

Chapter 4

The United Nations High Commissioner for Refugees

In December 2007 the cover story of *Refugees*, the magazine published by the United Nations High Commissioner for Refugees (UNHCR), was entitled “Refugee or Migrant? Why It Matters.” The cover image accompanying this title is both visually striking and disturbing (see Figure 4.1). It is an aerial shot of an inflatable orange speedboat racing through the green sea, with an orange life-ring buoy trailing behind. In the white froth of the boat’s wake is a Black man clinging to the rope while facing the sky, his white shirt flapping open in the wind. Two White men are kneeling in the boat, looking down at him and reaching with outstretched arms. One might be inclined to view this image as a scene of rescue, and the editor’s note inside the magazine’s cover assures the reader that “whoever he is, he deserved to be saved” (UNHCR 2007b, 2). However, the superimposed question (refugee or migrant?) that is hanging over the encounter gives the picture an ominous tone. Once he is saved from the immediate risk of drowning, the African man will be assessed by the relevant European authorities, and the question of whether he will be granted refugee status will matter very much to him. It will determine whether he risked his life at sea for any hope of a new beginning, or whether he will be returned to where he came from, a place he clearly felt he needed to leave.

This chapter analyzes the role that the major international organization (IO) in the field of refugee protection, UNHCR, has played in the perpetuation of the migrant/refugee binary. Despite the many difficulties with binary logic, UNHCR has been a key player in policing the distinction between refugees and migrants, and promoting the importance of the distinction to policy-makers, journalists, and the general public. In fact, emphasizing the importance of maintaining the distinction between these categories is a central component of UNHCR’s public relations work. The consistency with which a binary perspective on conceptions and terminology has been articulated by UNHCR over the past fifteen years makes clear that advocating for the binary is not the brainchild of one particular High Commissioner or communications officer. Rather, it is an ingrained viewpoint that has permeated every dimension of the agency’s work. It is central to how UNHCR “sees like an IO” (Broome and Seabrooke 2012, 4).

It is tempting to assume that binary logic persists simply because it is in the interests of the large and powerful donor states that fund UNHCR to frame border crossing in this way. But constructivist scholars of international organizations have long argued that IOs are not simply agents of the states that create them. Rather, they develop “autonomous values and behavioral predispositions” that form an organizational culture (Barnett and Finnemore 1999, 709). Scholars have found that IOs can play an independent role in global governance when their staff act as policy entrepreneurs for issues that have not been advanced by a member state (Ram 2017). But in order to push the agenda to new areas while still maintaining legitimacy, IOs must fit the new work into a larger context to justify that it is included in the mandate of the organization. In-depth studies of UNHCR have been compatible with these more general theoretical claims about how IOs function. Venzke’s (2012) study of how international law evolves through interpretation concluded that UNHCR has played a central role in shaping the meaning of its own statute. Barnett and Finnemore’s case study of UNHCR also concluded that it has expanded its scope over time through a series of “incremental deviations” from its original mandate (2004: 75).

Building on these studies of IO behavior, this chapter provides the institutional and political context to explain UNHCR’s commitment to the migrant/refugee binary. Others have commented on UNHCR’s commitment to this distinction (Carling 2017), but thus far, no one has offered a detailed accounting of what this commitment looks like in practice. Further, the question remains: *why* is UNHCR so committed to the binary as a kind of operational ideology? Broome and Seabrooke’s (2012) concept of “seeing like an IO” is useful for answering this question. These scholars argue that it is important to examine “how IOs’ activities construct both policy problems and policy solutions” (10) because “the construction of cognitive authority affords IOs a source of indirect political power” (9). IOs draw on their intellectual resources to build and shape a common cognitive framework that they use both to think internally about the issues at hand and to encourage other actors to understand the issues in similar terms.

The explanation that follows provides a detailed case study of the ways in which discourse and categorization can be an important instrument of both legal and political power for an IO. We know from previous ethnographic studies that UNHCR lawyers “share a strikingly uniform image of the international law with which they work” (Kennedy 1986: 2). This chapter looks more holistically at UNHCR to understand the relationship between the agency’s legal protection work, which is highly essentialist and formalist, and its public relations work that promotes the binary.

It concludes that the legal formalism of the organization is also expressed in its public communications, and the migrant/refugee binary becomes a cognitive framework that ties together multiple agency goals. Among other advantages, the binary helps UNHCR stake out its mandate to assist one specific type of border crosser, thus defining itself out of the much larger “regime complex” of migration governance (Keohane and Victor 2011).

The arguments put forward here are based on a close study of UNHCR’s public relations work over the past decade, specifically its social media efforts to promote and protect the migrant/refugee binary. The chapter includes the first comprehensive analysis of the @Refugees Twitter handle from 2014–18, a period in which the growth of UNHCR’s social media presence coincided with the dramatic and often tragic peak of arrivals across the Mediterranean Sea and at the US/Mexico border.¹ The analysis also draws on a research trip to UNHCR headquarters in Geneva that included in-depth interviews with thirteen key communications and social media staff, and four separate conversations with the head of the social media team. These interviews provided valuable insights into the global social media and communications strategy of the agency and how it has changed over time.

