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SPECIAL ISSUE / ARTICLE

A Peace Process Instrument in a Climate Crisis: Conflict, Climate Displacement, and BARMM

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ABSTRACT: In an area that has witnessed decades of insurgency and armed conflict, it is impossible to separate conflict-related displacement from environmental and climate-related immobilities. The Bangsamoro Autonomous Region in Muslim Mindanao (BARMM), an autonomous subnational unit, has historically been one of the poorest regions in the Philippines. It is home to a decades-long conflict and has been subjected to various versions of the peace process. In the latest peace process, the Bangsamoro government was enacted through the 2018 Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao. In 2024, the Bangsamoro Parliament passed the Rights of Internally Displaced Persons (IDP) of the Bangsamoro Autonomous Region Act of 2024. The law is an instrument of transitional justice: adopting a rights-based approach in respecting, protecting and promoting the rights of IDPs. While environmental degradation and climate-related disasters are only small portions of the law, BARMM and the law serve as a model for the intersectionality of displacement, particularly with armed conflict, and how climate considerations will only grow in the future.

KEYWORDS: climate displacement, internal displacement, Mindanao, Philippines, subnational laws, transitional justice

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1. Introduction

In the coming years, climate change is expected to be a big driver of displacement in the Philippines and in the region. The International Organization for Migration (IOM) estimates that at least 8.6 million people in the

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Philippines could lose their homes and livelihoods in the next 30 years (IOM 2025, 4). It has already been established by the Intergovernmental Panel on Climate Change (IPCC) that greenhouse gas emissions have led to increased frequency and/or intensity of weather and climate extremes (Seneviratne et al. 2021). As there are more disasters, so too are there more casualties. This has caused injustice as climate vulnerable states, like the Philippines, have historically low emissions yet they bear the brunt of the effects of climate change.

The Bangsamoro Autonomous Region of Muslim Mindanao (BARMM) is an administrative region in the southern island of Mindanao in the Philippines. It is an area that has witnessed conflict spanning back centuries, traced back to the 16th century when the Moro population opposed invading Spanish colonizers. Understandably, the peace process has long been a priority of the National Government. In 2018, the *landmark Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao* or Bangsamoro Organic Law (BOL) (Republic Act No. 11054) was passed after years of negotiation between the Moro Islamic Liberation Front (MILF) and the Philippine Government.

Against this backdrop, it is unsurprising that the Bangsamoro region has one of the highest rates of internal displacement in the country. The Bangsamoro people have experienced displacement due to conflict, natural disasters and long-term crises. In 2017, Marawi City was under siege by the Islamic State-inspired Maute rebel group for five months, displacing 98% of the total population of the city (UNHCR Philippines n.d.). In 2022, the Philippine Congress passed the Marawi Siege Victims Compensation Act of 2022 (Republic Act No. 11696). This law grants compensation to owners of structures and properties affected by the Marawi Siege and it established a recovery, rehabilitation and reconstruction program. Notwithstanding, a large number of residents remain displaced even after nine years. As of December 2023, approximately 80,300 people remain displaced (UN OCHA, 2026). Transitory shelters have become permanent residences (Rappler 2026).

As the region finalized the peace process, the displacement landscape has changed. While the majority of currently displaced persons were displaced due to conflicts, new displacements are caused by disasters. Shear line-induced flooding in February and March 2026 displaced more than 290,000 people across the region (UN OCHA, 2026). In October 2025, more than 38,000 individuals were affected by severe flooding in Maguindanao del Sur, a province referred to as "nature's catch basin" because of its topography. It had been in a state of calamity since September 2025, with residents noting that it was the worst flood in 50 years (Philippine Daily Inquirer 2025).[2] The Philippines is also bracing itself for the Super El Niño which is expected by mid-2026. The island of Mindanao is vulnerable to drought and erratic rainfall (Philippine Daily Inquirer 2026), which could aggravate situations of displacement.

The *Rights of Internally Displaced Persons of the Bangsamoro Autonomous Region Act of 2024* or the BARMM IDP Act (IDP Act) (BAA No. 62) is unique to the region. Attempts have been made to pass an internally displaced persons legislation at the national level, with the closest one vetoed by President Benigno Aquino III in 2013 (Rappler 2013), but it has never been successfully enacted into law. BARMM's success could be attributed to the transitional justice project and the need to address injustices brought on by the previous conflicts. As environmental and climate displacement is an emerging and growing issue, there is a need to consider the efficacy of the BARMM IDP Act in addressing non-conflict displacement.

In this article, I attempt to contextualize the BARMM IDP Act and examine it as a case study in whether transitional justice mechanisms, designed for conflict, can meet the legal challenges of environmental and climate-induced displacement, and what gaps remain when they cannot.

This article proceeds in four parts. Part I sets out the historical and political context of the Bangsamoro region, establishing why an internal displacement law was both necessary and significant in this particular setting. Part II develops the conceptual framework in two stages: first situating environmental and climate

[2] It is also worth noting that approximately 7,915 people were displaced in the same province in January and February 2026 due to armed clashes, demonstrating the vulnerability of the region. (UN OCHA 2026)

displacement within the existing legal architecture of internal displacement, and then examining transitional justice and climate justice as analytical lens through which the BARMM IDP Act can be understood. Part III applies this framework to the Act itself, assessing its textual provisions, institutional design, and overall adequacy as an instrument for environmental and climate displacement. Part IV draws on this assessment to offer recommendations for strengthening the Act and for policymakers seeking to develop analogous frameworks elsewhere.

