

[00:00:00] Hello, and welcome back to Conflict, Then and Now, Historical and Modern Perspectives on War, created by the Global Law Scholars Class of 2025. Hello, I'm Sean Kelter, and today we'll be hosting a conversation with Professor Andrew Schoenholtz. Professor Schoenholtz is a professor from practice at Georgetown Law, who has extensive experience with immigration law, refugee protection, and humanitarian relief.

[00:00:22] He is also co director of Georgetown Law's Asylum Clinic, the Center for Applied Legal Studies, also known as CALS. for joining us. The plan for today is that we will discuss a number of topics regarding internally displaced persons. Our discussion will be led by two global law scholars in their second year here at Georgetown Law, Jemison Tipler and Emily Murphy.

[00:00:40] Jemison participated in CALS last semester where Professor Schoenholtz was her advisor, and Emily's contribution to the 2L GLS class project was a paper focused on internally displaced persons. On that note, Jemison, Emily, Professor Schoenholtz, take it away. Right. So thank you, Sean. Jemison here. Part of why we have decided to discuss refugees and internally displaced persons in this conversation is that our small group is focusing largely on the impacts of war and those displaced by conflict.

[00:01:13] Are often put in fragile and vulnerable situations in the aftermath of not just conflicts, but humanitarian disasters, natural disasters. And many of us may be unfamiliar with the differences between these groups or how to define them and what exactly the impact on them may be. Professor, would you be willing to define for us maybe some of the differences between refugees and internally displaced persons for anyone who might be listening?

[00:01:43] Sure, so the first thing to understand is that there are different definitions of refugees, who are people who have been forcibly displaced from their homes and have crossed an international border. That's the generally accepted term there. We have a refugee treaty and protocol that is, was established in 1951 to actually protect those who have a well founded fear of persecution.

[00:02:11] A very particular harm in connection with a particular characteristic like race, nationality, political opinion. And that's one of the major groups that's protected through the asylum system in very advanced and I would say middle income countries. Um, but there are many more refugees who have fled conflict.

[00:02:37] And in some cases where they can't find safety in their own country, or because they're right next door to another country where the conflict struck them, they'll cross a border. And they may not have been targeted because of one of the characteristics protected by the treaties, but they're getting out of serious harm's way.

[00:02:59] So there's also, while there's no international treaty about that. There's a regional treaty in Africa that protects conflict refugees. There's the Cartagena Declaration in the Americas, where 10 countries in the Americas have adopted it to protect conflict refugees. That arose from the civil wars in the 1980s in Central America.

[00:03:30] And the Europeans, um, have a system of the what they call subsidiary or complementary protection, meaning subsidiary to the treaty protecting persecuted refugees. And that protects conflict refugees as well. So those are the two main ways we currently have laws about refugees, are persecuted and conflict refugees, Excuse me, but we know other refugees are developing around the world, and the first place we find them, actually, is as internally displaced.

[00:04:08] So, the world of internal displacement consists to some degree of people who have a well founded fear of persecution or have been persecuted, and if they cross a border would become treaty refugees, conflict, people who've been internally displaced because of conflict, right? We see that You know, currently, um, in different parts of the world, many parts of the world, too many parts of the world.

[00:04:36] So those folks exist, and if they can find some safety in their own country, they may stay there. If they can't, they may cross an international border. But we also have, as you mentioned, Jim, the people who are displaced by natural disasters, right? Of different kinds. Now, most of those people, as of now are internally displaced.

[00:05:04] There are some, over 8 million, I just looked at the numbers, of internally displaced connected with natural disasters. There's over 60 million connected with conflict. So, it's largely, you know, heavily conflict um, displacement, but that's not an insignificant amount of natural disasters, and that's just now.

[00:05:26] Wait till April. Who knows exactly when, but down the road we will definitely have people displaced by natural disasters who will not, who will need to move across borders. So there may be new types of refugees developing

as well. Well, now that we've discussed this a little bit, can you tell us a bit more about what advocacy and protection looks like for internally displaced persons, in particular, in comparison with refugee populations and some more of the international norms governing these groups, if you're willing to?

