for receiving food and NFI at Oran Port, but it is also responsible for onward transportation to Tindouf and for various other programming activities such as supply of gas bottles to refugees, supply and maintenance of medical equipment, rehabilitation of youth centres in the refugee camps, and community services activities.

31. An audit of UNHCR's operation in Algeria took place in 2001. The audit made several observations with regard to CRA, including reference to the fact that *“no reliance could be placed on [CRA's] accounting and internal control mechanism”*.

32. The audit also referred to the lack of methodology for allocating costs common to several donors, such as the costs of transportation, the mixing of funds from different donors in one account, the lack of monitoring reports on distribution of food and NFI and the lack of transparency with regard to the various CRA donors. WFP noted similar difficulties during their March 2005 mission and indicated that any comparison of transportation costs was extremely complex as CRA used different accounting methods for different donors.

33. During the IGO's mission to Tindouf, the IGO observed that some of these issues were still outstanding. In particular, no monitoring reports were available (see below), and clear differentiation between donors was not done. CRA explained that in practice CRS was responsible for actual distribution to beneficiaries, and CRA relied on distribution figures provided by CRS. However, no formal delegation was done between CRA and CRS, so only CRA was legally accountable to UNHCR for the correct disbursement of funds. Furthermore, as noted in paragraph 24 below, CRS has been given, through CRA, the use of a number of UNHCR trucks and other vehicles for which no right of use agreement has been signed.

34. The IGO noted that previous recommendations on these issues, including audit recommendations, have not been adequately implemented by UNHCR operational sections (more on this in the section devoted to allegations of diversion of food aid).

35. The IGO remains very concerned by the lack of clarity regarding CRA's funding, coupled with its inadequate accounting and control procedures. In their report, the auditors

⁷ See the Note for the File on the Meeting between CASWANAME and the Frente Polisario, Geneva, 1 March 2005

had highlighted the fact that CRA was receiving funding from over 30 different donors. This situation, compounded by the lack of donor coordination, creates a significant risk of “double funding” for some projects and activities undertaken by CRA. Such a situation is frequently conducive to the development of fraud.

36. The IGO is therefore of the opinion that CASWANAME should ask CRA to provide detailed information on related inputs from all their donors, and that a comprehensive audit of CRA be undertaken.

V. ALLEGATIONS OF DIVERSION OF FOOD AID

37. As noted above, the main aspect of the OLAF investigation was to look into allegations of diversion of aid intended for Sahrawi refugees. It was after these allegations had been brought to the IGO’s attention that it was decided that an IGO mission to Tindouf should take place with a view to looking into the food distribution mechanisms, paying particular attention to existing areas of vulnerability. The mission was conducted parallel to an ongoing WFP Inspection mission in Tindouf.

38. The mission terms of reference did not include looking into numbers of refugees or the issue of registration, although this issue is intrinsically linked to the allegations of diversion of food aid. Given that beneficiaries in the camps do appear to receive their monthly rations, if food diversion is occurring, it is likely to be at the level of the Rabouni warehouse and because the number of beneficiaries is lower than the number for whom food is provided by the international community.

39. The current food basket provided by WFP is 13.5 kg of cereals per person per month, 1 kg of sugar, 2 kg of pulses, 1 litre of oil, 0.2 g of yeast (per family), and 0.21 g of tea (over 14 yr olds only). Food is provided for 158,000 beneficiaries.

40. Most of the food basket is provided by WFP with the exception of the yeast and the tea for which UNHCR is responsible. The tea has not been distributed since sometime in 2004 due to problems with the quality of the 2004 shipment.

41. When the food arrives at Oran port, WFP, through the CRA, is responsible for the offloading of the food and its onward transportation by road to Rabouni warehouse (EDP) near Tindouf. The LTSH⁸ costs to EDP paid by WFP amount to US \$83.01 per MT. This is apparently higher than they would be were WFP to subcontract commercially, but CRA is obliged to use government transportation companies for this and rates are fixed. As part of their efforts to tighten up on weaknesses in the distribution chain, WFP will recommend that WFP takes over transport of food from the port to EDP.

