

Internal Displacement in Ukraine:
Where the Government Went Wrong.

By Annelise Albert

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Approved:

Advisor: Dr. Joshua First

Reader: Dr. Kees Gispen

Reader: Dr. Shine Choi

Abstract:

The purpose of this project was to show how the Ukrainian government has delegitimized itself currently in the eyes of the Ukrainian People through its handling of the internal displacement problem. To show this, this thesis analyzes Ukrainian legislation passed pertaining to internally displaced people and how these pieces of legislation have been ineffective at producing any significant change in the IDP problem. In certain cases, this legislation is correlated with an increase in the number of IDPs. Further, this thesis analyzes the decline in public opinion of Ukrainian citizens with the government. Through interviews of different human rights organizations and displaced people, evidence is provided for this decline. Due to the contemporary nature of this topic, it would be preemptive to make any final conclusions at this point in time. Rather, this thesis is intended to give an update on present events and provide possible solutions to a current problem.

Table of Contents

Acknowledgements.....	3
1. Introduction.....	4
2. How the Ukrainian Government Contributed to the IDP Problem.....	8
3. Decline in Public Support Further Undermines the Legitimacy of the Government.....	25
4. Conclusion.....	35
Works Cited.....	39

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Chapter One: Introduction

The Ukrainian government has long been plagued with corruption and political turmoil, and in 2014, this turmoil allowed Russia to invade Crimea and the Eastern regions of Donetsk and Lugansk. Due to these invasions and later annexations, the Ukrainian government has faced the task of dealing with an influx of displaced people from Crimea and the Eastern regions. These internally displaced people create hardships for an already strained government by adding pressure for social and economic provisions. The Ukrainian government's mishandling of the IDP problem is causing it to suffer a loss of legitimacy that is framing the government to be perceived by citizens as inept and weak. The government of Ukraine believes that it is successfully handling the IDP crisis. However, this is not correct. In this thesis, I will argue that the Ukrainian government has not only failed in positively handling the IDP crisis but has also possibly added further strain to the situation. This failure has metastasized in the minds of citizens as a government that can render no help to its people, leading the citizens of Ukraine to look to international humanitarian organizations for help.

The origins of the Ukrainian IDP crisis can be traced back to the Russian annexation of Crimea in March of 2014. In late February, unidentified Russian troops invaded Crimea and took over airports and other strategic buildings. The Russian authorities argued this was not unlawful because it did not go against the Partition Treaty of 1997. This treaty, renewed by Ukrainian President Yanukovich in 2010 as part of the Kharkov Pact, allowed Russia to maintain no more than 25,000 troops on the Crimean

Mainland. After invasion, a referendum for reunification with Ukraine or Russia was presented on March 16, 2014. According to the commission of the referendum, 82% of Crimea's population voted in favor of reunification with Russia, and on March 18, Crimea officially became part of the Russian Federation (Sakwa 2014, 104). It is important to note the illegality of this referendum and to question its validity. According to Article 72 of the Ukrainian Constitution, only the Verkhovna Rada, the legislative branch of Ukrainian government, or the president can call for a referendum. Furthermore, Article 73 of the Ukrainian Constitution states that only "nationwide referendums can solve the question of alterations to Ukrainian territory." Therefore, the Crimean referendum is in violation of the Ukrainian Constitution because the president or Verkhovna Rada did not issue it, nor were all citizens of Ukraine granted the right to participate in the voting process. In addition, there is question of whether the citizens were forced to vote for reunification with Russia due to pressure from the presence of Russian soldiers at the voting polls, making the vote neither free nor fair (Brilmayer 2014). Even though the referendum is illegal and the percentage of Crimeans voting in favor of reunification with Russia is widely disputed, these actions still resulted in the annexation of Crimea. This annexation led to an exodus of people from Crimea to mainland Ukraine.

After Crimea became part of the Russian Federation, Crimean Tatars experienced immediate persecution, with Crimean party leaders denied reentry to the peninsula and the banning of several Crimean Tatar organizations (Yekelchik 2015, 132). In an interview, a Crimean Tatar who fled from Yalta to Kiev stated he felt that Crimea "has

turned into a prison” and referred to different cases where people of Muslim faith have mysteriously disappeared (NATO Review 2015). These disappearances, fear of further Russian persecution, and bans on Ukrainian and Tatar language resulted in several people fleeing the peninsula. According to Humanitarian Reports, a month after annexation 2,954 people fled the Crimean Peninsula for mainland Ukraine. By September of 2014 this number increased to 17,928 people displaced.