This fieldwork revealed that promoting binary logic fits into the larger communications strategy of engaging, informing, and reassuring citizens of Global North states. Changes to the media landscape, and in particular the rapid rise of social media, have altered the diplomatic relationships between IOs and donor states by giving IOs much more direct access to the publics of those states. Thus, rather than viewing the interests of donor states as autonomous forces that shape and constrain IO behavior, UNHCR staff view state interests as potentially malleable through direct communication with their publics. Indeed, they view the possibility of influencing public opinion as pivotal for maintaining agency survival and providing refugee protection, at a time when states in the Global North are outwardly hostile to both direct mass arrivals and large-scale refugee resettlement. In particular, binary logic reassures publics in the Global North that they can support admitting and protecting refugees without having to support open borders or massively increased immigration. It reassures people that they can support refugees and still believe in national security, sovereignty, and the rule of law.

UNHCR's Commitment to the Binary

UNHCR has been an active and determined proponent of the binary since about 2005, when Ericka Feller, director of UNHCR's Department of International Protection, published the article "Refugees Are Not Migrants" in *Refugee Survey Quarterly* (Feller 2005). This framing has been consistently used ever since. For example, in the 2016 press release "Refugees and Migrants: Frequently Asked Questions," UNHCR called the distinction between the two terms "crucial" because "refugees are people in a specific predicament which calls for additional safeguards" (UNHCR 2016b). Migration scholar Jørgen Carling (2017) has called this view "residualist" because, rather than acting as an umbrella term that includes all border crossers, it suggests that migrants are the catch-all term for everyone who does not meet the definition of a refugee. Indeed, UNHCR defines migrants as outside of their organizational mandate by describing a migrant as "a person who, for reasons other than those contained in the definition, voluntarily leaves his country in order to take up residence elsewhere" (UNHCR 2019a: 22). Further emphasizing the distinction between migration and refugee movement, UNHCR has also insisted that it "does not consider itself to be a migration organization, nor does it consider its activities to fall within the function that is commonly described as 'migration management'" (UNHCR n.d., 1).

In order to understand how the binary fits into the organizational priorities of UNHCR, we must first be acquainted with two important features of UNHCR's view of the refugee definition. First, UNHCR takes a highly essentialist view of what makes someone a refugee. The agency frequently asserts implicitly and sometimes explicitly that particular individuals have a quality of "refugeeness" that exists within them whether or not it is discovered or recognized. For example, according to the UNHCR handbook, "recognition of his refugee status does not therefore make him a refugee but declares him to be one. He does not become a refugee because of recognition, but is recognized because he is a refugee" (UNHCR 2019a: 17).

The essentialist framing of the concept is a powerful advocacy tool, and it fits neatly with the second element of UNHCR's position: a formalist legal view based on the distinction between law and politics, treating the refugee definition as a neutral legal category. International legal scholar Venzke has concluded that for UNHCR, "asylum has been seen as part of the nasty domestic political business whereas UNHCR walks in the pure beauty of law on the international level" (2012: 133). Similarly, as Forsythe described it, "there is the pretense that if protection is a matter of protecting legal rights, it is therefore strictly non-political. What is legal cannot be

political, by definition” (2001: 12). Kennedy’s (1986) ethnography of UNHCR lawyers also noted an extreme reluctance to acknowledge the political dimensions of refugee protection, and an insistence on the formal legal work. This position gains legitimacy from the fact that Article 2 of the 1951 Refugee Convention, the founding document of the organization, specifically states that UNHCR is to be nonpolitical. While it has often been very difficult to maintain a nonpolitical stance, UNHCR has been so committed to that position that it has recently come under criticism for presenting “mono-causal and often deeply depoliticized and asocial explanations for movement” (Landau and Achiume 2017, 1184).

Essentialist and formalist articulations of what makes someone a refugee complement and prop up binary logic. While they outwardly depoliticize the work of refugee status determination, they simultaneously confer power on those agents who are tasked with recognizing refugees. This perspective on what makes someone a refugee stands in direct contrast with the legal realist view that people are sorted and categorized into groups according to a complex set of factors that prioritize geopolitical calculations and include gendered and racialized conceptions of persecution. Essentialist and formalist views of refugees can also lead to great organizational anxiety about how to identify and distinguish between people arriving, sometimes literally, in the same boat. For example, while UNHCR recognizes the concept of “mixed migration,” it is still insistent that refugees and migrants are distinct individuals, traveling together. At least in its public-facing communications, the agency never imagines that some border crossers are internally motivated by a combination of factors, some of which may come to the fore in particular moments. As UNHCR explains in its 2016 update to the “10-Point Plan of Action” for dealing with “mixed migration,” “mixed movements, by definition, involve various categories of persons travelling along similar routes and using the same methods of transport but with different needs, profiles, and motivations” (UNHCR 2016a, 14). It is for this reason that the 10-point plan of action argues that “steps must be taken to establish entry systems that are able to identify new arrivals with international protection needs and which provide appropriate and differentiated solutions for them” (UNHCR 2007a, 2). As such, “UNHCR may, on a good offices basis, assist states in the return of people who are not in need of international protection where this is the most appropriate and agreed solution” (UNHCR 2007a, 4). Thinking back to the *Refugees* magazine cover story, sorting people correctly as they cross borders is a central organizational priority for UNHCR.

