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■ **ANALYTICAL REPORT**

Policies of Reintegration of Temporarily Occupied Territories: Models, Scenarios, Discussions, Experience



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Summary

In this analytical report the team of authors from the School for Policy Analysis answer the questions of what the gaps in the reintegration policies are, which policies are lacking, or which policies have not been implemented despite previous recommendations; the field for further research and study is narrowed down and positions of experts and public opinion on different aspects and measures of reintegration policies as well as on alternative steps and solutions are clarified.

Since 2014, the Ukrainian authorities have done significant work on reintegration. On the one hand, the institutional groundwork for reintegration has been laid: a substantial legal framework has been established (from strategic documents to procedures and regulations) and the operation of key responsible bodies (from the relevant ministry to a special unit in the Prosecutor General's Office) has been set up. On the other hand, the Ukrainian authorities managed to achieve results in supporting internally displaced persons: they were given the opportunity to vote in local elections, several housing acquiring programs were created, preferential conditions for admission to higher education institutions were introduced, and so on. An equally important component of the state's activity is the discussion of sensitive issues of reintegration (especially in the area of transitional justice) with the expert community and civil society. At the same time, the reintegration policy is complex and therefore requires the accommodation of a large number of issues as well as further steps and solutions, including:

- **emphasis on the "fight for the people" as a fundamental principle and the core of the policy of reintegration of the temporarily occupied territories.** This includes both transitional justice and measures to support internally displaced persons and young people from the temporarily occupied territories, including compensations for lost property and damage. The citizens of Ukraine who now live on the TOT should feel that they have not been forgotten; that the state, as far as possible, cares for them and protects their rights; that they are important to Ukraine.
- **adherence to the principles of evidence-based policy.** The policymaking and drafting of all bills should be carried out in cooperation with relevant organizations and experts, based on up-to-date survey data and research, and taking into account international experience, including negative ones.
- **critical analysis of international experience.** It is important to approach international experience not as ready-made solutions and model scenarios that may be borrowed, but as a set of specific tools and measures that must be critically analyzed and applied considering the specifics of our context. It is necessary not only to focus on best practices, but also to analyze failures.
- **taking into account both long-term goals and state / national interests, as well as public opinion** in policy making. It is necessary not to flirt with the population fueling populist sentiments, but to build an effective communication policy, especially on such sensitive issues of transitional justice as amnesty, lustration, and liability for one's actions, etc.
- **adoption of strategic documents on reintegration.** First of all, these are the Strategies for Reintegration and Information Policy for the Temporarily Occupied Territories until 2025

and Action Plans for their Implementation, the Information Security Strategy, the Foreign Policy Strategy, and the regulatory framework for settling property issues in the temporarily occupied territories. Ratification of the Rome Statute is also important.

- **increasing the level of coordination between various state bodies** that prepare policy documents on reintegration policy. This includes coordinating and intensifying the efforts of all state institutions to eliminate inconsistencies in existing regulations and laws.
- **cooperation with civil society.** There is a need for greater involvement of civil society into working groups and expert discussions on the development of policies and laws related to reintegration. To emphasize, it is civic and human rights organizations that systematically form the agenda for the development and drafting of reintegration policies, actualize certain issues for protection of rights and freedoms, and are a source of constant constructive criticism for the government.
- **advancing and completing already initiated institutional reforms.** First, it is the decentralization reform and reforms of law enforcement and judicial bodies as well as the strengthening of defense capabilities. Successful and visible institutional reforms are an additional argument for Ukraine in the process of reintegration and its "fight for people" from the temporarily occupied territories.

Domestic political and international contexts

Seven years have passed since the beginning of the occupation of Crimea and Russian military aggression against Ukraine in Donbas. All this time amid the constant interchange of calming downs and escalations in the East of Ukraine and in the negotiation process at the international level, there has been a debate on what Ukraine's reintegration policy towards the temporarily occupied territories (TOTs) of Crimea and Donbas should be and how to ensure the restoration of peace in the long-term perspective, particularly after Ukraine regains control over these territories. Thus, the purpose of this report is to analyze scenarios, specific measures, and policies for the reintegration of TOT which have already been discussed and have been the subject of other analytical documents and research, including those based on the results of representative surveys, focus groups with members of target audiences and the general population of Ukraine, interviews with experts and stakeholders. In fact, the results of secondary and comparative analysis of previous studies on potential reintegration models are presented here. Hence, the report answers such questions as what are the gaps in the context of reintegration policies, which policies are still need to be developed, or which policies have not been implemented despite previous recommendations. Also, the field for further research and analysis is narrowed down and positions of experts and public opinion on different aspects and measures of reintegration policies as well as on alternative steps and solutions are clarified.

One should note that in discussion of reintegration models we go beyond the "scenario approach" when a particular case is considered as the "scenario" of the conflict resolution / reconciliation (e. g., the "Bosnian" or "Transnistrian" scenario). We do so partly because such rhetoric often takes these cases holistically and uncritically. It also disregards their context which in turn complicates the usage of specific measures or instruments of conflict resolution and reconciliation that may be effective for Ukraine. Still, such cases as Transnistria, South Ossetia and Abkhazia, Nagorno-Karabakh, the experience of the Balkan countries (first of all, Croatia), and the experience of the IRA and the Northern Ireland are most often discussed and referred to in the context of conflict resolution and reconciliation in Donbas (*Переосмислення деокупаційної політики України в рамках гібридної війни Росії проти України, 2020, с. 103-124*).

Another example of a "scenario approach" is proposals and discussions of comprehensive conflict settlement and reconciliation plans by Ukrainian politicians, international organizations, or other stakeholders. At the same time, such plans can either form the basis for international agreements or remain as declarations of intent or positions. Examples of such plans, some of which are still being discussed, are the Morel Plan, the Sajdik Plan, the Pinchuk Plan, the Cold De-occupation Strategy, the Small Steps Mechanism, etc. It is worth noting a systematic comparative review of all such principal plans done jointly by several think tanks: "Rethinking Ukraine's De-occupation Policy in the Framework of Russia's Hybrid War Against Ukraine" (*Переосмислення деокупаційної політики України в рамках гібридної війни Росії проти України, 2020, р. 75-102*). I). Another notable analysis of different settlement scenarios was produced by the think tank New Europe Center: "*Scenarios for the Conflict Settlement*

in Donbas" (*Нова Європа*, 2020, p. 16-46). One of the latest examples of such plans is the recently leaked plan "Clusters for the Implementation of the Minsk Agreements" whose authenticity was confirmed by the Head of the Office of the President Andriy Yermak. This plan has been widely discussed during in March – April 2021 (see, e. g.: Золкіна, 2021).

Thus, we speak about reintegration models as different alternative sets of conditional choices of particular tools and measures aimed at conflict resolution and reconciliation based on short-term and long-term goals regarding specific target groups and beneficiaries, victims and / or those affected by the war and occupation (e. g., internally displaced persons and residents of temporarily occupied territories or frontline areas), and Ukrainian society and the state in general. At the same time, the choice of such individual tools and measures should take into account both international and internal previous experience of their implementation as well as a comprehensive analysis and modeling of various potential options for conflict resolution and reintegration.

One should not forget that when talking about the policy of reintegration of the temporarily occupied territories, we must understand that the subject of such a policy is twofold: on the one hand, the policy of reintegration should be a policy of a "fight for the people" and on the other hand – of a "fight for the territory". Besides, policies in the context of both these types of struggles must not contradict but complement and reinforce each other. Experts also emphasize that it is extremely important to use soft power both in contexts of the "fight for the people" and the "fight for the territory" (*Українська призма*, 2020, p. 7).

Special attention should be paid to the review of research on the perceptions and attitudes of Ukrainians towards reintegration policies and related issues. On the one hand, almost every two weeks we observe regular press releases, presentations, or publications based on survey results; on the other hand, most of such studies raise questions primarily from a methodological perspective. And it is not just about the reputation of companies or groups that work directly "in the field" (i.e., the quality of sampling procedures, interviewing, and thoroughness of data quality control at all phases), but also about the design of the study itself, the adequacy and balance of the wording of the questions and their further interpretation, the appropriateness of the choice of specific methods in accordance with the objectives of the study etc. Studies involving surveys in territories not controlled by the Ukrainian government stand apart not only because of the actual complexity of data collection but also because of the lack of answers in a strictly sociological sense to such questions of methodology as data validity and reliability, in particular, due to the sincerity of the respondents, social pressure and expectations etc.