[00:06:02] Sure. Of course. So, um, as I said, there's a treaty, uh, that was established in 1951, you know, the UN General Assembly adopted it then. We have about 145 countries, I believe, that have adopted the persecution definition. And then we have countries in different parts of the world, as I mentioned, that also protect conflict refugees through their own either regional treaty or regional policies, or having adopted, um, you know, this.

[00:06:37] definition to protect conflict refugees. So people do cross the border. In some places, they will be protected. The United States has a very limited form of that. Um, called temporary protected status, but that only arises if somebody's already in the United States. So it's much more limited than the Europeans or the Africans or the others in our hemisphere.

[00:07:00] So the, where, where does that leave internally displaced people? So there's, there's domestic laws that apply. There's international human rights law that applies to all citizens and residents of a country, right? The international human rights regime is applicable. There was a wonderful project, though, to try to apply that regime of international human rights law to internally displaced people, uh, because there were inadequate responses to their protection, uh, needs, uh, their safety needs, in other words, and, and other types of needs that they have.

[00:07:48] You lose shelter, you lose your source of income, you lose, you know, where you're going to, how you're going to sustain yourself, where you're going to get food, etc. So, um, all that, you know, comes to play. And so there was a great project that started in the 1990s, um, at the Brookings Institution, actually, when the UN Secretary General appointed the first special rapporteur on internally displaced people.

[00:08:18] That is now housed at the office of the High Commissioner for Human Rights. And that office, at the beginning, the most incredible development that they really, um, you know, deserve a lot of praise for, was establishing what I'm going to call soft law norms, right? Because they were basing it on the prevailing human rights laws, but applying it specifically to the situation of internally displaced people.

[00:08:49] So it was a great soft law project. And now, actually, the gut there, they were ultimately called guiding principles on internal displacement, right? Because they're not hard law, but they've been adopted as hard law in some countries and in, in Africa in particular. Uh, so the, the norms are there. And sometimes countries have their own statutes and laws and policies that actually, you know, line up, Okay, with those norms.

[00:09:23] Other times they need, um, to implement new, um, you know, new laws and policies, but the, but having created this, the guiding principles, the question was then, okay, how do you then advocate and try to ensure that states, governments, provide it? Thank you. The human rights protections that they're, they're, they're required to under international human rights law to do, um, or, you know, in the development of the soft law, you know, some sort of more robust form of them when you're thinking about internally displaced people.

[00:10:01] So that's a country by country project that requires. leadership at the United Nations. It did. Francis Dang was the, a diplomat from the Sudan, was the first special rapporteur. Um, Walter Kalin, um, who teaches international human rights law at the University of Bern and Switzerland was the second one. Um, now it's housed, as I said, in the office of the high commissioner for human rights.

[00:10:29] And so that's one office that's should be out there doing this and we can talk about how, and then there's civil society. There's international human rights organizations, the NGOs, um, who are trying to do this. So, the first step though, the big step, really involved lawyers, international lawyers, trying to develop and ensure that the norms that were needed to apply to people forcibly displaced within their own country.

[00:11:02] Would apply. So this is coming as a part of my own curiosity. When it comes to refugee protection, which is what I've been focusing on for the past, for a while in my life, I, a lot of it is focused on how to provide legal status for someone, someone that they've already escaped to or somewhere where they can escape to.

[00:11:27] When it comes to internally displaced persons, it, To me, it feels like the situation is incredibly different. It's about, um, supplying things to people on the ground, which, and you mentioned in particular, the role of lawyers and providing protection. What do you think the relationship is between legal advocacy for IDPs, but also the other needs of humanitarian protections and how.

[00:11:51] We, as lawyers, can help enable those protections on the ground if we want to intervene in disasters. Very good question. And so, um, lawyers have a variety of roles to play, and it's not only in terms of the protection, that is, the safety and, um, uh, of forcibly displaced people, but it is ensuring that the state, the government, lives up to its responsibilities towards Either its own citizens or residents.

[00:12:25] Like there are obviously lots of people who live in other countries who are not citizens but are residents of those countries. And so there are responsibilities that the state has to them just as citizens and residents have responsibilities to the state. And the role of the lawyers in this is to keep them accountable.

[00:12:46] And the norms allow them to do that advocacy. So it's going to vary situation by situation. There are some places where you may have internal displacement and the government may favor a particular group and disfavor another. Well, that's a discrimination that's contemplated by international human rights law.

