

Caught in the Crossfire: Strengthening International Protection for Internally Displaced Persons Due To Internal Armed Conflict

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This Note won Best Thesis of the Ateneo Law School Class of 1994. It aims to address the problem in the protection of the rights of displaced persons. It explores the possibility of arriving at a more durable legal system of international protection for internally displaced persons. The Author also gives an extensive discussion on the Philippine experience with regard to said displacement of persons.

In the Colonial period, displacement was already commonplace in the form of “hamletting” of communities to curtail the mass-base support of rebels. There was also “reconcentration” during the American rule. Evacuation was prevalent during the Marcos years. The Author says that the 1987 Constitution seeks to prevent “hamletting” in particular but some violations of such have been recorded and are discussed by the Note. There is then a discussion on the attempts at arriving at a solution. One of such attempts is relief assistance extended by government. The Note then discusses on the status of displacement in international law including the sources of protection of the rights of displaced persons. The Author contends that human rights law and humanitarian law have not been tightly woven. His discussion shows that human rights have been vested with customary status already. In the end, the Note declares that there is a need for remedies especially regarding the legal instruments and mechanisms involved in the protection of internally displaced persons. The Author also provides guidelines at the end of the study.