

LEGAL FRAMEWORKS FOR URBAN INTEGRATION
OF INTERNALLY DISPLACED PERSONS IN UKRAINE:
COMPARATIVE STUDY OF NATIONAL
AND INTERNATIONAL APPROACHES

by

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ABSTRACT

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As Ukraine faces large numbers of IDPs in the cities due to ongoing war and the cities being the first responders and main actors for the issue, solving the question of proper urban integration and implementation of durable solutions is highly important. To answer the question, this thesis research compares international and national legal frameworks for IDPs rights protection and urban integration, to understand the alignment and gaps of Ukrainian legislation with international standards and recommendations. For international side serves United Nations Guiding Principles on Internal Displacement and for national one serves the Law of Ukraine “On ensuring the rights and freedoms of internally displaced persons”. During the comparison a great focus is put on the role of local authorities in the urban integration process and general relief response actions, as cities are the main policy implementors. In the process, several main gaps were identified, among them: lack of tools for IDPs’ engagement into the decision-making activities; strategic vision absence for solving housing issues; lack of urban integration and durable solution concepts; somewhat declarative nature of the law. While our cities designated only for service provision and emergency response. To close those gaps, the thesis proposes several recommendations on the national and local levels: the need for a strategic shift from a short-term, emergency response to a long-term, durable solution oriented one for internal displacement, for this being especially relevant for the local level; addition of the urban integration concept to the mere rights protection approach. For the local level – compulsory integration plans, new engagement instruments, dedicated deputies on IDPs and integration monitoring for cities.

Key words: urban integration, legal framework, durable solution, IDP

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INTRODUCTION

The socio-political and humanitarian phenomenon of internal displacement is well known and widespread throughout human history, as people often flee from danger to more safe places. The root causes of this movement are the negative impact of war, conflict, natural disaster, or other kinds of violence and harm. In modern times internal displacement is mostly associated with the movement of people within the borders of a country, when they leave hazardous regions and move to safer ones.

Global situation clearly indicates, the amount of internally displaced persons (IDPs) rises every year, with more conflicts and instabilities emerging in different countries and regions. The number of IDPs in 2015 is 40.5 million, in 2020 - 55 million, and by the end of 2023 - 75.9 million, proving the worsening trend, with the most affected regions in 2023 being - Africa, Middle East and East Asia. The proportion of causes for internal displacement - is almost equal for conflicts and natural disasters, with 20,5 million and 26,4 million respectively (IDMC 2024, 8-9).

Regarding Europe and its Eastern region - Ukraine is a stark example of all the negative effects caused by internal displacement of millions due to ongoing war. The war triggered 16.9 million internal displacements, the highest number in history (IDMC 2023, 82). This posed many immense challenges for the country to effectively support IDPs and ensure the protection of their rights. More than 3.5 million people have fled their homes as of April 2024, mostly residing in Dnipropetrovska (14%) and Kharkivska (12%) regions. Largest portion of Ukrainian IDPs comes from Donetsk (22%) region, while displacement within a certain region mostly happens in Zaporizhska (91%) and Kharkivska (85%) regions (IOM 2024, 1).

Vast majority of IDPs tend to settle in cities and towns rather than villages. As indicated by 2023 statistics, the cities with the biggest amount of IDPs being Kyiv (379,150), Dnipro (175,672), Kharkiv (163,627), Zaporizhia (147,568) and Odesa (122,210) (Oliinyk 2023).

This situation shows that the burden of supporting and ensuring rights of IDPs, at the first place, disproportionately falls on our cities, as they serve as the primary shelters and hubs, provide basic provision, register the displacement etc. In accordance with the Report published by the International Organization for Migration (IOM) in 2024, first needs of internally displaced persons in Ukraine are - Food (39%), clothing and other nondurable goods (25%), hygiene (21%) (IOM 2024, 1).

After completion of the above mentioned tasks, cities face new challenges to properly integrate IDPs into its fabric. For example, different crises arise in the house market, caused by the high demand for apartments to live in; in the labor market, as new dwellers need to find income sources; public sphere, as IDPs frequently use administrative services to merge into the new community, demand new kindergarten and school places for their children, need medical care and assistance etc. Several tough technical issues also present, such as tax revenues

collection, start of a new entrepreneurial activity, business relocation for IDPs etc. Social and cultural aspects of urban integration also play an important role for IDPs, as they need to adjust to established cultural norms, find and get along with a new circle of people. In turn, the “hardware” of a city faces pressure to sustain an enhanced number of dwellers, requiring adaptation to increased consumption of water, heat and electricity; dealing with a bigger amount of sewage and domestic rubbish etc. Transportational system of a city also demands close attention to avoid prolonged collapse due to unexpected overload.

Another crucial aspect of IDPs urban integration is to protect their property and other rights. Ensuring these rights plays an important role for proper urban integration, as they determine a possibility to restore their decent dwelling in a new city. Securing legal residency, housing compensations, fair employment, administrative services and many other things enable IDPs to enjoy full participation in urban life without heavy reliance on external aid. Symmetrically, the absence of the protection can lead to marginalization, social tensions and urban conflict between IDPs and local dwellers.

The degree of the rights protection can serve as an indicator for successful urban integration, the bigger number of rights being protected - the bigger chances for proper integration. However, in this situation we need to differentiate the degree of protection with the ability to practically ensure the rights. For example, a city can have outstanding policies to provide IDPs with housing, but lacking municipal resources to build new apartments or subsidise the rent costs.

While legal protection is important, it always automatically mean proper implementation at the local level, moreover into durable urban integration. This aspect raises questions about the alignment of Ukrainian legislation with international standards and its ability to properly integrate IDPs in our cities. Therefore, this paper attempts to explore how Ukrainian legislation corresponds with international frameworks, where the gaps are and how to close them.

The research question of this paper is: How does the Ukrainian legal frameworks for IDP urban integration align with international standards?

In an attempt to find the answer, the paper uses a comparative study of the Ukrainian legislation, specifically - the Constitution of Ukraine (VRU 1996) and the Law of Ukraine “On ensuring the rights and freedoms of internally displaced persons” (VRU 2014), Draft Law 12301 (VRU 2024) — benchmarked against major international legal frameworks for rights protection, IDPs urban integration, among them being the Universal Declaration of Human Rights (United Nations 1948), the United Nations Guiding Principles on Internal Displacement (UN OCHA 2004), IASC Framework on Durable Solutions for Internally Displaced Persons (IASC 2010) and other relevant documents. The focus of this paper is on the local level and the capacity to integrate IDPs in cities, ability to meaningfully engage them and satisfy their needs.

The methodology consists of three main steps:

- Normative Comparison: reviewing Ukrainian and international legal framework article-by-principle, focusing on the main themes like housing, service provision, urban integration and rights guarantees;
- Gap Identification: estimating where Ukrainian legislation lacks alignment with the international frameworks due to different reasons, like legal omissions, weak capacity, enforcement mechanisms etc;
- Legal and Institutional Recommendations: proposals to change existing legal and institutional frameworks to empower IDP relief response and their urban integration.

This comparative approach ensures practical evaluation of existing frameworks with a focus on local context and real urban integration of IDPs.

The study plays an important role for the present efforts to deal with internal displacement, as well as, decentralization and future post-war recovery. Examination of national legislation with the focus on the local level and urban integration can bring the synergy between articles and real life experience, while supporting these efforts with international recommendations and expertise. Focus on durability and sustainability of solutions supports the modern transformation of Ukraine into a highly advanced country. For this, policy affecting city level must not be considered as a given, but should be framed together with IDPs and for IDPs. Furthermore, the study reimagines IDPs not as mere assistance recipients but as full members of urban development.

LITERATURE REVIEW

Academic discussion of internal displacement in the regard of their urban integration is rich, having certain views and approaches to it. There is a shift in understanding of urban aspects, as IDPs are displayed as an integral part of cities entitled to full legal and social integration, rather than mere assistance and service receivers. Several papers are dedicated to that, for example in the article “Specificities and challenges of responding to internal displacement in urban settings” (Cotroneo 2017) the author argues that urban internal displacement is rapidly growing, while being misunderstood. The stark difference between urban displacement and camp or rural ones is in the “invisibility”, highly populated cities disperse IDPs and by this present further challenges to tackle the issue. To the author’s opinion, there are three main gaps and drawbacks with the relief response: engagement difficulties for IDPs; lack of mechanisms to practically ensure their physical and legal protection; fractured models for durable and sustainable urban integration. All of these factors lead to absence of urban-specific approaches to coordinate different response actors. Article argues, to achieve long-term durable solutions for the displacement we need to employ better data handling, adaptable area-based planning, and foremost - meaningful inclusion and engagement of IDPs to policy making.