The main question that this article seeks to answer is thus: **How can a transitional justice mechanism be a vehicle to address the issue of environmental and climate-related displacement?**

The following sub-questions guide the analysis:

1. Is the BARMM IDP Act properly characterized as a transitional justice mechanism?
2. How does the BARMM IDP Act, as a transitional justice mechanism, accommodate environmental and climate-related displacement within its textual framework?
3. Are the institutions and processes established under the Act adequate to address the specific protection needs of environmentally displaced persons?
4. To what extent can the Act serve as a just and replicable model for internal environmental displacement policy?

2. Scope and Methodology

This article utilizes doctrinal and textual analysis. The primary corpus consists of the BARMM IDP Act and its Implementing Rules and Regulations (IRR). As these documents are subnational instruments, they are contextualized against the history of the Philippines and the Mindanao region. Significant developments are noted beginning 2018, after the passage of the BOL, until October 2026.

The primary corpus is read against a secondary set of legal and policy instruments, consisting of the internationally accepted standards on internal displacement, the domestic practices of the Philippines, and frameworks of transitional justice and climate justice. Comparators were chosen based on (i) applicability to the Bangsamoro region and (ii) inclusion of displacement caused by disasters, climate or environmental hazards, whether expressly or by necessary implication. The transitional justice framework, particularly its pillars, are used to assess whether the instruments should be considered transitional justice mechanisms and if they achieve the goals of the project. To properly assess whether the instruments can address environmental displacement, a climate justice lens is applied through assessment of the relevant provisions and whether these provide an avenue for seeking climate justice for the IDPs. The overlaps of transitional justice and climate justice are explored.

Several limitations must be noted. First, this article is confined to internal environmental displacement or displacement occurring within national borders. It does not address persons who cross internationally recognized state borders as a result of environmental or climate factors. Second, while the article is ultimately concerned with the implications of the climate crisis for internal displacement law, it engages with environmental displacement as the broader legal category. This is a deliberate choice. Climate displacement is not explicitly named in the BARMM IDP Act. Environmental displacement is broad enough to encompass climate-related mobility while remaining grounded in existing legal frameworks. Third, the article draws on the BARMM IDP Act and its IRR, but the law remains newly enacted and in its infancy stage. Assessments of institutional adequacy are therefore necessarily prospective in character.

3. A History of the Bangsamoro Autonomous Region in Muslim Mindanao

The "Bangsamoro People" are considered the people who, "at the advent of the Spanish colonization, were considered natives or original inhabitants of Mindanao and the Sulu archipelago and its adjacent islands, whether of mixed or full blood." (Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao (BOL), Art II S 1) For centuries, the majority of the residents of the southern island of Mindanao remained Muslim, resisting the Christian dominance of the capital. By the 1970s, the Moro National Liberation Front (MNLF) and Moro Islamic Liberation Front (MILF) were formed. For decades, the groups clashed with the Philippine government.

Throughout the end of the 20th century, a number of ceasefires and attempts to enter into peace agreements were made. The Autonomous Region in Muslim Mindanao (ARMM) was eventually established in 1989 through Republic Act No. 6734, after President Corazon Aquino's administration entered into dialogues with the MNLF (GMA News 2008). However, the autonomous region was largely considered to be a failure (Institute for Autonomy and Governance 2011).

By October 2012, the MILF and the Philippine government entered into the Framework Agreement on the Bangsamoro. The Comprehensive Agreement on the Bangsamoro was signed in March 2014 and after years of negotiation, the Philippine Government passed the Bangsamoro Organic Law in 2018. The BOL was ratified in twin plebiscites in 2019 and the Bangsamoro Autonomous Region in Muslim Mindanao was formed (Bangsamoro Parliament n.d.).

The Bangsamoro Transition Authority (BTA) was established to facilitate the transition period (BOL, Art XVI S 1). As the interim government, the BTA passed a number of laws. In 2022, an internally displaced people law was cited as a priority legislation (Bangsamoro Parliament 2022) after the Consortium of Bangsamoro Civil Society (CBCS), a solidarity network of 160 civil society organizations in BARMM, drafted a regional IDP Protection Bill in partnership with the United Nation High Commissioner for Refugees (UNHCR) (CBCS 2022). After public consultations were held, the Parliament unanimously passed the law in 2024 (Bangsamoro Parliament 2024).

4. Conceptual Framework

4.1 Situating Environmental and Climate Displacement

Internally displaced persons are defined as:

> persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized state border.

This definition is provided under the 1998 Guiding Principles on Internal Displacement (Guiding Principles) (Deng 1998), which were developed by Dr. Francis Deng, the Representative of the Secretary-General on Internally Displaced Persons, in the 1990s. While the Guiding Principles are not considered "hard law", i.e. binding agreements such as treaties, they restate existing binding legal provisions which provide protection to internally displaced persons. As stated in the Introduction of the Guiding Principles, "these Principles reflect and are consistent with international human rights law and international humanitarian law." Despite its non-binding character, the Guiding Principles have been legislated into domestic and regional law and, by 2022, the 44 countries have national policies recognizing or referencing internal displacement (Internal Displacement Monitoring Centre (IDMC) 2023).

Similar to IDPs, environmental displacement does not have a binding definition. For the purpose of this article, the working definition provided by the IOM can serve as a guide (IOM 2007, 1):

> Environmental migrants are persons or groups of persons who, predominantly for reasons of sudden or progressive change in the environment that adversely affects their lives or living conditions, are obliged to leave their habitual homes, or choose to do so, either temporarily or permanently, and who move either within their country or abroad.

The IOM also has a definition for climate migration (IOM 2019, 31), which adds the phrase "due to climate change," emphasizing the incorporation of climate migration under the broader environmental migration.

To achieve at a definition for internal environmental displacement, the definitions of an IDP and an environmental migrant may be merged into the following:

(1) That a person has been forced or obliged to flee or to leave;
(2) They have fled or left homes or places of habitual residence;
(3) As a result of or in order to avoid the effects of sudden or progressive change in the environment, due to climate change or not;
(4) Not crossed an internationally recognized state border.