[00:13:09] And the, there are norms and the guiding principles to address those situations. Uh, now, it's all going to depend on how cooperative, how willing a state would be to do that. So, ironically, as I said, Francis Day was the first special rapporteur, um, for internal displacement, came, come from the Sudan. Well, the Sudan has turned out to be one of the most challenging.

[00:13:36] Governments try to get to, um, you know, apply, uh, the, uh, guiding principles to internally displace. But there are always surprises. You, you never know. And it takes a lot of, uh, work by lawyers and others who are providing assistance, for example, in communities to help the government understand. Why it's important, what needs to be done, some governments may be willing enough, um, but can't do it themselves, um, and some governments actually have flaws in their own books that they don't implement, but are there and match the norms of the guiding principles.

[00:14:20] So it's a lot of very particular work, not surprisingly, when you have the Westphalian state system, we have over, you know, what is it now, 200 governments or something like that? Yeah. Yeah. Yeah, so it's very So my feeling is that the my senses it's not a feeling it's a sense that the lawyers can play these roles But they're very particular roles inside countries.

[00:14:45] So the most important Roles really ultimately need to be played by the lawyers who live and reside in those countries Now it's good to have the

special rapporteur do country visits. That was one of the ways in which Francis Dang and then Walter Kalin did engage with governments and get them to Both develop norms and, and begin to implement them, but, um, you know, it's been, there's a lot that needs to be done.

[00:15:20] So the, the current special rapporteur has her hands full, um, doing that. In fact, it might be worthwhile taking a look at, let me, can I share this as something on the screen? Yeah, so this is from the, um, International, um, uh, Displaced Persons Center, the monitoring center for displaced persons, the IDMC, Internal Displacement Monitoring Center.

[00:15:48] And this is actually from, you know, the end of 2022, but you can see, look at the size of the, you know, these are very significant. These are the countries in red, um, very significant, millions of internally displaced people. It's extraordinary that still in our hemisphere in Colombia, uh, where there was a civil war going on for over 30, 40 years, we still have, you know, that many internally displaced.

[00:16:21] Some of the other places, but you, you understand, you look at those countries, we're talking in many of them, most of them, it's conflict. Right? That's driving the internal displacement. And if it's not conflict, it's other forms of violence. But serious violence, where the state, sometimes the state's responsible for the violence, but oftentimes as well, they're non state actors.

[00:16:44] Um, who are responsible, um, for the violence. So, how do you deal with those countries? Um, that becomes pretty difficult because during conflict, Um, it's, that's when the need is greatest. So you would want lawyers. And, uh, the humanitarians in there providing assistance, and of course the humanitarians often are given a space there, not always, um, the, the state controls that, so the Sudan can control that, or, you know, Libya can control that when it wanted to during its conflict, right?

[00:17:22] Um, but, you know, it's when you want the, the lawyers in there. So who gets the most access? There I'd say it's the, in terms of lawyers, there I would say that internationally it's, it's the High Commissioner for Human Rights, Special Rapporteur. Uh, it's, uh, Also, we have other UN agencies that are focused, for example, UNICEF that focuses on children.

[00:17:50] They can get in there. Now, they're particularly interested in providing, you know, support to children, but they'll, you know, they'll do that. And then, of course, there's the, you know, the, um, the organizations that work

on, um, um, providing assistance during conflict, um, that can get inside as well. But it's.

[00:18:13] dangerous and challenging, etc. These are not the only countries, though, if you look at that map. There are other countries that have, that we don't have the numbers on this particular graphic. Um, but you can see that there are a whole bunch of countries where anywhere is from a hundred thousand to 3 million internally displaced people.

[00:18:33] And so in some of those countries, it's more possible for, uh, advocates to get in. Indonesia was part of that. I remember when, um, the, the, the first special rapporteur went out there and was working on conflict situations there. So, um, and they can help by having that international presence. Um, they can help.

[00:19:01] support the citizenry that's interested in this, whether they're lawyers or other advocates who want to play a role in their own countries. Because at the end of the day, they're the ones who really have to, you know, carry the, you know, the large part of this and to try to get their governments to respect, um, The, the guiding principles and, and ensure that people have not just, or not just safe, but also get the assistance they need.