A different strand of papers addresses the economic aspect of urban integration of IDPs, as growing urbanization of displaced populations actively affects economic integration. The paper “How Urban are IDPs and What Does that Mean for Their Economic Integration?” (Huang and Graham 2019) demonstrates the data about disproportionate access to labour market and business ownership for IDPs, this case is particularly true for low-middle income states and their major cities with more than 300,000 dwellers. The research paper presents the fact that different social, legal and economic constraints still greatly mitigate the opportunities provided by a large city and its connectivity, therefore IDPs remain excluded from economic life. Talking about vulnerable layers of IDPs, this problem persists even more, as women face labor market difficulties, despite their large representation in cities. The author insists on investments into urban planning, IDPs’ economic engagement and vocational support.

In terms of social aspect of IDPs urban integration, in the paper “Social integration of internally displaced people in urban settings” (Jacobs and Paviotti 2017) authors research the protracted displacement in Bukavu, DRC. The main focus is on the importance of integration not only for IDPs but also for hosting communities, as it reduces the overall tensions between those two. According to the authors, the key IDPs use to socially integrate is their previous social ties, like friends, kinship, professional and hobby groups, building upon them to handle urban life. Therefore these social institutes act like the entries to a new city and safety fuses. However, the authors also emphasize on the downsides of this solution - possible exclusion, limited access and discriminatory approach, especially to vulnerable displaced populations. This kind of exclusion potentially can lead to a wider marginalization and IDPs withdrawal from social life. To fix this, the paper proposes policy change to appreciate and promote social capital as an integral part of

successful urban integration, while battling inequalities and discrimination in service, housing and rights access.

For a broader look regarding national level and legal aspects of IDPs rights protection and urban integration stands the Manual for Law and Policymakers (Brookings-Bern 2008, 23-38), that takes the UN Guiding Principles on Internal Displacement (OCHA 2004) as a foundation and operationalizes the document in a practical manner. The main focus is on enabling national authorities to create actionable policies and benchmark their results. According to the manual, the main responder to the displacement issues are national governments - therefore they must act on every stage of it - prevention, emergency response, creation of durable solutions. The Handbook tries to cover gaps, invoked by the misalignment of the general national human right protection framework with the specific needs of IDPs - housing, documents, healthcare, education, engagement etc. There is also a highlight - rights-based protection over formal recognition. Authors also clearly understand the implementation challenges, compelling states to create national action plans, capable institutions, resource monitoring systems. Still, the normative nature of the Handbook and negligence of a particular state capacity retain the space for criticism.

In the same logic, but with the focus on European legal aspects, understanding provides “Protecting Internally Displaced Persons under the European Convention on Human Rights and other Council of Europe standards: a Handbook” (Paraskeva 2017, 7-15). The author looks at the European Convention on Human Rights (CoE 1950) and other Council of Europe standards relevant for IDPs. The focus here is on the gap between possession of certain rights and absence of enforcing tools to fully enjoy them in fields of housing and restitutions. Some key tools, like the Recommendations CM/Rec(2006)6 obligates states to provide access for IDPs to housing, property and documentation. In that direction, the authors elaborates on the Pinheiro Principles and the need to implement those at the national level, as the IDPs ability to utilize their rights highly depends on it. Overall, the Handbook defines the existing gap between declarative, normative rights protection and practical implementation of them.

Regarding the criticism of the current legal system in IDPs protection and integration, the article “Orphans of Conflict: Caring for the Internally Displaced” (Steinberg 2005) delivers a strong basis, calling them “orphans of the conflict”. The main focus of criticism - lack of legal clarity, institutional capacity and leadership, political will. A stark contrast is drawn between refugees and IDPs, as the first are often firmly protected by international conventions, and the latter often lack assistance because of bureaucracy and sovereignty issues. The author declares several structural omissions: low donor coordination , weak and fragmented UN involvement, permanent advocacy base lack. As the solution to the gaps, the paper shows 5 main steps: duty to protect norm; better implementation of the UN Guiding Principles on Internal Displacement (UN OCHA 2004); change of response mechanisms; general domestic mobilization of capacities. The highlight by the author is that the IDPs integration is the security imperative, not mere

humanitarian obligation. The failure to properly integrate IDPs can possibly lead to instability and crises.

The latest reports regarding internal displacement confirm that the state of affairs is getting worse and needs immediate actions. The displacement nature is also changing, becoming more protracted and urbanized. In accordance with the Global Report on Internal Displacement (IDMC 2024), as for 2023 more than 75 million people lived in displacement - almost 50% increase for the previous 5 years before that. The rise is caused by new cases of displacement like in Ukraine, Sudan, DRC and the systematic failure to address the issues, come up with durable and long-term solutions. The report puts emphasis on the need of national leadership, development planning and high level of coordination to achieve durability. Also the lack of local data restrains relief interventions. The GRID Report highlights the importance of empowering local authorities with tools and resources to collect such data and utilize it in the strategies to achieve durability.

Summarizing the review, we can see the clear gap between documents focused on local level, urban integration and international-national focused ones. The gap is simply the exclusion of other levels while researching a certain one. So the task of this paper is to connect the levels, to reconcile international approaches with national legislation on the regard of urban integration. This is specifically important for Ukraine, as the country faces large numbers of IDPs in urban areas, while promoting decentralization efforts with the aspiration to join the EU, therefore needing perfect coordination of all the levels of governance to tackle the issue of IDPs and use this cross-level experience in further recovery and development of Ukraine.

CHAPTER 1: THEORETICAL AND LEGAL FOUNDATIONS

1.1 Understanding Urban Integration of IDPs in the International Context

To understand the foundations of IDPs urban integration, we need to define the term. According to the UN Guiding Principles on Internal Displacement - Internally displaced persons (IDPs) 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" (UN OCHA 2004). The main emphasis of the definition is on the involuntary, forced nature of displacement that happens within a state's borders.

It is important to differentiate internally displaced persons from refugees. As defined in the Convention relating to the Status of Refugees, 1951 - Refugee - is a person who "Owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it" (UNHCR 2011). In this definition we can still track the involuntary nature of movement, but in this case outside a state's borders.

The main difference in those terms are the place of relocation, for IDPs within a country, for refugees - outside. Despite that, these groups of people are quite similar, mostly having the same causes for movement, the same needs and shared commitment to properly integrate into new urban communities. For IDPs - as citizens, the national government of their state is responsible for ensuring the needs and protecting rights. On the other hand, for refugees - as citizens of a different state, foreign government of a country they relocated into is responsible for the above mentioned tasks.

The causes for internal displacement – war, violence, violation of rights, natural disasters, other crises that are life-threatening and require immediate reaction. In these situations IDPs require close attention from the national authorities and international organization to guarantee the exercise of equal rights.

Durable solution for internal displacement require sustainable urban integration, which can be divided into three main options (IASC 2010, 5-8):

1. Return to original place of living, if the displacement root-cause is eliminated and all necessary living-conditions are ensured;
2. Local integration to a new community, if IDPs took refuge in such a place;
3. Relocation anywhere within the country without the need to take a refuge.

This work will mostly consider the second option, because currently Ukraine faces the most challenges in this aspect. While slightly projecting the finding onto the third option, as in the future Ukraine will definitely need solid grounds to properly integrate IDPs into their place of origin. Having general definition of internal displacement, the closer look at the international legal frameworks is required.

As a back-bone of the international legal frameworks for IDPs urban integration and rights protection stands the Universal Declaration of Human Rights (United Nations 1948) adopted by the UN General Assembly. The core idea of the document is to guarantee equal human rights for everyone, including IDPs. Technically speaking, the Universal Declaration of Human Rights is a non-binding legal paper, however its provisions received the “customary international law” status, meaning that states and its authorities stick to the core principles of the document. In turn, many other legally binding treaties are based on the Declaration and promote its provisions.

In the context of IDPs, main articles for them are: Article 2 - stating the non-discrimination principles, including social status (in our case IDP); Article 3 - the right to life, liberty, security; Articles 6, 7 - the right for the protection before the law; Article 13 - the right for freedom of movement; Article 22 - the right for social security; Article 23 - the rights to work, fair working conditions and salary (regardless being an IDP or not); Article 25 - the right to have a decent standards of living. This particular article is highly relevant, as IDPs often face lack of state support to reach adequate living conditions; Article 26 - the right for education, especially for IDP children (United Nations 1948).

