Multi-level Governance and Internally Displaced Persons Policy in Ukraine: Bridging the Gap between the Global and Local; Governmental and Civic

Sierhieï Sakhanienko¹, Natalia Kolisnichenko², Allan Rosenbaum³

Abstract

This paper examines the means by which Ukraine has sought to address a critical and highly complex unanticipated policy problem. This is the emergence of almost 2 million internally dislocated people (IDPs) within the country in 2014 as a consequence of major, highly violent and continuing border conflict in the country's South and East. In large part, as a consequence of its financial and administrative circumstances, Ukraine has addressed this situation in what has been a relatively unique manner for the country, relying upon organizations other than a central government ministry to shape and implement critically important policy and service delivery. This paper documents and maps both the extensive array of organizations whose involvement has gradually led to the emergence of what has become essentially a fledgling system of multi-level governance (MLG) which has been critical to the nation's success in addressing the very difficult and complex policy problems created by massive internal dislocation. In so doing, the paper explores MLG, both theoretically and as it has developed in actuality, in terms of Ukraine's response to the critical problems posed by the need to address its large and serious IDP crisis. The paper also examines the issue of community adaptation by IDPs and develops two models of community response. In order to do this, the paper relies

- 1 Public Administration and Regional Studies Chair, Odessa Regional Institute for Public Administration of the National Academy for Public Administration under the President of Ukraine, Odessa, Ukraine.
- 2 Ukrainian and Foreign Languages Chair, Odessa Regional Institute for Public Administration of the National Academy for Public Administration under the President of Ukraine, Odessa, Ukraine.
- 3 Department of Public Policy and Administration, Institute for Public Management and Community Service and the Center for Democracy and Good Governance, Florida International University, Miami, Florida, USA.

upon historical review, comparative analysis, personal interviews and the use of expert focus groups.

Keywords:

Ukraine; global governance; internally displaced persons (IDPs); multi-level governance (MLG); adaptation; United Nations.

1. Introduction

In late February 2014, Ukraine was confronted with a major challenge to its territorial integrity as a consequence of violent conflict initiated in both Crimea and along its Eastern border. The fighting in Crimea resolved quickly as Ukrainian military and security forces were unable to maintain control of that historically militarily and politically strategic peninsula in the face of an overwhelming force of combined foreign troops and some local militia. However, continuing violent conflict in the Eastern part of the country, where Ukraine shares a border with Russia, remains the norm, even if at reduced level, to the present. Among the most notable results of this continuing conflict has been the death of over 14,000 individuals and the internal displacement to other parts of the country, at one time or another, of up to 2 million Ukrainian citizens, many of whom were elderly and with limited resources. The purpose of this paper is to examine how the need to address its IDP problem led to the emergence of a system of multilevel governance that has proven particularly effective in mitigating the potentially disastrous consequences of this situation.

For a nation that has struggled greatly, both economically and politically, since gaining its independence upon the demise of the Soviet Union three decades ago, the displacement of so many people within its borders has created many major challenges. In addition to massive human tragedy, there have been very great continuing national financial and administrative difficulties. This has been a critical challenge for a country that, since its establishment, has struggled to achieve effective, efficient and transparent governance at both its national and subnational levels. A particular problem has been the socio-economic consequences for those who have been displaced. As a recent report from the Migration Population Institute noted, the great majority of the displaced individuals come from that region of the country which has traditionally had the highest income. However, the income for a typical displaced family now is half of the national average (Jaroszewicz 2019).

Nevertheless, despite many difficulties, and a large number of hurdles still being overcome, over the past half dozen years, progress has been made in addressing the numerous problems created as a result of Ukraine's large number of internally displaced persons (IDPs). Indeed, as various studies have found, many IDPs have become integrated into the communities to which they fled and now intend to remain in their new communities. This contrasts very significantly with prior comparable experiences. For example, studies have shown that individuals displaced by

the Chernobyl disaster were still struggling with their displacement almost 30 years after the event (Torbin and Voronenkov 2013).

However, addressing the many IDP issues raised by the continuing reality of violent conflict, even of low intensity, has presented, and continues to present, a serious challenge to the Ukrainian government. Equally significantly, the consequences, both for those displaced, and the many more Ukrainians continuing to be impacted by the ongoing conflict, are great. Communities and families divided, both physically and emotionally, major economic devastation and the continuing threat of occasional unpredictable attacks still are the norm. Indeed, a United Nations report has suggested that close to 3 1/2 million individuals who live near the conflict line currently are in need of some form of humanitarian assistance (UNOCHA 2019).

Particularly critical has been the issue of human security in the face of the violent disruption of routine ways of life and the great personal insecurity that provided for all those so victimized. As a recent report of the International Criminal Court has pointed out, the conflict, especially in Eastern Ukraine, most notably attributable to the initiatives of antigovernment forces, has involved not only armed violence directed against the civilian population, but also specific cases of murder, rape and torture. A 2016 report by UNICEF found that one in five schools in the conflict area had been destroyed or damaged putting large numbers of children in harm's way (International Criminal Court 2019).

As many reports by international bodies and organizations have shown, underlying IDP data are individual stories of massive human tragedy (Kuznetsova et al. 2018). Such realities would represent a major challenge to governmental institutions under even the best of circumstances. Recent events in the Middle East and Europe, and the events of a quarter century ago in former Yugoslavia, more than demonstrate the terrible complexity of effectively addressing major violence-forced human displacement, whether internal or external. For a government such as Ukraine's, with relatively young institutional structures, plagued by historic problems of corruption and instability, and increasingly caught up in what, in many respects, amounts to a renewal of cold war struggles between Russia and the United States, not to mention recently having been unwittingly drawn into very bitter US domestic politics, the challenges have been extraordinary.