Walter Kälin, the former Representative of the UN Secretary-General on the Human Rights of Internally Displaced Persons, in a 2008 commentary examined the Climate Change-Displacement Nexus (Kälin 2008). He noted the increasing number of people who leave their homes because of climate, either voluntarily or forcibly. He identified five specific scenarios: increase of hydro-meteorological disasters, increase of high-risk zones too dangerous for human habitation, environmental degradation and slow onset disasters and "sinking" small island states (Kälin 2008). Kälin's scenarios make clear that environmental displacement encompasses not merely rapid-onset disasters, but a broader range of slow-onset and structural drivers of movement.

Although there is no legally binding document on environmental migration, there have been acknowledgments of climate migration in the legal documents of the United Nations Framework Convention on Climate Change. Decision 1/CP.21 adopting the Paris Agreement includes a request to the Executive Committee of the Warsaw International Mechanism (WIM) to establish a task force to develop recommendations for integrated approaches to avert, minimize and address displacement related to the adverse impacts of climate change (United Nations Framework Convention on Climate Change (UNFCCC) 2015). The Task Force on Displacement was established in March 2017 to "develop recommendations for integrated approaches to avert, minimize and address displacement related to the adverse impacts of climate change." (International Organization for Migration Environmental Migration Portal n.d.a) In the Cancun Agreements on climate change adaptation, adopted at the COP 2010 Conference, the following climate change-induced types of movements were identified: displacement, migration, and planned relocation. Parties were invited to enhance action on adaptation under the Cancun Adaptation Framework through measures "to enhance understanding, coordination and cooperation with regard to climate change induced displacement, migration and planned relocation, where appropriate, at the national, regional and international levels." (UNFCCC 2011, S 14(f))

The focus towards internal environmental displacement is an important one. According to the International Federation of the Red Cross and Red Crescent Societies (IFRC), "most people experiencing climate-related or disaster displacement are most likely to be internally displaced, however they do sometimes cross international borders." (IFRC n.d.) In 2018, the Task Force of the WIM noted that only 53% of the surveyed 66 countries and territories make reference to climate change and environmental factors in national migration and

displacement frameworks (IOM n.d., 6). Considering the increasing climate imperative, there is thus a need for countries to consider policies on internal environmental displacement.

In 2025, around 82.2 million people were internally displaced by the end of the year with 29.9 million people internally displaced due to disasters (IDMC 2026, II). In the East Asia and Pacific region, 19.6 million internal displacements were recorded in 2025 as a result of storms, floods and conflict, leading to the highest regional figures since 2010 (IDMC 2026, 61). The majority of the displacements caused by disasters were weather-related, which are continually made worse by the changing climate. The IPCC has established with high confidence that climate change is increasing the intensity of extreme weather events, including storms, floods, and droughts (Seneviratne et al. 2021). Both rapid-onset disasters, such as typhoons and flash floods, and slow-onset disasters, such as sea-level rise, drought, and land degradation, will affect food security, livelihoods, and habitability. The displacement these events generate is therefore not merely a humanitarian concern but an existential one.

For some states, particularly low-lying island nations and climate-exposed coastal communities, climate change threatens the very conditions that make permanent habitation possible (Oppenheimer 2019). It is now an international issue that climate vulnerable countries are seeking to address. Recently, the International Court of Justice's Advisory Opinion on the Obligation of States in respect of Climate Change (International Court of Justice (ICJ) 2025, 107) affirmed the continuity of statehood despite the disappearance of one of its constituent elements in the face of sea-level rise. In other words, the displacement of a population would not affect the existence of statehood.

Beyond its direct displacement effects, climate change functions as a threat multiplier. It intensifies existing vulnerabilities and compounding crises that are already present. It is not a purely environmental problem, but one deeply intertwined with conflict, poverty, and political instability. This connection is well-documented: the majority of those displaced by conflict live in countries that are simultaneously among the most climate-vulnerable and the least equipped to adapt (UNHCR n.d.). The Bangsamoro region illustrates this dynamic acutely. In 2017, the Marawi siege displaced residents due to armed conflict. Later that same year, Typhoon Vinta struck Mindanao, aggravating the displacement crisis. These two events, while not occurring at the same time, struck the same vulnerable populations and overwhelmed the same under-resourced institutions.

Once the conflict or disaster has ceased, the specific needs and human rights concerns of IDPs do not automatically disappear. This is recognized in the Guiding Principles where principles relating to the return, resettlement and reintegration of the IDPs are outlined. Principle 28(1) of the Guiding Principles provides competent authorities with the primary duty and responsibility to establish conditions and provide the means which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country. In the same Principle, it is emphasized that full participation of the IDPs in the planning and management must be ensured (Deng 1998, Principle 28(2)).

The Inter-Agency Standing Committee (IASC) published in 2010 the Framework for Durable Solutions. It is a globally recognized standard (UN 2015, 9) for achieving durable solutions following internal displacement. Durable solutions are achieved when internally displaced persons no longer have any specific assistance and protection needs that are linked to their displacement and can enjoy their human rights without discrimination on account of their displacement. A durable solution can be achieved through (1) sustainable reintegration at the place of origin, (2) sustainable local integration in areas where IDPs take refuge or (3) sustainable integration in another part of the country (IASC 2010). A durable solution would look different depending on the context of the displacement. In situations of environmental displacement, return may not be as viable where the original place of habitual residence was destroyed or deemed inhabitable. Returns should only be encouraged if there is a prospect of a durable solution (IASC 2010).