[00:19:33] So what does that actually mean? So sometimes it's not so much that, you know, they're going to need armed protection. Sometimes they have no, you know, they're, they had to leave their places. There are no documents. How do they get documents to show that they're citizens? to show that they're residents, right?

[00:19:51] So the typical roles that, you know, you then, and then how are they going to access, you need those documents before you can access any assistance, right? And how are you going to get yourself back on your feet? Are you going to try to move to another, stay in another part of the country? Will you be able to go back home?

[00:20:09] You know, and that leads to, I think, one of the big differences between conflict and natural disaster displacement. So natural disaster displacement, You know, it's all about how long will it take for the government to recover. I mean, the government to help its society recover from that displacement because they may have, I mean, lots of hospitals, schools, all these social infrastructure, uh, may have been destroyed in certain parts of a country.

[00:20:39] How do they build that up? What happens to the internally displaced during that period? And when can they go back home? Right? But at the end of the day, you know, even if it takes some serious time, in many cases, if the norms around the Ghani principles are being implemented well, they'll be able to go back home.

[00:21:03] Um, that's often harder in conflict, right? Um, all depends on how quickly it will end. When will people be able to go back home in the Ukraine? Um, completely. To where they want to go. Um, Gaza, you know what I mean? It's everywhere where there's a conflict. Look at these countries, Syria, you know, this, it's not safe.

[00:21:26] Yemen, look, it's just, that's much more difficult. And, you know, this is, these are, there are limits. To what can be done. And of course, at certain points in time, it's really a political responsibility of the international community, meaning the Security Council. Well, that's more, that's more challenging. I wonder as well as if it's In the case of many conflicts, especially as you mentioned Sudan, a region that has been torn by conflict and instability for many decades now, the most recent breakout of which in 2023, if it is also a matter of institution building, creating post conflict contexts that have the capacity to be a fulfillment.

[00:22:19] A new safe home for internally displaced persons because what's been striking me with all of this is the fact that it's in the refugee context where we, what would disqualify someone would be the possibility of an internal flight alternative. But with internally displaced persons, it's this. It's often people who are unlucky enough to not have the possibility to escape from different contexts, and I wonder what advocacy can look like in terms of, like, take Sudan, for example, where a lot of what has pushed internal displacement has been part of The reignited tensions in West Darfur, for instance, how much is advocacy focused on protections for individuals versus trying to rebuild legal institutions capable of supporting accountability for old wounds in society, old harms perpetuated against people over and over again.

[00:23:22] It seems like a tension. Yeah, it's a very good question. So, I mean, at the end of the day, the establishment or re establishment, depending on the circumstances of the rule of law, is absolutely pivotal. And critical to getting beyond the conflict in human rights violations that are, are part of, of, you know, particular conflicts that's, those are great challenges.

[00:23:53] I mean, those are really difficult challenges, but there are some success stories, um, including when I think about the different types of violence



that we haven't talked about. Particular types of violence in conflict. Of course, there's the, just the general use of force, which displaces people. There's also gender based violence that is commonly occurring during conflict, right?

[00:24:21] There were, um, there were definitely serious efforts. To try, after a conflict ended though, I mean, the conflict's got to come to a close for the most serious efforts to try to, you know, to try to establish, um, new norms, um, and help people understand why at a community level. I mean, it really is ground level.

[00:24:48] There were great projects in Guinea, for example. Um, West Africa, um, you know, many years ago that, uh, one of our alums, uh, Jeremy Conantye, who's now the head of Refugees International, um, he, when I say our alums, I should broaden that to Georgetown. He was a, um, MSFS graduate, um, one of the first refugee certificate graduates.

[00:25:14] And, um, he was the head of, of, um, an NGO that was working in Guinea, and it turned out that he, um, authorized, you know, one of our other alum, this time a law school alum, who created a gender based violence protection program. But it was very grounded, it was very community oriented, it was really done at the community level.

[00:25:40] It brought people together to talk about these issues. And to help educate, help people learn about, you know, why this is a problem, how it's a problem, and what can be done about it. During conflict? Pretty hard. But your major point is that, yeah, it's not just the conflict ends. That doesn't solve the problems.