While UNHCR is extremely clear in its assertion that refugees and migrants are distinct, it has not always gone into detail about what the agency views as the potential consequences of blurring the distinction. Most frequently, UNHCR spokespeople and official press releases have only gestured at negative ramifications by making statements such as: “The two terms have distinct and different meanings, and confusing them leads to problems for both populations” (UNHCR 2016c). However, the logic behind the position was further elaborated in a 2017 speech by Volker Türk, Assistant High Commissioner for Protection, which is worth quoting at some length:

It has also become common in current debates to muddle language and terminology at the expense of refugees. We have heard too often refugees described as something other than who they are. For instance, they have been called ‘undocumented people’ or ‘vulnerable migrants’. This may have been done with the laudable intention of making a stronger case for the rights of all people on the move. However, this has not had the intended effect. Instead it has created confusion. Rather than advancing the cause of protecting migrants’ rights, it has provided fodder for those who wish to undermine refugees’ rights. Quite apart from the erroneous legal depiction, it is inappropriate to present refugees as a sub-set of anyone else, migrants or otherwise. A person who is a refugee is a refugee, full stop. There is a clear legal definition of refugees linked to absence of national protection. And there are clear accountabilities for ensuring this protection . . . It would be a huge and costly mistake to be unclear about definitions. Blurring the distinction between refugees and migrants undermines the specific legal protections to which refugees are entitled. It obscures focus on who is accountable for their protection. And it feeds into justifications for restrictive measures towards refugees. If we are not careful about this, we are somehow losing here the very thing that we are trying to achieve. (Türk 2017)

From this explanation it can be inferred that the feared consequence of blurring language is that it will lead the public and politicians to assume that everyone is “just” an economic migrant, and therefore believe that harsh border control measures are justifiable. This fear was articulated even more explicitly by a senior UNHCR official in an interview:

We argue that the distinction matters because this is exactly what people who don’t want more people coming to their country say. It plays directly into the Donald Trumps and the Victor Orbans of the world . . . We saw this with Orban in 2015, he kept saying that the Syrians were just coming to economically better themselves. And at first it was just him, but this has spread. And this has massive consequences. Brexit has resulted from this kind of talk.

Binary logic has continued to dominate the most recent efforts at international collaboration and policy-making on border crossing that resulted from the 2016 Global Summit on Refugees and Migrants at the United Nations’ New York headquarters. After decades of functioning as a separate entity, the summit was opened with a signing ceremony through which

the International Organization for Migration (IOM) joined the UN system. The IOM is the other major international organization tasked with assisting people on the move, and the agreement to put it under the auspices of the UN has brought UNHCR's commitment to the migrant/refugee binary into even sharper relief. Despite the gesture toward consolidation represented by the signing ceremony, binary logic dominated the proceedings and is abundantly clear in both the "New York Declaration" that was issued at the end of the summit, and the two Global Compacts that were produced as a result of it. The "New York Declaration" states clearly that more global cooperation, coordination, and burden-sharing is needed to manage the unprecedented levels of displacement in the world today. It then goes on to discuss refugees and migrants as distinct categories of border crossers in different sections of the document (UNGA 2016). Moving forward from the 2016 summit, two separate groups of diplomats and organizations were each tasked with developing their own document. UNHCR took the lead on the Global Compact on Refugees, and the IOM took the lead on the Global Compact for Safe, Orderly, and Regular Migration. These were developed via "two separate processes" because "migrants and refugees are distinct groups governed by separate legal frameworks" (UNGA 2018b, 2).

Setting aside some of the obvious weaknesses of these documents—they are not legally binding, they have not gained the support of the United States, and yet they claim to be "entirely non-political in nature" (UNGA 2018a, 1)—the compacts also strain to comply with the binary logic that dictates their separation. For example, the two compacts discuss border crossing in completely different terms, with different tones. The Global Compact on Refugees is focused on finding ways to improve "burden sharing" for the protection of refugees, who are cast as a major problem for the world community. In contrast, the Global Compact on Migration (GCM) portrays migration in a positive light as something beneficial to states. Yet the GCM concedes that "these positive impacts can be optimized by improving migration governance" (3). While binary logic portrays migration as a voluntary phenomenon, a core objective of the GCM is to invest in economic development in order to "minimize the adverse drivers and structural factors that compel people to leave their country of origin" (8). Further, advocates for the victims of human trafficking were quick to point out that these compacts complicate protection for trafficking victims, because, since some will qualify for refugee status and some will not, they are governed by two separate regimes (Oberoi 2018).

In the aftermath of the New York summit, as the two Global Compacts were being negotiated, UNHCR issued a statement on “migrants in vulnerable situations” (UNHCR 2017). That statement takes great pains to emphasize that there are two types of vulnerability that should not be confused. On the one hand, some migrants are very vulnerable in a situational way because the process of migration has made them vulnerable, and in contrast, some are actually vulnerable because they are refugees, which would trigger international protection obligations. This statement reads as an effort to hold the line on the distinction between migrants and refugees in order to prevent the Global Compact on Migration from commenting too extensively on matters that fall within UNHCR’s mandate.

UNHCR’s Mandate

UNHCR has a long history of resiliency and adaptation that has enabled its ongoing survival and fostered a reputation for being the definitive source of information about refugees. Most studies of UNHCR devote significant attention to the ways in which the agency has widened its scope and expanded its mandate over time (e.g., Barnett and Finnemore 2004). Writing as early as 1975, Holborn in her study of UNHCR commented on how it had already expanded dramatically, and this trend has generally continued in the years since. UNHCR began in 1950 with a staff of 99, a budget of \$300,000, and a mandate to help only the people who had been displaced as a result of events occurring in Europe before its creation. Seventy years later, it has grown to an organization of 16,803 staff in 134 countries with an annual operating budget of over \$6.54 billion.ⁱⁱ In the words of a leading scholar of the agency, it has become a “principal actor” in world politics, with its own interests, capabilities, and agenda (Loescher 2001, 6). Even critical studies of UNHCR have found it to be a “resilient agency with a capacity for significant, and occasionally semi-autonomous, legal and bureaucratic innovation” (Cuellar 2006, 653).