Kälin summarized the principles that must be observed when pursuing action on durable solutions: actions should be (1) government-led and supported by the international community, (2) participatory and community-based, (3) rights-based and protection sensitive, (4) development and peace-oriented while addressing humanitarian needs, (5) comprehensive and collective, (6) evidence-based and context-specific, (7) area-based and sensitive to the needs and rights of affected individuals and communities and (8) supported by funding and financing that sets the right incentives (Kälin 2023, 310-312). McAdam echoes this, noting that the most effective responses will consider climate change-related movement within a broader human rights matrix (McAdam 2012, 38). She notes that "climate change is rarely, the sole cause of movement, and protection and assistance should not depend on it being isolated as the cause" (McAdam 2012, 253). It is imperative that all relevant actors work together to support institutional measures, but national authorities have the primary responsibility. The actors have an obligation to respect the right of IDPs to make a free and informed choice. Any intervention that sidelines this choice, although well-intentioned, risks reproducing the conditions of displacement in a different form.

4.2 A Transitional Justice Framework

How, then, does a policy addressing displacement become a mechanism of transitional justice? The BARMM IDP Act has several characteristics that support it as a transitional justice instrument. It was enacted by a transitioning subnational government, emerged from a peace process that explicitly mandated transitional justice measures, addressed a population whose displacement is rooted in historical conflict and systemic marginalization, and established new institutions designed to remedy those injustices.

By definition, transitional justice in the context of internal displacement typically concerns displacement caused by violence. This is evident in the United Nations definition of transitional justice (OHCHR n.d.):

> The notion of transitional justice [...] comprises the full range of processes and mechanisms associated with a society's attempts to come to terms with a legacy of large-scale past abuses, **in order to ensure accountability, serve justice and achieve reconciliation.** These may include both judicial and non-judicial mechanisms, with differing levels of international involvement (or none at all) and individual prosecutions, reparations, truth-seeking, institutional reform, vetting and dismissals, or a combination thereof. [Emphasis supplied]

The term was established in 1980 as a response to gross human rights violations of countries in relation to their transition from authoritarian rule to democracy (Swedish International Development Cooperation Agency (Sida) n.d.). However, the measures associated with transitional justice have a history predating the term. Transitional justice is a concept that has evolved historically and takes different forms in different political contexts.

Teitel provides a framework for examining the evolution of transitional justice mechanisms. On the genealogy of transitional justice, Teitel argues that the type of justice pursued has a close relationship to the relevant limiting political conditions (Teitel 2003, 69). There have been three significant phases of transitional justice throughout history.

The first phase began in 1945, after World War II, with the Nuremberg Trials. This phase is characterized by the displacement of national justice by international justice, where international criminal accountability was preferred over national trials (Teitel 2003, 72). This response was extraordinary and exceptional, a response to unprecedented events.

Phase II is associated with accelerated democratization and political fragmentation (Teitel 2003, 71). This second phase spanned the last two decades of the twentieth century. As governments were formed, there was a question of how the authoritarian pasts would be reckoned with. Phase II was exemplified by trials by the

nation-state to legitimize the successor regime and advance nation-building (Teitel 2003, 76). Teitel points out that the attempt to impose accountability often raised "rule-of-law dilemmas", leading to a questioning of the principles of justice associated with Phase I (Teitel 2003, 77). Questions such as how to heal an entire society and incorporate diverse rule-of-law values, such as peace and reconciliation, previously treated as external to the transitional justice project, were explored and diverse mechanisms beyond trials, such as truth commissions, were established. Transitional justice in this phase involved crucial rule-of-law compromises with a view to achieving peace as a necessary precondition to democracy (Teitel 2003, 78-79).

The last and present phase of transitional justice, emerging at the end of the twentieth century, moves the incorporation of transitional justice from an exception to the norm to becoming the paradigm rule of law (Teitel 2003, 71). By the end of the century, all justice seemed to have become transitional (Teitel 2003, 85). Teitel calls this the "steady-state" of transitional justice and observes an expansion of the law of war (Teitel 2003, 89-91). This establishes humanitarian law as the present rule of law, accommodating situations of pre-emptive self-defense such as the war on terrorism (Teitel 2003, 92). Globalizing politics has led to the interdependence of national and international factors (Teitel 2003, 78), with institutions like the International Criminal Court institutionalizing transitional accountability mechanisms as permanent features of the international legal order. Transitional justice becomes associated with liberal peacebuilding and international governance frameworks diffused globally through international organizations. Teitel observes tension in this phase. Transitional justice should not be used as a template. As a framework that tends to look backward in responding to the last conflict, mere exportation of rule-of-law models would not provide sufficient guidance (Teitel 2003, 93). Phase III normalization would then have the danger of treating injustices as problems to be administratively managed, rather than political wrongs that require accountability.

The UN Security Council, through its Report of the Secretary General, warns against the importation of foreign models and implementation of one-size-fits-all formulas (United Nations Secretary-General 2004). An effective mechanism is one that is based on national assessments, national participation and national needs and aspirations.

The United Nations identifies the pillars of transitional justice, which can serve as a guide to assessing mechanisms. Transitional justice consists of five pillars: truth, justice, reparation, memorialization and guarantees of non-recurrence. These five pillars are complementary and interdependent, commonly intersecting with each other (Salvioli 2023). These must be mutually supportive parts of a holistic policy.