[00:26:04] And establishing the rule of law is, you know, the most difficult one. And even in countries where there's not a conflict, Look at how great a challenge it is even in Honduras or, um, uh, Guatemala, right? To where we're talking largely about organized crime and gang control of territories, where there's a tremendous amount of gender based violence.

[00:26:31] Uh, there it's, you know, there's, there's no easy solutions to it. There are attempts, there have been attempts to reform the police in Guatemala, um, by the international community playing a role in this, but we need a lot, you know, and there's some really thoughtful people who are doing this. There's no magic answers, but you know, if I do think that there are ways to do that, um, that's going to depend on the particular society, how to make it work well, um, and it's challenging.

[00:27:05] It's not this, it's, you know, that's years that we're talking about a long period of time to make that happen. But you know, one of the durable solutions that UNHCR always, and needs to, promote is Um, is return and safety and dignity for refugees. Because let's remember, most forcibly displaced people who have crossed a border, right, uh, they, the, the durable solution that's going to be most available to them is going to be return.

[00:27:40] Repatriation to their home country when they can do it safely and in dignity. Um, and that's because they're, they're displaced in their region. They may have come from a low income or middle income country and they're right next door. I mean, a lot of the Venezuelans are going to go back home. Now, that's not just conflict.

[00:27:59] There's lots going on in Venezuela, right? But a lot of people, you know, will be able to go back home at some point, but not until there's serious change and, um, the way UNHCR does, um, voluntary repatriation is It often encourages, and I saw this, um, with respect to Mozambique, where, uh, and Angola, and especially with Angola, there were, um, you know, significant numbers of refugees in adjacent countries.

[00:28:34] And UNHCR would, you Um, when it was safe, they would start sending people sort of as scouts, if you will, to go check out their hometowns and their home, their property. Most people want to get back to where, if they've crossed an international border, and the same is true with internally displaced people.

[00:28:52] They want to get back home. if they can, right? But, and so UNHCR helps them sort of test it. They send some people back and then those people come back to wherever the group is staying, if it's a camp or an urban area, and they can then help others understand, is it safe? And can they go back in dignity as well?

[00:29:14] Is there work? Is there, is, is there, if there was never a rule of law before, is there a rule you know, it's not a simple thing, but it's a degree of. rule of law, right? Um, and safety. So, um, it's a great question and, and that's one of the greatest challenges. And so, yes, um, that requires a whole range of, you know, advocacy tools.

[00:29:38] Um, you know, legal, political, um, strategic, there's just a lot that goes into that. And you need all sorts of experts, Um, and people who really understand the, you know, the workings and dysfunctions of a society to make

that happen. Well, right. So, um, Thank you for that. I have a couple of questions to bounce off.

[00:30:02] But first, my name is Emily Murphy. Um, as Sean said at the beginning, um, I focused my research in the fall on IDPs. And so one of the things that really stood out to me in the research, right, is that first of all, at the end of 2022, There were 71 million IDPs in the world, right? And as you said earlier, a lot of the law, really most of the law, surrounding IDPs is soft and non binding, right?

[00:30:34] With no consequences, um, for any state. Whereas for refugees, there are more, Hard law, binding kind of treaties or agreements that have accountability systems or requirements, obligations. Do you feel like soft law is sufficient in preventing, you know, more destruction, more IDPs, um, in protecting their interests and their safety and What do you feel like would need to happen for a treaty or something more, you know, harder, more binding to apply to IDPs?

[00:31:15] Yeah, that's a great question, Emily. So, the purpose of the soft law project, of the guiding principles, is not to stay soft law. It starts as a soft law. set of concepts, guiding principles. The idea is to make them into hard law in various ways. So for example, there is a treaty. that the, um, uh, African Union has put into place that has made the Guiding Principles hard law for those signatories who have adopted it.

[00:31:54] Um, a lot of the work of the Special rapporteurs and advocates, um, from, you know, the IDMC and elsewhere, the Refugee, um, Norwegian Refugee Council, others, was to then work with individual countries and build on what their domestic law was. So there is some hard law that applies to citizens, Emily, that would, would be applicable as well.