The success and longevity of UNHCR “was not ordained” (Orchard 2014, 202). By all accounts of the organization, it was able to survive, unlike the other international refugee organizations that had been created in the first half of the twentieth century, because it was quickly able to establish itself as a moral authority and an expert actor that did not threaten the interests of the West. It acted as a key norm entrepreneur, pushing for more global recognition of and concern for its cause. Crucially, it eventually gained the support of the United States. UNHCR was not created with a general mandate to assist refugees and other displaced people of the world.

Nevertheless, the agency almost immediately began to go beyond its limited agenda (Barnett and Finnemore 2004). After the Hungarian Revolution of 1956, it seemed on its face that the 1951 Convention did not cover Hungarian refugees, because the Convention said that it applied only to “events occurring before 1 January 1951.” However, UNHCR got around this by arguing that the displacement crisis in Hungary was a result of earlier political changes (Loescher 2001, 86). UNHCR handled the Hungarian crisis well and, as a result, “expanded its mandate and gained considerable autonomy” (Orchard 2014, 192).

In the late 1950s, the UN General Assembly recognized UNHCR’s growing authority by passing a series of resolutions that allowed UNHCR to have a more flexible role (Gallagher 1989). In the early decades of its operation, the agency learned how to respond quickly to unfolding displacement events, and how to raise money beyond its annual allocations from the United Nations (Holborn 1975). By the 1960s, displacement crises in China, Tibet, India, Nepal, and Algeria led many powerful actors, including the US government, to conclude that UNHCR had to reorient from Europe to the “third world” (Loescher 2001, 91).

Much of the legitimacy UNHCR gained in the early decades seems to have been generated by the skill and creativity of a series of savvy High Commissioners. In particular, Prince Sadruddin Aga Khan of Iran became the fourth UN High Commissioner for Refugees in 1965. Under Khan, UNHCR expanded into an established global player, becoming involved in refugee emergencies “on all continents . . . [in] proportions hitherto unknown to UNHCR” (Loescher 2001, 39). Kahn strategically focused on relief assistance rather than legal protection, and “competed” with “rival” NGOs in order to establish the agency as the global authority for responding to mass displacement (140–41). Under his leadership, the UN General Assembly passed a series of resolutions expanding the power and the discretionary funds of the High Commissioner, giving the person in that role more discretion and flexibility to respond to emerging situations (Barnett and Finnemore 2004).

UNHCR significantly expanded its mandate in 1967 when it added a Protocol to the Convention, which officially removed the geographic and temporal restrictions on who the agency could serve. High Commissioner Kahn pushed for the Protocol because he believed the narrowness of the Convention definition was “contrary to the universal spirit of the Convention itself” (quoted in Davies 2007, 720). This move was also designed to maintain UNHCR’s dominance in the area of refugee protection, as various newly decolonized states had expressed frustration with the Convention, were reluctant to accede to it, and had even discussed alternative regional definitions

(720). The Protocol only addressed some of these concerns, however, since it enabled UNHCR to act in refugee situations all over the globe, but maintained the individualized and Eurocentric definition of a refugee that had been outlined in 1951.

Nevertheless, after the Protocol was added in 1967, UNHCR continued to expand dramatically, and by 1980 it was a massive organization, playing a pivotal role in the management of people fleeing the conflict in Vietnam (Orchard 2014, 201). UNHCR's Orderly Departure Program, which helped facilitate the exodus of over 650,000 people without engaging in any individualized refugee status determination, "occupied a kind of middle ground between refugee resettlement and ordinary emigration" (Kumin 2008, 117). This was by far the most creative and ambitious undertaking the agency had managed in its forty-year history. Despite its contemporary insistence to the contrary, UNHCR of the 1980s was most certainly a migration management agency.

Once the Cold War ended, however, UNHCR had to reinvent itself once again. Increased ease of travel and the lifting of emigration restrictions, combined with conflicts in the Balkans and East Africa, led to a rapid increase in the number of people seeking asylum in the Global North. Unlike people fleeing communism during the Cold War, admitting these so-called "new asylum seekers" of the late 1980s and 1990s had little geopolitical strategic value for wealthy liberal democracies (Martin 1988). Issues of sovereignty made many countries defensive, and UNHCR became more marginalized (Loescher 2001, 239). As the agency struggled to maintain leverage, it "sought to operationalize the vision of containment of the powerful donor countries" (Chimni 1998, 367; Barnett 2001). This operationalization took two forms. First, UNHCR expanded its mandate to include people who had been displaced within their state and had not crossed international borders. Global North states accepted the expansion of UNHCR's mandate to include internally displaced peoples (IDPs) as refugee protection and intrastate peacekeeping began to intertwine and the agency took on more of a security focus (Adelman 2001). While this expansion technically threatened the sovereignty of states in the Global South, it protected Global North sovereignty because it enabled UNHCR to give assistance to people while keeping them contained within borders (Barnett 2001, 267). It also added over 40 million people to UNHCR's annual total "persons of concern," which has allowed the agency to make a stronger case when seeking funding from donor states.