42. Once the food arrives at the EDP, it becomes UNHCR’s responsibility under the terms of the 2002 UNHCR/WFP global Memorandum of Understanding (MOU). The MOU provides for a local Joint Plan of Action to be elaborated spelling out the respective organisations’ responsibilities, including monitoring responsibilities, within each operation. To the best of IGO’s knowledge such a plan has not been agreed on for the Algeria operation, although a draft seemingly prepared by WFP Algiers was given to IGO on 20 April 2005.

43. CRA is UNHCR’s implementing partner for secondary transport and maintains a presence at the Rabouni warehouse. In practice CRS manages the warehouse. CRS is not an

⁸ Land Transport Storage and Handling

implementing partner of either UNHCR or WFP, nor does it have any formal arrangement with CRA for delegation of authority. However, as well as managing the warehouse, CRS is responsible in practice for the distribution of monthly food rations to beneficiaries, including organisation of transportation. CRS also reports on the monthly distributions to CRA.

44. It is the IGO's understanding that UNHCR and WFP have held discussions about the possibility of WFP remaining responsible for the food distribution to beneficiaries. The IGO recommends that this issue be further examined with WFP by CASWANAME.

45. UNHCR does not provide any funding to CRA for food distribution with the exception of an amount allocated for paying incentives to those responsible for loading and offloading the trucks. Fuel is donated by the Algerian Government and drivers are volunteers. Protected sources have indicated that some of these drivers in the past may have included Moroccan prisoners of war. Given the serious nature of such an allegation, UNHCR should, from now on, obtain names and details of any volunteers employed as drivers or elsewhere in the food distribution process.

46. A fleet of trucks is at the disposal of the CRS. This includes, but is not limited to, around 30 trucks provided by UNHCR (some of which are reportedly no longer in use). It should be noted that UNHCR has not signed any Right of Use agreements with CRA (or CRS) for use of the trucks. Furthermore, several interlocutors in Algeria, and WFP itself, have expressed concerns about the state of vehicles used for food distribution and the fact that their poor condition means it can take up to four weeks to complete food distribution to all camps.

47. Distribution of food in the Sahrawi refugee camps relies on the grouping method, whereby food is distributed to group leaders who are responsible for its distribution to a sub-group and then to heads of families. Group leaders are all refugee women.

48. In terms of tracking, whenever trucks leave the warehouse at Rabouni, they are provided with an "albaron" (bordereau de distribution) in two copies. Upon arrival at the specified "daira" (neighbourhood) in the refugee camp, the food is offloaded and counted, whereupon the chief of the "daira" signs the albaron, and a copy is returned to the CRS in Rabouni. The "daira" chief himself then allocates food to the group leaders. Groups are formed of 150 persons, with some "open" groups (not amounting to 150 persons). Each group leader then signs for the food received, and copies of these albarons are kept at "daira" level until the end of the year whereupon they are all transferred to CRS Rabouni. It should be noted that this system was in place and consistent in all "dairas" visited in Smara and Layun camps.

49. Refugees were interviewed by WFP / UNHCR in the camps of Layun, Smara and Dakhla. All those spoken to knew how much per person the food ration was, and reported having received it. All, however, complained about the small quantities provided and the lack of diversity, especially in recent months.

50. The IGO also observed that the UNHCR office in Tindouf did not conduct regular monitoring of food and NFI distributions. In fact, such monitoring had not taken place regularly since 2001. This appeared to be due to a number of factors including lack of personnel in Tindouf. UNHCR did not seem to have any difficulties with access to the different refugee camps and was able to proceed freely to any camp without advance notification to the Algerian authorities or to CRS. WFP on the other hand, appeared to be

much more limited in its movements and was not able to proceed to the camps without authorisation and an escort by CRS.