[00:32:25] Um, you can think of that even in the United States, if you think about how the reactions to what happened to, um, after Katrina, right? So even just a natural disaster, how that worked, right? So there's hard law, but it's oftentimes there are gaps. And so the role of the advocates is to identify the gaps, at least get policy to cover that, and then build a hard law system.

[00:32:50] So the goal is how you do it from the ground up. And now I'm going to get to the point about the challenges with international treaties, or new international treaties. The project was doing it from the ground up because, um, it was absolutely clear that there was no way to get an international agreement on the protection of internally displaced persons.

[00:33:15] Mammoth work that would be involved. And it would take years and years and years and years, I mean decades and long time. Um, and I'll give you another example of that in, in a moment of a different type of project, but a different subject. But that's not, so these very wise lawyers in the 1990s led by Walter Kalin and others.

[00:33:41] develop the guiding principles because they felt this was an opportunity from the ground up to build. Yes, it was relying on the international human rights laws that generally applied, but it wasn't clear how they specifically applied to internally displaced persons. But the idea was to build hard law and develop it.

[00:34:02] And the better way to start They argued, and I think correctly, was, okay, start with the soft law principles and then see how we can, you know, make them work as, you know, as hard law in different regions in different countries, um, et cetera. And that's been a, you know, I still think that that was the wisest approach because it's very hard to get, and now we have almost 200 countries, you know, that sort of agreement to have it.

[00:34:35] The other example I was going to give you, um, I advised, um, a project that our former dean, Alex Alenikoff, was heavily involved in as well, the International, um, Migrants Rights Project, right? The INBR, um, Which started at Georgetown and several other law schools that Georgetown Law students coordinated with.

[00:35:01] It was a Georgetown Law student project. I advised the, the leaders of that to look at the guiding principles on internal displacement as the example of soft law as a way to build up. Why? Because there is no way that the high income countries were going to agree to a set of Laws with, you know, the middle and low income countries with, you know, the sending countries or so, um, the smarter way to do this was to try to, again, build it from the ground up and see how you can advance it.

[00:35:38] And that's what the IMBR said as well. So, um, sorry for the long response, but that that's I think that that was the appropriate strategy, and I think it's a lesson for all of us to learn as we see the challenges in developing international treaties of other ways to do this, and maybe in time, if international norms develop aren't hardened enough.

[00:36:06] Well, then maybe you can get the international treaty, right, if at that point in time, but I thought this was a really smart strategy. Yeah, I definitely agree that, you know, a treaty just kind of feels too far off, especially with all of

the different sovereignty issues that come up when we're talking about other countries or other organizations, you know, coming in to provide aid, especially when You know, a country is responsible or unwilling to kind of solve these issues for their own citizens, right?

[00:36:41] Um, but it feels like a lot of these responses require a lot more international attention to kind of make progress, right? People, everybody knows what a refugee is at this point. But many people really have no common understanding of what IDPs are and how they're different, um, from refugees and from other kinds of people experiencing conflict.

[00:37:06] Do you feel like there's a way to kind of raise this issue up? In, like, the common understanding, expand rights for people by making it more well known. Um, yeah, I mean, I think it's, you're, you're absolutely right. I mean, and ask yourself why that's the case, that the issues that get more attention are the cross border ones, right?

[00:37:33] Because then we're talking about The reason that one of the reasons that the refugee treaties exist, which is because of insecurity and instability internationally, I mean, the, when the refugee convention was adopted by the general assembly in 1951, they were reacting to the lack of any refugee treaty.

[00:38:02] Um, during the lead up to and during World War II, which resulted in a failure to protect refugees, right? So, they, you know, that, it was a time when they thought there was a lot of instability caused by all that cross border displacement during the Second World War, right? And therefore, they needed, this was This wasn't just for humanitarian reasons.

[00:38:31] It wasn't just to protect the human rights of people, but it was recognizing that serious and significant human rights violations of large numbers of people result in international instability. So it's not surprising in some ways that the refugees get. More attention in some ways, and I think you're right, given that we have 71 million internally, at least as of the end of 2022, 71 million internally displaced people, you know, over 30 million refugees, um, you know, so forcibly displaced to cross the border, um, the, we have to figure out ways to ensure that attention is.

