Report of the High Level Workshop:

The New Way of Working
to Address Protracted Internal Displacement in Ukraine

25 September 2017

Kiev, Ukraine

BACKGROUND

More than 1.6 million people are officially registered by the Ministry of Social Policy (MoSP) as internally displaced in Ukraine. The vast majority of IDPs have been displaced since April 2014 as a result of the armed conflict in the country’s eastern regions of Donetsk and Luhansk. A smaller number of IDPs originates from Crimea, which was annexed by the Russian Federation in April 2014.

In the absence of any notable progress in the peace process and continuous hostilities, much of the displacement has become protracted.1 While the continued conflict in the East is a major cause of protracted internal displacement in Ukraine, other causes include the lack of wider reforms which could benefit IDPs, such as the housing policy clear and on decentralization. There is a lack of legal provisions enabling IDPs to access the services they need, and the lack of adjustment of local administrations’ budget and programs to reflect IDPs’ arrival. A further impediment to resolving protracted displacement is the lack of a comprehensive solutions strategy, as well as the creation of a formal IDP status in Ukrainian legislation, which is linked to specific social benefits.

Protracted internal displacement risks worsening IDPs’ situation, at the time when many already face increasing vulnerability and poverty, while also affecting host communities and the development of the country as a whole. While some localities have benefited from the arrival of IDPs, particularly in areas that received social and education institutions, and businesses that relocated from non-Government to Government controlled areas (NGCA to GCA), many areas with large influx of IDPs (Donetska, Luhanska, Kharkivska and other oblasts) have experienced additional strains on already limited and underfunded local services. Host locations also observed increase in rental and food prices, and downward pressure on wages and employment opportunities. Displacement has also at times caused tension between IDPs and host communities, risking undermining social cohesion. Many registered IDPs are elderly people, who rely on meagre Government benefits to survive.

At the national level, protracted displacement could potentially undermine certain policy reforms, such as efforts to combat poverty or alleviate the over-burdened and outdated pension system, and more generally, it could create additional challenges to achieve peace and stability in Ukraine.

WORKSHOP GOALS AND ORGANIZATION

On 25 September 2017, the United Nations High Commissioner for Refugees (UNHCR) and United Nations Office for Coordination of Humanitarian Affairs (OCHA) organized a High Level workshop on “The New Way of Working to Address Protracted Internal Displacement in Ukraine.”

1 According to the OCHA commissioned study, Breaking the Impasse, authored by Walter Kälin and Hannah Entwisle Chapuisat in 2017, protracted internal displacement refers to IDPs who are prevented from taking or are unable to take steps for significant periods of time to progressively reduce their vulnerability, impoverishment, and marginalization and find a durable solution. For full report including Ukraine case study, please, see: https://www.unocha.org/publication/breaking-impasse
Workshop goals

1. Discuss the findings of the OCHA commissioned study “Breaking the “Impasse: Reducing Protracted Internal Displacement as a Collective Outcome”, both globally and in Ukraine specifically, highlighting the impact of protracted internal displacement on IDPs, host communities and on the country’s overall development.

2. Recognize protracted internal displacement as a development and political challenge in addition to a humanitarian one, and introduce the New Way of Working to address such displacement.

3. Introduce the concept of “collective outcomes”, and start launching a process to define and achieve such outcomes.

The workshop, moderated by the Head of OCHA in Ukraine, was opened by RC/HC Neal Walker and the Minister for Temporarily Occupied Territories and IDPs (MToT and IDPs) Vadym Chernysh. Over sixty participants attended the workshop, including the Deputy Minister of ToT and IDPs, technical staff from relevant Ministries and local authorities, UN humanitarian and development agencies, international and national NGOs, the World Bank, GIZ, the European International Bank, the European Bank of Reconstruction and Development, the Council of Europe and donor Governments. Walter Kälin, a renowned international human rights lawyer and a former Representative of the United Nations Secretary General on the Human Rights Situation of IDPs from 2004 to 2010 and co-author of the Breaking the Impasse Study, was a lead presenter at the workshop.

OCHA and UNHCR worked with the civil society, national and international NGOs, experts from Ukraine focusing on IDP issues and the Ministry for MToT and IDPs to identify the themes to be detailed in group discussions on collective outcomes to be achieved within three years, i.e. ensuring fair access to social and economic rights, ensuring housing, land and property solutions, and ensuring access to livelihoods and social integration. Methodological and substantive support for the workshop preparation was also provided by OCHA’s Policy Branch in New York.

Following the workshop and after the MToT and IDPs shared the draft Strategy on its website, Walter Kälin, OCHA and UNHCR, provided comments to the Government’s Strategy for the ‘Integration of IDPs and Implementation of Long-Term Solutions on Internal Displacement (2018-2020)’. The Strategy was adopted by the Government in December 2017.

**WORKSHOP HIGHLIGHTS**

In his introduction, the RC/HC referred to the commitment made at the World Humanitarian Summit (WHS) to address forced displacement and appealed to a sense of urgency to foster the creation of sustainable livelihoods for IDPs, as well as social cohesion between IDPs and host communities. He articulated some of the challenges to make progress, including the lack of reliable data, considering that the last census dates from 2001, the need to ensure effective coordination between national authorities and the international community, as well as among donors; and the need to make funding impactful in full transparency.