Two legally binding Covenants, built upon the principles of the UDHR were subsequently adopted in 1966 and enforced in 1976 - International Covenant on Civil and Political Rights, (United Nations 1966a) and International Covenant on Economic, Social and Cultural Rights, (United Nations 1966b). As with the Declaration, these two documents are not specifically designed for IDPs, but cover the essential rights everyone.

International Covenant on Civil and Political Rights (United Nations 1966a) - main focus of this document is to ensure civic, political rights. Those rights have a great weight for IDPs as they often face discrimination in the field. Again as with the UDHR, the Covenant has similar provisions in the Articles - the rights to life, security, liberty, freedom of movement etc (United Nations 1966a).

The main body that allows enforceability of the Covenant provisions is the UN Human Rights Council - intergovernmental institution within the UN system that monitors and promotes rights protection. In accordance with the Optional Protocol to the ICCPR, any human being, including IDPs can file a complaint against states that violate their civil or political rights stated in the Covenant.

International Covenant on Economic, Social and Cultural Rights (United Nations 1966b) - the document mostly consider the socioeconomic rights protection. For IDPs, these rights are severely violated during their displacement. Worth mentioning several specific Articles as they differ from previous documents and further elaborate the socioeconomic essence of the Covenant: Articles 6 and 7 - the rights to make living by work, enjoy fair wages, proper working conditions and equal opportunities; Article 9 - social security right, such as unemployment payments, disability assistance, pensions etc.; Article 10 - which widens the socio economic right protection to families, pregnant women and children; Article 11 - adequate living conditions right; Article 12 and 13 - healthcare and education right. Respectively, Article 15 – declaring the right to take part in cultural life (United Nations 1966b).

As with ICCPR, ICESCR also has its own enforcing body that monitors everything - Committee on Economic, Social and Cultural Rights (CESCR) – institution observes every country in their protection of rights, issuing comments and observations regarding these matters. ICESCR also includes Optional Protocol, which allows a human being to complaint against any country; the procedure is the same for ICCPR and ICESCR.

Moving to the discussion of the non-binding documents that carry recommendation character and are highly important for consideration during the draft law making process, we should mention several specific documents related to the IDPs. Most of them are made by the UN, Council of Europe and OSCE. Further comparative analysis will be mostly based on these documents.

The Guiding Principles on Internal Displacement, 1998 (UN OCHA 2004) - this document serves as the primary international legal framework for internal displacement. Being built upon the core ideas of UDHR, the GPID further adapts its Principles to the needs and challenges of IDPs to comprehensively protect their rights, considering every possible stage of their displacement. The Guiding Principles clearly defines states obligations for IDPs, as Principles 5 - 9 tell us about prevention of arbitrary displacement, Principles 10 - 23 comprehensively protect different rights during displacement, such as safety and security, family, living conditions etc., Principles 28 - 30 discuss durable solutions.

International Conference on the Great Lakes Region, Protocol on the Protection and Assistance to Internally Displaced Persons (ICGLR 2006a) - despite being regional legally binding treaty, only considering the the Great Lakes African countries, its approach and deliberations on the IDPs rights protection and integration can give fruitful insight for other countries. The treaty is based on the UNGP, and forces states to prevent displacement, protect affected populations and take actions for their integration. The main instrument of enforcement is the states obligation to incorporate all the recommendations into their national laws, while ICGLR Secretariat and other regional institutions monitor the provisions implementation.

International Conference on the Great Lakes Region, Protocol on the Property Rights of Returning Persons (ICGLR 2006b) - logical addition to the comprehensive ICGLR Protocol on

the Protection and Assistance to IDPs, document defines property rights for a returning individual. As the abovementioned Protocol, this document is also legally binding and concerns some African countries. Understanding the main barrier for reintegration - issues with housing and property, the Protocol obligates states to secure the property rights, provide fair restitutions and compensations for damaged or destroyed assets. The property rights protection range defined by the document is wide, starting with housing and land, ending with businesses and other belongings.

The International Conference on the Great Lakes Region and its Protocols became a firm basis to create the Kampala Convention, further enhancing the geography to the whole African continent.

African Union Convention on the Protection and Assistance to Internally Displaced Persons (Kampala Convention) (African Union 2009) - legally binding document for African Union member countries. The convention establishes criminal responsibility for arbitrary displacement, defines provision of humanitarian aid, clears property restoration rights and to some extent regulates national bodies solving IDPs' issues. Also, the convention enables regional level monitoring and evaluation.

UN Basic Principles and Guidelines on Development-Based Evictions and Displacement (UN HRC 2007) - while being non-binding legal document, the document considers the rights protection of population being moved or displaced by development. In general the Principles are based on the UDHR and other treaties, adapting those provisions to specific cases of forced evictions by development.

Principles on Housing and Property Restitution for Refugees and Displaced Persons (the Pinheiro Principles) (UN Sub-Commission 2005) - adopted by the UN Sub-Commission on the Promotion and Protection of Human Rights. These Principles define different rights regarding restitution of land and housing, other property. As a basis of the document is the UDHR, ICESCR, ICCPR, as it elaborated property rights of displaced populations.

Another big block of international legal frameworks, highly relevant for Ukraine, is Conventions and Recommendations of the Council of Europe (CoE). Ukraine, being a part of CoE is obligated to stick with the decision and advised to use the recommendations while framing its laws. The enforcement mechanism is quite straightforward, as any person, including IDPs, can complaint to the European Court of Human Rights (ECHR), that a country violates human rights.

The cornerstone of all the frameworks is the The European Convention on Human Rights and Its Protocols (CoE 1950) - legally binding framework for 46 CoE member countries (including Ukraine) which defines and protects human rights and, freedoms. The Convention is somehow similar to the UDHR, but concerns a wider range of issues and extends it in size, having several additional protocols. For IDPs, there are several highly important Articles: Article 2 - defining the right to life; Article 3 - prohibiting torture; Article 5 - rights for security, liberty;

Article 8 - that protects private and family life; Article 13 - meaning the ability to defend himself before the court; Article 14 - prohibition of discrimination, including by social status.

The core Recommendation regarding the IDPs is Recommendation Rec (2006)6 of the Committee of Ministers to member states on internally displaced persons (CoE 2006) - non-binding legal instrument, based on the UNGP, to give guidance for the member countries on how to protect the rights of IDPs. The main focus is on the non-discriminatory approach on the matters of housing, security, employment and education. The Recommendation is being monitored by the Committee of Ministers, with a possibility for a person to complaint in the European Court of Human Rights (ECHR).

Further legal extension happened in 2009, when CoE adopted Recommendation 1877 (2009) Europe's forgotten people: protecting the human rights of long-term displaced persons (CoE 2009), concerning long-term displacement and urgent need for durable solutions. It repeats the ideas of previous Recommendation, reaffirming the states' duty to protect the rights of IDPs.

Recommendation 1901 (2010) Solving property issues of refugees and displaced persons (CoE 2010a) and Resolution 1708 (2010) Solving property issues of refugees and internally displaced persons (CoE 2010b) are two complementing documents highlighting that the biggest problem for displaced population is property. Both documents compel states to develop comprehensive legislation, fair and transparent mechanisms for property restitution, access to justice and prevent discrimination.

There are three main Resolutions of Parliamentary Assembly of Council of Europe (PACE) regarding Ukraine: Resolution 2028 (2015) The humanitarian situation of Ukrainian refugees and displaced persons (CoE 2015) - following russian aggression in 2014, PACE called upon European to provide humanitarian support, host Ukrainian displaced population, condemn the aggression and hold russia accountable.

Resolution 2448 (2022) Humanitarian consequences and internal and external displacement in connection with the aggression of the Russian Federation against Ukraine (CoE 2022) – with the same approach as the previous Resolution, current one condemns the aggression, urges for humanitarian assistance to Ukraine by European countries, highlight the need to protect vulnerable population, including IDPs and seeks international cooperation to solve the problems.

Resolution 2562 (2024) An urgent call to Europe and its partners: envisioning immediate and long-term policy solutions in support of the displaced people of Ukraine (CoE 2024) – this Resolution mostly focuses on the short-long term IDPs protection, advocating for a human centred approach on the matter. European countries are asked to prolong their protection measures, help with integration and support services. In addition, the resolution encourages policy development aimed at long-term, durable solutions.