The second prong of the containment strategy was the development of what Cuellar (2006) has called the “grand compromise” of the global refugee regime. Northern states pay UNHCR to provide services in, and contain the vast majority of refugees within, the Global South—in other words, to keep them at arm’s length. Meanwhile, donor states are free to express a firm commitment to the concept of refugee protection for the fraction of people who are granted resettlement in the Global North. As the terms of the compromise make clear, the resulting system again “prioritizes the sovereignty of states in the Global North at the expense of sovereignty in the Global South” (Arar 2017, 300). Global South states host millions of displaced people on their territories while balancing their needs against domestic development priorities. Meanwhile, vulnerable people are left in protracted and often dangerous situations that can last generations, with little hope of return to their home country or integration into the host country, and few opportunities to build a meaningful life via education or work. Ironically, because its operational scope has grown so much, UNHCR has become even more dependent on donations from the states of the Global North. This dependency has put the agency in somewhat of an advocacy bind because, as its capacity to provide relief has expanded, its diplomatic ability to criticize the refugee status determination and border control policies of the Global North has contracted (Cuellar 2006, 675).

Many observers of UNHCR over the years have pointed out the ways in which the agency has always been pragmatically sensitive to the interests of the powerful states that fund it, and has been careful not to criticize them or push agendas that will alienate them (Adelman 2001; Barnett 2001; Chimni 1998; Forsythe 2001; Loescher 1993). Specifically, while the mandate of the agency is now officially global in scope, it focuses on some displacement crises much more than others due to the realities of global power politics, and is therefore not truly international in its operations (Loescher 2001, 349). UNHCR is limited by state sovereignty concerns that prevent intervention in domestic affairs that have shaped the meaning and practice of humanitarianism (Barnett 2001, 251). Arguably, the agency is more constrained today than ever before. If the United States, which under President Donald Trump has expressed unprecedented hostility toward both refugees and the UN system, decided to pull financial support for UNHCR, it would wipe out 38 percent of the agency’s annual government contributions.ⁱⁱⁱ As one UNHCR staffer put it, the “constant realpolitik” is frustrating. As UNHCR staffers plan their work, they must contend with significant

limits on what the agency can say and do, and they have to be strategic about who they criticize. As another UNHCR staffer explained:

I know people want us to call things a crisis and be more critical, especially of the EU and the US. But this is diplomacy. We are not an NGO. People don't think of us as a government organization but we are. We're a 190-government organization. We cheer on Amnesty and Human Rights Watch, but we aren't them and we can't do the same things. We don't want to criticize the EU directly on Libya, so we say things like, "No one should be returned to Libya." And in the US case we say, "Everyone has the right to asylum."

In some ways, the story outlined above of UNHCR's remarkable expansion sits in tension with the idea that UNHCR actively holds the line on defining who is a refugee. But a closer look at UNHCR's relationship to donor states reveals that these two facts are compatible. UNHCR's devotion to the binary is a contemporary example of the agency's long-standing flexibility. UNHCR has come under criticism for expanding its mandate strategically and entrepreneurially in order to ensure long-term institutional survival (Cuellar 2006). However, UNHCR has never expanded its mandate completely to cover all vulnerable border crossers. Instead, it insists on the particularity of the population it views as falling under its mandate. Especially in this political moment, an emphasis on the binary reinforces UNHCR's institutional legitimacy and enables its survival. Reminding receiving states that refugees are special has become an important part of that work in a world in which deterrence and border control are the default stance.

Binary logic has also shaped UNHCR's treatment of climate change displacement. By some estimates, climate change could displace 140 million people by 2050, a number that is double the current number of UNHCR's persons of concern (Thompson 2018). Yet climate change displacement is not a major area of focus for the agency. As one staffer explained it, "UNHCR has really not embraced the reality of how climate change will affect the work. Ex comm [UNHCR's Executive Committee] has expressed that it does not want to talk about it." Another senior staffer said in regard to climate change, "It doesn't come into my work." On its website, UNHCR is very explicit in resisting the notion of a "climate refugee," thus defining people displaced by climate change outside of their mandate unless climate change leads to instances of persecution and targeted violence, which then cause people to leave their countries. UNHCR states: "the term 'climate refugee' is often used in the media and other discussions. However, this phrase can cause confusion, as it *does not exist in international law*" (emphasis in original). The website goes on to make clear that "the term 'climate refugee' is not endorsed by UNHCR, and it is more accurate to

refer to ‘persons displaced in the context of disasters and climate change.’”^{iv} Expanding the mandate to include people who are undeniably displaced by climate change is not currently an expansion that serves the interests of UNHCR. For now, the victims of climate-related displacement are squarely placed by the agency onto the migrant side of the migrant/refugee binary.

Social Media and the Binary

Communications scholars have identified several features of humanitarian public relations that shape the content IOs produce. First, rapid changes to the media landscape over the past two decades have posed significant challenges to the big traditional humanitarian organizations, who worry that they are losing their standing as the definitive and authoritative sources on the issues. Agencies are very aware that new media facilitates the spread of disinformation, and can make publics unsure of what information to believe about situations unfolding far away (Bunce 2019). IOs increasingly accept that they must brand themselves in order to compete in a crowded market and maintain their authority as a trusted source of information (Cottle and Nolan 2007). Compounding this challenge, research has shown that an overload of depressing images and stories from war zones, disaster areas, and other humanitarian crises can lead to a sense of helplessness and disaffection among privileged publics in the Global North. Disturbing images and stories can have a backlash effect known as “compassion fatigue” as media consumers become overwhelmed with the magnitude of problems (Moeller 1999). Human rights organizations must navigate the “dueling incentives” of calling public attention to the dire needs of the people for whom they advocate, and maintaining trust and credibility in the public mind (Cohen and Green 2012). Producers of media content for humanitarian organizations are very aware of this phenomenon, and put an extraordinary amount of effort into combatting and guarding against donor public apathy.