How does a country in the situation of Ukraine seek to address such matters? Perhaps because of its relative youth as a country, and its heritage of Soviet authoritarianism, Ukrainian authorities have historically looked to national government ministries to address extant and emerging policy problems. In part this is due to the historic weakness of the nation's sub-national governments, long-standing problems of private sector corruption and the lack of a strong civil society dating back to Soviet and even pre-Soviet times. Equally significant has been the historic expe-

rience of a region long characterized by high centralization, strong ministries and limited international engagement.

However, in the case of the IDP issue, the key to Ukraine's ability to address these matters in a successful way is not to be found in the actions of a particular ministry or of its government alone, nor of any other single organization or entity, either governmental or non-governmental. Rather, the critical variable has been the gradually increasing engagement of multiple organizations and entities in addressing IDP issues, including international bodies, the countries sub-national governmental bodies and its non-governmental organizations. In that sense, the addressing of these matters represents a very informative case study of both the emergence of multilevel governance in a new, and still emerging, democracy, Ukraine, and the significant benefits that occur as a result of the emergence of successful multilevel governance within the context of a traditionally highly centralized government system.

2. Theoretical framework

Various scholars, in defining the concept of multi-level governance (MLG) emphasize the lack of a concentration of power and competence at any one level or sector of governance (Ágh 2010). In such arrangements, the individual actors within a system of governance are formally independent, but functionally interdependent and "are in a complex relationship with each other" (Piattoni 2009).

Perhaps the best expression of the concept has been provided by Schmitter (2004), who defines multi-level governance (MLG) as a structural arrangement for making decisions that involves and engages a multiplicity of politically independent but otherwise interdependent actors – private and public – at different levels of territorial aggregation in more-or-less continuous negotiation/deliberation/implementation, and that does not assign exclusive policy competence to a particular entity or assert a stable hierarchy of political authority to any of these levels. This definition reflects "a key vision" of MLG as involving a plurality of levels of territorial participants in which, out of necessity, non-hierarchical relationships between actors in different sectors of governance emerge.

This model of MLG governance draws upon the findings of three other separate bodies of theory: network theory, governance doctrine and the global governance paradigm. Indeed, a key element of the underlying theoretical framework for multilevel governance is provided by network theory. Börzel describes network theory as involving a set of relatively stable relationships which are of a non-hierarchical and interdependent nature, linking a variety of actors who share common interests with regard to a policy and who exchange resources to pursue these shared interests assuming that co-operation is the best way to achieve common goals (Börzel 1998).

Equally important in terms of the development of the concept of multilevel governance has been the increasing focus on the concept of governance on the part of organizations like the United Nations and the World Bank. As Rosenbaum has noted, the concept of “governance” has been adopted by those organizations to contrast with the traditional concept of government (Rosenbaum 2014). Governance, as a concept, reflects a fundamentally different way of looking at the relationship between governmental and non-governmental institutions in that it hypothesizes that effectively the real relationship between the governmental and the non-governmental is a horizontal one rather than a vertical one. As Benz and Papadopoulos have noted, the characteristics of governance reflects the patterns of interaction, the regulation of common affairs and the fusion of public and private resources (Benz and Papadopoulos 2006).

They characterize the concept of governance as involving the following element: a plurality of decision centers with no clear hierarchy. Instead, decision structures are characterized by relationships between actors organized in networks (Benz and Papadopoulos 2006). The boundaries of decision structures are fluid in terms of inclusion and outcomes. They are determined in functional, not territorial terms. Actors, especially collective actors, exercise power. Interest group participation is an essential characteristic. Models of interaction can be characterized by both competition and cooperation. However, a general willingness to compromise is expected. Institutions engage in various patterns of governance as they determine elements of inclusion, modes of interaction and the relationships of influence and linkage between actors.

The concept of governance in turn has given rise to a body of writing about notions of the possibilities for global governance. As proposed by Weiss and Thakur: “‘global governance’ is the complex of formal and informal institutions, mechanisms, relationships, and processes between and among states, markets, citizens and organizations, both inter- and non-governmental, through which collective interests on the global plane are articulated, duties, obligations and privileges are established, and differences are mediated through educated professionals” (Weiss and Thakur 2003).

Each of these theoretical approaches represent an important element of any conceptualization of systems of multi-level governance. When brought together they are invoked to suggest an extremely dynamic system, characterized by flexibility and a diversification of interactions among managerial entities in cross-territorial and cross-sectoral dimensions. These relationships involve different combinations of actors in nature and form, as well as a degree of formalization and unification of interaction across different areas of public policy. The dynamism of MLG is determined by its lack of a static center. The changes in external and internal parameters of the MLG system can cause constant fluctuations as participants seek to find the

optimal combination of relationships in a specific time and under specific conditions.

3. Methodology

The methodological approaches used to collect data for this paper are those traditional to case study research – extensive document review, especially from international organizations and the Ukrainian government; participant observation; personal interviews; focus groups; and comparative analysis. Interviews have been conducted with individuals associated with various of the programs described subsequently. Between 2015 and 2019, an annual focus group was organized which involved representatives of the various governmental agencies, international organizations and non-governmental organizations identified. Each year from 2015 to 2019 an annual matrix analysis of potential organizational interaction relationships was constructed (see Appendix I).