Now we will take a look at the other essential documents that are not considered legally binding, but still play a crucial role during the policy making process for IDPs. Their main

purpose is to deepen the understanding of internal displacement, provide guidance on the issue and give a framework to estimate the extent of IDPs' rights protection and general assistance.

IASC Framework for Durable Solutions for Internally Displaced Persons (IASC 2010) issued by the Inter-Agency Standing Committee (IASC) - based on the UN Guiding Principles – framework gives the notion of what are the durable solutions to the internal displacement, highlighting three types of such solutions: sustainable reintegration to the place of origin; sustainable local integration at the place of refuge; sustainable integration elsewhere within a state's borders. This complex process faces many challenges and the authors highlight the main ones: humanitarian, development, human rights, peace-building and reconstruction.

The document also presents a tool to estimate the extent of durable solutions implementation in a country, defining eight main directions:

- safety and security;
- adequate standard of living;
- access to livelihoods;
- restoration of housing, land and property;
- access to documentation;
- family reunification;
- participation in public affairs;
- access to effective remedies and justice (IASC 2010).

Brookings – Bern: Addressing Internal Displacement: a Framework for National Responsibility (Brookings-Bern 2005) – like the previous document, it provides governments with a guide on how to deal with the issue of internal displacement in a sustainable way. Focus here is on the national level, as states are the main responders and it's their duty to help and protect IDPs. The framework outlines twelve main steps in addressing the displacement:

- Prevent Displacement and Minimize its Adverse Effects;
- Raise National Awareness of the Problem;
- Collect Data on the Number and Conditions of IDPs;
- Support Training on the Rights of IDPs;
- Create a Legal Framework for Upholding the Rights of IDPs;
- Develop a National Policy on Internal Displacement;
- Designate an Institutional Focal Point on IDPs;
- Encourage National Human Rights Institutions to Integrate Internal Displacement into their Work;
- Ensure the Participation of IDPs in Decision-Making;
- Support Durable Solutions;
- Allocate Adequate Resources to the Problem;
- Cooperate with the International Community when National Capacity is Insufficient (Brookings-Bern 2005).

Main strength of the framework is the united effect of all these steps, if the actions are taken all together with proper timing. By sticking to them governments can relieve the struggle of IDPs.

Handbook for the Protection of Internally Displaced Persons (GPC 2010) developed by the Global Protection Cluster (GPC) gives useful recommendations to the actors of relief response regarding IDPs. Its core essence is built on international law. While covering lots of different response actors, deliberations on the role of local authorities present an interest for the purpose of this paper.

Therefore, during this research, the abovementioned frameworks will be mostly used to examine roles and efforts of city level authorities to improve relief response.

To conclude the review of legal frameworks for urban integration of IDPs, it is important to say that almost all the documents, legally binding or non-binding, are focused mostly on human rights, their protection and exercise. The problem of urban integration is mostly viewed through the lenses of ensuring the right for proper standards of living, property rights and state obligations to provide housing to the IDPs. However, some documents that have recommendational nature, clearly discuss the need for durable solutions, highlighting the need for proper urban integration, not only in terms of housing but as a comprehensive process.

Covered international legal framework works as a pyramid, with the Universal Declaration of Human Rights (United Nations 1948) at the top, serving as essence for other documents. It establishes main human rights that need protection. Other framing documents are derivatives from it, like International Covenant on Civil and Political Rights (United Nations 1996a) and International Covenant on Economic, Social and Cultural Rights (United Nations 1966b).

Regarding IDPs, there is an absence of international legally binding document for protection of their rights, only several binding documents can be found for the African region, like the Kampala Convention. However, while non-binding, the UN Guiding Principles on Internal Displacement (UN OCHA 2004) serve the purpose of main framing guideline for IDPs protection, adapting the Articles of the UDHR into its Principles for IDPs. As an elaboration of the Guiding Principles, IASC Framework on Durable Solutions presents a framework to estimate the extent of implementation of durable solutions for the IDPs.

1.2 National Legal Context for IDPs Integration in Ukraine

In this part of the paper we will take a look at the national context of urban integration of IDPs in Ukraine. We will discover main components of the legal framework, its approaches to the internal displacement and the way it handles the problem. The general focus of this part will consider urban integration, in the context of housing, services, protection, monetary support etc. By doing so, the author seeks to identify strong and weak sides of our legislation, and possible

ways for improvement. The analysis provided in this chapter will be later used to compare international and national approaches to the urban integration of IDPs.

The first document, with a framing function for any Ukrainian legislation is the Constitution of Ukraine, 1996. It protects human, socio-economic, political and other freedoms of the citizens, including IDPs. The document greatly impacts all the laws on IDPs, so the identification of the most relevant articles for IDPs is crucial.

Table 1. The rights protection for IDPs by the Constitution of Ukraine	
<i>Article #</i>	<i>Core relevance for IDPs</i>
Article 3	Declares that life, health, honor, security of a person is the biggest social value for Ukraine. Therefore, IDPs should enjoy full protection and support by the state.
Article 19	Declares that local and national authorities must only act in a lawful manner. Therefore, reinforcing the duty of the local authorities to support IDPs on the city level.
Article 21	Declares that human rights and freedoms are inalienable and inviolable.
Article 24	Declares the equality of rights and the equality before the law of citizens. Therefore, prohibiting any discrimination, including towards the IDPs
Article 33	Declares the freedom of movement right and freedom to pick a living place. Therefore, for IDPs it ensures the possibility to freely travel Ukraine in the search of a shelter, decide where they want to settle and integrate, and the right to change their living location anytime they want to.
Article 38	Declares the right for participation in political life and be eligible for state service. Therefore, IDPs are secured with their aspirations to political contribution to their new communities and can impact the local politics in their new cities.
Article 41	Declares the inviolability of private property. Therefore IDPs that lost their property on the territories temporarily not controlled by Ukraine, still have the full rights for it.
Article 42	Declares the right to conduct an entrepreneurial activity. Therefore, IDPs should not face any challenge when establishing or relocating their business to the hosting communities.
Article 43	Declares the right for labour and adequate conditions of it. Therefore, IDPs must enjoy free access to the labour market and experience no economical discrimination.

Article 46	Declares the right for social protection in harsh life situations. Therefore, this is a big state obligation to support IDPs, help them integrate in new places of living and ensure adequate standards of living.
Article 47	Declares citizens' right for housing, and the state obligation to assist those who cannot afford housing. Therefore, IDPs must enjoy equal rights during building, purchasing or renting housing, and receive social housing or social support for housing if they need it.
Article 48	Declares the adequate standards of living right for a citizen plus its family. Therefore, the state is obligated to ensure the basic needs satisfaction and proper urban integration of IDPs.
Article 49	Declares the right for proper healthcare services and access. Therefore, IDPs must not be discriminated against in terms of healthcare services.
Article 53	Declare the right for education. Therefore, IDPs must not be discriminated against in terms of educational services.
Article 55	Declares the right for judicial protection.

Note: summarized and adapted for IDP rights based on the Constitution of Ukraine (VRU 1996).

The Constitution of Ukraine (VRU 1996) provides comprehensive protection of rights for citizens, including IDPs, giving a firm basis for national legal framework to IDPs protection and urban integration.

The next legislative part of the framework is the Law of Ukraine “On ensuring the rights and freedoms of internally displaced persons” (VRU 2014) which focuses on internal displacement issue, proper integration and protection of IDPs.

