

Response from Mauro De Lorenzo:

UNHCR accepts that serious violations of refugees' rights occur under its watch -- both in refugee camps and in its status determination procedures. But they simply decline to take responsibility -- which was precisely my point. They do not even deny the instances of collective punishment in Kenya; instead they imply that the refugees brought the punishment on themselves because they were resisting a worthy policy change.

My argument was not simply that UNHCR is either directly or indirectly responsible for serious violations, it was an argument about *why* the violations happen. They don't happen because UNHCR staff are mean-spirited or incompetent; most have the opposite characteristics.

The violations are a predictable consequence of any agency with unchecked executive power. Imagine if child protective services agencies in the U.S. were not accountable to the public for the services they offer, or if there were no way to challenge IRS decisions.

UNHCR alone is responsible for the shortcomings and abuses in the camps it administers, as well as for procedural anomalies in countries in which UNHCR branch offices determine the status of individual refugees in urban areas. It acts as the state, and should be held to the same human rights standards as states. It should not be beyond scrutiny because it is a humanitarian agency. But since UNHCR is an international organization with legal immunity, there is no way for its 'clients' to hold it accountable—and therefore there is no pressure to correct mistakes and rights violations. Restoring these powers and responsibilities to host governments is one way to address the accountability gap, but reasonable people can argue different points of view on that subject. But it is not possible to deny that the accountability gap exists and that it results in significant violations of refugee rights.

It is disingenuous to blame host governments for policies that UNHCR is pleased to design and fund. Governments naturally follow the incentives put in front of them. There is funding for encampment, but relatively little funding for refugee assistance targeted at "refugee-affected areas" that would enable refugees to settle themselves —as they have done successfully in a number of protracted refugee situations throughout Africa, with support from host governments and local populations.

Anyone with questions about the facts I presented should consult the original sources I cited. They will find these examples and more. But the best source of information is the refugees themselves.