The Minister of ToT and IDPs welcomed this timely workshop and highlighted the importance of a unified approach among donors and UN partners to address internal displacement. He stressed that the national IDP strategy should be used as the basis for a common vision to galvanize Government’s action on IDPs, and welcomed the workshop’s recommendations as an important contribution to the strategy. The Deputy Minister called on international organizations to provide additional human resources and technical capacity to support the Ministry to fulfil its mandate. In addition to adopting the

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2 Examples of collective outcomes: Reducing the number of IDPs living in absolute poverty in a defined area (city, province, or country) by 50 per cent over a 5-year period; Legalizing 15 irregular settlements with IDP populations and linking them to urban services within 2 years (see Breaking the Impasse report).
IDP Strategy, the Government is also focusing on supporting the adoption of a new housing code, which would take into account the situation of IDPs.

Professor Walter Kälin explained that protracted displacement has resulted in a process of economic and social impoverishment for IDPs and their hosts, which also undermines State policies, ultimately risking to jeopardize achieving the Sustainable Development Goals (SDGs). He added that dealing with internal displacement needs to be higher on the Government agenda and a donor priority. He stressed that we should not wait until IDPs are able to return to start supporting them to rebuild their lives. Some may opt not to return, particularly if their homes have been destroyed, or to return only if specific conditions are met. It is important to properly analyse all the causes of protracted displacement in order to address them accordingly. Professor Kälin warned that while the specific vulnerabilities of IDPs should be recognized, creating a legal status for IDPs linked to specific social benefits would complicate efforts towards solutions, creating “second class citizens” as the experience in Colombia and Georgia have shown. He urged for sustained solutions as soon as possible, recognizing IDPs’ capacities and not just their vulnerabilities. While host communities have shown generosity towards IDPs, social cohesion will be undermined if more is done to support both groups. Professor Kälin added that according to a recent World Bank survey, the economic situation of IDPs in Ukraine is generally worse than the one of host communities, although the latter has deteriorated over the last year. He underlined the importance of a whole-of-government approach to reverse this trend, developing a specific strategy identifying collective outcomes, focusing on impact and results rather than outputs and activities, and supported by the UN Partnership Framework (UNPF, 2018-2022). The UNPF recognizes IDPs as a vulnerable group, and it is important to develop the necessary data/indicators to measure progress and develop specific projects to ensure that IDPs and host communities are not left behind. The Multi-Partner Trust Fund (MPTF) managed by UNDP can be a vehicle for action. A multi-year HRP linked to the goals of the UNPF, as has been done for Somalia for example, could enable a strategic outlook and move beyond purely short-term humanitarian approaches.

The UNHCR Representative in Ukraine highlighted that the IDPs across Ukraine have largely been forgotten. He stressed the importance to shift the focus to solutions, while still paying attention to humanitarian needs along the contact line. He added that according to IOM surveys, only a small percentage of IDPs have concrete plans to return home in the near future, and while IDPs should not lose their right to return, focus should be on local integration.

The UNDP Representative in Ukraine stressed that the Government needed to take leadership to solve protracted internal displacement, with the strong input from IDPs and a vibrant civil society in Ukraine. IDPs can and have to speak for themselves. He added that the focus should be on a community-based approach through decentralized programmes to build livelihoods and social cohesion at the local level.

A World Bank Representative warned that we should not underestimate challenges to provide solutions, as some of the underlying issues to the current crisis, such as corruption and identity, have not been addressed. The Representative stressed the importance to price the different policy options to help donors assess the financial support needed. She also highlighted the need for innovative financing solutions, such as conditioning funding to the Government to the adoption of certain policies, or ensuring financial guarantees to private sector investors in the Donbas region. She said that development actors could provide analytical and advisory services on the issue of protracted displacement, including through IDP/host community focused surveys (on skills, return triggers, service delivery deficits, etc.), playing a key role to inform policy formulation and public response. She added that development organizations’ access to economic policy makers could complement humanitarian partners’ relationship to their traditional counterparts. Recovery and Peacebuilding Assessment (RPA) and the State Targeted Programme (STP) are also relevant to improving the situation of IDPs.

A Representative of the NGO Donbas SOS deplored that the 1.6 million IDPs are not able to vote in local elections, as well as the lack of integration programmes for IDPs, including to secure housing, access education and health, since most local development programmes and budgets do not take IDPs into account. He stressed the importance to adopt draft law #6240 to allow IDPs to vote in local elections.
A Representative from the NGO the Right to Protection (R2P) noted that over the last two years, an increasing number of IDPs have gone to court to have their pensions and social benefits reinstated, or to have their lost property compensated. Few people have obtained compensation however, due to the lack of legislation and mechanisms in that regard.

The Head of the Norwegian Refugee Council (NRC) in Ukraine stressed that the lack of access to affordable housing, of livelihood and employment opportunities are among the key challenges faced by IDPs. According to the World Bank, only two per cent of IDPs own their house or apartment and it is essential to harmonize policies on social housing to facilitate better access to housing for IDPs and other vulnerable groups.