51. The IGO noted that the lack of regular monitoring and reporting was raised in the context of the 2001/2002 audit of UNHCR's operations in Algeria and the situation did not appear to have improved since then. Finalisation of a joint plan of action with WFP (see paragraph 32 above) needs to urgently address this issue.

52. As mentioned above, monthly food distribution figures are provided by CRS to CRA who transmits them to UNHCR (and UNHCR gives them to WFP). Consistently, the monthly figures reflect the amounts approved for distribution to the Sahrawi refugees by the monthly coordination meeting on food in Algiers. Only where there is a commodity shortage do the food distribution figures differ from those approved by the food meeting.

53. Given the existence of the albarons, it should be possible to verify the actual amount of food distributed at least to the group leader level by reviewing both the albarons for the trucks, and those of the group leaders and reconciling the two. In theory, each food commodity quantity trucked from Rabouni warehouse to each "daira" should be equal to the sum of all the "*grupo de distribucion*" albarons for the same "daira" per food commodity. If the total food quantity approved for distribution by the monthly food coordination meeting is actually distributed to refugees, the "*grupo de distribucion*" albarons should add up to that figure. If this is the case, it is likely that there are actually 158,000 refugees. If, however, a sum of the "*grupo de distribucion*" albarons is less than the amount approved by the monthly food coordination meeting, then it would seem likely that some of the food rations are being diverted and are not distributed at camp level.

54. An initial review of truck albarons for November and December 2004 for flour and lentils indicated that for both months and for both commodities, the amount accounted for in the albarons fell short of the amount reported as distributed. This could be due to missing albarons, or have another explanation: because there are not 158,000 beneficiaries in the camps, the actual amount of food distributed is less than the amount approved for distribution by the monthly coordination meeting.

55. In order to reach a decisive finding on this issue, a more comprehensive review of all albarons would be required per commodity per month, however this would be a time-consuming exercise with possibly inconclusive results given that some albarons may be missing or faked. WFP also noted that WFP staff collect the albarons from CRS however, given UNHCR responsibility for food distributions from EDP, UNHCR staff should be doing this.

56. Another issue which was looked at was the actual stock in Rabouni warehouse. The warehouse stock report indicated a total of over 9000 MT of flour as of 9 March 2005 (both WFP and ECHO buffer stock). This reconciled with WFP's own stock-keeping records. However, when a physical verification was undertaken by WFP logistics staff, on 10 March 2005, they only saw approximately 6000 MT. A second visit to the warehouse took place on 12 March and WFP was able to identify an additional 2000 MT. As of the writing of this report, WFP reported the following stocks as unaccounted for: 268 MT of flour, 42MT of lentils and 15,000 litres of oil from the WFP stock, and 243 MT of flour, 104 MT of sugar and 12,600 litres of oil from the ECHO buffer stock.

57. Both WFP and UNHCR were able to observe that many warehousing procedures were not implemented. ECHO and WFP stocks were not clearly separated, and large

quantities of, for example, flour were kept in small containers scattered throughout the warehouse area with no clear indication of quantities in a given container or of donor. WFP is addressing a number of the shortcomings identified in warehouse management through its recommendations, including a proposal to relocate the warehouse closer to Tindouf town.

58. It should be noted that many of these problems in food and NFI distribution, particularly the lack of CRA responsibility and CRS accountability are not new issues and, like the issue of registration, have permeated the operation from the beginning. For example, IGO traced a note for the file dating from 1977 and entitled "*Difficultés entre le Croissant Rouge Algérien et le HCR*". This report referred to a refusal by CRA to submit reports on the distribution of NFIs, in particular 45,000 blankets and 2,000 tons of flour destined for Sahrawi refugees.

59. Another report obtained by IGO⁹ referred to allegations of diversion of humanitarian aid by Polisario. In particular, the report accused Polisario of diverting humanitarian assistance to support the army and to replenish the private accounts of the Polisario President's family.

60. The same report included several statements by NGO workers or others¹⁰ indicating that they believed some humanitarian assistance, not limited to food items, was not reaching the designated beneficiaries. A former employee of "*Enfants réfugiés du monde*" was concerned that school supplies had not been distributed, and former Polisario cadres made similar allegations concerning other types of humanitarian assistance.