A particularly promising strategy from the perspective of big humanitarian IOs is the rise of social media, because it allows humanitarian subjects to speak with their own voices directly to people in the Global North. Within the past decade, social media has allowed for a qualitative shift in the representation of suffering and the moral agency of the spectator-witness, which some scholars believe is “fostering a cosmopolitan public” who feels closer to subjects of suffering than ever before, even when they are located far away (Madianou 2013: 250). Agencies like UNHCR

have recognized the potential of social media to democratize communication and reduce compassion fatigue, enabling organizations to foster a much more immediate relationship with publics in donor states.

When one steps into the Geneva headquarters of UNHCR, it is immediately obvious that social media is growing rapidly and featured prominently in the organization. It has been well integrated into the conceptual frameworks of the organization. During my 2019 visit, there was a huge banner in the main lobby above the information desk that said #withrefugees, the hashtag associated with a recent UNHCR social media campaign. The current High Commissioner Filippo Grandi is on Twitter and tweets regularly from his personal account. Ten years ago, UNHCR headquarters only had one social media person on staff; today there are eight. As one senior staffer explained the rationale for investing heavily in a social media presence for the agency:

Around 2014–15, we gained an awareness that we have a different role to play. We have always done quiet advocacy, diplomacy with governments. But we realized we needed to be more present at the grassroots level, to be a trusted voice. We don't have a presence in the West on the ground like we do in some countries, so this was a way to have presence.

In 2015 UNHCR issued a report that described the first major attempt to consolidate and coordinate a global communications strategy for the agency, with a focus on social media. A stated goal of UNHCR is to lead the narrative by providing vital information and making authoritative statements about refugee situations as they unfold. Beyond a coordinating team in Geneva, staff in regional offices and out in the field are also strongly encouraged to share content. The 2015 report announced that “more than 500 staff have received in-person and online training on the use of social media, helping to ensure that timely, high-quality content is regularly shared from the field” (UNHCR 2015a, 6). By coordinating content production to ensure a consistent message, while simultaneously sharing unique content directly from the field, UNHCR aims to build and cultivate a “brand identity, enhancing the Office’s authority and reputation” (3).

This agency-wide investment in social media has paid dividends. UNHCR’s Facebook page has 3.65 million followers, and on Twitter, @Refugees has 2.4 million followers. It has tweeted over 70,000 times in its first decade, increasing in frequency each year. By comparison, the International Organization for Migration (IOM) has only 136,000 followers on Twitter. While UNHCR’s social media strategy states that its target audience includes “digital influencers,” it now

functions as a digital influencer itself, shaping online narratives about who refugees are, what they look like, and what they need (UNHCR 2015a, 3).

One of the goals that the social media and communications staff at UNHCR are most passionate about is building empathy for refugees among voting publics in the Global North. In interviews, multiple staff at UNHCR referred to a 2016 study by Katwala and Somerville as being extremely influential on their approach. In their study of public opinion about migration in the UK, Katwala and Somerville refer to the “anxious middle,” not the far right or the far left, but people who have concerns about migration without being openly hostile. Crucially, this group makes up the majority of the population in donor states and is not hardened in its position on migration and refugees. Thus, this group can theoretically be swayed by information that frames migration so as to assuage their fears of its consequences. As one staffer put it:

We know that about 15 percent on the far right are just hateful and xenophobic, we know about 15 percent on the far left are totally supportive. And that leaves a lot of people. We call them the conflicted middle. We need to be understanding about why they are afraid. We need to show them that people like them are befriending refugees.

Another staffer explained how the agency frames stories to appeal to this group:

We do a lot of really strategic outreach based on a lot of research . . . A huge part of it is dispelling stereotypes with stories. So, we know that there is hostility and xenophobia and so we want to tell stories about how refugees are integrating, working, learning the language, getting involved in their communities.

Another staffer explained that social media is very good at first-person stories, humanizing stories, and stories of resilience:

We want to find examples of humanity all over the world and shine a light on them. This is how we are going to counter the ugly, hateful language on social media. By putting out a different narrative.

On its face, using social media simultaneously to build empathy toward refugees and to promote the migrant/refugee binary seems like two distinct parts of UNHCR’s communications strategy. In interviews, staff certainly did not draw many connections between these two aspects of the work. But a closer look at the social media efforts to promote the binary reveal the two forms of communication to be deeply linked, two prongs of the larger strategy to reach and reassure the “anxious middle.” Taken together, these efforts are designed to illustrate the humanity of refugees while defining refugees as a distinctive group, not the hordes of migrants that Global North publics

may be worried about.