First of all, we analyzed empirical research on the perceptions and attitudes of Ukrainians towards specific policies and measures aimed at reintegration (*Бурковський, Осипчук, Суслов & Яковлев, 2020; Резнік, 2021; Осипчук, Суслов & Усачова, 2021; ДІФ, 2017*), especially those proposed in the draft law On State Policy of Transition Period (*Осипчук & Суслов, 2021*); attitudes toward specific categories of Ukrainians affected by Russian aggression and measures to support them, for example, internally displaced persons or youth from the temporarily occupied territories (*ШПА, 2020a, 2020b; Рябчук, 2020; МОМ, 2020; Symeou, Dryga & Lordos, 2021; Lordos et al., 2021*); comprehensive research on frontline communities and territories in the context of reintegration policy (*Гірник & Золкіна, 2017*), in particular, those that addressed the issue of social distances and social trust in communities (*SCORE, 2019a, 2019b; Zarembo, 2020*).

The analysis of all these and other research only emphasizes that it is necessary to reveal not only the prevalence of certain moods or to measure attitudes but also to interview in detail the target audiences, beneficiaries, and the general public about their understanding of particular policies or their interpretation of specific concepts and steps. For example, when posing questions about the evaluation of the effectiveness of reintegration policy in a nationally representative survey, we get only some average indicators. Still, we miss the fact that each person evaluates the effectiveness according to their own imagination and using their own criteria or even replicating some thesis voiced in the media. Moreover, people in general often have a limited understanding of what is meant by such words as reintegration, international mission, interim administration, autonomy, amnesty etc., and what specific measures or provisions are presumed by them. Even more, the interpretation of these concepts has no consensus among experts and policymakers. Thus, high-quality research to form sound policies should take into account all these aspects.

In the international context, Russia's hybrid military aggression against Ukraine with the creation of pseudo-state entities in some parts of Donetsk and Luhansk regions as well as the attempt to annex the Crimean Peninsula raised the issue of compliance with international agreements, particularly in terms of compliance with security obligations (*Miras, 2018; Butkevych, 2018*), especially the Budapest Memorandum (*Yost, 2015; Budjeryn, 2015; Pifer, 2019a*). They also raised several issues of international law, for instance regarding the territorial sovereignty of states and the right to military intervention for humanitarian purposes (*Kemp & Lyubashenko, 2018*), which is reflected in the narrative promoted by the Russian Federation – the need to protect the "Russian-speaking population" from an artificial threat (*Sayapin, 2018*). Aggression and occupation have further exacerbated the complicated issues of the international institutional order, for example, the activity of the UN Security Council (*Filipchuk et al., 2016*), while the discussion of the need for its reform intensified after Russia's military aggression against Ukraine, etc. (*Sayapin & Tsybulenko, 2018*).

The armed confrontation between Russia and Ukraine has brought the debate over NATO's role in the modern world order to a new level (*Staack, 2017*). According to the "living classic" of international relations theories, J. Mearsheimer, the strengthening of NATO's presence in a region that Russia has traditionally seen as an area of its geopolitical influence provoked the elite of the Russian Federation to attempt the annexation of Crimea and to unleash the war in the East of Ukraine. The very fact that "offensive neorealism" (*Mearsheimer, 1993*), which does not consider a number of states as full-fledged actors in international relations, is applied to the explanation of events in Ukraine indicates a reassessment of the role of security alliances and attempts to bring back the discussion about the crucial role of power factor in the international arena (*Trenin, 2014*), etc. Thus, the intensification of discussions on Ukraine's potential membership in NATO and the consensus reached within Ukraine that our country should join NATO shared by most Ukrainian population are also a challenge for the North Atlantic Alliance (*Pifer, 2019b*).

In compliance with international obligations, Russia's war against Ukraine has intensified such a mechanism of international influence as sanctions, including personal and sectoral ones (*WKO, 2021*). In this context, discussions on the differentiation of economic and political levers of influence in the international arena (*Korhonen, 2019*) have intensified, a clear example of which is the construction of the Nord Stream 2 gas pipeline (*Stratmann & Münchrath, 2021*). Nord Stream 2 highlighted the issue of the EU's common foreign and

security policy (Csitkovis, 2017; Jandl, 2017; Kühn, 2017) in the circumstances when some countries support the project and do not see it as a threat to EU security, while others do (Lang & Westphal, 2016). It has also complicated transatlantic cooperation between the US and the EU, specifically Germany, due to US economic interests as a supplier of liquefied natural gas and the Americans' insistence that Europe's energy security is in principle impossible given its energy dependence on Russia (Stang, 2015). Obviously, Nord Stream 2 is not in Ukraine's interests: in particular, due to the loss of profits from gas transit through Ukrainian territory. Also, Europe's greater energy dependence on Russia threatens to ease pressure on Russia to force it to follow its international obligations.

Events in Ukraine have actualized discussions about the role of modern Russia in the international arena in two dimensions: 1) reviewing the positions of various international actors – at the state level, supranational and interstate entities – on the role and potential of Russia under the current regime; 2) taking into account these positions, the development of a strategy for cooperation with Russia (Stent, 2019). If we present the positions towards Russia as two opposite poles, then on one of them there will be an attempt to isolate Russia and appoint it as an "outcast country", while on the other – all possible harmonization with Russia and an attempt to "appease" it (Jahn, 2017). This confrontation is clearly illustrated by the participation of the Russian delegation in the work of the Parliamentary Assembly of the Council of Europe, which is designed to promote respect for human rights and freedoms in the member states of this organization.

International organizations (both governmental and non-governmental, including faith-based ones as providers of humanitarian aid) try to provide aid to victims of hostilities through their activities in the territories both controlled and not controlled by Ukraine (access to which is limited). Among the prominent topics is the threat of an ecological catastrophe in the Donbas in the temporary occupied areas of the Donetsk and Luhansk regions where in the mines and factories compliance with technological safety are complicated (even sometimes impossible). One of the most acute problems is the flooding of mines where it is impossible to pump groundwater properly. According to researchers, in today's globalized world, it is becoming clear that an environmental catastrophe in Eastern Ukraine could affect people's health and well-being outside of Ukraine. Most hazardous are the flooding of coal mines on the temporary occupied territories which not only can cause pollution (especially water pollution), increase methane emissions and lead to ground subsidence, but also can lead to a nuclear pollution / high radiation emissions as some flooded mines (i. e. *Yunyi Komunar* ("YunKom") mine) are in the vicinity of the site of a nuclear explosion in 1979 (Darbyshire, 2020; Denisov & Averin, 2017; Coynash, 2018). The humanitarian problems of internally displaced persons have also become the focus of various organizations as a similar problem of such a scale has not arisen within the European subcontinent since the end of the war in Yugoslavia (Bazaluk & Balinchenko, 2020; Brenzel et al., 2015).

One more vital topic of international relations which the confrontation between Ukraine and Russia intensified is the realm of values. From the very beginning, the official Kremlin narrative presented the events in Ukraine (from Russia's point of view) as a confrontation between the "harmful West" with its distorted ("perverted") values and Russia as the bearer of traditional values and a "healthy" view on the organization of public life (without the juvenile justice, the various minorities rights, etc.). The ability of the former Soviet republics to choose their own vector of development is perceived by the Russian leadership as

a threat of the final loss of an empire status (*Kobrin, 2016*) while Russia's colonization of different nations and cultures is perceived positively and as a value of the "Russian world".