4. The historical context

Ukrainian legislation designates Crimea and portions of the Donetsk and Luhansk Oblasts (regions) as temporarily occupied territories. This designation seriously impacts the rights of citizens living in those regions and, most notably, defines those individuals and groups of people that are considered Internally Displaced Persons – IDPs. According to the UN's Guiding Principles on Internal Displacement (Deng 1998, 15) “internally displaced persons are 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.”

The intensity of the first two years of hostilities in Eastern Ukraine produced a rapidly increasing number of IDPs, which reached a total of 1,780,946 in May 2016. During the following four years, as hostilities moderated in the conflict zone, the number of IDPs has gradually declined to 1,446,881 individuals as of April 2020. Nevertheless, Ukraine still remains that European country with the largest number of IDPs (followed by Azerbaijan, Georgia, Cyprus, Serbia) and has the 11th largest number of IDPs of all countries in the world.

According to the Ukrainian Ministry of Social Policy, 60 % of all IDPs originated from Donetsk Oblast, 37 % from Luhansk Oblast, and 3 % from the Autonomous Republic of Crimea. Nearly half of all registered IDPs now permanently reside in the Ukrainian-controlled sections of the Donetsk and Luhansk oblasts, and within 20 kilometers of the demarcation line that divides the occupied territory and that portion of the two oblasts which are still controlled by Ukrainian authorities.

The IDPs were registered as currently residing in Donetsk Oblast (about 500,000), Luhansk Oblast (about 300,000), the City of Kyiv (about 150,000), Kyiv Oblast (over 50,000), Kharkiv Oblast (over 120,000), Dnipropetrovsk Oblast (over 60,000) and Zaporizhia Oblast (over 50,000).

The issue of counting IDPs, and addressing IDP issues, has been complicated by current Ukrainian government policy towards residents of the occupied territory. To receive pension benefits, as well as other forms of government social assistance, Ukrainian citizens residing in an occupied territory must be registered as IDPs. This requires that they have a residential address in a non-occupied territory. Consequently, many Ukrainian IDPs are actually continuing to live primarily in or near their original residence in the occupied territory ... but have established addresses in a government-controlled territory near the conflict demarcation line. As a consequence, the best estimates of many organizations working with displaced persons, including the International Monitoring Center, is that the actual current number of IDPs in Ukraine is probably about 730,000 people (Internal Displacement Monitoring Center 2019).

The issue of human displacement is not a new one for the area that is now the nation of Ukraine. Indeed, the 20th century can be seen as the century of IDPs in the part of the world that is now Ukraine. During the First World War, the main flow of refugees from those parts of the former Russian Empire occupied by Germany was to the territory that is now modern Ukraine. During the 1930s, and even into the 1940s, within the former Soviet Union, there were numerous waves of internal displacement, especially to what is now Eastern Ukraine. Conducted in a highly repressive fashion, this involved the deportation of various ethnic and social groups from the region and their replacement with individuals more responsive to the needs of the political regime. While complete data is not readily available, the best historical estimates are that this involved millions of people.

During the Second World War, which led to a degree of migration unprecedented in world history, the evacuation and re-location of millions of civilians in the face of violent military conflict took place in what is now modern Ukraine. Following that war, as a part of the economic modernization of the USSR, the construction of large hydraulic structures led to mass displacement of people from newly flooded areas. One of the more complex lingering issues of internal displacement in Ukraine has revolved around the forceful relocation during and after the war of the Crimean Tatar population, which, with the collapse of the Soviet Union, has struggled to return to its homeland over much of the past three decades with varying degrees of economic and political success.

Yet another tragic page in the region's history, the Chernobyl ecological catastrophe, also produced major human displacement. It created a unique social group of 120,000 displaced persons who had to adapt to the effects of radiation and stress as they moved to new places of residence and sought to rebuild their lives.

The Soviet experience with Chernobyl has particular relevance for understanding the more recent efforts of Ukraine to address the problem of human displacement.

The integration of IDPs from the Chernobyl disaster relied almost entirely upon government actions. In part, this was the consequence of both the nature of the Soviet governance system and the very underdeveloped state of civil society in the USSR. The desire of government authorities to hide the consequences of Chernobyl from the world community also played a significant role in limiting any possibilities for external assistance, whether from international agencies or non-governmental organizations. This effectively prevented the formation of any multi-level mechanisms for implementing needed policy solutions and action, thus delaying the integration of IDPs in adapting to their required new living situations. Indeed, as noted earlier, various studies by Ukrainian experts suggest that in many cases three decades after the Chernobyl disaster displaced people had yet to achieve the same social and economic conditions and characteristics as the local citizens with whom they were integrated in the disaster's aftermath.

5. IDP policy in Ukraine

In 2014, the Ukrainian Parliament enacted the legislation "On Ensuring the Rights and Freedoms of Internally Displaced Persons". Subsequently, the government announced its "Strategy for Integration of Internally Displaced Persons". Together these two initiatives established the principal goals of Ukrainian policy regarding IDPs: taking all possible measures to prevent forced internal displacement; to protect and respect the rights and freedoms of IDPs; and to create conditions for the voluntary return of IDPs to their abandoned places of residence or to integrate them into their new place of residence in Ukraine. However, the reality of establishing policy and implementing it is very different, especially in the face of the limited fiscal resources available to the Government of Ukraine under even the best of circumstances. The policy implementation has been made more difficult since the principal underlying cause of the dislocation, the violent conflict in Eastern Ukraine, continues to draw heavily upon the country's very limited resources.