Truth-seeking deals with the obligation of the State to address the rights of the victims and their families to know the truth about the past events (Salvioli 2023, 4). This could be through investigations and truth commissions. Justice is "the chief expression of the duty of accountability," which is manifested through prosecution and conviction (Salvioli 2023, 9). Reparations should cover all injuries and be proportionate to the gravity of the violations and the harm suffered. Special Rapporteur Salvioli noted that reparation must encompass compensation, restitution, rehabilitation, satisfaction and guarantees of non-repetition (Salvioli 2023, 12-13). Memorialization ensures that accurate and comprehensive accounts of past human rights violations and the harm suffered are preserved and transmitted to present and future generations (Salvioli 2023, 15). Lastly, guarantees of non-recurrence ensure that "victims do not have to endure again violations of their rights." (Salvioli 2023, 18) This can be satisfied by diverse measures. Institutional reforms and measures must be undertaken to foster and sustain a culture of respect for human rights. Special Rapporteur de Greiff notes the basic preconditions of security and legal identity (de Greiff 2015, 10). There must be effective security for all, ensuring that instruments are able to protect all people, including the marginalized. Proof of legal identity is also important, as this is recognized as crucial for exercise of rights and gaining access to State services. Ultimately, guarantees of non-recurrence aim to break structural causes of societal violence and systemic human rights violations (Salvioli 2023, 18). Where institutional response is improved, trust in public institutions grows.

A law on the rights of IDPs can be an exemplification of any or all of these pillars. Transitional justice is not achieved through a single law, but it is a process that is built by the systems.

In the context of the environment, transitional justice can be compared to climate justice. Both center accountability, prioritize the most vulnerable, and demand that present and future remedies reckon with the structural causes of past harm. This convergence makes transitional justice a productive lens through which to examine environmental and climate displacement: not merely as a humanitarian problem requiring management, but as an injustice requiring redress.

Climate justice has developed as a distinct field of environmental law and politics since the late 1990s. The Bali Principles of Climate Justice, adopted in 2002 by an international coalition of civil society groups at the Earth Summit, articulated an early and influential statement of its core commitments, asserting that climate justice protects the rights of climate change victims to receive full compensation, restoration, and reparation for loss of land, livelihood, and other damages (International Climate Justice Network 2002). Central to climate justice is the principle of ecological debt, which is the recognition that industrialized states and transnational corporations have disproportionately appropriated the planet's resources and must bear corresponding responsibility for the harms that follow. Climate displacement is one of the most acute manifestations of this debt: those least responsible for global emissions are frequently the first and most severely displaced by their consequences.

Gonzalez identifies three dominant legal and policy approaches to climate displacement, each of which she subjects to critique. The national security approach treats displaced persons as threats to sovereign states (Gonzalez 2019, 380); the humanitarian approach positions migrants as passive victims dependent on foreign assistance (Gonzalez 2019, 382); and the migration management approach reframes climate movement as an adaptation strategy, implicitly normalizing displacement rather than preventing it (Gonzalez 2019, 384). Gonzalez argues that all three approaches share a common failing: they ignore the structural violence of climate injustice. A climate justice framework, by contrast, demands that historically responsible parties, such as high-emitting states and the corporations that have driven emissions, be held accountable to the vulnerable communities bearing the consequences of their actions. (Gonzalez 2019, 388)

This demand for backward-looking accountability combined with forward-looking protection is precisely what connects climate justice to transitional justice. Both frameworks reject the idea that harm can be addressed through technical management alone. Both insist on naming responsible parties, centering affected communities in the design of remedies, and building institutions capable of ensuring non-recurrence. Applying the framework to the BARMM IDP Act therefore asks not only whether the Act provides adequate protection, but whether it is structured to deliver justice.

5. The BARMM IDP Act and Environmental Displacement

The Philippines is no stranger to transitional justice mechanisms. After the dictator President Ferdinand Marcos was overthrown through the EDSA People Power Revolution, the new government established institutions that facilitated a transition from an authoritarian regime to a democratic form of government. Similarly, the Bangsamoro Organic Law acknowledges transitional justice in its Charter. It states (BOL, Art IX S 1):

> The Bangsamoro Parliament, taking into account the report of the Transitional Justice and Reconciliation Commission, shall enact a transitional justice mechanism to address the legitimate grievances of the Bangsamoro people and the indigenous peoples, such as historical injustices, human rights violations, and marginalization through unjust dispossession of territorial and proprietary rights and customary land tenure.

The BTA has repeatedly expressed its prioritization of a law protecting internally displaced persons in the region. Humanitarian organizations in the region have also long advocated for protections. On the national stage, a law was almost passed in 2013, but ultimately failed when it was vetoed by then President Benigno Aquino III. After numerous consultations and advocacy, the BARMM IDP Act was finally passed in 2024, becoming the first law addressing IDP concerns in the Philippines.

That this law emerged from a region defined by conflict, marginalization, and an ongoing peace process is not incidental: it is constitutive of what the law is and what it is designed to do. The more difficult question is whether a mechanism shaped by the experience of conflict displacement can be utilized to meet another form of displacement: the accelerating uninhabitability of the environment.

The provisions of the BARMM IDP Act are fairly straightforward. It provides a rights-based approach, enumerating rights entitled to internally displaced persons. The BARMM IDP Act ensures alignment with existing domestic and international laws and standards, including the 1987 Philippine Constitution, international humanitarian law and human rights law, the United Nations Guiding Principles on International Displacement and the BOL (IDP Act, S 2). The IDP Act synthesizes all of these for the BARMM context.[3]

The BARMM IDP Act bears the hallmarks of both Phase II and Phase III transitional justice projects. As a product of a domestically negotiated peace process, it reflects the Phase II preoccupation with post-conflict accountability and nation-building: the law emerged directly from negotiations between the MILF and the Philippine government, and its passage was part of a broader effort to institutionalize the gains of the peace process at the subnational level. At the same time, its deliberate alignment with international soft law standards, particularly the UN Guiding Principles on Internal Displacement, reflects the Phase III normalization of transitional justice as a globally diffused framework. The Act did not need to invent its standards from scratch, it drew on an established international architecture and adapted it to the Bangsamoro context.