The Head of the Danish Refugee Council (DRC) in Ukraine pointed to additional key concerns for IDPs, i.e. freedom of movement, IDP registration and access to pensions and social payments. He added that the current legislation artificially increases the number of registered IDPs, making it a requirement to register as IDPs in order to access pensions and social payments. As a result, many people living in NGCA, the majority elderly, are risking their lives to cross the ‘contact line’ to access social benefits.

WORKSHOP CONCLUSIONS AND RECOMMENDATIONS

- **Government leadership.** The Government’s IDP Strategy offers an important entry point for a whole-of-government approach on IDPs, and to ensure that response goes beyond humanitarian assistance and considers the development needs of IDPs. Relevant Ministries have an important role to play to coordinate their action to advance solutions for IDPs. In addition, the Government should take IDPs into account in its planned reforms, including residency registration, decentralization and housing code legislations.

- **Improve synergies between humanitarian and development actors in order to achieve collective outcomes.** These outcomes should aim to reduce protracted internal displacement in cooperation and coordination with the Government, and be supported by humanitarian and development planning tools, such as the UNDAF and the HRP. A durable solutions marker could be included in humanitarian and development programs to measure to what extent they contribute to solutions to internal displacement.

- **Get away from the notion of an “IDP status” and delink the place of residence from the access to social benefits such as pensions.** While intending to highlight the specific vulnerabilities faced by IDPs, the IDP label could inadvertently set them apart and become a barrier to their integration and to solutions. Every effort should be made to ensure that IDPs are not discriminated against and effectively have the same rights as other Ukrainian citizens.

- **Support the capacity of national/local actor and civil society.** Local authorities, IDPs, host communities and NGOs are at the frontline of the response and should be supported accordingly. This includes improving the functioning of the Entry Exit Check Points (EECPs) along the contact line, and to ensure that those in need along the contact line receive the assistance they need. IDPs and host communities should be at the center of decisions affecting them, with the design of mechanisms to ensure their participation at every stage of the process. Projects increasing the mutual understanding of IDPs and host communities should also be supported.

FINDINGS ON THREE SPECIFIC THEMES

**GROUP 1- ENSURING FAIR ACCESS TO SOCIAL AND ECONOMIC RIGHTS**

Although it did not set specific targets, the group prioritized the following rights to be fully respected: education, medical care, social payments including pensions, identify documents, as well as freedom of movement. On education, the group urged the Government to adopt a unified approach to education

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in NGCA, and establish distant learning programs for students there. On medical care, the group stressed the importance to reform the health care system, taking into account IDPs' specific challenges. On social payments, the group stressed the importance to delink the IDP status from social payments, and to allow NGCA residents to access Government pensions. The group also emphasized the importance to communicate to IDPs any termination of payments or change in procedures. On identity documents, the group stressed the importance to issue temporary IDs to Ukrainian citizens in NGCA, and to simplify procedures for parents travelling with children to/from Crimea/NGCA (currently both parents need to sign documents). On freedom of movement, the group urged the Government to review and improve the conditions at checkpoints, and to simplify procedures.

GROUP 2 - ENSURING HOUSING, LAND AND PROPERTY (HLP) SOLUTIONS
The group set as target that at least 25 percent of IDPs have adequate and affordable housing by the end of 2020. This will require ensuring tenure security, privatizing housing, constructing new housing and developing rural housing programs. It will entail identifying those most in need of housing solutions, and amend the social housing law to ensure that the most vulnerable can access such housing. It will also require for critical infrastructure to be built alongside new housing, or added to existing housing in underserved areas. Finally, it will be essential to conduct demining activities to ensure that the land is clear and accessible for living and for productive activities. The group also urged the Government to create a system to register claims of damaged/destroyed property in order to compensate IDPs.

GROUP 3 - ENSURING ACCESS TO LIVELIHOODS AND SOCIAL INTEGRATION
The group assessed that employment and participation in the life of hosting communities, including through the right to vote for all IDPs in local elections and the registration of IDPs as members of territorial communities, are key to overcoming protracted displacement. They stressed that enabling social integration requires inclusive actions of national and local state authorities, but also the involvement of civil society, the media, communities and IDPs themselves. Since IDPs are not officially members of the local community, local authorities do not receive subventions to provide medical and educational services for IDPs. Changing the system will require amending the regulation to register local communities. IDPs are also often victims of intolerance and hate speech, and the group urged the Government to collect information on the issue, train the media and law enforcement on the topic, and to raise the awareness of host communities on this problem. On employment, the group proposed that IDPs reach the same employment rate that the Government has planned for the rest of the population, i.e. 60 percent of people employed by 2022. This will require identifying the number of people in need of employment, their skills, training required, as well as analyse the employment market and provide grants to set up small business. The group also urged the Ministry of Social Policy (MoSP) to amend Resolution #505 on IDP registration in order to track the employment status of IDPs. Finally, the MoSP, the Government (Ministry of Finance, etc.) and Parliament were urged to work to simplify procedures to set-up businesses as well as taxation services.