[00:39:14] Both education, um, is provided to, you know, the policy makers, to citizenry, about forcible displacement within countries, and, um, what the potential solutions are, uh, so that's, there are advocates who do that, um, you know, you'll, I think if you look at some of the Um, or, or major, uh,

international NGOs, um, human rights organizations, they do focus on internal displacement.

[00:39:52] To some degree. Now, there's always room to do more and you saw on the map Yeah, those those conflicts go on for a long period of time and there's a lot but you know, you call attention to it So, you know the we have the major groups You want attention to what's the conflict in Cameroon that's going on.

[00:40:12] It's smaller than the ones we were just looking at, but it's significant. It's important. Um, there's a lot of internal displacement there. There's also international displacement. So we need groups that will bring this, the attention of societies that can try to make a difference and to policymakers who can.

[00:40:34] Um, and that involves lawyers and other advocates. So, right now with the situation in Gaza, you know, we're kind of seeing an unprecedented role of social media really bringing those issues to the forefront, people showing their experience while being displaced. Right? More and more people are talking about internally displaced people in Gaza than really any other conflict I can think of where it was mostly internally displaced peoples.

[00:41:04] Do you feel like there's going to be some sort of movement with that? Do you think there will be some positive results? From the conflict going on right now. Well, I would hope so, but, uh, and social media plays, it can play a really important role in this. I think it was doing that in the Syrian conflict as well, right?

[00:41:26] There was a lot that we were seeing, and I'm going, you know, social media, when I think of the conflicts before we had what we now call social media, um, You know, one of the big things that made a difference in the, um, international response to, uh, Milosevic's expulsion of Kosovar Albanians, um, from Kosovo, which was part of Serbia at the time, was these photographs, these And these, uh, filming of that, that the broadcasters were able to broadcast in Europe and in, in, in other high income countries.

[00:42:15] And it reminded people the actual expulsion of the Kosovar Albanians looked just like the expulsions of people during the Second World War. That's what it looked like, right? And it really, that made a difference. So, of course, that was a different type of conflict in a sense, right? It was like, okay, Milosevic probably didn't expect that President Clinton and NATO would respond in the way they did.

[00:42:47] And they were able to respond quickly. Yes, it would be great if we, if, if that, if there was, you know, uh, the results that you want, which is ultimately peace and security for the population there in the end of displacement and rebuilding. I mean, it's going to be horrible. The rebuilding, you know, in Gaza is going to go on for a long period of time, um, you know, at some point.

[00:43:12] And the, we're not there yet. We're. The conflict's going on. So yes, hopefully that can help. Um, but it all, each conflict, Emily, it really depends on the specifics of the conflict. And think about all the players involved in that. If it's just a conflict between two parties, you know, that's more, you know, internally, or within the region, that's one thing.

[00:43:43] If it then builds up and there's a This is a major conflict in the sense that, not only in the sense that it's a, it's a very significant one, period, but also in the sense that there are sub regional actors, there are regional actors, and there are global actors who are keeping their eyes on this for reasons that I'm sure you've, you're all well familiar with, right?

[00:44:13] China's going to see what happens with this. Russia's going to see what happens with this. It's everybody, and Iran is playing whatever role Iran is playing, right? It's, this is, this is very, um, very challenging in many ways. But hopefully you're, what you're suggesting does take place. And it may make the difference at the end of the day.

[00:44:35] All right, so I will go ahead and jump in here with our final question for today, which is what advice do you have for interested students or lawyers listening who may want to get involved in refugee work or in work helping internally displaced persons? How can they get involved or for aspiring lawyers or law students?

[00:44:56] What should they study? What should they focus on in their academic life? Thanks, John. Um, the excellent questions. I really love the global focus that you've pulled. You know, that are part of your studies and that I think is really where a lot of the, you know, the legal attention, um, and lawyering should be done.

[00:45:17] Um, so the question is, you know, how to do that. Well, the first thing I would say is if I were studying myself now, if I were a student looking at this and then I somehow knew I was interested in this. caveat was when I first was studying in law school, I took the first human rights course. It was a general human rights course.