Transitional justice is not an external imposition in BARMM, but a feature of the region's governance. The Bangsamoro Organic Law explicitly mandates the creation of a transitional justice mechanism, an obligation recently fulfilled through the passage of the Bangsamoro Transitional Justice and Reconciliation Act of 2026 (Bangsamoro Parliament 2026). The BARMM IDP Act sits within this broader transitional justice project. Its passage reflects both the Phase II logic of reckoning with a specific conflict legacy and the Phase III logic of institutionalizing rights-based frameworks as a permanent feature of the regional legal order. Taken together, these phases explain not only why the Act was passed, but why it was designed the way it was.

Among the pillars of transitional justice, the BARMM IDP Act most directly engages with guarantees of non-recurrence. The law operates on two temporal registers: it addresses the immediate needs of those currently displaced while laying down an institutional and normative framework designed to prevent the conditions of displacement from being reproduced. The establishment of the Bangsamoro Internal Displacement Coordinating Council is the clearest structural expression of this commitment. It creates a permanent, dedicated instrumentality within the Bangsamoro government whose mandate is precisely to ensure that displacement is anticipated, managed, and ultimately prevented, rather than left to ad hoc responses as it has historically been.

The specific rights enshrined in the Act, including the right to security and protection (IDP Act, S 3(m)), and the right to recognition, issuance, and replacement of documents (IDP Act, S 3(i)), also carry non-recurrence significance beyond their immediate protective function. While these rights are drawn from the UN Guiding Principles, their domestic codification transforms them from international standards into enforceable legal obligations. For a population that has historically been displaced without legal recourse, the act of legislating these rights is itself a guarantee: it creates a legal standard that must be adhered to, and it establishes accountability mechanisms for when they are violated. In this sense, the Act does not merely respond to past

[3] For example, contexts such as rido or clan wars are apparent throughout the definitions (IDP Act, S 3(e)).

displacement, but it attempts to restructure the legal environment so that the conditions enabling that displacement are not permitted to recur.

However, the law does not engage meaningfully with the remaining pillars of transitional justice. It is not a truth-seeking instrument. It does not deal with the reckoning of past events of the victims. IDPs have the right to information, but this is confined to information "regarding their displacement situation, rights, available assistance, and plans for return, local integration or resettlement." (IDP Act, S 3(j)) Justice, too, is largely absent in this particular instrument. Although IDPs maintain the right to pursue civil and administrative remedies under the BARMM IDP Act– a right they already have under national laws –this right is limited in scope to violations occurring during displacement. It does not create a cause of action against those responsible for causing the displacement in the first place, which would be the more meaningful justice provision in a transitional context.

Reparations are similarly absent. Unlike the Marawi Siege Victims Compensation Act of 2022 which established a compensation framework for those displaced by the Marawi siege, the BARMM IDP Act creates no equivalent entitlement to compensation for displacement suffered. The omission is notable precisely because the Marawi precedent demonstrates that such a mechanism is legally and politically feasible within the Philippine framework. Memorialization, the final pillar, finds no expression in the Act whatsoever. There are no provisions requiring the preservation or transmission of accounts of past displacement or the human rights violations associated with it.

Nonetheless, these absences do not disqualify the Act as a transitional justice mechanism. Transitional justice is rarely achieved through a single instrument, and the Act was never designed to carry the full weight of the transitional justice project alone. The question now is how can a transitional justice instrument, mainly intended to address post-conflict situations, be able to tackle environmental displacement?

Provisions relevant to environmental displacement are few, but they are broad enough to warrant focused programs on their implementation. Firstly, the definition of internal displacement makes explicit mention of "natural and human-induced and human-made hazards or disasters," (IDP Act, S 3(k)) a definition broader than the original definition suggested under the UN Guiding Principles, which uses "human-made." In comparison, National Disaster Risk Reduction and Management Council (NDRRMC) Memorandum Circular No. 01, s. 2025, a national policy providing guidelines in reporting affected population and pre-emptive evacuation, uses "natural or human-induced disasters" in its definition of internally displaced persons. In the Memorandum Circular, examples of "human-induced hazards" were listed as "firefights, armed conflict and fires." (NDRRMC MC 2025-01, S 6.5) While "human-induced" and "human-made" have been used interchangeably in the field (Akbar, Singh and Kanga 2024), the inclusion of "human-induced" suggests scope beyond a clear connection to human actions, i.e. changes in climate which are aggravated by humans. It is not clear what the intention of adding "human-induced" was. After all, it is the only mention of it in the Act. However, a broad definition for disasters indicates the intent of the law to cover a large number of possible scenarios.

The definition of disaster under the BARMM IDP Act further states (S 3(f)):

> "Disaster" refers to a serious disruption of the functioning of a community or a society, involving widespread human, material, economic, or environmental losses and impacts, which exceeds the ability of the affected community or society to cope using its own resources. Disasters are often described as a result of the combination of the following:
>
> 1. The exposure to a hazard;
> 2. The conditions of vulnerability that are present; and
> 3. Insufficient capacity or measures to reduce or cope with the potential negative consequences.

> Disaster impacts may include loss of life, injury, disease, and other negative effects on human, physical, mental and social well-being, together with damage to property, destruction of assets, loss of services, social and economic disruption and environmental degradation.

This definition is lifted word for word from the definition under the Philippine Disaster Risk Reduction and Management Act of 2010 (Republic Act No. 10121, S 3(h)), the national legislation on disaster management. Disaster displacement is further addressed in the BARMM IDP Act through Section 5, where it is ensured that the Regional Disaster Risk Reduction and Management Plan takes into account respect, promotion, protection and fulfillment of the rights of IDPs.