61. With regard to the allegation that humanitarian assistance was being diverted in order to supply troops, a protected source at Headquarters indicated, in March 2005, that Polisario had asked whether UNHCR would consider supplying food to combatants. Furthermore, another reliable protected source shared their view with the IGO that it was not unlikely that food aid in particular was being sent to Western Sahara to supply troops.

62. Given these numerous allegations relating to diversion of humanitarian assistance, IGO would urge that a proper registration of refugees takes place to determine the precise number of beneficiaries in order to properly plan the amounts of assistance required, and that adequate procedures be put in place to monitor the delivery of assistance.

⁹ Maintien des réfugiés sahraouis en état de séquestration au sud de l'Algérie et détournement de l'aide humanitaire. COREFASA, undated

¹⁰ Statements in above mentioned report by former staff of Enfants réfugiés du Monde. Danish Professor Erik Nielson Revilla. Radda Barnen, IFRC and former Polisario cadres.

VI. CONCLUSIONS AND RECOMMENDATIONS

63. The most striking aspect of this inquiry is that many of these issues (problems with refugee numbers, lack of registration, lack of CRA accountability, lack of monitoring) arose as early as 1977 and 28 years later the same problems persist.

64. As an outcome of this inquiry, the IGO would like to make a number of recommendations for follow-up action:

- a) UNHCR should undertake a formal demarche with the Algerian authorities to register the Sahrawi population in the Tindouf camps. This issue requires CASWANAME follow-up and could be undertaken jointly with WFP. [Note: a *note verbale* was sent by BO Algiers to the Algerian Ministry of Foreign Affairs on 25 April 2005].
- b) Registration should be undertaken with DOS assistance and applying using the standard Profile registration package.
- c) If the Algerian authorities do not agree to a registration exercise taking place, UNHCR and WFP should discuss unilaterally reducing the number of beneficiaries.
- d) The operational divisions of UNHCR (CASWANAME) and WFP should continue discussions about the possibility of WFP taking over the responsibility for food distribution from EDP to beneficiary. If this proposal is not accepted by WFP, UNHCR needs to urgently strengthen the food distribution mechanisms in place from EDP to beneficiary in order to ensure that food diversions cannot easily occur at this stage of the food distribution chain.
- e) UNHCR and WFP should pursue discussions at field level with a view to developing a Joint Plan of Action clearly defining respective monitoring responsibilities.
- f) SO Tindouf should resume regular and thorough monitoring of food and NFI distributions and ensure their reports are shared with BO Algiers and CASWANAME.
- g) As part of this monitoring role, SO Tindouf should randomly undertake a reconciliation and analysis of all available albarons per food commodity for a given month, both from Rabouni to "daira" and from "daira" to group leader.
- h) In order to avoid a situation of "double-funding" of CRA, an in-depth audit of CRA by OIOS Internal Audit Service is recommended together with a request to CRA to clearly identify their other donors.
- i) The IGO recommends to the Acting High Commissioner that this report be shared, on a confidential basis, with WFP and OLAF.

65. Many of these recommendations are for follow-up by the relevant operational sections of UNHCR and/or WFP, and the IGO would like to request CASWANAME to keep the IGO informed of developments in this area.

IGO/IU

12 May 2005

ANNEX 1

Chronology based on a file review of UNHCR's archived records for the "Western Sahara" operation

8 December 1975

Request for UNHCR assistance sent to UNHCR by Permanent Mission of Algeria in Geneva. No numbers mentioned. UNHCR reply is sent to the Algerian authorities on 27 December 1975 (no numbers mentioned).