Ukraine's special place in Russia's (neo)imperial narrative is reflected in particular in Mearsheimer's aforementioned offensive neorealism: Ukraine should not be "touched" as a zone of Russia's interests so as not to provoke the latter. Such a position deprives Ukraine of a full-fledged international subjectivity. His article in the influential journal *The Foreign Affairs*, published in September 2014, had a very eloquent title: "Why the Ukraine Crisis Is the West's Fault. The Liberal Delusions That Provoked Putin" (*Mearsheimer, 2014*). The values of a free world, democracy, human rights, their protection in the international arena – all these issues have become topical due to Russia's military aggression against Ukraine. Mearsheimer's position has been heavily criticized. This year Chatham House (*Chatham House, 2021*) published a collective analytical report debunking 16 misconceptions regarding the role of Russia in the international arena, also including "the myth" that NATO promised Russia not to expand eastwards. Turkish scholar E. Alim analyzed the "Ukrainian crisis" in comparative perspective through the lenses of J. Mearsheimer's offensive realism and

J. Ikenberry's liberal internationalism, proving that from the position of the latter Russia tries to apply pressure and uses coercion to create a hegemony on a regional level, whereas the USA promotes liberal world order (*Alim, 2019: 96*). A. Motyl argued in his paper published in 2014, that J. Mearsheimer position regarding the causes of the armed conflict between Russia and Ukraine suffers a number of flaws due to the fact that Mearsheimer oversteps the realist paradigm, in particular when taking Russian perception of threats as real threats and not as imaginary threats, whilst such a perception contradicts the very notion of threats in the realist paradigm of international relations (*Motyl, 2014*).

Among the most apparent consequences of Russia's military aggression against Ukraine are a rethinking of the past and an analysis of the prospects for the future of various frozen conflicts, quasi-, and pseudo-state formations. Azerbaijan's 2020 military operation in Nagorno-Karabakh; reviving discussions on the future of Taiwan; the possibility of a military offensive against Ukraine from the territory of an unrecognized Transnistrian "Republic"; separatist movements in Europe (events in Catalonia or statements by the newly elected Prime Minister of Scotland, Nicola Sturgeon (*BBC, 2021*) about attempts to hold another referendum on Scottish independence); aggravation of relations between South and North Korea, and other events and heated discussions could be seen as the centrifugal consequences of the war in Ukraine. The events in Ukraine are associated by many with the re-appearance of potential possibility of revising the borders within Europe and its territorial "format" (*Bishop, 2014*), the actualization of the problem of secessionism (*Kolçak, 2020; Muro & Vlaskamp, 2016; Fischer et al., 2016; Bourne, 2014; Faundes, 2016*). An integral part of these discussions and problems is extrapolating to Ukrainian realities various "scenarios" and plans to resolve the military conflict in Ukraine that are discussed by experts and politicians (*Van Meter et al., 2015*). A key and insurmountable problem of these discussions is the methodological flaw which is embedded in the idea that in Ukraine it is possible to repeat some of the scenarios of other countries or apply a ready-made recipe from the past to the Ukrainian realities of today.

Taking into account all of the listed above problems which intensified in the context of

international relations by the hybrid military aggression of Russia against Ukraine, one should focus on the following problem areas of scenarios and plans for Ukraine:

- 1) the role of international organizations designed to prevent wars and maintain security, their ability to perform their functions effectively, in particular concerning those states that violate international agreements (*including the capabilities of the UN Security Council in which Russia has a veto*) (*Russian-Ukrainian Conflict: Prospects and Parameters of UN Peacekeeping Mission in Donbas, 2018*);
- 2) mechanisms for compliance with the obligations taken by different states, including the provision of security guarantees to other states (*in the case of Ukraine – the Budapest Memorandum, bilateral agreements with Russia*);
- 3) the prospect of an international peacekeeping mission in Ukraine (its composition, format, mandate, responsibility, etc.), which is complicated by the difficulty of involving international organizations, especially those in which Russia plays an important role, and by the difficulty of holding states liable for failing to meet their security obligations;
- 4) the fragility of the sanctions mechanism against Russia (as well as its companies and citizens) which have a complex structure and appear to be dependent on the political situation in the countries and organizations that impose these sanctions;
- 5) the problem of formulating a consolidated position within individual states, the EU, and international organizations on Russia in the context of economic and political interests of those states and organizations regarding cooperation with Russia, especially the supply of Russian energy to European countries and the pro-Russian lobby in European countries – such as populist parties supported by the Kremlin (Polyakova, 2014; Weiss, 2020).

To sum up, it should be noted that the limitations that Ukraine faces in the international dimension of the policy of reintegration of the temporarily occupied territories are understandable. At the same time, it is difficult to disagree with the conclusion by the analysts from the think tank Ukrainian Prism that "the only effective interpretation of the popular phrase "do not provoke Russia" should be not a policy of appeasing the aggressor but a policy of creating conditions under which the Kremlin will consider the escalation inexpedient because the expected losses will exceed the possible gains" (*Українська призма, 2020, p. 2*). It is also crucial to maintain Ukraine's initiative and participation in all consultations and negotiations on the situation in Ukraine and to articulate a consistent and strategic position on the defense and attainment of its state interests.

Reintegration: reparations for economic losses

The issue of economic compensation for losses caused by the Russian occupation forces is relevant on the international agenda since it directly implies international pressure on Russia from other countries. In this context, Ukraine's insistence on prosecuting specific individuals as criminals and Russia as an aggressor country is also important. Such prosecution also involves assessing the damage that Ukraine suffered as the result of the attempted annexation of Crimea and the war in Donbas. It includes various types of losses, particularly fiscal ones due to the shortfall in tax and other revenues to the state budget of Ukraine. According to the National Institute for Strategic Studies, the actual losses of tax revenues of the consolidated budget due to the hybrid war of the Russian Federation in 2014-2018 amounted to UAH -666.8 billion (*Касперович, 2018*). It is also difficult to estimate losses in some areas of Donetsk and Luhansk regions, because the first estimates published after the war started generalized that "enterprises in the region produced 15% of GDP per year" or "Luhansk and Donetsk regions accounted for a quarter of Ukrainian exports (USD 17 billion per year)" (*Проказа, 2019*).

In February 2021, Deputy Prime Minister, Minister for Reintegration of the Temporarily Occupied Territories, Oleksiy Reznikov, stated that the losses from the occupation of territories in Donetsk and Luhansk regions amounted to UAH 375 billion, "excluding assets", and the cost of restoration was estimated at more than USD 21 billion (*Економічна правда, 2021*). He pointed out this amount with reference to the "Vienna International Institute" which apparently refers to The Vienna Institute for International Economic Studies (WIIW), which did publish a report in 2020 on "Economic challenges and costs of reintegrating the Donbas region in Ukraine" (*Havlik, Kochnev & Pindyuk, 2020*). Similarly, the amount of USD 20 billion was laid down in the Concept of Economic Development of Donetsk and Luhansk regions (approved at the Cabinet meeting on 23.12.2020) as the minimum necessary funding for the restoration of the region (*Економічна правда, 2020*).

In 2018, the Atlantic Council expert Anders Åslund announced that the volume of losses from Russia's military aggression against Ukraine is more than USD 100 billion. About 73 billion were lost in Donbas and 27 billion in Crimea. The expert also considers oil and gas resources, the stock of which by his estimate is at USD 30-40 billion, to be the most significant losses in Crimea (*Голос Америки, 2018*). The Razumkov Center's report "War in Donbas: Realities and Prospects for Settlement" (*Війна на Донбасі: реалії і перспективи врегулювання, 2019*) singles out the "energy component of the conflict in eastern Ukraine" (p. 51-56), especially given the demand for coal from Donbas.

The "National Report" lists approaches to assessing the damages caused by Russian aggression that include (but are not limited to) losses of industrial, settlement and social infrastructure, direct human losses (as well as significant deterioration of human development opportunities), environmental losses (*Лібанова (ed), 2015*). Thus, the economic and legal mechanisms for the reconstruction of Donbas should include not only ways to attract investments but also:

- 1) the possibility of prosecuting those who were directly involved in the causing of eco-

conomic damages in certain areas of Donetsk and Luhansk regions (CADLR) – for example, those who were directly involved in the relocation of equipment to Russia and / or "sawing" plants and factories for scrap metal, or just stealing of the property;

2) bringing to justice Russia as an aggressor country that has caused damage to Ukraine, so that it will be possible to begin the restoration of production, settlement, and other infrastructure with Russia's funds;

3) restoring ownership of property expropriated from Ukrainian citizens in the temporarily occupied territories, both in Crimea and CADLR, especially considering the recent statements by the leaders of the occupation administration about the "expropriation" of houses and apartments in these territories where no one lives at the moments.