Facing these realities, the Ukrainian government has turned both to the international community and its local governments, as well as the private and not-for-profit sector, for assistance. While such a response to the very serious and highly complex problem of human dislocation might not be considered unusual in many parts of the world, it has been for Ukraine, given its Soviet and post-Soviet heritage. This heritage has been so pervasive that even today, three decades after the collapse of the Soviet Union, the nation is still struggling to put in place an effective system of sub-national government, both at the oblast (regional) level and at the municipal level. At times, Ukraine also has had a difficult, and sometimes contentious, rela-

tionship with various parts of the international community, both institutional and non-governmental.

However, as the country began to struggle in the post 2014 period with the problem of internally dislocated people, the government sought the support of outside groups. Such initiatives were seen as necessary to supplement the limited financial resources which Ukraine could bring to bear in addressing the needs of its IDPs. This has produced in this arena of policymaking in Ukraine a system of complex intergovernmental relationships which has replaced the traditionally governmentally dominated, and normally quite hierarchical, approach to policymaking that characterizes most policy arenas in Ukraine.

It has also required the national government to initiate a series of efforts aimed at the coordination of the activities of multiple independent agencies and organizations – international, non-governmental and sub-national. Thus, in April 2014 an inter-departmental coordination headquarters, involving representatives of numerous national ministries and agencies, was established to oversee the relocation and temporary accommodation of Ukrainian citizens who had fled from the Crimean Peninsula. Subsequently, as hostilities increased in the Eastern region of the country, the activities of the coordinating body expanded to include addressing the increasingly great number of persons being displaced from there, as well.

As the number of displaced persons grew, particularly in the areas bordering the conflict zones in the East, regional coordination headquarters were established which quickly assumed increasing responsibility both for the placement of, and the provision of assistance to, the growing number of IDPs. These sub-national offices served both to coordinate and lead the national government response, drawing on the services and resources of numerous national ministries during the first years of conflict.

As it became clear that the conflict would not be quickly resolved, it also became clear that IDP issues were going to remain a continuing source of concern for the national government. Thus, in 2016, the Ministry of Temporarily Occupied Territories and Internally Displaced Persons of Ukraine was created to facilitate the mobilization of increased resources to address IDP issues. Upon its establishment, this Ministry, along with the Ministry of Social Policy, which already had assumed a significant role in addressing IDP dislocation, would become the two major national government agencies dealing with IDP issues. Over time, the Office of Ukraine's National Ombudsperson also would become increasingly engaged in IDP issues as it opened an office for "observance of the rights of internally displaced persons".

As an increasing number of government agencies, and many other organizations, would become involved in addressing the problems of internally displaced persons, the need for the coordination of activities grew significantly. Thus, an increasing emphasis came to be placed upon further refining the strategy with less

emphasis upon non-systematic short-term projects and programs and more on how to devise long-term solutions for the resolution of IDP issues.

This meant that increasing attention was paid to issues of providing permanent housing and long-term employment opportunities, as well as devising strategies to more effectively integrate displaced persons into the communities to which they had migrated. In particular, it was recognized that efforts did need to be made to encourage the residents of such communities to recognize that the newly arrived displaced persons actually represented a potentially valuable resource in terms of the economic development of their new home communities. This meant that the strategy for integration of IDPs had to take account of the resource needs of the host communities where relocation was occurring.

6. Multi-level engagement

Addressing IDP matters involved mobilizing increasing amounts of scarce resources, both human and financial. In similar situations, governments often draw upon a wide variety of international and national sources of support. However, unlike the typical EU country, where a multilevel governance approach frequently characterizes the majority of sectoral policies, IDP integration policy represents a rare example of the functioning of such a system in Ukraine. Thus, Ukraine's response to its IDPs crisis provides an important case study of both the complexities of introducing and the strengths of reliance upon multilevel governance to address major public problems. A close examination of this policy arena also provides a very useful introduction to the wide array of international actors and diversity of participants that can be found in complex systems of multi-government policy and service delivery systems. The most important elements of the MLG system impacting IDPs policy in Ukraine have included:

6.1 Global level/governmental sector

In the contemporary globalized world, almost all nation states are connected in one manner or another to various international intergovernmental organizations – many of which perform important functions as participants in MLG processes. These include developing various regulatory functions, elaborating proposed rules of conduct; advocacy of policy objectives and methods/forms for their achievement; coordination of the interests and actions of members; defining control functions involving the assessment of compliance and/or the conformity of member states conduct as regards formal agreements, and operational functions involving the independent implementation of tasks and functions (Nemec 2010).

Many such organizations have over the past six years become very involved in Ukraine as they have sought to provide some degree of international support for and protection of IDPs' interests there. These include international organizations

of both more general competence and more specialized bodies. In particular, the United Nations, and various of its more specialized units, have served as common platforms to encourage cooperation in addressing the problems of IDPs.

In June 2018 the UN Security Council (SC) issued a Statement by the President of the Security Council on Ukraine, which emphasized the need for scaling up efforts to alleviate the suffering of the civilian population affected by the conflict (Security Council 2018). Previously, the UN Peacebuilding Commission conducted an assessment in 2014 regarding the need to end hostilities and build peace in Eastern Ukraine. Its report “Recovery and Peacebuilding Assessment Report for Eastern Ukraine” (UN Ukraine 2020) specifically addressed the problems of IDPs.

In 2017, the United Nations General Assembly approved Resolution 72/182 on the protection of and assistance to internally displaced persons. It expressed deep concern about the alarmingly high numbers of internally displaced persons throughout the world, as did the UN Human Rights Commission – HRC (Human Rights Council 2012). In 2015, the HRC Special Rapporteur on IDPs’ Human Rights issued a report on the human rights of internally displaced persons with a specific section on Ukraine in the addendum (Beyani 2015). The recommendations of that report became the basis for long-term policy decisions of both the UN and various Ukrainian government bodies.