14-20 December 1975

UNHCR first evaluation mission sent to the area. Based on its findings, \$US 500.000 are transferred by UNHCR to the Algerian Red Crescent (CRA) for assistance activities. The mission report dated **21 December 1975** refers to the estimates given by the local Algerian authorities: 20.000 persons. The authors of the report consider that the number is probably lower and give an estimate of 10.000 to 12.000 persons. The report also refers to the figure used by the League of Red Cross and Red Crescent Societies, which is 20.000. The report indicates that a few hundred refugees already arrived in the area as early as 1970. A UN visiting mission who went to Tindouf area estimated the number to be 7.000 refugees in **May 1975**.

27 December 1975

Response of the HC to the Algerian Minister of Foreign Affairs indicating UNHCR's readiness to assist the competent authorities in the relief efforts.

7 January 1976

Draft joint appeal for funds (League of Red Cross and Red Crescent societies and ICRC) shared with UNHCR stressing that the number of refugees in Algeria is 20.000 and that some 20.000 Sahrawis are displaced in the areas controlled by the Polisario.

21 January 1976

Meeting at the Algerian Permanent Mission in Geneva with the CRA (Bellouane). The meeting is attended by a UNHCR staff member (Arnaout). Dr Bellouane indicated that there were 20.000 refugees in Algeria and 40.000 displaced persons in the zones controlled by the Polisario. UNHCR representative insisted that any request for support from WFP should come from the Algerian authorities, not from UNHCR, which can only assist this process.

26 January 1976

Meeting at UNHCR headquarters where an ICRC representative (Grand-Hauteville) declared that different governments have contested the figure of refugees used. He indicated that the Moroccan authorities had stated that according to the Spanish census, the Sahrawi population amounted to 74.000 persons and that it difficult to accept that 60.000 persons have been displaced. The CRA (Bellouane) responded that the Spanish census only related to inhabitants of cities, not villagers. Dr Bellouane also stated that many Sahrawis who been expelled by the authorities from the Canary Islands were not accounted for, nor expellees from Mauritania.

19-20 February 1976

Second evaluation mission sent by UNHCR to Tindouf to assess the scale of the new arrivals.

5 March 1976

Letter from Algerian Minister of Foreign Affairs to the UNSG stating that UNHCR had estimated during its visit to Tindouf in December 1975 the number of refugees to amount to 15.000 persons. The same letter indicates that following the deterioration of the situation, the UNHCR mission, which visited Tindouf area on 19-20 February 1976, has estimated that the number of refugees is 45.000.

8 March 1976

Cable from the Minister of Foreign Affairs of Algeria to the HC stressing that the figure of 15.000 refugees comes from an estimate of the UNHCR mission who visited the Tindouf area mid-December 1975. The same cable indicates that Mr Arnaout (UNHCR) was able to assess ("*a pu le constater*") that the number have gone over 45.000. On the same day, the HC replied that he wants to send a mission to Algeria to discuss the post-emergency phase with the competent Algerian authorities.

12 March 1976

An official press communiqué from the League of Red Cross and Red Crescent Societies indicates that the number of refugees has gone from 15.000 to 45.000 persons.

12 March 1976

Letter from the UNSG to the Algerian Minister of Foreign Affairs replying to his letter of 5 March 1976. The letter informs the Algerian authorities that UNHCR would like to discuss with the Algerian authorities assistance in order to plan beyond the emergency phase. The letter does not refer to a request for registration.

12 March 1976

Letter from the Algerian Ambassador in Geneva to the HC stating that: "*le nombre de 45 000 réfugiés Sahraouis mentionné dans la correspondance ministérielle du 5 March 1976 n'est pas celui des autorités algériennes mais, comme vous le savez, a été constaté sur place et arrêté par la mission du HCR qui a visité plusieurs camps de réfugiés Sahraouis installés dans la région frontalière du Sahara Occidental. Quand aux estimations du Croissant Rouge Algérien, opérateur, elles sont bien plus importantes*". The same letter indicates that: "*il ne paraît pas indiqué pour le moment qu'une mission du HCR se rende en Algérie pour discuter les modalités techniques d'une telle procédure*". The letter does not clarify what is meant by "*procédure*".