Transitional Justice and Institutional Reforms

Today's situation with the reintegration of Certain Areas of the Donetsk and Luhansk Regions (CADLR) and Crimea requires decisive and clear actions from our country. A crucial positive step of our state toward the reintegration of Crimea is the adoption in March 2021 of the Strategy for De-occupation and Reintegration of the Temporarily Occupied Territory of the Autonomous Republic of Crimea and the City of Sevastopol (Presidential Decree №117 / 2021) (hereinafter – the Strategy). The next necessary step should be for the Cabinet of Ministers to fulfill its responsibilities to design an action plan for the implementation of this Strategy.

Many have argued in their analytical papers (*Lunyova, Skrypnyk, Pavlichenko, 2020*) that the strategy of reintegration of Crimea should be approved inseparably from the strategy of reintegration of the occupied territories of Donetsk and Luhansk regions. Accordingly, a strategy for the reintegration of the temporarily occupied territories of the Donetsk and Luhansk regions should be drafted with the active involvement of relevant state bodies, civil society, and analytical organizations focused on reintegration of CADLR, as well as international partners. International experience in resolving such conflicts should be taken into account when formulating the strategy.

Transitional justice is an essential element of peacebuilding mentioned in the Strategy for De-occupation and Reintegration of the Temporarily Occupied Territory of Crimea. The UN defines transitional justice as "the full range of processes and mechanisms associated with a society's attempt to come to terms with a legacy of large-scale past abuses, in order to ensure liability, serve justice and achieve reconciliation" (*United Nations, 2010, p. 3*). Transitional justice consists of five basic components: **1)** crimes investigation, **2)** facilitating initiatives in respect of the right to truth (collecting testimonies of victims and witnesses, conducting research, documentation), **3)** delivering reparations (monetary compensation, compensation for lost housing, medical and psychological support, official public apologies, opening of museums and memorials), **4)** institutional reforms (primarily in the field of security and justice; in particular, lustration processes) and **5)** national consultations and dialogue (*UN, 2010, p. 2*).

In 2020, the working group on the reintegration of the temporarily occupied territories of the Commission on Legal Reform under the President of Ukraine developed a draft Concept of Transitional Justice, which is still awaiting approval. The Concept includes four elements: the realization of the right to know the truth about the course of conflict; institutional reforms as a guarantee of non-recurrence of armed conflict; measures to compensate victims of armed conflict; bringing to justice those guilty of committing the most serious crimes (*Рада національної безпеки і оборони України, 2020*). It is expected that the Concept will be adopted through the Decree of the President of Ukraine and the instructions for the Cabinet of Ministers to design an action plan for it (*Ukrainian Crisis Media Center, 2020*). Simultaneously with the working group, the Office of the Ukrainian Parliament Commissioner for Human Rights had been designing since 2018 a draft law on transitional justice, which they have recently submitted to the already mentioned working group under the President (*Денісова, 2021*).

At the same time, the draft law "On the State Policy of the Transition Period" (*Мінреінтеграції, 2020a*), developed by the Ministry of Reintegration of the Temporarily Occupied Territories (hereinafter – the Ministry of Reintegration) and published in January 2021, also includes several provisions on *transitional justice*. Without going into a detailed analysis of the provisions of this bill (see: *Аналіз проєкту закону України "Про державну політику перехідного періоду", 2021*), we should note that it is not consistent with the draft Concept of Transitional Justice developed by the working group under the President (*Українська Гельсінська спілка з прав людини [УГСПЛ], 2021*). Therefore, **closer coordination between different state institutions in the preparation of a framework document on transitional justice is necessary.**

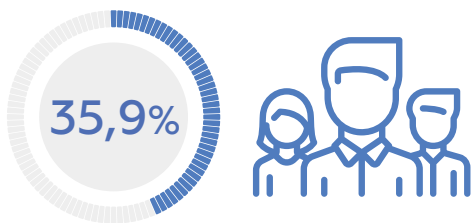
Nevertheless, a positive step is the identification of key responsible institutions to design the principles of transitional justice in Ukraine: the Ministry of Reintegration (*Cabinet of Ministers Resolution № 376 as amended on 06.05.2020*) and the President's representative office in the Autonomous Republic of Crimea (*Presidential Decree № 758/2019*). Equally important is the introduction of the concept of "transitional justice" in the Ukrainian legal field and its inclusion in such strategic documents as Strategy for De-occupation and Reintegration of the Temporarily Occupied Territory of the Autonomous Republic of Crimea and the City of Sevastopol and National Strategy for Human Rights. However, **the legal framework still needs to be improved, in particular the definition of "transitional justice", the absence of which currently causes difficulties in the activities of state institutions**, and it should not be interpreted strictly through a narrow criminal justice lens (*Комітет Верховної Ради України з питань прав людини, національних меншин і міжнаціональних відносин, 2021*).

Several institutions investigate **crimes related to the armed conflict** within their jurisdiction: the Office of the Prosecutor General (the Department for Supervision of Criminal Proceedings on Crimes Committed in the Conditions of Armed Conflict was established in February 2020), the regional prosecutor's offices of Donetsk and Luhansk oblasts, and the Autonomous Republic of Crimea and the city of Sevastopol, the Security Service of Ukraine and several units of the Ministry of Internal Affairs. According to legal experts, "such a division does not allow to form a comprehensive view of the Russian aggression" (*Бущенко & Гнатовський, 2017, p. 587*). According to Zera Kozlieva, Deputy Head of the Department for Supervision of Criminal Proceedings on Crimes Committed in the Conditions of Armed Conflict, the Office of the Prosecutor General of Ukraine, both national and international mechanisms are used to bring perpetrators to justice (*Комітет Верховної Ради України з питань прав людини, національних меншин і міжнаціональних відносин, 2021*). The international ones, first of all, include an appeal to the International Criminal Court. In this context, both the representative of the Office of the Prosecutor General and the expert community (*Бущенко & Гнатовський, 2017, p. 420*) recognize the **need to ratify the Rome Statute.**

With regard to national mechanisms, the gaps in the legislation limit the ability to investigate crimes related to armed conflict. Transitional justice and DDR perspectives emphasize that such legislation should allow accountability and investigation into any crimes potentially committed by all sides of the armed conflict including members of Ukrainian armed forces. These include "Lozovy's amendments" concerning the limitation of the terms of pre-trial investigation as well as the possibility of extending the article of the Criminal Code on high treason even on those who did not commit serious crimes which is used as a tool of anti-Ukrainian propaganda. According to Zera Kozlieva, the provisions on the terms of pre-tri-

al investigation and high treason need to be amended to take into account the context of the armed conflict (*Комітет Верховної Ради України з питань прав людини, національних меншин і міжнаціональних відносин, 2021*).

In order to form a legal framework that would regulate the liability of individuals for committing various actions in the temporarily occupied territories, four bills on so-called collaborationism were introduced in the Verkhovna Rada (№ 2549, 5135, 5143, 5144). Such MPs' actions seem inconsistent, given the statements of the head of the Ministry of Reintegration on the need to reject the term "collaborationism" as it "has a very controversial meaning and negative connotation for everyone; actions of ordinary people and hostages may fall under collaboration" (*Мартинець, 2021*). The bills also received a negative assessment from relevant civil society, human rights, and dialogue organizations: "Collaborationism as a concept is harmful because it expands too much the list of those who are to be prosecuted. Such legislative initiatives are aimed at revenge, not at achieving lasting peace and social harmony" (*ZMINAa, 2021*). On the one hand, **this situation demonstrates public and political demand for settlement of transitional justice issues.** On the other hand, it shows that **some political elites do not understand the critical goal of transitional justice**, which is strengthening public confidence on both sides and achieving long-term peace. To attain these goals, the **MPs, relevant ministry, and civil society organizations should cooperate in order to adopt legislation that will fix Ukraine's position on who is hostage to the situation in the TOT and who will be liable for their actions.** In addition, it is vital to draft a law that would determine the status of war criminals (*Переосмислення..., 2020*).