In 2014 the law was adopted as a response to the Russian war against Ukraine and rising issue of IDPs, reaching over a million persons back then. For the last 10 years the law underwent several legislative changes, with the purpose of adaptation to new challenges. More detailed review of the law is provided below:

Table 2. The rights protection for IDPs by the Law of Ukraine “On ensuring the rights and freedoms of internally displaced persons”		
<i>Article #</i>	<i>Subject</i>	<i>Description</i>
Article 1	Definition of IDP	The article gives a broad and inclusive description of the Internally Displaced Person (IDP) with great reliance on the

		international organizations and their decisions on the emergency status and affected area.
Article 2	Rights Guarantees	The article states that Ukraine is obligated to prevent the displacement, protect IDP's, assist with their return.
Article 3	Protection from Forced Return	The article protects people from forced displacement or return to their original space of living before the displacement.
Article 4	Registration of IDPs	The article defines the procedure to receive IDP status, the eligibility of a person and certain unusual cases (children without parents, students etc.).
Article 4 ¹	IDPs Database	The sub article defines the mechanisms to store the information about IDPs in the unified database, the procedures to administer and update it.
Article 4 ²	Housing for IDPs System	The sub article establishes the legal basis to develop an information-analytical system to provide IDPs with housing. The purpose of which is to aggregate available housing and display it to the IDPs to solve their housing difficulties.
Article 5	Residence Registration	The article defines the procedure to register the place of residence for IDPs.
Article 6	Identification Documents	The article defines the procedure to receive or renew the identity documents, such as a passport or other documents confirming a person's special status.
Article 7	Economic Rights	The article declares the rights for employment, pensions, social services and education etc. The procedures are established both for people and legal entities.
Article 8	Political Rights	The article provisions the political rights of IDPs, their eligibility to vote for President, People's Deputies and local authorities, as well as for referendums.
Article 9	Other Rights and Responsibilities	The article covers other essential rights for IDPs, such as the rights to family life, family reunion, proper living conditions, medication, education, assistance with voluntary return, humanitarian assistance and many other. In addition to the rights, the article considers responsibilities of an IDP, mostly in

		regard to informing authorities on their further displacement or return.
Article 9 ¹	Utilities Rights	The article sets special social tariffs for IDPs on utility services.
Article 9 ²	Release from Monetary Obligations	The article ensures that IDPs are free from monetary liabilities, such as interest rates etc.
Article 10	Role of the Cabinet of Ministers	The article defines role and responsibilities of the Cabinet.
Article 11	Role of National, Regional and Local Authorities	The article defines the roles of different level authorities, elaborating the need to comprehensively work with IDPs.
Article 12	Deregistration of IDP	The article clears the procedures to deregister an IDP in case of law violation.
Article 13	Appeals	The article ensures that IDPs can appeal to an administrative court in case of their rights violation by authorities.
Article 14	Prohibition of Discrimination	The article prohibits the discrimination of IDPs based on their social status. It also ensures the rights of IDPs as for all Ukrainian citizens.
Article 15	Fundings	The article defines financial sources to ensure rights of IDPs, such as state and local budgets, international financial assistance, private endowments and charities, as well as the aggressor state funds following the procedures under international law.
Article 16	Cooperation between the State and Civil Society	The article ensures the right for civil society entities to support IDPs, policy making process participation.
Article 17	Housing Loans	The article elaborates on the subject of social loans, assistance with housing construction and renewal etc.

Article 18	International Cooperation	The article ensures that Ukraine cooperates with the international community on different levels to prevent displacement, protect the IDPs' freedoms, their return, reintegration.
Article 19	Liabilities	The article defines the legal liability for violation of this law.
Article 20	Final Provisions	The article defines organizational and other legal aspects of adapting the law.

Note: summarized by the author based on the Law of Ukraine “On ensuring the rights and freedoms of internally displaced persons” (VRU 2014).

In conclusion, the Constitution of Ukraine provides many of rights and freedoms for its citizens, including IDPs. The document comprehensively covers the rights for life, health, honor, equality before the law, the freedoms of movement, access to healthcare, social amenities, education etc. It empowers its people with economical, social, political and many other rights for decent and prosperous living.

The Law of Ukraine “On Ensuring the Rights and Freedoms of Internally Displaced Persons” (VRU 2014) builds on the Constitution approaches and adopts them to the specific needs of IDPs. While being a complete document, it still lacks some articles and provisions on durable housing solutions, long-term urban integration and enforcement instruments.

The next chapter of this paper will compare the Law to the UN Guiding Principles of Internal Displacement (UN OCHA 2004), to identify gaps and challenges to the problem of internal displacement in Ukraine. While also highlighting the local authorities, as they are the first responders for IDPs issues, and the first implementers to any national or international laws.

CHAPTER 2: COMPARATIVE ANALYSIS OF NATIONAL AND INTERNATIONAL APPROACHES

After reviewing existing legal frameworks both in Ukraine and internationally, the next crucial step is to compare those two approaches. This action will allow us to identify the general level of alignment, gaps and inconsistencies that harden the life of IDPs. The main international framework for comparison will be United Nations Guiding Principles on Internal Displacement (UN OCHA 2004), as it plays the most significant role for any matters related to policy on IDPs.

This chapter will examine and compare the Law of Ukraine “On ensuring the rights and freedoms of internally displaced persons” (VRU 2014) with United Nations Guiding Principles on Internal Displacement (UN OCHA 2004), as well as, taking closer look at the local authorities and their effort to implement policies, detailing on urban integration, durable solutions and housing.

2.1 Comparative Review of Legal Rights and Protections of IDPs

As mentioned above, comparison between the Law of Ukraine “On ensuring the rights and freedoms of internally displaced persons” (VRU 2014) and the The United Nations Guiding Principles on Internal Displacement (UN OCHA 2004) will be performed by direct comparison of its provision by article-principle approach. The main result of this comparison is identification of gaps to further address them with recommendations.

Table 3. The article-by-principle comparative analysis of the IDP Law and the UNGP		
<i>Article #</i>	<i>Principle #</i>	<i>Comparison and Gaps</i>
Article 1	Introduction	The meaning of an Internally Displaced Person (IDP) is well defined in the first article, as it takes into account different resident status conditions when displacement can occur, like a person without citizenship, foreigners etc. The article broadly relies on international organizations like the UN, Red Cross etc. to define the situation, where internal displacement is happening. This approach greatly suits the Introductory part of the UNGP.
Article 2	Principles 1, 4, 10-13, 22	Being a strong declarative article regarding the guarantees of IDPs’ rights, it aligns with several core Principles, which ensure equality, non-discrimination, protection from violence and other hardships etc. However, there is a gap between the comprehensive declaration of support and realities happening at the local level, as

		the cities lack financial and resource capabilities to fully fulfill all the state obligations regarding access to education, employment, social and administrative services.
Article 3	Principles 5-9	The third article of the law shortly talks about prohibition of forced displacement and forced return to the original place of living. These provisions barely represent the scope of Principles 5-9. These principles cover different causes of forced movement, like ethnic, racial, religious and apartheid, not only armed conflicts. The Ukrainian law evades the fact recommended in the UNGP that displaced communities and populations should play an integral part in the planning processes of relocation.
Articles 4-5	Principle 20	The articles are greatly aligned with the recommendation of the UNGP, as they allow displaced persons to swiftly acquire an IDP status and register their place of residence.
Article 6	Principle 20	The article aligned with the principle, as it ensures the right to receive or renew identity documents, documents for property and other belongings. However, the implementation of this article heavily relies on administrative service providers on the city level, as we experience waves of displacement and different settlement distribution in the country.
Article 7	Cross-cutting, Principle 22	The article declares comprehensive protection of rights to employment, education, pension and social services, corresponding to several UNGP principles. However, bearing mostly declarative and procedural value, the article misses to mention mechanisms on which to base the implementation of its provisions. This leads to inconsistencies between state and local level, as cities struggle to integrate IDPs into their labour market and provide targeted assistance.
Article 8	Principle 22	The article simply states that the political and voting rights for IDPs are regulated by the law as for any other citizen. However there is a big gap, as political participation in Ukraine heavily relies on the registered place of residence. In case of IDPs, they often face loss of the identity documents, inability to register at the place of settlement if they rent a property without legal agreement or stay

		at the acquaintance's place. In spite of that, the article is unaligned with the UNGP.
Article 9	Principles 16 - 18	The article essentially covers the rights of IDPs to family reunion, family life and decent life conditions. It ensures equal access to educational, medical services, the ability to receive different kinds of assistance. In spite of that, the article is greatly aligned with the recommendation in the UNGP. However, all the rights mentioned in the article heavily rely on the local level actors, leading to some gaps between the declaration and practical implementation of its provisions.
Article 10	Principles 3, 25, 28	The article is greatly aligned with the recommendations of the UNGP, as it clearly defines the duties of the national government (Cabinet of Ministers of Ukraine) as primary controlling institution.
Article 11	Principles 3, 25, 28	The article provides lots of duties and responsibilities to national and regional level executive branch institutions, local self-government bodies, it misses one crucial aspect recommended in the UNGP. Ukraine, being a decentralized state, heavily relies on the local and city level authorities. The main purpose of the decentralized approach to the administering is to engage citizens into the planning and decision-making. This fact also clearly defined in the Principle 28, that IDPs should play a big role in planning, managing everything related to their displacement. Therefore the article does not align with the UNGP in this crucial aspect.
Article 12	Principles 20	The article clearly states the conditions for deregistration of the IDP status, while ensuring all necessary legal safeguard during this process, therefore fully aligning with the UNGP.
Article 13	Principle 27	The article defines the right to stand before the court if some freedoms of an IDPs have been violated, therefore aligning with the Principles.
Article 14	Principles 1, 4	The article clearly prohibits any discrimination based on the IDP Status and ensures that IDPs exercises equal rights and freedoms