March 1976

The CRA changes the number of beneficiaries from 20.000 to 45.000 persons. Following a new appeal by UNHCR on 8 April 1976, another \$US 495.806 are provided by various donors to the CRA. The appeal refers to refugees from Western Sahara and cites the figure of 45.000 persons as estimated by the League of Red Cross and Red Crescent Societies.

19-21 July 1976

Visit by the HC to Algeria.

27 July 1976

The Moroccan and Mauritanian Governments sent cables to the HC expressing their wish for the repatriation of their nationals. No number cited.

29 July 1976

Reply from the HC. No numbers cited.

5 August 1976

Request by the Algerian Ministry of Foreign Affairs to the UN Secretary-General to ask the HC to coordinate assistance by the international community.

7 September 1976

Positive reply by the UNSG.

25 October 1976

New appeal by UNHCR. \$US 1,306,624 collected. The appeal does not mention the number of refugees to be assisted. These appeals do not refer to Sahrawi refugees, but to "Sahrawis in the Tindouf region", "groups of Sahrawis in the Tindouf region" or to "the humanitarian assistance programme in Tindouf region".

October 1976

Request by the Moroccan delegation at UNHCR's Excom to UNHCR "de procéder à un recensement contradictoire des personnes authentiquement Sahraouies pour déterminer exactement leur nombre » (A/AC.96/CR.274).

9 November 1976

Internal memorandum from Mr Arnaout to the DHC (Mace) raising the issue of the registration of the Sahrawis in Tindouf and of the legal status of these persons. The memorandum refers to a remark made by the CRA (Ben Mahmoud) suggesting that the Algerian authorities will request UNHCR to undertake a registration of the refugees. The same document indicates that the Algerian authorities (Taïbi) made such a request to UNHCR on 6 November 1976 during a visit to Geneva.

16 November 1976

Request by UNHCR (Luke) to WFP to provide the food component for the assistance programme.

22 November 1976

Outgoing cable by UNHCR's DHC (Mace) to WFP stating that 50,000 persons is the total caseload estimated by the Algerian authorities (80% women and children, 10% elderly, 10% men).

26 November 1976

Request by the HC to WFP Executive Director to provide food assistance. The letter refers to groups of Sahrawis in Western Algeria and indicates that UNHCR has identified a group of refugees and displaced persons in need of assistance.

5 January 1977

First provision of food aid announced by WFP for 50,000 refugees for a period of three months. The text of the cable from WFP says: "*without recognizing or rejecting Algerian Government estimate of fifty thousands refugees, this figure was used as working basis subject to review through visits to refugee areas*". (The Algerian authorities had approached WFP with such a request on 5 August 1976).

12-15 January 1977

Visit by the HC in the camps. No numbers cited.

17 January 1977

Incoming cable from UNHCR representative in Algiers (Arnaout). Report on local press coverage of recent visit by HC to the camps. Local newspaper "*El Moudjahid*" quotes the HC as saying that assistance in forthcoming appeal has been planned for 50,000 refugees.

25 January 1977

Outgoing cable by the HC. Report on visit by HC to the camps on 13-14 January 2005. No numbers mentioned.

January 1977

The figure of above 100,000 refugees is mentioned in the Algerian press (source a WFP report).

7 February 1977

Confirmation by WFP of their decision of 5 January 1977. Their cable indicates that the number of beneficiaries estimated at 50,000 persons "*est indiqué à titre purement indicative, il ne constitue ni une confirmation, ni une infirmation des estimations faites par différentes sources. Le nombre des bénéficiaires sera déterminé à l'issue de visites sur le terrain que des fonctionnaires du PAM effectueront en temps opportun*".

22 February 1977

Letter from the HC to the UNSG forwarding a background note on the question registration of the "Sahrawi refugees". The covering letter indicates that "*it is my sincere hope that the proposed census of the "Sahrawi refugees" would contribute significantly towards the promotion of a satisfactory solution of the overall problem*". (Philippa, please read this report and check my selection of quotes, this is a key document). The background note prepared by UNHCR indicates "*that the number and origin of "Sahrawi refugees in the Tindouf area has become, by the nature of things, the central point on which may hinge the ultimate solution of the problem of Western Sahara*". (You may wish to be this quote for the introduction of the report). The note claims that the figure of 50,000 refugees is based on the figures given by the country of asylum, but that the Sahrawi sources put the figure at more than 100,000 persons.