The rights provided under the BARMM IDP Act apply regardless of the cause of displacement. The rights enumerated in Section 6 reflect those provided under the UN Guiding Principles. The rights are couched in broad and general language, although they reflect the post-conflict lens evident in the Act. For example, Section 28 of the IRR, which elaborates Section 6(s) on other rights, explicitly mentions Republic Act No. 9851 or the "Philippine Act on Crimes Against International Humanitarian Law, Genocide, and Other Crimes Against Humanity." (Implementing Rules and Regulations of the Right of Internally Displaced Persons of the Bangsamoro Autonomous Region Act of 2024 (IDP Act IRR), Rule II S 28) In Rule III on addressing the root causes of displacement, the IRR leaves it to the Bangsamoro Ministries, Offices and Agencies, and Local Disaster Risk Reduction and Management Councils to implement the law through the Disaster Risk Reduction and Management Plans (IDP Act IRR, Rule III S 38).

Similar to Principle 28 of the Guiding Principles, the BARMM IDP Act facilitates durable solutions through "return, local integration or settlement elsewhere in the country." (S 10) The Bangsamoro government is mandated to provide comprehensive information, conduct consultations and establish clear timeframes and benchmarks in order to ensure timely and effective action. Only then can durable solutions be achieved "when IDPs are able to resume a normal life, and no longer have any specific assistance and protection needs that are related to their displacement, and can enjoy their human rights without discrimination due to their displacement." (IDP Act, S 3(h)) Mere return to former homes or reestablishment of the status quo are inadequate durable solutions. It must be noted though that since the jurisdiction of the BARMM Government is limited to the subnational region, settlement elsewhere in the country requires extensive coordination with national authorities and the receiving LGUs (IDP Act, S 10(c)). The Bangsamoro Internal Displacement Program mandated under the law (IDP Act, S 11) is designed to be "flexible and responsive, enabling it to adapt to the unique circumstances of each displacement situation." (IDP Act IRR, Rule V S 47)

To facilitate the obligations of the BARMM Government, the BARMM IDP Act establishes a number of institutions. The Bangsamoro Internal Displacement Coordinating Council (BIDCC), an intergovernmental and inter-agency council, is the main instrumentality of the Bangsamoro Government for the implementation of the law. The Council consists of Ministries across different sectors and is chaired by the Minister for Social Services and Development (MSSD) (IDP Act, S 14). As of writing, the BIDCC has already been convened. The BARMM IDP Act also mandates the creation of Local Internal Displacement Councils at the provincial, city and municipal levels (S 16). Lastly, the MSSD will have a Bangsamoro Internal Displacement Management and Monitoring Division (IDP Act, S 17).

In terms of operationalizing these councils, the IRR mentions that the Barangay Disaster Risk Reduction and Management Committee (BDRRMC) performs its functions on displacement management at the operations and tactical levels in relation to its primary mandate over disaster risk reduction and management (IDP Act IRR, Rule VII S 61) similar with Local Internal Displacement Councils which work together with Local DRRM councils who will continue to craft and implement strategic and contingency plans as part of their overall DRMM plans (IDP Act IRR, Rule IX S 72).

Environmental displacement in the BARMM IDP Act is addressed through the disaster provisions, which result in a number of gaps. First, the adoption of the DRRM law definition of disaster and the provisions handling disaster under the BARMM IDP Act allude to prioritization of rapid-onset events. The provisions, such as the rights during and after displacement (IDP Act, S 6) and immediate assistance to IDPs (IDP Act, S 8), are geared towards more abrupt and sudden events. This is not unlike international standards, as even IOM notes that disaster displacement is "mostly used to identify forced movements of people triggered by sudden-onset [rapid-onset] events in the environment." (IOM Environmental Migration Portal n.d.b) Furthermore, there is no mechanism for requesting assistance or reporting displacement. Displacement caused by slow-onset disasters are less visible and can occur over a long period of time. For disasters like sea-level rise and desertification, persons may be considered displaced even before the full effects of the disaster are felt. In the BARMM IDP Act, there is no procedure for how displacement in such a disaster would be tackled, and no mention of slow-onset disasters as well. This is in contrast to the NDRRMC Memorandum Circular where pre-emptive evacuations are given parameters. The Memorandum Circular explicitly includes parameters for slow-onset hazards such as landslide, flooding and biohazards (NDRRMC MC 2025-01, S 7.1.1.1.1). It expressly separates the procedure for sudden-onset or rapid-onset and slow-onset hazards.

Durable solutions, which are the ultimate goal for IDPs, also lack consideration of climate adequacy, or the environmental and climate factors which determine whether the solution is genuinely durable. Return, local integration, and settlement elsewhere as framed in the BARMM IDP Act do not explicitly incorporate environmental or climate considerations, leaving open the question of whether a solution that returns IDPs to a climate-vulnerable location can be considered durable in any meaningful sense.

There may be value in a general and broad definition. In fact, the IRR expounds on the provision and lists the "relevant factors that may call for favoring certain locations for durable solutions over others." The following is included (IDP Act IRR, Rule IV S 40(6)):

> 6. Environmental sustainability of the durable solution envisaged (environmental degradation and resource depletion leading to a crisis in long-term viability or creating a potential cause of conflict between IDPs and host communities)

Notably, however, this factor does not appear in the durable solutions criteria themselves. The gap is significant: environmental sustainability is acknowledged as a relevant consideration in site selection but is not elevated to a standard against which durable solutions must be assessed. Where the place of habitual residence is itself rendered permanently or recurrently uninhabitable because of environmental and climate factors, return cannot be considered durable.

The situation in Maguindanao del Sur illustrates this problem concretely. As "nature's catch basin," the province has experienced repeated and increasingly severe flooding in recent years, displacing residents who evacuate during flood events and return once waters recede, only to face displacement again in the next cycle. This pattern of cyclical displacement is precisely what a durable solution is meant to prevent.