		as any other Ukrainian citizen, therefore fully aligning with the UNGP.
Article 15	Principle 3	The article aligns with the Principles as it defines sources of finances and other resources to ensure the IDPs' needs. Ukrainian State Budget is mostly used as a monetary source and the international aid also helps to support IDPs in financial and other ways. However, due to the ongoing war and struggling economy, Ukraine often faces the lack of resources to continuously and comprehensively support IDPs.
Article 16	Principle 25	The article aligns with the UNGP as it acknowledges the role of civil society in supporting the relief efforts. It guarantees the rights of NGOs working with IDPs, their engagement in policy making processes.
Article 17	Principles 21, 28	The article only covers the aspects of social loans to build or buy new housing, land or property, mostly with the aid of international partners. This approach is not aligned with the UNGP, as it does not cover sustainable housing solutions or long term housing and rental security. The article also lacks long term vision for the housing issue. Local authorities are also excluded from the planning process, in turn excluding IDPs from broader urban planning frameworks and locking them in temporary housing solutions.
Article 18	Principle 25	The article clearly defines the cooperation with international donors, comprehensive state support to the foreign aid efforts, tax exclusion and even distribution, therefore greatly aligning with the UNGP.
Article 19	Cross-cutting	The article aligns with the UNGP as it states the liability for violating the law.
Article 20	-	The article defines some procedural and legal peculiarities enabling the law, therefore lacking the need to compare it with the UNGP.

Note: compared by the author based on the Law of Ukraine “On ensuring the rights and freedoms of internally displaced persons” (VRU 2014) and The United Nations Guiding Principles on Internal Displacement (UN OCHA 2004).

After analyzing the national and international frameworks, several gaps were identified. Among them: absence of clear and detailed definition of forced displacement that is based on ethical, racial and religious causes, not only armed conflicts; mostly declarative nature to ensure economical, social and political rights of IDPs, as it greatly lags in implementation on the local level due to lack of resources and mandates.

Several stark gaps in the Law are:

1. The omission in the part about duties and responsibilities of local authorities of the instruments to practically engage IDPs to the planning and decision making processes on all stages of displacement, therefore restricting the IDPs from forming their future;
2. The omission in the part about housing of any other vision, mechanisms or tools to ensure durable housing solutions, rental and housing security for IDPs;
3. Absence of the focus on the durable solutions, proper urban integration and engagement of IDPs as recommended by many international frameworks;
4. Declarative nature to ensure some rights and freedoms, as often that declaration lacks real capabilities to implement them on a city level.

In the next section we will look at city authorities role in their effort to support IDPs. The review will focus on IDPs engagement, integration efforts, soft power tools to work with IDPs and some examples of other foreign cities in their response to IDPs and Refugees.

2.2 Local Governance and Urban Policy Adaptation

The importance of cities and local authorities is hard to overestimate, as the cities are first responders to the relief and support efforts for IDPs, they are also responsible for taking into reality all the laws and orders from the national government. Despite the importance of national legal framework for IDPs' urban integration, a lot is dependent on the local level. As we have seen, many strongly articulated rights and freedoms for IDPs lag behind during their implementation, due to scarcity of resources, institutional capacities, fragmented approach on the city level.

In the Ukrainian context, the duties and responsibilities of local authorities for IDPs are defined in the Provision 9, Article 11 of the Law of Ukraine "On ensuring the rights and freedoms of internally displaced persons" (VRU 2014). In general, these duties can be described in several main categories:

1. Housing and Land Access: Different provisions of the Article define the duties of local authorities to assist IDPs with temporary housing solutions. Local authorities also facilitate efforts in construction or renewal of premises to later provide them to IDPs. Assist efforts to

acquire land plots for IDPs. Support the relocation of belongings to a place of living before the displacement;

2. Healthcare, Educational and Social Services: Several provisions articulate the duties of local authorities to ensure service provision continuity, meaning access to healthcare, schooling for children, social protection etc.

3. Child Protection: The other task of local authorities is to safeguard displaced children, orphans and other vulnerable categories. Support foster-families, orphanages and other institutions responsible for child support. (VRU 2014)

While covering many responsibilities, the general aim of the Provision is on emergency response and service provision continuity. The provision defines local authorities with such tasks as temporary housing solutions, education and medicare services, child protection etc. Therefore, municipalities are seen as primary service providers in a short-term perspective, reactivity prevails over proactivity.

For the international legal context regarding local level authorities, urban integration and sustainability - stands out one particular framework - IASC Durable Solutions for Internally Displaced Persons (IASC 2010) – as it sees cities and municipalities as important actors for the IDPs support actions. The framework argues that cities are crucial in enabling durable solutions when IDPs no longer need any designated support, enjoy the same rights as others - which is achieved by return, local integration or settlement. It also emphasizes centrality of local authorities in the processes of durable resolve of displacement - through housing, education, medicare, standards of living and engagement - everything that happens locally. Moreover, the strategic approach of the frameworks makes it highly relevant for Ukrainian context, as we face prolonged displacement without conditions for return to temporary occupied territories, therefore needing long-lasting, durable solutions to integrate IDPs in our cities (IASC 2010).

By initial comparison of the Article 11 (9) of Ukrainian Law on IDPs and IASC Framework, we can see the differences in approaches. The Ukrainian legislature gives a more limited, short-term vision, while the international one is more strategic and long-term. The fragmentation and services oriented approach for Ukraine is highly contrasting with outcome driven, focused durable solutions international approach. The main task set out by IASC is to restore rights, dignity, provide urban integration and lasting effects, not just provide services and solve emergency issues for IDPs.

The difference in approaches can be seen through the housing issue. Ukrainian legislature sets as a duty for local authorities to create temporary housing stocks, and allocate municipal property to locate IDPs. Basically, the law looks at the problem as a temporary situation, offering short-term housing solutions. On the other hand, the IASC Framework (IASC 2010) stresses the importance of durable housing, proper standards of living for local integration of IDPs, with the focus on habitability, tenure security and possible transition to permanent housing solutions.

None of this is considered in the corresponding provision, creating a gap with long-term durable solutions, recommended by the international approach.

Even when the provisions assign specific reasonable duties and responsibilities to local authorities, it still lacks the ability to establish strategic tools and resources to properly perform them. As a result we get overwhelmed municipalities with no real means to integrate IDPs and implement durable solutions on the local level.

But the most important difference is the absence of IDPs centrality, as recommended by IASC, while creating durable solutions. As for closest actors working with IDPs, the Ukrainian legislative framework needs to provide local authorities with all required mandates, duties and tools to put IDPs into the cycle durable solutions creation for their displacement, whether they want to return, integrate locally or settle elsewhere.

All in all, the Ukrainian legal framework clearly declares short-term, emergency-responsive duties of local authorities, emphasizing temporary nature of displacement. However, the displacement nature in Ukraine requires more long lasting and sustainable approaches, as the country faces ongoing conflict and future instability because of it. For this purpose, the IASC Framework for Internal Displacement possesses useful recommendations and tools on how to create and implement durable solutions for IDPs focusing on strategy, durability and long-term outcomes. The most crucial aspects of difference in Ukrainian and international approaches lay in the housing domain and IDPs engagement to planning and decision making processes, especially on the city level.

In conclusion, this chapter compared existing legal frameworks for IDPs protection and urban integration, with the focus on alignment or misalignment of national and local level legislature with international approaches and recommendations. While the Ukrainian Constitution and the Law on IDPs provide extensive rights protection and mostly align with international norms, the aspects of practical implementation and local level integration lag behind. The article-by-principle analysis revealed several gaps in terms of funding and practical access to the declared rights.

Talking about local authorities, they are excluded from durable policy making, bearing the mere role of service providers and emergency responders. This approach is significantly unaligned with the IASC Framework, which states that local authorities are the cornerstone, and the closest actors to help IDPs. As municipalities need to include IDPs to planning and decision making processes throughout their displacement. The framework also reveals gaps in the approaches, as it recommends a strategic, long-term approach based on durable solutions and urban integration, while Ukrainian legislation focuses on short-term, emergency-responsive actions.

In the next chapter we will look at those identified gaps at different levels with the aim to recommend possible improvement to the legislation and beyond.