Various UN agencies involved in the execution of UN conventions related to human rights also have addressed the issue of IDPs in Ukraine, thus influencing Ukrainian initiatives. The National Report of Ukraine (2019) on the implementation of the UN International Covenant on Civil and Political Rights focused on the electoral rights of IDPs (Human Rights Committee 2018), while the UN Committee on the Rights of the Child (2019) has encouraged policy to address children’s issues. The UN Development Program (UNDP) has implemented a Peace Recovering and Development Program that has worked in the Donetsk, Luhansk, Dnipropetrovsk, Zaporizhia and Kharkiv oblasts. Its priorities include supporting local authorities in responding to the urgent needs of IDPs (ППООН в Україні 2019).

The United Nations Population Fund has developed a special humanitarian program for IDPs in Ukraine providing medicines, personal care products and other consumables for IDPs (Харківська обласна державна адміністрація 2015). The UN Children’s Fund has provided important new social services. UN-Women supports civic initiatives encouraging increased participation by women in local decision-making processes and empowering women IDPs. Since 2014, The World Food Program has provided (within the Emergency Response Program for the Affected Population) food aid in the form of food kits and remittances for more than 800,000 IDPs in Ukraine.

Among the various special bodies of the UN General Assembly, the Office of the United Nations High Commissioner for Refugees (UNHCR) Office in Ukraine has coordinated the actions of several agencies concerned with IDP security issues

and IDP protection activities. It has monitored the security situation through its field presence in both government-controlled and non-government-controlled areas and tracked human rights violations and security threats faced both by IDPs and conflict-affected populations. It has also provided IDPs with business services, legal assistance and individual financial help. It also monitors changes in Ukrainian legislation regarding IDPs and supports their community integration while conducting advocacy and awareness-raising activities for decision-makers, stakeholders and the public.

The United Nations Economic and Social Council (ECOSOC) has addressed the rights of IDPs generally in their statement of “Guiding Principles on Internal Displacement”. The UN Food and Agriculture Organization has organized the distribution of various agricultural products, such as seed potatoes, poultry, chicken coops and livestock feed to IDPs. The International Organization for Migration (IOM) – United Nations Migration Agency – has set up a free national hotline for IDPs through its office in Ukraine.

The main administrative body of the United Nations, the UN Secretariat, has been very involved. In 2019, its Office for the Coordination of Humanitarian Affairs established the Humanitarian Fund for Ukraine, which seeks donor contributions to address humanitarian issues related to the conflict in Eastern Ukraine. The Office of the UN High Commissioner for Human Rights had created a UN Monitoring Mission for Human Rights in Ukraine, which has prepared more than 40 reports on the human rights situation in Ukraine, including relevant recommendations on IDPs. The extensive array of UN programs has led to the adoption of the Partnership Program between the Government of Ukraine and the UN and the establishment of a UN Office for Project Services in Ukraine. Finally, the World Bank is also active in Ukraine with several projects that address the needs of IDPs, including several designed to enable the start-up of small businesses.

6.2 Global level civic and business sector

Increasingly, international non-governmental organizations (NGOs) are playing important roles in addressing humanitarian issues all over the world. As former UN Secretary-General Kofi Annan said in his report at the Millennium Summit: “Today, global affairs are no longer the exclusive province of foreign ministries, nor are states the sole source of solutions for our small planet’s many problems. Many diverse and increasingly influential non-state actors have joined with national decision makers to improvise new forms of global governance joined with national decision makers to improvise new forms of global governance. The more complex the problem at hand ... the more likely we are to find NGOs, private sector institutions and multilateral agencies working with sovereign states to find consensus solutions” (Annan 2000, 67).

Since 2014, the International Committee of the Red Cross (ICRC) has been assisting IDPs from Eastern Ukraine with food, household items, and medicines. It has also developed a special series of programs on economic security for IDPs and launched several programs aimed at returning them to places of permanent residence. Doctors Without Borders (Médecins Sans Frontières – MSF) is implementing several programs in Eastern Ukraine. It has placed mobile clinics providing basic medical and psychological care to IDPs and people living in 28 settlements in the conflict zone. Various global corporations operating in Ukraine also are implementing several programs related to IDPs. For example, Monsanto's divisions in Ukraine have repeatedly funded social projects in rural areas for IDPs.

6.3 European Regional level/intergovernmental sector

There are about three million IDPs in Europe. Consequently, all the agencies of the Council of Europe (CE) have addressed issues regarding IDPs. Of particular note, the CE Committee of Ministers, in its “Recommendation 2006(6) on Internally Displaced Persons” emphasized that IDPs enjoy the full range of human rights without any discrimination. It expressed deep concern over conditions regarding IDPs and proposed a number of steps encouraging Ukrainian authorities to address such problems in a more effective manner.

The CE Parliamentary Assembly (PACE) initially addressed IDP issues in 2009 in its report “Forgotten People of Europe: Protecting the Human Rights of Long-term Displaced Persons”. The PACE has repeatedly expressed its concern about the scale of IDP problems in Ukraine. Most notably, its Resolution 2198 in 2018 urged Ukrainian authorities to provide the necessary financial resources to local administrations responsible for IDPs and invited the country to join the CE Development Bank to seek assistance for projects aspiring to meet the housing needs of IDPs in Ukraine.