The BARMM IDP Act is also lacking a monitoring and evaluation mechanism. To assess effectiveness of the law once implemented fully, the mechanism must be established. Evaluation will be conducted to make sure that the BARMM IDP Act is properly carried out. As mandated under the IRR, the BIDCC will adopt a profiling system (IDP Act IRR, Rule II S 33) which will assess and monitor displacement situations. Great care must be taken to ensure environmental and climate considerations are incorporated.

Lastly, the BARMM IDP Act has a climate justice gap. Through its provisions, the law considers disasters as a crisis to be managed rather than an injustice to be remedied. The law's institutional architecture reflects a humanitarian logic: the BIDCC is chaired by the Ministry of Social Services and Development, and disaster displacement is operationalized through the DRRMC of each local government unit and its corresponding

DRRM Plan. This structure provides necessary logistical coherence for emergency response, but it neglects the justice dimension.

This distinction matters for environmental and climate displacement. While the BARMM provides avenues for addressing actors involved in conflict-driven displacement, there are no laws which provide for accountability in cases of environmental displacement. The absence is partly explicable by the state of the law: climate attribution science, while advancing rapidly, has not yet produced legally accepted standards for establishing causal responsibility between specific emissions and specific displacement events. Even the National Inquiry on Climate Change conducted by the Commission on Human Rights of the Philippines, which found that carbon majors bear responsibility for human rights violations arising from climate change (Commission on Human Rights 2022), does not constitute binding legal authority under Philippine law. The legal infrastructure for climate displacement accountability does not yet exist at the domestic level.

As an instrument for environmental and climate displacement, the BARMM IDP Act is unsurprisingly incomplete. Its textual openings are real, its institutional framework is functional, but neither was designed with environmental displacement in mind.

6. Conclusion: Future of Internal Environmental Displacement Policy

The BARMM IDP Act is a product of its context. It was born out of decades of conflict, a peace process, and a transitional government. It is not surprising, then, that the BARMM IDP Act's primary orientation is toward conflict-related displacement, nor that environmental and climate considerations were not at the forefront when it was drafted. The inclusion of disaster provisions reflects an intention to be broad and to align with international standards, but this was fundamentally an instrument of peace, not of climate policy.

This does not diminish its significance. On the contrary, the fact that the Act exists at all, the first law of its kind in the Philippines, is a meaningful achievement. It was the product of sustained advocacy, particularly by civil society organizations like the Consortium of Bangsamoro Civil Society (CBCS 2022), whose role in lobbying for and monitoring the Act's implementation cannot be overstated. The law is still in its infancy. Enacted in December 2024 and with its Implementing Rules and Regulations signed in March 2025, the BIDCC has been constituted (Bangsamoro Information Office 2025), a number of local government units have passed ordinances and resolutions on internal displacement (South Upi Municipal Government 2023), and the proposed 2027 MSSD budget explicitly includes the thematic area of IDP Rights and Durable Solutions (Ministry of Social Services and Development (MSSD) 2026a). Yet systems are still being established and strengthened and the law is still in the process of popularization (MSSD 2026b, MSSD 2025a, MSSD 2025b). The full machinery of the Act is still being assembled and judgments about the law’s efficacy must therefore remain provisional.

Despite this, it must be emphasized that the Act is broad enough to accommodate environmental and climate displacement, but it will not do so automatically. The textual openings are real, but they require deliberate, sustained implementation choices to be activated. The implementing bodies, particularly the BIDCC, BDRRMC and local DRRM councils, must be alert to the distinct profile of environmental displacement and especially the gap around slow-onset disasters. Drought, land degradation, and sea-level rise do not have the same perceived urgency as a typhoon or tsunami. These disasters displace people quietly and incrementally, in ways that existing disaster frameworks, including those incorporated by reference into the Act, are not designed to capture. This gap is not merely technical, but it is a justice gap, because the communities most exposed to slow-onset displacement are precisely those with the least capacity to advocate for themselves. To properly address this, there must be strong commitment from the government and sustained cooperation with civil society and the private sector. As emphasized by Kälin (2023), governments cannot achieve social cohesion without the support of these actors.

On the national stage, the picture is equally incomplete. The Philippines' National Climate Change Adaptation Plan acknowledges displacement and migration driven by extreme climate events as a legitimate security concern (Climate Change Commission 2011, 16), however protection remains inadequate. Successive iterations of a national IDP bill remain pending before the Congress committee on human rights, and those bills retain a predominantly conflict lens. There is no rights-based national framework for environmental or climate displacement. Disaster risk reduction policies address some immediate needs but they are not designed around justice, and they do not provide the accountability structures, durable solutions frameworks, or participatory rights that a displacement law requires. The BARMM IDP Act remains the only rights-based internal displacement framework in the Philippines.

This is where the Act's significance as a model becomes clearest. The International Court of Justice's Advisory Opinion on climate change obligations gestures toward the principle of common but differentiated responsibilities as a foundation for state accountability to those most harmed by emissions they did not cause (ICJ 2025, 52). Climate displacement in a region like BARMM is the lived consequence of a global injustice. A rights-based internal displacement law-- one that centers the agency and participation of displaced persons, establishes accountability mechanisms, and is designed with durable solutions in mind —is a response to that injustice.

The BARMM IDP Act, read through a transitional justice and climate justice lens, provides an opportunity to address the displacement crises that climate change will bring. What is required now is the political will and the support across sectors to treat environmental and climate displacement not as an administrative problem to be managed, but as an injustice to be remedied. It is imperative that BARMM builds and strengthens the programs, institutions, and monitoring mechanisms that the Act enables but does not yet guarantee.

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