In keeping with their long-standing efforts in public relations communications, UNHCR currently makes extensive use of social media to promote and protect the migrant/refugee binary. International relations scholarship tells us that IOs work to develop expertise and authority on particular topics in order to establish themselves as the definitive source in their area of focus. One way of carving out areas of expertise is to rely on classifications, which take on meanings that are “not only political and legal but also discursive” (Barnett and Finnemore 1999, 711). For example, the classification and meaning of the word “refugee” is central to the work of UNHCR and directly affects the scope of its mandate. UNHCR has used social media to establish clear ownership of the term refugee (as suggested by the Twitter handle @Refugees). The comprehensive cognitive framework of UNHCR is well illustrated by this integration of the legal protection and public relations elements of the agency.

The first major effort to use social media to promote the binary came in 2015, as large numbers of mostly Syrians were coming to Europe across the Mediterranean Sea, and European media outlets were using the word migrant to describe these arrivals. As a senior UNHCR staffer put it in an interview:

We spoke out about that and the BBC defended it, saying it [migrant] is an umbrella category, and we disagreed with them about that. Al Jazeera then called them all refugees, and all the other outlets basically just switched around the terms for variety of language, using them interchangeably. So, we decided to do a campaign about the language.

The #wordsmatter campaign used celebrities such as Academy Award–winning actors Cate Blanchett (also a UNHCR Goodwill Ambassador) and Colin Firth, and supermodel Helena Christensen, to promote the distinction between the two terms. The video accompanying the hashtag campaign had each of these celebrities and others look somberly into the camera and say “words matter” with great gravity. The video goes on to explain that “a migrant chooses to leave their country, often to improve their life” and can return home at any time. In contrast, “a refugee is running for their life.”^v Significantly, this language glosses over the specific legal definition of a refugee in order to emphasize the binary nature of border crossing.

As the situation with people attempting to cross into Europe unfolded further and was constructed in the media as a “migration crisis,” UNHCR stepped up its social media efforts (Maddaloni and Moffa 2019). Especially in late 2015 and early 2016, the @Refugees Twitter account tweeted regularly about the binary, sharing explainer pieces with titles such as “Refugee

or Migrants—What Is Right” (September 3, 2015), or “There’s a crucial difference between refugees & migrants—learn more” (March 25, 2016), or “Confused about who is a refugee and who is a migrant? Our FAQs will help (July 18, 2016). UNHCR has continued to release these types of explainers in the years since the initial flurry of activity on this issue. Consistently, this content does not go into detail on the legal definition of a refugee, and does not explain why the distinction matters, but instead maintains its importance by warning that there will be negative consequences if the terms are confused. For example, in 2018 UNHCR launched a cartoonish slideshow campaign across all social media platforms including stick figures of various different colors looking awkward and confused (see Figure 4.2). The slideshow asks the question that may be in many media consumers’ minds, “What is the difference between a migrant and a refugee?” and then goes on to say, “Mixing these terms can cause problems.”

In interviews about why UNHCR consistently emphasizes the binary, UNHCR staff frequently returned to the topic of the mandate. As one staffer put it, while there may be many different kinds of vulnerable people on the move, “our job and our mandate is to focus on refugees who have specific rights that are under threat.” They also insist that they are helping to counteract disinformation and provide people with the knowledge they are seeking. A UNHCR staffer explained that they carefully track trending issues on Google and on social media in order to discover what terms people are searching for and what questions they have. “We know we need [explainers] because of the questions that come in on the comments. There is a lot of confusion about definitions. We think a lot about the anxious middle, which was such a helpful study, and about reachable audiences.” Another staffer explained how they strategically work to maintain UNHCR’s status as the authoritative voice on refugee issues:

We also did a great job of reorganizing the website around what we know to be common queries . . . We do all of this in part so that when people search for terms and queries, we are the top hit. We have to think about terms like crisis and immigration, which we know people search alongside “refugees” but which are not terms we use on our website. We have to think about how, when we don’t use words, we potentially miss a chance to be the top hit. So, we are thinking about ways we can use those terms subtly and without compromising.

Perhaps because of the essentialist outlook about what makes someone a refugee, UNHCR often uses the term to describe people who have not officially been granted refugee status. This approach to language may seem like it is in tension with an insistence on the binary distinction

between refugees and migrants, but it is compatible with an essentialist view because many refugee advocates believe they know them when they see them. As one staffer put it, “In terms of how I use the definition, the definition is codified, and that definition gives us our mandate, but I’m not going to wait until someone has the stamp to use the term. I use the term liberally.” Another staffer confessed, “When there is a situation where it is not clear-cut, I don’t feel like I have to run my language by a lawyer every time. I’m in lots of meetings on these issues, so I feel really close to it.” A third staffer explained: “We are pretty liberal with the term refugee. I tend to use it in more of the sociological way. We use it to describe people who we know are going to be given refugee status. Like Syrians are going to get it, they just have to file the paperwork, so we call them all refugees.” In each of these accounts, there is the assumption that there is something intuitive about who is a refugee and who is not.