The background note indicates that the HC has been able "*to identify a certain convergence of opinion regarding the desirability*" of the registration among the authorities consulted in Algiers, Nouakchott and Rabat. The HC stated that both Mauritania and Morocco see the registration as an advantage to have an international body to explode the myth of high numbers, whereas Algeria would be able to show that the number is higher than what is

claimed by both Morocco and Mauritania. The background note outlines that the registration would have a two-fold objective: to determine the number of refugees and where they come from. The note recognizes that the technical modalities of such a census would have to be the subject of further discussions with the parties concerned. UNHCR thought at that time that the registration could also play a useful role in "mitigating the spirit of confrontation" prevailing in the area and in paving the way for an exchange of information on split families and lead to family reunion both ways. The background note outlines that UNHCR never conducted such a registration exercise, but that such exercise is "feasible and desirable" and that the League of Red Cross and Red Crescent Societies and ICRC could cooperate in this endeavour.

27 February 1977

Internal UNHCR memorandum by UNHCR (Luke) on WFP assistance to refugees in Tindouf. Extracts: "WFP emergency project for the Tindouf group was authorized largely under the pressure of UNHCR and in the spirit of otherwise excellent co-operation between our two organizations. Nevertheless, I understand that some senior WFP officials have had second thoughts and expressed the view that this particular project is a mistake. It has already created considerable difficulties for WFP and UNHCR has not shown much understanding or solidarity. It is a WFP rule, and a logical one after all, that the number of beneficiaries and the period of assistance are the basic minimum criteria needed to determine the volume of any project. Since the question of the number of the beneficiaries is politically controversial and WFP (like any other international organization) has to bear in mind its relations with all governments concerned, a compromise formula has to be devised. Our continuing obstinacy in the face of WFP's policy and regulations which, after all, are not so different from our own, could be detrimental to the excellent relations we have with WFP".

11 March 1977

Letter from the UNSG to the HC acknowledging the receipt of the background note on the issue of the registration prepared by UNHCR. In his letter, the UNSG states: "I concur with you in thinking that if the three governments of Algeria, Mauritania and Morocco were ready to accept the idea of a census organized by the United Nations it would certainly contribute towards the solution of the difficult situation still prevailing in the area. But the question remains are all of them ready to do so?" The UNSG ends his letter by saying that he will resume his consultations with the three parties and will try to find out whether UNHCR proposal to carry the registration "could be acceptable to them".

27 April 1977

Letter by the UNSG to the HC indicating that the Algerian authorities have agreed to have UNHCR conducting a registration of the refugees comparing data collected in Tindouf and the 1974 Spanish-made census records. The letter also stresses that both the Governments of Morocco and Mauritania have not formulated any objection to this registration. The letter asks the HC to take all the appropriate measures to start the registration.

16 May 1977

Disappearance in Algiers of UNHCR's Programme Officer in charge of the operation (Ben).

18 May 1977

Note Verbale sent by UNHCR to the Algerian permanent Mission in Geneva indicating that the UNSG has requested the HC to register the refugees in Tindouf region. The letter refers to an agreement given to the UNSG by the Algerian authorities for this registration. UNHCR indicates that the registration will be facilitated by *"une formule d'identification des Saharouis à partir des données qui ont servi au recensement fait par l'Espagne en 1974 et qui ont été communiqués au Secrétaire général des Nations Unies"*. The same *Note Verbale* outlines the procedure, the human resources and the logistical support which will be used for the registration. The *Note Verbale* indicated that UNHCR wants to proceed with the registration as soon as possible and request the Algerian authorities any suggestion in this respect. No reply to this letter is available in UNHCR archives

21 May 1977

Mr Ben regains consciousness in a hospital and informs UNHCR of his location.