CHAPTER 3: LEGAL AND INSTITUTIONAL RECOMMENDATIONS FOR IMPROVED IDPs URBAN INTEGRATION IN UKRAINE

After reviewing international legal frameworks in terms of IDPs rights protection and urban integration, comparing them with Ukrainian legislation for national and local levels, identifying general mismatches and gaps, the next step is to propose recommendations in the pursuit to improve the situation Ukraine. Recommendations require great scope and wide approach, as the current situation includes many factors, actors and vectors of response. Therefore, the first section of this chapter will focus on strategic-visionary recommendations for Ukrainian context, while the second section will focus mostly on policy recommendations, specific amendments into the legislation and some institutional changes to align with international frameworks.

3.1 Strategic Framework for IDPs Integration in Urban Settings

The core understanding for displacement in Ukraine formed in 2014-2015 when Russia invaded the country and occupied its territories. During the period, the displacement was seen as a temporary phenomenon that would settle in the nearest future. This fact shaped the approach to solve the issue of displacement - by providing emergency assistance and ensuring service continuity in a new place of living. Since then, lots have changed, after the beginning of the war, the IDP number quadrupled with no clear prospect of return to their homes. As a result, now we have protracted displacement that is being solved with strategic approaches and means formed a decade ago. As shown in the previous chapter, the Law on IDPs is one of the cornerstones to that lag. In the strive to help IDPs in Ukraine, the whole framework needs to be rethought and redesigned, taking into consideration international recommendations for tackling prolonged displacement, focused and urban integration and durable solutions.

In short, this strategic shift can be articulated by a simple statement - short-term, emergency response / service continuity oriented approaches to long-term, durable solutions / urban oriented integration ones. Basically it implies changing a reactive, fragmented, ad-hoc interventions with a proactive, development oriented one. It requires deeper integration of housing and infrastructure programs, state level comprehensive planning, aligning with fiscal and administrative reforms. The great emphasis of this should be made on the durability of all the solutions performed for IDPs, becoming an end goal for national policy. Otherwise, there is a big risk for Ukraine to remain in permanent temporariness.

In addition, a legal framework focused on the rights protection needs to be enhanced with local integration aspects to empower humanitarian management with durable recovery. While being a strong backbone for IDPs by protecting their rights and freedoms, sometimes the legislation misses the realities on the ground. As every person not only wants to be able to access the different services or protect their rights, but also to be an internal, valuable part of the

community where he or she lives. The inclusion of urban integration will also improve the monitoring process of rights protection, as often IDPs face a situation when to protect their rights or access services they need to tackle lots of intricacies on the local level that require deep integration rather than declared protection and support from the state. The logical shift in this is simple, from a protection - violation policy orientation to a displacement - integration one.

Talking about shift to durable solutions, implies changing the indicators by which we look at the success of solving IDPs problems. With that we no longer need to be wholly focused on the amount of humanitarian aid or services provided. The durability itself means the degree of urban integration, regaining full access to employment, education, healthcare and housing, the general long-term relief from the displacement consequences is the core here. This logic is clearly articulated in the IASC Framework on Durable Solutions for IDPs (IASC 2010), providing an exhaustive list of criteria to assess urban integration and the restoration of dignity in all the contexts, livelihood, family life, personal security, local decision-making etc. While not being a remedy to all the diseases, the framework should be greatly considered by Ukraine as a tool to rethink and redesign its approaches to IDPs.

As an important cornerstone, now we need to devote this several paragraphs to municipalities, the main actors and the first responders to the issue of IDPs, as they represent the state and its action.

In general, almost all the durable solutions delivered locally, the cities frame the success of them, or the indefinite deter. While the national legal framework provides the status and guarantees, the cities where IDPs interact with institutions, receive humanitarian aid, look for housing and employment and get services. This is especially relevant for Ukraine, as being a decentralized state and the majority of IDPs being displaced to the cities.

Indeed, if we perceive municipalities as the most important actors responsible for urban integration, they should be treated in this way. On the strategic level, there are three aspects to empower the municipal response - policy design, financial allocation and legal mandate. It means shifting from passive implementers of centrally planned activities, towards an equal policy design actors; while proactivity requires additional resources and mandates to plan, monitor and lead - it also allows fulfilling the duty of a state to include IDPs in these processes - in our case through their municipalities and communities they live in.

This shift also timely aligns with the ongoing process of decentralisation in Ukraine, as cities become main centres for policy leadership, budgetary planning and citizen engagement (Portal “Decentralization” 2025). The strategic transition to durable solutions perfectly synergises improved IDPs response and democratic transformation of the country. Within a new strategic approach municipalities are envisioned as powerful local units, capable of tailoring durable solutions to the needs of IDPs in their communities. It will allow local authorities to grow their communities with the help of IDPs, as they will be framing the solutions together, focusing on successful, fruitful urban integration, rather than providing and receiving services, while the state will be responsible for clear strategic legal framework and financial transfers.

As a result, the decentralized approach to handling internal displacement will greatly contribute, not only to the IDPs' urban integration into communities but also to the Eurointegration of Ukraine. As the Union clearly prioritizes multi-level governance with emphasis on the local authorities' leadership. Sustainable, durable and long-lasting approach to the displacement in Ukraine will be a firm brick to our European family house.

3.2 Strengthening the Architecture of IDP Policy and Implementation

While the previous section presented long-term changes to the strategic approaches on internal displacement, there are still many short-term solutions that can facilitate the change and close present gaps in the legislative and institutional aspects. The frameworks need not only to recognize and declare rights but actively support their realization. To enable this, several gaps identified in the previous chapter require closure.

Currently, the existing national legal framework for IDPs undergoes a transformation with the Draft Law 12301 (VRU 2024). The main purpose of which is to replace the outdated Law of Ukraine “On ensuring the rights and freedoms of internally displaced persons” (VRU 2014) with a completely new edition. This process opens an important window for action, with possibilities to discuss and even implement ideas discovered in this paper. Therefore, in this subsection we will briefly review the draft law, identify the improvements in for current edition of the Law on IDPs, while discussing how they close the gaps identified in this paper. On the other hand, we will also take a look at the weaknesses of the draft law and what gaps still need to be closed by the further refining of the proposed legislature. In addition, the subsection will present possible institutional changes and general recommendations to improve urban integration of IDPs in Ukraine.

The draft law 12301 in the first reading introduced several important legislative changes. It refined the definition of an IDP, introduced new terminology like - adaptation, integration, reintegration and arbitrary displacement. Proper improvements were also laid in the data systems and registration of IDPs, while the durable solution concept was implicitly laid in legislation. Another important change is the inclusion of a provision about the IDP Councils, as before they were only defined in the legislation by the Cabinet of Ministers of Ukraine (CMU 2023), having no real fixation in the Law on IDPs (VRU 2014). All these changes help to close the gaps identified in the previous chapter, such as the addition of the urban integration concept to rights protection, better representation and engagement of IDPs to the lives of their hosting communities. However, in spite of all these good changes, the draft law still omits several key issues.

Firstly, the draft law fails to ensure comprehensive vision and durability to achieve housing solutions. The focus of housing provisions is on the temporary accommodation and reconstruction efforts through the loan instruments. However, it lacks the inclusion of

mechanisms for rental support, tenure guarantees or anything related to permanent housing solutions. In the current state, the draft law repeats the declarative nature of its provisions, without clear ways to implement them on a city level. To fix this the draft law should include some provisions for state-supported rental mechanisms, legislatively defined obligation to include IDPs into municipal housing programs with clearly established quotas for different solutions for housing.

Secondly, the draft law partially defines integration processes on the local level as it does not mention or require from municipalities any kind of social cohesion strategies or integration plans, integration level monitoring, special budgeting for IDPs etc. For this case, it is important to define the legal obligation mentioned above for local authorities of the cities with high IDP population.

Thirdly, the declarative nature of different rights remains, not taking into consideration real capacities of our cities to provide services and ensure rights protection. That is a cross-cutting issue for education, healthcare, administrative services and so on. The equipment of local authorities with tools and means to deliver the required assistance is crucial. The addition of several provisions regarding direct subventions to municipalities and creating a central coordination mechanism for that purpose. The addition of legislative norms that clarify roles and proper service standards, supported by toolkits and intermunicipal coordination forums would also benefit urban integration.