One of the most discussed aspects of transitional justice is the issue of amnesty. According to a survey conducted by the School for Policy Analysis at NaUKMA, in January 2021, **35.9%** of respondents strongly or partially agreed with the statement that the amnesty should be applied to those who have committed minor criminal offenses (*Осипчук & Суслов, 2021*). On the other

hand, amnesty cannot be granted to persons who have committed war crimes or violations of international humanitarian law. This fundamental norm is envisaged both in the draft Concept of Transitional Justice by the working group under the President of Ukraine (*РБК-Україна, 2020*) and in the draft law "On the State Policy of the Transition Period". The latter also excludes foreigners and stateless persons who have committed criminal offenses from the list of the potentially amnestied.

The right to the truth until the end of the conflict is exercised by collecting and accumulating facts about the events that took place during the conflict in the affected area, including human rights violations, witnesses' testimonies, and the documentation of all this information. The establishment of the aforementioned Department for Supervision of Criminal Proceedings on Crimes Committed in the Conditions of Armed Conflict, the Office of the Prosecutor General of Ukraine was a significant step in this process. Its tasks directly include "ensuring the functioning of a unified system for collecting, processing, storing, and analyzing information and evidence on crimes committed in the armed conflict in the temporarily occupied territories of the Autonomous Republic of Crimea and the city of Sevastopol, Donetsk and Luhansk regions, and related to the armed aggression of the Rus-

sian Federation against Ukraine" (*Prosecutor General's Order № 98 of 19.02.2020*). Moreover, in 2020, Ihor Yaremenko, Deputy Minister in the Ministry of Reintegration, announced the ministry's plans to establish a National Documentation Center (*Український кризовий медіа-центр, 2020*). Although as of the end of April 2021 such a center has not yet been established, Oleksandr Smyrnov, Adviser to the Minister of Reintegration, confirmed the continuation of work on its launch (*Мінреінтеграції, 2021b*). Whilst the information is already being collected by both NGOs and a special department in the Prosecutor General's Office, **the opening of a national documentation center is a necessary step that should be implemented as soon as possible. Another important task will be to establish cooperation between the Center and non-governmental organizations documenting human rights violations since the beginning of Russia's armed aggression and to organize the transfer of their accumulated data to the state archives.** On 27 May, 2021, in a meeting with EU special representative on human rights, Eamon Gilmore, Oleksiy Reznikov confirmed an impending launch of "The Ukrainian National Center for Peacebuilding" whose "main task will be to maintain a database of human rights violations connected to the Russian armed aggression on the temporary occupied territories" (*Mission of Ukraine to the European Union, 2021*). On 16 July 2021 an expert board was created to work on propositions for national system of monitoring and documenting of human rights violation on the temporary occupied territories (*Мінреінтеграції, 2021d*).

The Ukrainian Institute of National Remembrance (hereinafter – UINR) also collects, albeit in a slightly different format, testimonies of witnesses and participants of the conflict-related events. In March 2021, the Institute presented an online platform "Oral History Archive" which also contains stories about the Russian-Ukrainian war (*UINP, 2021*). The Institute is also involved in the project "Virtual Museum of Russian Aggression" which is implemented together with partners with the support of the International Renaissance Foundation (*Комітет Верховної Ради України з питань прав людини, національних меншин і міжнаціональних відносин, 2021*).

The draft Concept of Transitional Justice, developed by a working group under the President of Ukraine, envisages a special organization for collecting information and evidence on the conflict – the Truth Commission, which may include representatives of the occupied territories. According to Anton Korynevych, who heads the working group, such a commission may be established within the UINR (*РБК-Україна, 2020*).

According to Dmytro Koval, a lawyer of NGO Truth Hounds, **it is essential to exercise the right to the truth not only through the documentation but also through the creation of specialized museums / memorial institutions and fact-based cultural products** (*Комітет Верховної Ради України з питань прав людини, національних меншин і міжнаціональних відносин, 2021*).

Compensation for damages. Only in September 2020, the Cabinet of Ministers approved the "Procedure for using funds provided in the state budget for monetary compensation to victims whose houses (apartments) were destroyed as a result of a military emergency caused by armed aggression of the Russian Federation" (*КМУ, 2020*) and allocated UAH 20 million for the payment of these compensations. As the Procedure needs inspections and the submission of a number of documents, by the end of 2020, 74 victims who owned 67 housing facilities have received compensation (*Мінреінтеграції, 2021c*). For the imple-

mentation of this budget program in 2021, UAH 114 million is pledged to help 380 victims (*Мінреінтеграції, 2021e*). At the same time, according to the Ministry of Reintegration, in the Luhansk region about 375 families need compensation for destroyed housing and in the Donetsk region – 318 (2020b).

The draft law "On the State Policy of the Transition Period" developed by the Ministry of Reintegration is also expected to regulate the issue of compensation for damages. In particular, paragraph 5 of Art. 2 imposes compensation for material and moral damage on Russia "as an aggressor state and an occupying power" (2020a). This provision remains unchanged in the second draft of this law released for public discussion in June 2021 (*Мінреінтеграції, 2021*).

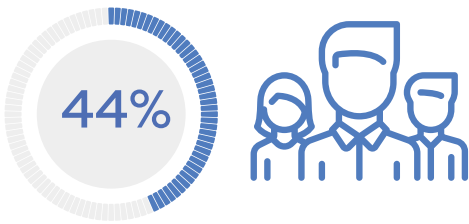
On March 1, 2021, the Verkhovna Rada of Ukraine registered bill № 5177 "On Protection of Property Rights and Other Real Rights of Victims of Armed Aggression", which deals with a broader range of property issues in more detail (see *detailed analysis here: Право на захист, 2021a, 2021a*). Therefore, the coalition of relevant NGOs advises **"to adopt this bill in the first reading with further revision"** (*ZMINA, 2021b*).

Necessary steps towards de-occupation and further reintegration of the temporarily occupied territories, in particular in the context of transitional justice, include effective institutional reforms and strengthening the rule of law in Ukraine (*Переосмислення..., 2020*). Institutional reforms in the context of transitional justice primarily concern the security sector and the judiciary. The main goal of these reforms is to provide an institutional environment in which both law enforcement and the judiciary would be trustworthy for all parties after the end of the conflict. As O. Ovcharenko rightly points out, "a significant part (if not most) of the tasks of transitional justice will be entrusted to the existing judicial system of Ukraine. In addition to new challenges, the latter will have to fulfill its old "permanent" tasks: to guarantee human rights and freedoms, to ensure justice and order" (*Бущенко & Гнатовський, 2017, p. 490*).

Reforms of the judiciary, police, and Security Service (SBU) in Ukraine have been launched but have not yet achieved their goals. For example, the Security Service of Ukraine, whose role in the context of hybrid war is critical, still needs to be stripped of its improper functions and to be transformed into a strictly counterintelligence institution. Therefore, **the continuation of institutional reforms is not only the key to Euro-Atlantic integration but will also contribute to a more successful reintegration process.**

Experts also draw attention to the excessive workload of courts and law enforcement agencies which affects the quality of their work. Therefore, they call for "creating a significant human resource of investigators, prosecutors, judges that would protect the rights of victims of conflict (on time, efficiently, and impartially)" (*УГСПЛ, 2018*).

Necessary institutional reforms also include strengthening the country's defense capabilities as a significant factor on the path to de-occupation of its territories. In particular, to date, no defense order has been accepted (*Канєвський, 2021*) under which military equipment and goods for the military are purchased. The crisis in defense procurement also contradicts Ukraine's course towards NATO which has a negative impact on the support by international partners.



A crucial part of the institutional component of transitional justice is the issue of lustration. Article 24 of the draft law "On State Policy of Transition Period" presents the vision of the Ministry of Reintegration on lustration. In particular, it states that "persons who within the occupation administrations of the Russian Federation ensured the livelihood of the temporarily occupied territories

and did not harm the lives and health of citizens are not subject to lustration". **44.4%** of Ukrainian citizens surveyed in January 2021 supported this position (Осипчук & Суслов, 2021). The draft Concept of Transitional Justice developed by a working group under the President led by Anton Korynevych, also provides for the lustration of persons who held senior positions in the occupation administrations or organized separatist referendums (РБК-Україна, 2020).

In April 2021, the Ukrainian Helsinki Human Rights Union presented its own concept of lustration in the de-occupied territories. The authors propose not to appoint for the office citizens of Ukraine who: worked in leading / top positions in the occupation administrations; cooperated with special (intelligence) services of the occupying state; participated in politically motivated persecution of people in the temporarily occupied territories; alienated private or state property and the property of the territorial community; participated in administrative expulsion, forced relocation, deportation of people from TOT; participated in the militarization of children's education; committed other human rights violations. However, experts emphasize that decisions on lustration should be made individually on a case by case basis (ZMINA, 2021c).