5 - 8 June 1977

Inquiry mission by UNHCR to clarify the circumstances of the accident of its head of operation. The detailed report concludes that the UNHCR staff member has been a victim of *"an involuntary accident"* and that *"le silence qui s'en est suivi est le résultat d'une longue série de coïncidences malheureuses et de négligences répétées dans tous les services concernés"*. [Note: Although this is the report on file, a protected source informed the IGO that this was not an accurate account of the incident. According to this source, considered reliable by the IGO, Mr. Ben had been involved with two young Algerian girls whose fathers were in the police and security forces. The girls' families did not approve of Mr. Ben's activities with their daughters' and detained Mr. Ben for several days during which time his ear was cut off. Furthermore the Ministry of Foreign Affairs made it known to UNHCR that Mr. Ben's behaviour was not acceptable].

3 August 1977

The Moroccan authorities gave their agreement to the census in a letter addressed to the HC.

Excom 1977

The Algerian delegation make a statement that the on the registration of refugees. The delegation stated that *"the matter was under study in respect of the manner in which it would be carried out and the purpose and context of the operation in terms of the resolutions adopted by the General Assembly. It had not been the practice of UNHCR to carry censuses. In his relations with host countries, the High Commissioner accepted the statistics submitted to him"*. (doc. ref not known to me).

9 September 1977

Letter from WFP (Dhital) to UNHCR (Rizvi) stating that the *"number of refugees estimated is far from being accurate and the estimate of individual family size appears also to be very large. While the Algerian Red Crescent itself is providing food for an average of 50.000 persons the estimate of 70.000 persons appears to be highly exaggerated"*. The letter includes a report from WFP on a mission undertaken in Tindouf region between 28 February and 6 March 1977. The report includes detailed statistical information provided by the Sahrawi camp leaders. According to these camp leaders, the total number of refugees is 103.486.

2 February 1978

Cable from CRA (Bellouane) to HCR Geneva referring to cooperation between CRA and HCR since an exchange of letters on 10/01/77, and referring to assistance needs of Sahrawi refugees. Cable ends with a request by CRA for the removal of Arnaout (HCR Representative in Algiers). There is a reference to Mr. Arnaout's behaviour which is considered unacceptable (includes what are termed insulting remarks by Arnaout about CRA) and lack of contact between him and CRA since May 1977.

23-30 March 1980

NFF on a mission of J Cuenod and R Yazgi to Algeria to assess the situation, including a basic needs assessment, of Sahrawi refugees (but not to focus on eligibility or registration). NFF mentions past difficulties between UNHCR and CRA.

19 August 1980

Draft agreement between the Government of Algeria and UNHCR on cooperation over Sahrawi refugees in Algeria (unsigned).

24 December 1980

Draft sub-agreement between CRA and HCR (unsigned).

7 October 1981

Telex from HCR (Makonnen/Koulisher) to NY on the question of registration and the fact that UNHCR has not done this and does not consider registration an HCR activity but rather a government one. Figure mentioned in this telex refers to 50,000 Sahrawi refugees which is figure provided by Algerian authorities.

20 October 1981

Cable from NY to Geneva (Koulisher) requesting Geneva feedback in order to respond to the OAU query on registration of Sahrawi refugees and to get copies of Moroccan statement to ExCom.

1 February 1982

Cable from Djemali/Koulisher to New York regarding registration of Sahrawis, and UNHCR position on registration in general, with reference to HCR's Statute. Cable refers to information from the Algerian Government that the number of Sahrawi refugees was 150,000.

Internal memorandum from Mr. Noel to the HC on "UN Assistance to the OAU Implementation Committee on W. Sahara".

28 June 1982

Letter to Mr. Gordon-Lennox, NY, from Mr. A Noel on same issue which noted that UNHCR would only intervene in refugee registration if the basis of registration was agreed between the Moroccan and Algerian governments and they requested UNHCR assistance.

IU/IGO

12 May 2005