The Congress of Local and Regional Authorities (CLRA) of the CE has addressed the responsibility of municipalities and regions to promote the integration and participation of IDPs and to promote non-discrimination and good relations between them and local people. In its “Recommendation 386” in 2016 the CLRA urged Ukrainian authorities to amend domestic legislation in order for residency requirements not to prevent IDPs from exercising their voting rights. It further asserted that relevant laws and rules be amended in order not to require IDPs to have to choose between expressing their voting rights and the right to obtain the status of IDPs and/or social benefits.

Given the frequency of human rights violations that have been a part of the conflict in Ukraine the CE Commissioner for Human Rights and the Directorate-General for Human Rights and the Rule of Law have had frequent involvement in the country since the conflict erupted. In June 2014, the CE Commissioner for Human Rights addressed a letter to the Prime Minister of Ukraine, which called

attention to the need to take urgent measures to protect IDPs. Subsequently, the CE Directorate General for Human Rights and the Rule of Law issued an opinion on the draft Law of Ukraine “On Ensuring the Rights and Freedoms of IDPs”, which contributed to its improvement.

Perhaps the most important CE institution regarding the protection of IDPs is the European Court of Human Rights (ECHR), which has had considerable experience with IDP issues in the Caucasus and former Yugoslavia. The ECHR is currently considering numerous cases of human rights violations in Eastern Ukraine involving IDPs. Also, since 2018, the Council of Europe Office in Ukraine has been implementing the project “Internal Relocation in Ukraine: Developing Long-Term Solutions”. Its goal is to strengthen the employment capacity of IDPs, especially displaced professionals. This project also works with various key partners to improve the system of human rights protection and access to justice in Ukraine to meet Council of Europe standards.

The Conference for Security and Co-operation in Europe (OSCE) initially addressed IDP issues in “The Challenge of Change”, the report of the 1992 OSCE Summit in Helsinki. That document includes a section devoted to refugees and IDPs. The OSCE Office for Democratic Institutions and Human Rights is responsible for addressing and seeking to resolve IDP issues. In 2014, the OSCE formed the OSCE Special Monitoring Mission to Ukraine, which has prepared numerous reports on the state of IDPs, including “Internal Displacement in Ukraine: Increased Vulnerability of Affected Populations and Tensions in Communities”. In addition, the OSCE has implemented several IDP projects in Ukraine, including, “Responding to Social Security Threats from Conflict”, which assesses the problems of psychological, socio-economic adaptation and integration of IDPs into new communities in Ukraine.

The European Union (EU) is also concerned with the internal displacement of people, especially in countries with which association agreements have been signed, including Ukraine. In 2015, the European Commission proposed a European Agenda on Migration, which would provide EU development and humanitarian support for vulnerable groups and children in communities in partner countries which hosted IDPs. The following year, the European Commission adopted the Communication “Lives in Dignity: From Aid-dependence to Self-reliance. Forced Displacement and Development”, outlining a new approach to forced relocation focused on economic development.

The EU Asylum, Migration and Integration Fund, set up in 2014, funds various projects designed to address problems caused by forced migration. EU support has taken the form of numerous financial grants and loans, as well as education and community support programs. Thus, by 2019, Ukraine has implemented about 50 different EU projects in the field of IDPs involving the contributions of more than 60 million euros.

6.4 Regional and National level/civic sector

The European Council on Refugees and Exiles (ECRB), a pan-European network of NGOs sponsors several projects aimed at assessing the adequacy of state and civil society response to the needs of IDPs. The European Platform for Conflict Prevention and Transformation, composed of approximately 150 European NGOs working in the field of conflict prevention and peacebuilding has initiated efforts to encourage the integration of IDPs in host communities (Friedman 2014).

A review of information from the Register of Civic Associations (non-governmental organizations) of Ukraine indicates that there are approximately 70 registered nation-wide associations which include the words “refugees” and “displaced persons” in their titles. Beyond those, there are many other national civic associations which, while not directly concerned with displaced persons, have undertaken activities related to the problems of IDPs and in some cases have made such activities one of their chief priorities. Together, during the period from 2014 to 2020, these various NGOs have implemented more than 300 projects related to the adaptation of IDPs.

6.5 Subnational and local levels

Ukraine has three subnational government mechanisms that can address IDP issues at the local level. Territorial divisions (local offices) of the Ministry of Temporarily Occupied Territories and Internally Displaced Persons exist within each oblast bordering the temporarily occupied territories (which are home to the largest number of registered IDPs) – Donetsk, Luhansk and Kherson. The second, the decentralized general regional administrative units of the national government, the local state administrations, traditionally address and implement national policy at the level of the oblasts and rayons (sub-units of oblasts). The third is the local self-governments. They are slowly gaining the resources and capacity to address issues of social policy at the community level, the result of modest initiatives encouraging some measure of national decentralization.

Despite the traditional centralization of Ukrainian government, the sub-national governments have become critical actors regarding the successful implementation of policies impacting IDPs. While policies, even the most humane and supportive, can be annunciated by the nation’s President, legislative body and/or cabinet of ministers in Kyiv, Ukraine’s capital, it is in the communities in which IDPs reside, and seek to rebuild their lives, where they are implemented. It is there that the collective impact of the many different organizations and agencies – governmental, inter-governmental, non-governmental and private – have their individual and collective impact, whether coordinated or not.

Over the past six years, it has become evident that, irrespective of national policy, there has been considerable variation regarding what happens at the local level. In some areas, oblast administrations, local governments, NGOs and business en-

terprises have worked effectively to implement various projects integrating IDPs in their new communities. However, in other communities that has not been the case. It often appeared that the intensity of regional and local government engagement with IDP issues was driven by the number of IDPs within a community.