In sharp contrast to UNHCR’s approach, IOM’s social media output persists in using a different conception of the relationship between migrants and refugees, consistently using the term migrant as an umbrella term to describe all border crossers, including refugees. Despite the potential for more coordination that could arise from bringing two behemoth agencies closer together organizationally as parts of the UN system, IOM has managed to resist the binary logic and framing that UNHCR uses. For example, in the fall of 2018, @UNMigration tweeted: “Safety. Dignity. Human Rights. For all migrants. Regardless of their status. At all times.” A few weeks later they followed up with, “All migrants must be respected, regardless of their migratory status.” IOM also implicitly treats migration as an umbrella term by tweeting about all kinds of nonvoluntary movement, including displacement as a result of natural disasters, migration due to environmental factors, internal displacement, human trafficking, and often, stories about people in refugee camps. As a UNHCR staff member put it in an interview: “The IOM sees refugees as a subcategory of migrant. We do not. I have never talked to them about it. It’s just hard when one part of the UN is not being consistent with another part of the UN.” Another high-level UNHCR staff member expressed frustration about this inconsistency: “We use both terms in contexts of mixed flows. We say refugee AND migrant. And we encourage the IOM to do that but they don’t. They take a BBC approach that refugee is a subcategory of migrant, and we strongly disagree with that.”

This interagency rivalry may be frustrating to UNHCR staff, but there is no contest as to which agency’s message is having a bigger impact. UNHCR’s social media presence dwarfs that

of the IOM in terms of followers, likes, and shares on every platform. Further, there is some evidence that UNHCR is having influence over IOM communications about climate change. In July 2019 @UNMigration tweeted: “Human mobility is complex. Seeing climate migrants as refugees could weaken legal protection for people seeking safety from persecution and ongoing conflicts.” Conceding the ground that people displaced by climate change will not usually qualify for refugee protection is not openly playing into the migrant/refugee binary because it sidesteps the question of whether refugees are a subcategory of migrant. However, the phrasing reveals an assumption that is highly compatible with binary logic: while there may be many, many migrants in the world, refugees are relatively rare. The further implication is that if it seems to some unnamed audience that there are too many people who might qualify for protection in the world, protection will be weakened.

Left Unchecked

The migrant/refugee binary has become a central component of the cognitive framework of UNHCR. This feature originally stems from the essentialist and legally formalist logic of the protection side of the agency. But it has also emerged as a key aspect of the agency’s public relations work because it helps UNHCR carve out a specific institutional mandate and maintain moral and legal authority in the face of various threats to its dominance. Ultimately, promoting the binary facilitates agency self-preservation. As IOM joins the UN family, UNHCR views that agency as something of a threat, not simply because proximity makes turf wars more likely, but because IOM is undermining the legally formalist position that is central to how UNHCR sees like an IO. A commitment to legal formalism and the distance from politics that comes with it is key to maintaining legitimacy for UNHCR, and it is becoming more difficult for the agency to achieve.

UNHCR staff are extremely worried about the populist turn in the politics of many Global North states, and the rampant xenophobia that can be found both in the electoral realm and online. They are also motivated to enhance and maintain the authority of UNHCR because they believe that if UNHCR continues to be respected as the authority on refugee issues, it will be empowered to help more people. In order to stay relevant, UNHCR has had to become social media savvy, and promote its brand as the leading IO on refugee issues. To do so, the agency has decided to insist on the particularity of the refugee. This particularity is appealing—it reassures the majority of voters in these donor states that refugees are not a threat because obligations to refugees do not

extend to every border crosser. Calls by the IOM to remember that refugees are just one flavor of migrant, and that all migrants have rights, work to undermine UNHCR's central cognitive framework.

This chapter has shown how pathologies can stem from the institutional and political realities that shape IO behavior. As IOs specialize and compartmentalize, their work becomes routinized in ways that “limit the bureaucrats’ field of vision” (Barnett and Finnemore 1999, 719). Proponents of the binary within UNHCR genuinely want to protect vulnerable people and believe that the binary is the most effective way to do so. However, leaving the migrant/refugee binary largely unquestioned has consequences for which type of people receive help when they are on the move, which agendas are served, who represents which types of need, and how noncitizens are treated within states. These consequences are not necessarily intended. In fact, there is an irony to the fact that the goal of UNHCR's social media strategy is to push against donor state reluctance and restrictionism. Building empathy for refugees by insisting that they are uniquely deserving of concern, and emphasizing the importance of sorting them from other border crossers, runs the risk of unwittingly legitimating harsh border control measures. Even if that is far from the goal of UNHCR's support for binary logic, reluctant receiving states can take this logic and run with it, using it to justify measures that limit access to their territories.

The next section of the book will explore three specific examples of this legitimation: power struggles between the Global North and South over obligations to displaced people (chapter 5), debates over how to respond to arrivals across the Mediterranean (chapter 6), and contestation over how to classify people at the US/Mexico border (chapter 7).

Chapter 4: The United Nations High Commissioner for Refugees

ⁱ UNHCR does not keep an archive of every tweet it issues due to the sheer volume of material produced. Rather, UNHCR archivists have been collecting a sample of tweets that are curated to capture a broad range of issues and accounts. The dataset I created by following @Refugees in real time for four years is the only existing full collection of official UNHCR tweets on the topic of the migrant/refugee binary. I elected to present a representative sample of these tweets instead of a more exhaustive presentation of the data, as many of these tweets are highly repetitive, making the same point again and again.

ⁱⁱ UNHCR, “History of UNHCR,” www.unhcr.org/en-us/history-of-unhcr.html (last accessed June 26, 2020).

ⁱⁱⁱ UNHCR 2018 Global Funding Overview, <http://reporting.unhcr.org/financial#tabs-financial-contributions> (last accessed June 26, 2020).

^{iv} Climate change and disaster displacements, www.unhcr.org/en-us/climate-change-and-disasters.html (last accessed June 26, 2020).

^v www.youtube.com/watch?v=SCYmz1fXOiU (last accessed June 26, 2020).