Fourthly, while the draft law does not fully omit the IDPs' engagement and participation in the planning and strategic processes, it addresses it in a partial way. The addition of provisions on the IDP Council is a great step ahead, as it reaffirms the CMU Resolution №812 in the law. The whole action reassures that IDPs require an institutional tool to express their vision and needs, influencing policy and decision making. However, this representation in the councils does not fulfill the issue of meaningful engagement. The councils MAY be created by municipalities, but it is not compulsory or somewhat related to the number of IDPs living in a particular city. The decisions and recommendations of such councils are compulsory for consideration but it does not mean the influence on the decisions of authorities, as often those consideration actions are conducted just for the sake of aligning with the law.

To some extent, it is caused by the lack of enforceability instruments and clear consultative nature of such bodies as regulated in the law. However, in accordance with the IASC Framework, the participation must not be symbolic, the participation and engagement is a cornerstone for legitimacy, accountability, and effectiveness. To improve the situation, the draft law needs to establish clear obligations for IDP engagement at different phases of national and local policy design and, through public consultations, participatory assessment, mandatory reporting on councils recommendations implementation.

Fifthly, the provisions of the draft law regarding local authorities require a closer look. The core responsibilities for housing, education, healthcare, social protection mostly remain

intact, with implicit declarative nature, while viewing the municipalities as mere service providers. The draft law still lacks a frame for mechanisms and tools to achieve its provisions clearly linking them with budgeting. In addition, there is no accountability for under-performance or ignoring the issues of IDPs. To fix the problem, the draft law may include a detailed bylaw list defining performance indicators, funding formulas etc.

In addition to legal reforms, some institutional ones make perfect sense to transition the strategic approach while providing short-term durable solutions to the discussed issue.

Firstly, a step in that direction could be the establishment of local and regional level deputies on IDPs, as Ukraine has a successful case of creating such a role for digital transformation efforts. The tasks of such deputies would be coordinating and overseeing IDPs support and relief efforts, communication with IDP Councils and displaced population, advocacy of their vision and needs before the authorities and being a point of contact to the displaced people.

Secondly, another step is the requirement for the municipalities with large numbers of IDPs to adopt city level IDPs' integration strategies. The co-development will allow close communication and engagement of IDPs with local authorities, focusing the efforts on creating synergy between the hosting community and new people, as they can greatly contribute to the prosperity of a city.

Thirdly, to bridge different levels of efforts, the establishment of a non-governmental coordination platform for IDP integration, under international guidance could help unify the efforts, serve as a think-tank and abstain from bureaucratic nature of central authorities. Regular meetings and discussions and the core strategic nature of such a body could facilitate the addition to rights protection of the durable integration aspect, shifting strategic transition to local integration.

Fourthly, institutionalization of different capacity-building programs could provide a wider training reach on durable solutions, IDPs engagement, service provision etc. A certification approach could be created to define professionals dealing with internal displacement on different levels. The analogical case happened in Ukraine in youth policy, where several roles dealing with youth were established such as youth worker and in order to become one certain certification was required.

Fifthly, the monitoring and accountability mechanisms need to be improved. While the draft law talks about creating an indicator framework to assess the level of local integration of IDPs, the proper functioning of this framework is really important. As discovered in the paper, urban integration is important and such a framework can become a solid step in that direction, as it assesses not only the rights protection but all the necessary aspects to ensure proper living standards, restoration of dignity and comprehensive urban integration.

Finally, mainstreaming engagement instruments like participatory budgeting, and public consultations could also improve planning and pose IDPs as main actors to their lives.

All these legal and institutional changes can greatly support the resolution of IDPs issues, contributing both to national and local level, making strategic plus ad-hoc solutions, and having short-term plus long-term results.

In conclusion, in this chapter we defined the need of a strategic approach change, moving from solely rights protection to a wider aspect of urban and local integration, along the way changing service provision roles to the durable solution actors in terms of our municipalities. All of these strategic changes are not without tactical short-term solutions, that is why we had a look at the evolving national legal framework with the proposed draft law 12301. We discovered its strengths and weaknesses, identified what gaps are closed and what needs further refinement to close remaining ones. For the weaknesses the chapter provided legal and institutional recommendations, such as amending the draft law or establishing new governmental positions and non-governmental bodies, while conducting extensive training and engagement processes.

CONCLUSION

In this paper we explored a diverse topic of internal displacement focusing on legal aspects of it, discovering international and national approaches to it and means to improve the IDPs' stance in their efforts to live normal, peaceful lives. Three main directions were covered in this work - legal frameworks, policy implementation on the local level and the need for urban integration of displaced persons.

This topic is highly relevant for Ukraine, as the country has faced the issue of displacement for more than a decade, requiring durable and long-term solutions. While making significant progress in legislative regulation of this sphere, many gaps still remain not closed, however, the state's deep understanding of the need to resolve and transform the matters gives a stark window of opportunities to provide real positive changes.

In the first chapter we examined the existing international legal framework that regulates internal displacement. As a foundation of it stands the Universal Declaration of Human Rights (United Nations 1948) which defines main freedoms and rights that require protection. International Covenant on Civil and Political Rights (United Nations 1966a) and International Covenant on Economic, Social and Cultural Rights (United Nations 1966b) also specify certain rights for socio-economic and political activities.

For IDPs there are several dedicated documents that clearly articulate their rights. Some are United Nations Guiding Principles on Internal Displacement (UN OCHA 2004) and Great Lakes Protocols (ICGLR 2006a, ICGLR 2006b). In turn, the Council of Europe also has its European Convention on Human Rights (CoE 1950) with its protocols with several important recommendations and resolutions specific to the Ukrainian war.

Having its strengths in the comprehensiveness of the protected rights, all those international documents still lack the concept of integration, as if protected rights automatically means a locally integrated person with restored dignity and satisfied needs. But that is not always the case, as many factors depend on the local context, cities and towns where real interaction between IDPs and a state happens.

For the national legal framework we examined the Constitution of Ukraine (VRU 1996), as a foundation that declares all the rights and freedoms to everyone in Ukraine, including IDPs. The Constitution comprehensively covers all important rights, creating a pathway to proper regulation of the displacement sphere. In turn, the Law of Ukraine "On ensuring the rights and freedoms of internally displaced persons" (VRU 2014) provides a fractured approach, bearing mostly declarative nature without real mechanisms or tools for urban integration and durability of solutions.

In the second chapter we carried out a compared international and national legal frameworks, in which the Law of Ukraine "On ensuring the rights and freedoms of internally displaced persons" (VRU 2014) was compared article-by-law with the United Nations Guiding Principles on Internal Displacement (UN OCHA 2004). This action allowed the identification of

several gaps that are misaligned with the international approach. Among them - lack of instruments for local authorities to engage IDPs into planning and decision making; omission of a strategic vision for solving housing problem; absence of the urban integration, durable solution, meaningful engagement concepts; declarative nature of some articles.

In regard to local authorities, we also compared the specific provisions of the aforementioned law with the IASC Durable Solutions for Internally Displaced Persons (IASC 2010). By this we discovered that our cities are mostly tasked with service provision rather than durable policy making, significantly unaligning with the international recommendations. The general comparison revealed inconsistency in the Ukrainian approach, focused on short-term service provision and emergency response, while the international approach recommends long-term, strategic actions grounded in durable-solutions and urban integration.

In the third chapter, the author tried to approach whose gaps and inconsistencies with recommendations to fix them, focusing on two levels - long-term strategic one and short-term tactic one. For the first level, the main recommendation is to transition the vision from solely rights protection, and add as a crucial factor urban and local integration. Transition from service continuity and provision to creation of durable solutions on the local level.

For the short-term changes, our country could implement several small steps on legal and institutional levels, starting a great journey towards the resolved issue of internal displacement. For the first level - amending the proposed draft law on IDPs with real vision on housing security; compulsory integration plans, cohesion strategies and integration monitoring for municipalities; proper budgeting and resource allocation to perform urban duties; enhance the number of participatory instruments. For the second level - establish dedicated deputies on IDPs for the regional and local level; co-develop and implement integration strategies in cities; establish non-governmental coordination platform for IDPs; institutionalize capacity building and training programs, create certification aspect for professional working with IDPs; improve monitoring and accountability mechanisms; mainstream engagement instruments as a must-have for any municipality in Ukraine.

All in all, Ukraine has a great potential to solve the displacement issue, with right approaches, constant adaptation to the situation and nation awareness on the matter everything is possible. This paper was a step into the direction to reimagine our legal framework with the prospect for further examination and empowerment of a new and new legislation on internally displaced persons as a continuous process.

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