7. Assessing the development and success of an emerging multi-level system

To better understand the processes of integration of IDPs into the communities to which they had migrated, annually, beginning in 2014, a panel of experts, varying in number from 24 to 48 (reflecting the extensiveness of external agency program activities in the particular year) was organized. Participants included individuals from government ministries, international agencies, non-governmental organizations, the private sector and local communities. The principal focus was to explore the extent to which various organizations, both governmental and non-governmental, working with IDPs had begun to engage in collaborative efforts. Most recently, in November 2019, 28 representatives of non-government organizations, the private sector and government administrators concerned with IDP issues were assembled.

Each year, the group has been asked to assess both organizational collaborations and the characteristics of local responses which, taken collectively, define different modes of adaptation as a means of assessing the performance of individual oblasts in that regard. The expert group began by defining issues of adaptation and specifying what conditions and circumstances made for better or worse forms of adaptation. Several critical elements were identified, including local operating procedures and practices for integrating IDPs into the regional community, and the resulting organizational and IDP interactions.

Two very distinct models of IDP adaptation were identified by the expert panel. Each model addressed very different types of community responses to the presence of IDPs. In addition, the regional integration regime for IDPs also typically reflected the degree of cooperation between IDPs and regional governmental authorities, local self-governments, formal and informal civic organizations and professional associations and local business structures. As Table 1 indicates, based on the extent of interaction between those entities, two distinct types of IDP integration models were discerned – “Supportive” and “Non-Supportive”.

Table 1
Types of regional modes of IDP integration in Ukraine

	Models of IDP integration	
	Non-Supportive	Supportive
Regional programs for IDP integration	Non-availability of IDP integration programs	Availability of IDP integration programs
Socio-economic priorities of the region	Concerns about growing competition in the labor market. Lack of resources for IDP arrangement.	IDPs are considered an additional resource for the development of the territory, a positive impact on the demography in the region.
Political and managerial practices at the regional level	Use of institutional “barriers” to IDP integration. Existence of socio-political criticism of IDPs.	Creating a positive “portrait” of IDPs. Lack of socio-political criticism of IDPs.
Civic activity regarding development of support for IDPs	Low activity, low degrees of interaction of civic organizations focused upon IDPs with governmental authorities at the regional level and with local self-governments.	High activity and effective links between NGOs addressing IDP issues and programs and governmental authorities.
Activities of international organizations	Low level of activity of international organizations in the field of IDP integration	High level of activity of international organizations in the field of IDP integration
Ensuring the right to access to local housing	Limited placements of IDPs	Availability of housing locations for IDPs
Labor market assistance and access	Tensions in the regional labor market	Availability of workplaces for IDPs
Ensuring the right to education	Restrictions on the education rights of IDPs	Ensuring the implementation of IDPs’ rights to education
Health care	Limited and complicated access to medical services	Good provision of medical services
Regional image in the perception of IDPs	Negative image of the region in the perception of IDPs	Positive image of the region in the perception of IDPs

Following the development of the two models of regional adaptation and community response to the presence of IDPs, the panel of experts was then asked to assess the response of each of Ukraine's twenty-six oblasts to the presence of IDPs utilizing the criteria defined in the two models of regime integration. Subsequently, the panel of experts were then asked to identify which oblasts fell into which category and what the reasons were that explained the highly disparate local community response.

The panel of experts concluded that 16 of Ukraine's oblasts fell into the supportive category, while ten fell into the non-supportive category. Upon being queried as to those factors that served to distinguish IDP supportive from non-supportive oblasts, the conclusion was that the key factor was the extent of IDP presence. The second involved time. Where there was a substantial IDP presence in oblasts over a period of time, the response of the local officials, and the local community, was definitely more positive. In those communities where the presence was more limited, and the presence of IDPs more recent, the community response was more negative.

Most assuredly, another significant factor contributing to successful IDP integration was the availability of multiple sources of support, both social and economic, for displaced persons within the communities in which they were found in the greatest number. Frequently, these programs were organized and funded by the external organizations participating in the emerging system of multi-level governance. The availability of such assistance contrasts very significantly with Ukraine's prior IDP experiences with Chernobyl and Crimean Tatar refugees who experienced much more difficult processes of social and economic re-integration.

In terms of addressing the issue of organizational collaboration, continuing efforts have been undertaken since 2014 to systematically review regulations, projects, programs and expert surveys on the issues of IDPs. Matrices of interactions between the various organizations and agencies involved in working on IDP policy and projects were then created. Appendix 1 provides an example of these matrices. Within each matrix, the maximum number of possible interactions is 120 pairs. Each year the expert group was asked to identify instances of actual collaboration between the various entities involved in addressing the problems of IDPs in Ukraine.

In 2014, the first year that the expert group was assembled, they identified 34 pairs of interactions among the various types of organizations involved in addressing IDP issues in Ukraine. In 2015, 2016, 2017 and 2018, the number of interaction pairs increased to, respectively, 37, 44, 54, 58, largely due to the growing involvement of non-governmental actors in IDP policy. For 2019, the number of interactions increased to 68 (see Appendix 1). This reflected the fact that increasingly, unlike many areas of public policy in Ukraine, IDP policy and programs reflected the emergence of a growing system of collaboration, thus encouraging the emergence of some measure of multilevel governance around this policy area in Ukraine.