After the invasion of Crimea, anti-government separatists in the south-east regions of Ukraine backed by Moscow capitalized on the unstable government and voiced their disapproval by means of protests and seizure of government property (Grytsenko 2014). The separatists placed Russian flags on Donetsk’s central square in early March of 2014 and demanded that local deputies declare the post-Maidan Kiev government illegitimate and put local security forces under regional control (Salem 2014). Only one month later on April 7, these desires for regional autonomy morphed into the declaration of Donetsk as an independent republic, formally known as the Donetsk People’s Republic. The Lugansk region declared independence shortly after on April 27 and is now known as the Lugansk People’s Republic. The creation of these two republics resulted in a conflict between Russian backed separatists and Ukrainian military forces. These early military encounters resulted in the initial displacement of 10,201 people who lost their homes and livelihoods due to the constant bombing and shelling tactics employed by the opposing forces (United Nations Children Emergency Fund 2014, 2.) Other citizens of these regions took preemptive measures and fled to parts of Ukraine where there were no active conflicts. The UNHCR sites that as of July 29, 2014, the total number of displaced

citizens in Ukraine increased to 111,616. They further state that by August of 2014, this number had risen to 190,087 internally displaced Ukrainian citizens (United Nations High Commissioner for Refugees 2014, 6). On April 25, 2016, the Ministry of Social Policy announced there were 1,780,245 people considered displaced within Ukraine (Ukraine Today 2016).

The term internal displacement is employed concerning peoples who are forced to flee from their place of residence but do not cross an international border. Internal displacement is not a problem specific only to Ukraine; it is experienced in countries worldwide. In order to combat increases in internal displacement, the United Nations High Commissioner for Refugees included displaced people in their 1972 mandate. In 1998, a representative of the Secretary-General on Internally Displaced Persons presented the “Guiding Principles on Internal Displacement” to the UN Commission on Human Rights. These principles became an important part of the framework on internal displacement for emergency relief coordinators, human rights organizations, and the United Nations High Commissioner for Refugees.

The Guiding Principles were established to provide clarification on the rights of internally displaced people (IDPs.) Prior to these guidelines, the only laws existing regarding the rights of IDPs were ambiguous human rights laws. The Guiding Principles define who is considered displaced, the parties responsible for the protection of IDPs, and details the requirements of that responsibility. According to these principles, the national government and local authorities are responsible for the protection of IDPs. However, in a foreword to the principles, the importance of the involvement of the international

community is stressed in enhancing protection of IDPs (Office for the Coordination of Humanitarian Affairs 2004, 3). In theory, the Guiding Principles appear to be the form of action needed to help IDP crises worldwide. However, because the document is non-binding, there are many problems enforcing the principles (Georgetown University 2007).

The Guiding Principles are based on existing international humanitarian law, but they are only equal to the ratification of human rights in a particular state. Therefore, the Guiding Principles are used as a suggested standard to follow, but each nation decides to what extent to abide by them. The UNHCR can make suggestions based on the principles to the governments of countries dealing with the issue of internal displacement, but this does not mean they will be accepted. This contributes heavily to the current period of internal displacement in Ukraine. The UNHCR has offered suggestions to the Ukrainian government, but these suggestions have been ignored or subjected to long parliamentary delays. Therefore, the Ukrainian government has provided little help to its displaced citizens and has possibly intensified the strain placed on IDPs.

In order to be successful in dealing with the IDP crisis, there are two paths the Ukrainian government must travel. First, the Ukrainian government needs to enforce its existing legislation concerning IDPs. As explored later in this thesis, the Ukrainian Government attempted to put forth legislation listing the rights and social benefits displaced people would receive; however, the legislation was weak and was not carried out. The government did not provide a system of checks and balances for the regional centers placed in charge of handling the problems IDPs experienced. As a result, these

regional centers were able to pass on the responsibility of dealing with IDPs to humanitarian organizations. Second, the government needs to rebuild infrastructure in areas retaken under government control. Recently, IDPs began returning to their homes but found them damaged or completely destroyed. The government has attempted to aid the situation by restoring electricity and water in these recently acquired areas (European Commission's Humanitarian Aid and Civil Protections Department 2016, 5.). While this is a positive action taken by the government, the people need more than just standard utilities. To achieve success, the government should concern itself with implementing programs to rebuild homes, workplaces, and government buildings, while also listening to the needs of the people. These actions, if taken by the government would not only greatly aid the IDP crisis, they would also lend the Ukrainian government the sense of legitimacy it needs to improve its image in the eyes of the people.

As of now, the Ukrainian government has failed to successfully implement programs to aid displaced people within Ukraine. This thesis will highlight the government attempts at aid first, by analyzing different pieces of legislation put forth by the government in terms of IDPs. By reviewing legislation, it is clear where the government has fallen short on the IDP problem, and where it could improve its strategies for handling displaced people. After analyzing legislation, this thesis will explore how the government has lost a sense of legitimacy in the eyes of the people, and what the Ukrainian people actually think of their government. This is evident in interviews of displaced people and the humanitarian workers who are helping them. Through these interviews, the reliance on humanitarian organizations is evident.

Displaced people are more reliant on the organizations for help rather than the government, and view the government attempts at aid as failure. This failure has led the Ukrainian government to lose legitimacy in the eyes of Ukrainian people at a time when a sense of legitimacy is needed to unite Ukraine.