According to UN documents, **national consultations** are another necessary element of transitional justice. Currently, such discussions are mostly organized by relevant non-government organizations and initiatives. A prominent role in this area is played by the National Platform for Dialogue on Peace and Safe Reintegration which, although organized by the Ukrainian Independent Center for Political Studies, unites representatives of many NGOs on its platforms. Also, the Ukrainian Helsinki Human Rights Union holds a significant number of events dedicated to the discussion of transitional justice. The first large-scale discussion of the principles of life in the TOT after de-occupation organized by the state, was a discussion on the provisions of the draft law "On State Policy of Transition Period" developed by the Ministry of Reintegration. The bill was sent for examination to the central executive bodies, researchers, experts – a total of more than 160 respondents (Мінреінтеграції, 2021a).

One way to strengthen transitional justice activities is to coordinate them with **the Disarmament, Demobilization, and Reintegration Program** (United Nations, 2010, p. 11) which indicates the need for appropriate discussion and designing of such a program.

There are some other issues that are not directly related to transitional justice but directly impact both current and future reintegration policies. For instance, to effectively reintegrate (Війна на Донбасі: реалії та перспективи врегулювання, 2019) the temporarily occupied territories after their return, Ukraine **must already work hard to complete decentralization reform. It will allow to spread positive experience to the returned territories and to create positive expectations of TOT residents regarding the future of their territorial communities after de-occupation** (Переосмислення..., 2020, p. 24).

The establishment of Crimean Tatar autonomy remains to be an important issue (*Переосмислення...*, 2020, p. 144-145; *Тищенко та ін.*, 2017). The issue of the future status of Crimea within Ukraine and the possible establishment of Crimean Tatar autonomy and its possible framework and specifics should be the subject of in-depth discussion in Ukrainian society and politics. This requires a careful analysis of all stakeholders' positions while ensuring the sustainability of state institutions of Ukraine and its long-term interests.

The broad involvement of civil society is also a necessary step in developing policies and laws related to the reintegration of the temporarily occupied territories. During the years of occupation, NGOs systematically have been raising different issues pertaining to reintegration policy and the need to protect the rights and freedoms of Ukrainians in the occupied Crimea and CADLR. Relevant civil society organizations have ideas that would help representatives of ministries to develop high-quality policies for reintegrating the temporarily occupied territories. Involvement of civil society is also necessary for drafting an action plan for the implementation of the Strategy for De-occupation and Reintegration of the Temporarily Occupied Territory of the Autonomous Republic of Crimea and the City of Sevastopol, as well as for the development of the Strategy for reintegration of CADLR. An example of such cooperation with civil society is the draft law "On State Policy of Transition Period" developed by the Ministry of Reintegration. Before submitting the bill to the Verkhovna Rada, the Ministry of Reintegration collected comments from civil society and other stakeholders to improve the bill (*УкрІнформ*, 21.01.2021). Experts also note that the Ministry has received more than two thousand proposals from NGOs, local authorities, and other stakeholders to date.

Information and cultural aspects of reintegration policy

Regarding the information and cultural component of reintegration policy, it should first be noted that most experts in interviews and analytical materials talk about the exceptional importance of these spheres (see, e. g.: Гірник & Золкіна, 2017; Кіпень & Бондаренко, 2019; Переосмислення..., 2020; Усачова, 2020; Большешапов, Хмельовський & Чупіс, 2020; Війна на Донбасі, 2019).

At the same time, the implementation of a proactive and effective policy of information and cultural reintegration of the temporarily occupied territories requires both significant resources and coordinated efforts of various agents.

There should be approved and adopted state strategies for such policies. Over the past five years, the Strategy of Information Reintegration of Donetsk and Luhansk Oblasts (2018) and the Strategy of Information Reintegration of the Autonomous Republic of Crimea and Sevastopol (2018) have been developed but have not received approved Action Plans for their implementation.

Today, both Strategies need to be updated. Also, the Strategy of Information Reintegration of the Temporarily Occupied Territories of Donetsk and Luhansk Oblasts for 2021-2025 (Палій, 2021) is a work in progress. Work has also begun on a Strategy of Information Security (Стратегія інформаційної безпеки (Проект), 2021).

Unfortunately, despite the importance of this sphere, policy making and drafting of all these documents is not sufficiently and systematically coordinated. Partly that is due to the constant institutional changes in the structure of the executive branch of government and the bodies responsible for the development of such strategies which inhibited the work and led to a change in priorities.

Previously, the School for Policy Analysis paid a lot of attention to the analysis of information policy documents in the context of the reintegration of the temporarily occupied territories. For example, we discussed the strategy of information security (Большешапов, Хмельовський & Чупіс, 2020), analyzed information policy on the temporarily occupied territory of Crimea (Усачова, 2020), and focused on information policy in the context of reintegration of the youth of Donbas (Сабура, Суслов & Метельський, 2020). We were especially interested in studying of Ukrainians' attitudes to certain aspects of information, humanitarian, and cultural policy (ШПА, 2021), posing questions not only about the importance of information security and counteracting propaganda, but also about freedom of religion, Crimean Tatar language, Ukrainian cultural and artistic content, etc. (ШПА, 2020c).

On the other hand, the importance of such a part of cultural and information policy as commemorative practices, i. e. specific measures in the field of memory policy, should be emphasized. In the context of the events in Eastern Ukraine, it might be primarily a matter of "already honoring the victims of Russia's armed aggression now", which is supported by two-thirds of Ukrainians (Осипчук & Суслов, 2021, p. 12). However, it is important to

understand that this is only one of the elements of a set of actions whose importance is underlined by both representatives of the civil sector (ДІФ, 2020; Палій, 2021, р. 2-3, 7) and the head of the Ukrainian Institute of National Memory, Anton Drobovych (Комітет ВРУ з питань прав людини..., 2021).

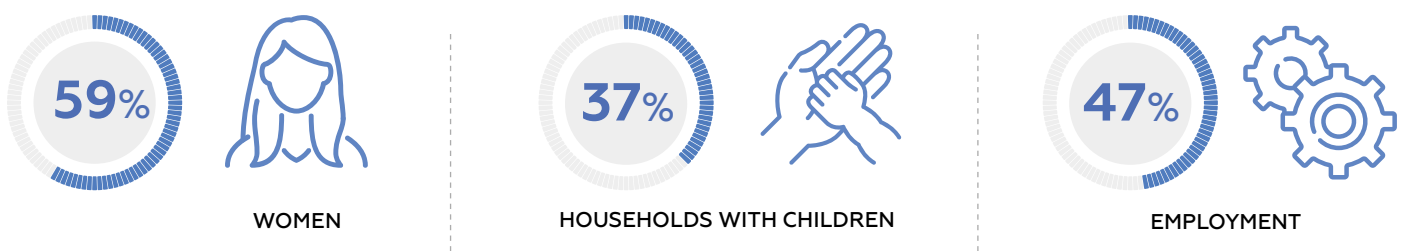
In this report, we will not stop separately on the information and cultural policy of reintegration as it has often been the focus of both our materials and the reports by other experts and NGOs. Thus, among the main challenges are: counteracting of **the information influence of the Russian Federation and its propaganda; reaching out to and attracting the "end consumer", i. e. the audience; improving the communication of all Ukrainian authorities, both internal and external; diversification the content and channels of influence; "vagueness and fuzziness of strategic narrative for TOT residents"** (Кіпень & Бондаренко, 2019, р. 6-7). Solving these problems requires significant resources, both material and human, as well as systematic work and coordination. Among the steps in this direction are: the concentration of authority regarding an information and cultural policy of reintegration within the Ministry of Temporarily Occupied Territories and IDPs (Постанова Кабінету міністрів України №371-2020п від 6 травня 2020), the transfer of several budget programs to this Ministry and also the creation of the Center for Combating Disinformation at the National Security and Defense Council by the Decree of the President of Ukraine №106 / 2021 of March 19, 2021, and the creation of the Center for Strategic Communications and Information Security under the Ministry of Culture and Information Policy.