While the complexities of addressing IDP issues have led to the development of an emerging system of multi-level governance for Ukraine, this experience has not been without its administrative, organizational and political problems. In order to identify the most critical issues as regards inter-level cooperation to support IDP adaptation, a brief questionnaire was developed and interviews were conducted with 52 representatives of central and regional authorities, local government officials and staff and civil society organizations during March–April 2020. Particular attention was given to the issue of the responsiveness of central government officials and staff and the adequacy of commitment to collaborative efforts.

The most frequent and widely felt problem was that of inadequate information availability complicating the coordination of activities and the establishment of effective cooperation among system participants. In particular, the responses noted that central and regional public authorities often were reluctant to share information with the various other actors in the multilevel system. In addition, it was often very difficult or impossible to connect the databases of various system participants, as well as some issues of the duplication and repetition of information collection.

The absence of any requirement for the mandatory implementation of decisions made regarding the coordination of activities was another significant issue. Consequently, decisions made at one level or region could only be recommended for implementation in another sector. Particularly problematic were issues of duplication of powers and activities across central and regional authorities and relations with local self-governments involving coordination of decision-making, as well as methods of monitoring the implementation of decisions.

Complicating the interaction between the central and regional authorities and the local self-governments was the problem of the lack of local financial resources to ensure the implementation of local self-government responsibilities regarding IDPs. While some national decentralization efforts have been undertaken during the past several years, in many cases, local self-government bodies simply did not have enough funds to adequately address the housing rights of IDPs and their need for employment or various forms of social support.

8. Conclusions

Increasingly, it is becoming self-evident that as public problems become more complex, the ability of a single government, let alone a single agency, to solve them is increasingly less feasible. For many national governments, engaging with sub-national governments, civil society, the private sector and the international agencies as vehicles to address complex problems is an increasingly common approach. For Ukraine, this is a relatively new phenomenon as the nation struggles to respond to the financial, social and administrative issues created by massive internal displacement resulting from continuing violence at its Eastern border.

The past half dozen years in Ukraine have been characterized not only by a national government increasingly open to collaborative activities, but an extraordinary outpouring especially of international engagement. Indeed, one of the most interesting findings in examining these matters is a better realization of the diversity of potential international partners in terms of addressing such matters.

Equally important the Ukrainian case serves to illustrate two other important lessons in which time plays a very significant role. First, as regards the integration of IDPs, familiarity and time significantly influences community responsiveness and IDP acceptance. Second, as regards MLG, we see that the longer participants engaged with one another, the more they collaborated. In turn, the Ukrainian case serves to illustrate the importance of the kind of support that external actors can provide in helping to resolve IDP crisis situations.

However, effective multilevel governance is not based simply on the number of connections, but on the degree of constructive organizational collaboration which, in turn, leads to some measure of system cohesiveness and, most importantly, successful service delivery. This can be ensured both through the effective distribution of power across the various participants, especially involving each level of government, and through the structural and functional optimization of the relationship between them.

Systemic interaction of governmental actors in the multi-level community integration of IDPs involves complex processes, often characterized mainly by the state of “independence-dependence” or “interdependence” in the performance of various functions regarding the implementation of policy on IDPs. A review of the activities surrounding Ukraine’s response to the needs of IDPs bears witness to the slow but steady emergence of a system of multilevel governance in a very important area of public policy for the country.

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Appendix 1

The matrices of interactions between governance entities on IDP policy in Ukraine

Level		Sector															
		Governmental						Civic					Business				
		(1) UN bodies, agencies, programs	(4) EU, CoE bodies	(7) Central national bodies	(10) Regional state bodies	(11) Regional self-government bodies	(14) Local self-government bodies	(2) Global NGOs	(5) European NGOs	(8) National NGOs	(12) Regional NGOs	(15) Local NGOs	(3) Global Corporations	(6) European Corporations	(9) National Corporations	(13) Regional Corporations	(16) Local Business
Global	(1) UN bodies, agencies, programs		+	+	-	-	-	+	-	+	+	+	-	-	-	-	-
	(2) Global NGOs	+	-	+	+	-	+		+	+	+	+	+	+	-	-	-
	(3) Global Corporations	-	-	-	-	-	+	+	+	-	-	+		-	-	-	-
Regional	(4) EU bodies, CoE bodies	+		+	+	-	+	-	+	+	+	+	-	+	-	-	-
	(5) European NGOs	-	+	+	+	-	+	+		+	+	+	+	+	-	-	-
	(6) European corporations	-	+	-	-	-	+	+	+	-	-	+	-		-	-	-
National	(7) Central national bodies (ministers, agencies)	+	+		+	+	+	+	+	+	+	+	-	-	+	-	-
	(8) National NGOs	+	+	+	+	-	+	+	+		+	+	-	-	+	-	-
	(9) National corporations	-	-	+	-	-	+	-	-	+	-	+	-	-		-	-
Subnational	(10) Offices of national bodies, region state administrations	-	+	+		+	+	+	+	+	+	+	-	-	-	+	+
	(11) Regional self-government bodies	-	-	+	+		+	-	-	-	+	+	-	-	-	+	+
	(12) Regional NGOs	+	+	+	+	+	+	+	+	+		+	-	-	-	+	+
	(13) Regional corporations	-	-	-	+	+	+	-	-	-	+	-	-	-	-		-
Local	(14) Local self-government bodies	-	+	+	+	+		+	+	+	+	+	+	+	+	+	+
	(15) Local NGOs	+	+	+	+	+	+	+	+	+	+		+	+	+	-	+
	(16) Local business	-	-	-	+	+	+	-	-	-	+	+	-	-	-	-	

+ Defined interaction

- Unidentified interaction