[00:45:38] I didn't have the opportunities that you all have, but I love those opportunities. So I would, I would, I would study a range of international legal issues. We have wonderful professors and scholars who teach the law of war and accountability. Right? At the highest level for war crimes, crimes against humanity, etc.

[00:46:04] Professors Stromseth and Luban, for example, are excellent professors. There are others as well. If I were studying, that's one area I'd like to learn more about. I wish I did, personally, really, know more about that. Um, clearly, Uh, it's important to understand how the international human rights system works, which is a complex system.

[00:46:27] You know, it's, we're now seeing various actors, right, at different moments in the, um, Israeli Hamas. Um, conflict, you know, play role, you know, come to the, the, the fore, um, in terms of the, the, you know, litigation, right? There's a lot that actually takes place in the international system. It's complex. Um, we could definitely use for more accountability.

[00:46:55] There's no question about that. And so how to build that system, we're going to need lawyers who are both creative, thoughtful, um, and understand how to, how change can come about. It's not easy. There's a lot of resistance to it. States, of course, do not want to give up their sovereignty. Uh, and that's why it's so hard to get an international treaty.

[00:47:19] But we have, we have an international treaties The question is how to enforce them. Well, right. So I, I would try to study those issues. Definitely. I'm an international refugee law, um, expert. It's my, it's, it's, I think it's an important area of law, um, but I wouldn't only, I wouldn't only study international refugee law.

[00:47:46] I would also try to understand more about how the guiding principles on internal displacement work. How do these other, what other projects are going on? I would try to get experience during the semesters, during internships and summers with some of the international organizations doing this, whether it's at the completely, you know, international level, um, or the NGOs that are doing this, right?

[00:48:15] Um, I mentioned Refugees International, the Human Rights Watch. There's a lot of organizations. Then there's organizations that actually do work directly with, Displaced persons, um, the International Rescue Committee, for example, just throwing out one name, and I hope others will realize that if you really want to get into this, there's a good number of great international NGOs



that work in the field, and if you're interested in a particular part of the world, Um, you can go to the, um, uh, you know, the, the website of the office of the, um, humanitarian advisor to understand which NGOs are working in particular conflicts, right?

[00:49:06] And what are they doing? IRC, for example, was one of the first NGOs that had been providing assistance to forcibly displaced people and started working on protection issues. Um, safety issues in challenging places, including conflict zones. Um, so, there's, and I'm not suggesting anybody go to a conflict zone, I'm just saying that they are involved, and they're certainly going to be there when the conflict goes over and what we talked about earlier.

[00:49:37] How do you, um, then try to rebuild? How do you build a society that people can come back to, whether they've been internally displaced. or externally displaced. And, um, as, you know, a, a colleague on the main campus at Georgetown pointed out to me years ago when I used to say, You know, um, you know, return home to, you know, a, you know, a safe and stable, uh, society.

[00:50:07] Well, some of them never came from a safe and stable society. There was never the rule of law, a deep enough rule of law that existed. So sometimes it's rebuilding that, sometimes it's building it. And those are great challenges. And I think, you know, Um, wonderful ways for, uh, for lawyers to learn how this is working internationally, to get involved, um, uh, in other parts of the world and, um, you know, to get as many skills as you can in terms of what's really going to matter.

[00:50:42] Think about what's going to happen. I'll just take the, you know, the most obvious one, um, because they've been doing work on this already, right, from the beginning of the, um, Russian invasion of Ukraine, um, there was the, all the accountability, war crimes, crimes against humanity experts were already advising.

[00:51:04] And internally, the Ukrainian government was already documenting, right? Documenting. Lawyers play a great and a very important role in this. And then it's not just documenting. It's how do you build the, you know, the, a case, um, to try to hold those responsible for atrocities, um, responsible. Yeah, that's the big answer.

[00:51:30] Anything particular that I haven't covered about that or anything I can say a little further about any of that, Sean? No, I, I think you just about, uh, covered it and I think with that we'll actually wrap up today's episode, um,

assuming everyone's said their piece. So thank you so much, Professor Schoenholtz.

[00:51:48] This has been great, uh, great conversation and very well done, everyone. So thank you for listening. If you're interested in reading the project that inspired this podcast, finding the transcripts of the episodes or learning more about the GLS program at Georgetown law, visit our website at the link in the show notes.