Policy to support internally displaced persons



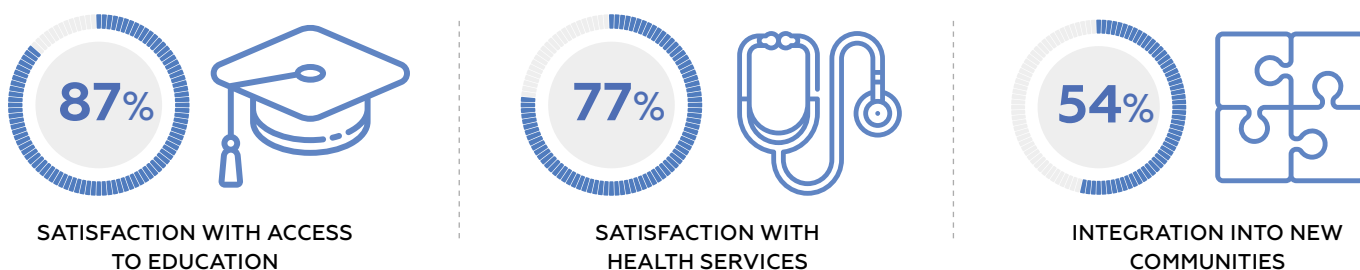
According to the Ministry of Social Policy of Ukraine, as of April 6, 2021, the total number of internally displaced persons (IDPs) from Crimea and Eastern Ukraine is 1,464,171 (MOM, 2021). Half of the registered IDPs permanently reside in the territory of Donetsk and Luhansk oblasts controlled by the Government of Ukraine within a 20-kilometer zone

from the demarcation line. Most IDPs are registered in Donetsk, Luhansk oblasts, Kyiv and Kyiv oblasts, Kharkiv, Dnipropetrovsk and Zaporizhia oblasts. Women make up 59% of internally displaced persons. The share of households with children is also significant (37%) (MOM, 2019, p. 4). According to the monitoring reports of the International Organization for Migration (MOM, 2019), the main problems for IDPs remain socio-economic, especially employment (average among IDPs is 47% vs. 59% for Ukraine as a whole), significantly lower average per capita income per month, compared to the average in Ukraine as a whole (UAH 3631 against UAH 5398), problems with housing - it is the lack of own housing that is called the "biggest problem" 37% (MOM, 2019, p. 7-8). Such indicators clearly illustrate why state aid (social benefits) remains a significant part of the budgets of IDP households and therefore its termination and renewal are important issues.



Speaking about the specifics of the policy on internally displaced persons in the context of reintegration, several areas should be distinguished: support and promotion of the reintegration of IDPs into new communities; compensation for losses and securing property rights of IDPs in respect of property in the temporarily occupied territories; ensuring access to justice and protection of family members left on the TOT, in particular in cases of persecution of relatives, their disappearance, etc., as well as ensuring the right to the truth and documenting the facts related to the occupation. The latter two areas are not exclusive to IDPs and rather belong to a set of measures to ensure transitional justice.

Since the beginning of the aggression in 2014, the issues of supporting IDPs and their integration, including socio-economic, into their new communities, their access to educational, medical, and other services, political rights, etc. have been on the frontline and of the utmost importance for Ukraine. This is what the efforts of the state, line ministries, the public sector, and international organizations have been (and still are) focused on. Of course, over the years, IDPs have been provided for a certain level of basic needs and various support programs for IDPs have been implemented. Thus, IOM monitoring shows that satisfaction with access to education (87%) and health services among IDPs (77%) is quite high which on average correlates with the national level and though there are several problems related to residence registrations

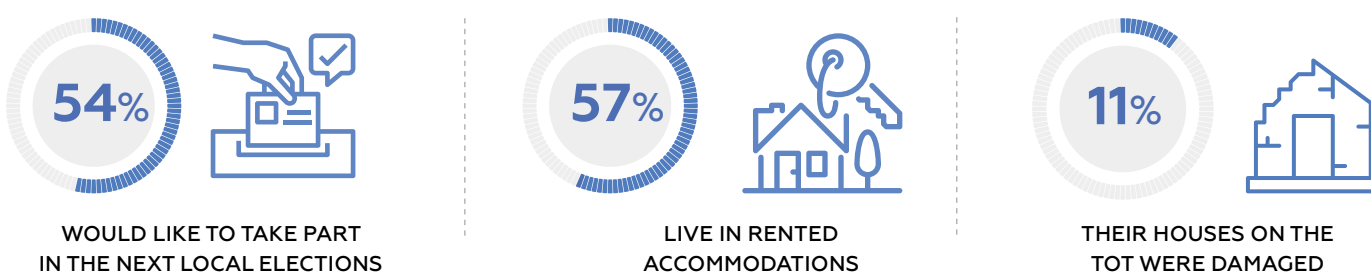


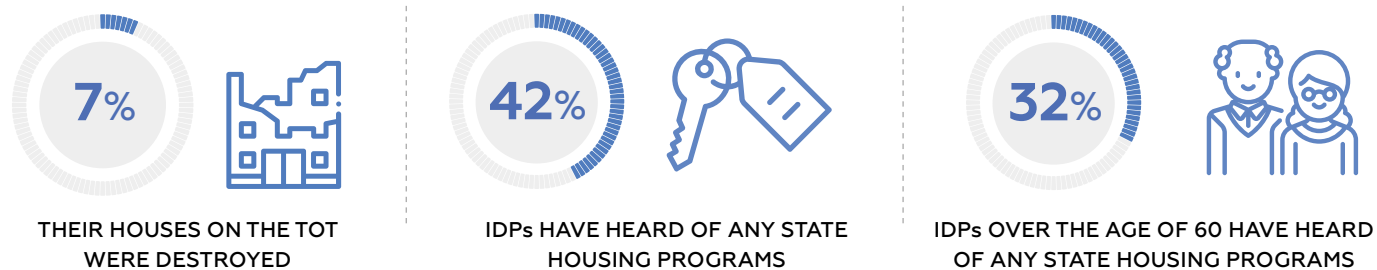
that have their specifics for internally displaced persons, they however are not exceptional (MOM, 2019, p. 7). IDPs report a fairly good level of integration into new communities (54% fully integrated, 34% partially), and although only 8% directly mention discrimination (MOM, 2019, p. 7), it should be noted that the integration is primarily understood by respondents here through the lenses of employment and availability of permanent income and housing.

If we talk about integration as the formation and strengthening of social ties in a new place, increasing the level of social trust, and as a sense of belonging to a new community - then "IDPs continue to have a stronger sense of belonging to the community in their former place of residence than to the community in their current place of residence ... 36% of IDPs reported a "very strong" or "strong" sense of belonging to the community in the previous place of residence compared to 29% who reported a sense of belonging to the community in their current place of residence " (MOM, 2019, p. 44).

During 2018-2020, the Ukrainian authorities adopted several legislative changes that made it possible for internally displaced persons to participate (vote) in local and national elections. At the same time, it cannot be ignored that the availability of such an opportunity does not automatically lead to the participation of IDPs in elections. In September 2019, only 54% said they would like to take part in the next local elections, and among the main reasons for non-participation were: the general level of distrust in the government, the conviction that the voting won't influence anything, and the fact that they were never interested in elections (MOM, 2019, p. 47). It should be noted that this indicator of readiness to participate is significantly lower than the average in Ukraine - 70.6% (*Долучайся!*, 18.03.2020). This **indicates the need for targeted policies and programs for IDPs, including information policies, civic education and participation. It is also an indirect evidence of their lack of integration into new communities.**

Housing security is a cornerstone issue for internally displaced persons. The majority of IDPs (57%) live in rented accommodations, although before relocation the vast majority of them owned their houses or apartments (88%) (MOM, 2019, p. 20). As of September 2019, only 11% said that their houses on the TOT were damaged, and 7% - that they were destroyed (MOM, 2019, p. 20). Although several state programs for the compensation or material assistance for damaged housing have already been launched, IDPs cannot benefit from them as reimburse-





ment is possible only if people have not left the settlement where they lived. At the same time, compensation for destroyed housing is available for them (*Право на захист, 2021b, p. 4*).

IDPs' awareness of targeted state housing programs, especially those offering non-temporary solutions, is also insufficient. Not all IDPs, even from the target categories, are aware that there are government programs for free / unpaid accommodation for certain groups of IDPs. For example, according to the IOM National Monitoring Report for June 2020, only 42% of internally displaced persons have heard of any state housing programs. Among people over the age of 60 the figure is even lower – 32% (*MOM, 2020, p. 22*).

In general, experts say that although several housing programs for internally displaced persons have been introduced, most of them are targeted only at certain small categories of IDPs and therefore remain inaccessible to most (*Право на захист, 2021b, p. 4*). This is especially true for retirees and the elderly people, for whom some programs are simply not available - for example, mortgage programs, and who make up the majority of those who have returned to the temporarily occupied territories mainly due to problems with accommodation and their ownership of availability of property on TOT (*MOM, 2019, p. 48-49*). To sum up: **there is a need for funding and implementation of various state housing programs as well as wider availability of such programs to IDPs of different categories.**

Experts argue one of the shortcomings of working with victims of the conflict, in particular IDPs, is that "the Ukrainian government pays more attention to quantitative and monetary indicators" (*КримSOS, 2020*). Among such indicators as the amount of money spent on various programs, the number of registered IDPs, the number of translations of registration certificates into electronic format, and so on. At the same time, meaningful or / and "qualitative" indicators and their analysis are often overlooked.

The question of how internally displaced persons see their lives "after" the occupation should also be raised. Though it is not only a question of assessing people's possible plans for the future, or of indirect assessing the level of their integration into new communities and / or their life satisfaction. Data show that 36% of IDPs do not plan to return to their old place of residence even after the end of the conflict while 80% have stayed in a "new place" for more than 3 years already and 48% visited their old place of residence at least once (*MOM, 2019, p. 7*). Thus, there is a **significant proportion of IDPs who are going to return, which is exacerbated by the factors of ready availability of housing and property ownership in the temporarily occupied territories. The Ukrainian authorities should be ready to offer IDPs several options for support in case of a return, as well as to develop effective and realistic policies to reduce social tension and facilitate reconciliation between internally displaced persons returning and residents of the temporarily occupied territories.** Moreover, the development of such policies and programs which should include both socio-economic and political-legal and information-cultural aspects cannot be postponed.

Politics after de-occupation

Analysts differ on the specific steps that should be taken after the return of the temporarily occupied territories. Most point to the need for temporary administrations, for example, the Holos party in its “Voice of Reason: Cold Deoccupation Strategy” mentions the need for a temporary international administration under UN or OSCE supervision (Голос, 2020). In turn, the Razumkov Center's study argues the need to create military-civilian administrations, as well as to establish a military commandant's office (Війна на Донбасі, 2019). Thus, given these two options, the establishment of temporary administrations should be a necessary step after the return of the temporarily occupied territories. In January 2021, the Ministry of Reintegration of the Temporarily Occupied Territories of Ukraine published a draft framework law “On State Policy of Transition Period”, which also contains provisions on the establishment of military-civil administrations. As this document is only a draft, it is unknown at this time what format the administration will take. This should be an issue for discussion and approval for representatives of relevant authorities, as well as the civil sector.

In parallel with the creation of temporary administrations, the quasi-state institutions of the so-called “DPR” and “LPR” (Війна на Донбасі, 2019) as well as the occupation authorities of the Russian Federation in the Crimea should be liquidated. Also, the functioning of Ukrainian banks and mass media must be resumed, civil status acts must be audited, and the occupation and Russian media must be shut down. This process should be accompanied by consultations with international partners.

Elections after the return of the temporarily occupied territories remain an important issue. The draft law “On State Policy of Transition Period” provides an algorithm for holding elections to local self-government bodies after de-occupation. It states that elections must be held no earlier than two years after the de-occupation. The formation of local governments is based on the results of elections. The draft law does not regulate the participation of residents of the temporarily occupied territories in presidential or parliamentary elections, but these provisions should be added. In turn, the authors of the analytical report “Dialogue for Unity: Is Ukraine Ready?” (Радченко, Кашенець & Біруля, 2021) provide expert assessments of the period after which elections can be held after de-occupation. Most experts believe it to be five years. Similarly, experts emphasize that international experience shows the importance of temporary administrations in ensuring elections. Thus, Maria Zolkina says that the experience of the Balkan countries “proves the existence of a crucial argument for the impossibility of moving from, let’s say, disarmament or withdrawal of foreign contingents immediately to the election campaign” (Золкіна, 2020).

As experts’ positions differ, the issue of elections in the temporarily occupied territories after their return requires updating and separate regulations. In addition, analysts from several human rights organizations, including Vostok SOS, say that some provisions of the draft law “On State Policy of Transition Period” are contrary to the principles of legal certainty. The repeal of some laws in case of adoption of this draft law will create gaps in regulation (Аналіз проекту закону, 2021). That is why the draft law needs to be finalized with the direct involvement of all relevant institutions and actors as well as human rights organizations.

Conclusions

Speaking about the main gaps in the context of reintegration policies, it should be emphasized that there is a significant lack of coordination between various government agencies that prepare policy documents, for example the framework draft law on transitional justice and various draft laws on so-called collaborators. At the institutional level, the reintegration policymaking requires coordination and intensification of efforts of all state institutions to eliminate inconsistencies in existing regulations. Also, several key documents have not yet been adopted, such as the Strategy for Reintegration and Information Policy for the Temporarily Occupied Territories until 2025 and Action Plans for their Implementation, Information Security Strategy, Foreign Policy Strategy, regulatory framework for settlement of property issues in the temporarily occupied territories and many others. The Rome Statute has also not yet been ratified.

Also important is the involvement of civil society in the reintegration policy making and drafting of relevant laws and regulations. Civil society organizations should be involved in working groups and expert discussions. Besides, it is civic and human rights organizations that systematically shape the agenda for reintegration policies focusing on certain pressing issues and on issues of protection of rights and freedoms. Also, NGOs are a source of constant constructive criticism for the government, which should nevertheless be co-authors of policies.

All bills and policies should be drafted and developed in cooperation with experts and relevant organizations, as well as on the basis of relevant survey and research data. It is of the utmost importance as the topic is very sensitive and the state should act carefully and thoughtfully, focusing on evidence-based policymaking and giving consideration to international experience. At the same time, it is important to approach international experience not as ready-made solutions and model scenarios that may be borrowed, but as a set of specific tools and measures that should be critically analyzed and applied taking into account the specifics of our context.

The use of data and information from surveys, interviews, or focus groups in policy making also requires sensitivity and accuracy. On the one hand, public policy making should consider long-term goals and state / national interests, especially given the generally low level of public awareness of the specific nuances of such policies which simultaneously could potentially feed a media hype. On the other hand, it is dangerous in the context of electoral democracy with strong populist sentiments to ignore public opinion or the public's rejection of important legislative initiatives. It also indicates a lack of adequate communication strategy and information policy. Among these issues are such aspects of transitional justice as amnesty, lustration, and liability for one's actions; the right to truth and documentation of violations since the beginning of the Russian armed aggression; responsible information and cultural policy; settlement of property issues in the temporarily occupied territories and compensation.

It is important for an effective reintegration policy to advance and complete the institutional reforms that have already begun, particularly the reforms of decentralization, of

law enforcement, and judiciary reform, as well as the strengthening of defense capabilities. Therefore, these issues cannot be neglected when researching public opinion and expert positions. Also, the success of institutional reforms is an additional argument for Ukraine in the process of reintegration and its "fight for the people" from the temporarily occupied territories.

It is the "fight for the people" that should be the main focus of the policy of reintegration of the temporarily occupied territories. The citizens of Ukraine who now live on the TOT should feel that they have not been forgotten; that the state, as far as possible, cares for them and protects their rights; that they are important to Ukraine. Also, these people need to have a clear understanding of what will happen to them after de-occupation. Thus, not only issues of transitional justice but also support for internally displaced persons and young people from the temporarily occupied territories are of particular importance. This is even more important given the narratives broadcast by the Russian media and media of its satellites and pseudo-state formations.

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ANALYTICAL REPORT

**Policies of Reintegration
of Temporarily Occupied
Territories: Models, Scenarios,
Discussions, Experience**