Chapter Two: How the Ukrainian Government Contributed to the IDP Problem

Prior to 2014, Ukraine had never experienced internal displacement; therefore, the government lacked the necessary tools to adequately handle the problem. To understand how the government has only further harmed internally displaced people, it is important to examine its original attempts to solve the problem. So far, the legislation put forth has been half-hearted because of a preoccupation with resolving the conflict in the East. Thus, the problem of internal displacement is not at the forefront of the government agenda, and the percentage of displaced citizens has only increased. The failure to acknowledge the severity of the problem and the importance of rectifying it has led to an immense lack of faith in the government. Further, it has undermined the legitimacy of the Ukrainian authorities to be able to provide for its citizens.

As stated, the Ukrainian government was ill prepared to deal with such large quantities of people moving within the country's borders due to its focus on tackling corruption and overcoming economic instability. This preoccupation is seen after the election of President Poroshenko when he signed particular parts of the Association Agreement with the European Union in June of 2014. This was an attempt by the government to secure a market for Ukrainian exports and stabilize the country (Pifer 2014). However, at this time already 54,405 people were already displaced in Ukraine with no official law guaranteeing their rights or creating programs for social and economic support (United Nations High Commissioner for Refugees 2014, 1). Further, two days before Poroshenko signed the economic portion of the Association Agreement,

the Donetsk People's Republic and the Lugansk People's Republic combined as the Union of Peoples' Republics and once again publicly declared support for Russia (Yekelchuk 2015, 145). The ongoing armed conflict between the central Ukrainian government and the officials of the Eastern region contributes heavily to the rise of IDPs in the country.

This chapter will explore different legislation put forth by the Ukrainian government concerning displaced people from Crimea and the eastern regions of Donetsk and Lugansk. Through analyzing the government's early attempts to control the situation, its unwillingness to recognize the severity of the IDP problem will be revealed. Further, this chapter will look at later attempts by the government to create new legislation after its original effort provided no relief. The end of the chapter then looks at recent attempts by the government to change laws concerning displaced people, making them easier to understand and more fitting to their needs. By looking at the different stages of legislation, one can see how the Ukrainian government handled the IDP problem, where it fell short, and where it contributed to an increase in displaced peoples, further undermining the legitimacy of the Ukrainian government.

Early Attempts to Amend the Crisis

In April of 2014, 2,954 people were already registered as displaced within mainland Ukraine (United Nations Children's Emergency Fund Ukraine 2014, 1). In response to this, the Cabinet of Ministers issued Resolution 298-p on April 7, 2014. This resolution placed the responsibility of establishing a headquarters to administer housing

and food to displaced people on regional and city officials. It also detailed that information would be updated daily in these headquarters on available places to reside. The resolution further stated the needs of the ministries and agencies to “ensure through the media, social networking, and by distributing leaflets and other information materials to citizens of Ukraine who are moving of their own rights and obligations.”

Problems with this resolution appeared immediately. The regional authorities charged with giving assistance to IDPs did little to help and often shifted the responsibility to volunteer groups and civil organizations (Williamson 2014, 3). Although the resolution stated efforts would be made by regional authorities to assist IDPs, these efforts were very limited and mainly restricted to online information on government websites (Ferris, Mamutov, Moroz, and Vynogradova 2015, 14). The website called the Informational Resource for Citizens, provides information to displaced people about jobs, schools, and places to stay. However, this site was rarely updated, and the information it contained was no longer relevant (Ferris, Mamutov, Moroz, and Vynogradova 2015, 14).

The Ministry of Social Policy’s (MSP) website created a section titled “Information for displaced persons.” This site was meant to provide instructions for displaced people on what kind of support they could receive from the state and what documents were necessary to be given this government support. This website also provided the number for the Ukrainian Government Hotline whose function was to “address issues related to temporary stay.” However, it was ineffective because it provided no support and often gave telephone numbers for local volunteer groups to

people who called (Ministry of Social Policy 2014). This was experienced firsthand by an internally displaced person, Svetlana, who fled from her home in Kramatorsk to the western city of Lviv. In an interview with Human Rights Watch, she stated, “I called the presidential hotline and they gave me a phone number of a volunteer in Lviv” (Williamson 2014, 2).

Shortly after Resolution 298-p took effect, the conflict in the East began and added to the growing number people displaced from the annexation of Crimea. In response to the conflict, the Ukrainian government passed law 1207 on April 15, 2014 titled “Law on the rights and freedoms of citizens and legal regime on the temporary occupied territory.” This law did little good because it did not recognize people from the East, and only indirectly addressed citizens from Crimea as people from the “temporarily occupied territory.” This language is important because by not recognizing Crimeans as displaced, the government is not responsible for providing protection and assistance according to international law. Further, if the law did not establish those fleeing from the East as displaced, the government was not required to provide them with aid. This law focused on the illegality of another country invading Ukraine’s borders and formally established that Ukraine does not recognize the annexation of Crimea. Therefore, this law did nothing to help the in increasing numbers of displaced people.

As more displaced people came into mainland Ukraine from Crimea and the Eastern regions, the pressure increased on the government to provide actual aid for IDPs. In an attempt to meet the demands of humanitarian organizations and IDPs, the Cabinet of Ministers issued another resolution to address social security issues of the displaced

people. Resolution 588-p absolved Resolution 298-p and added measures to provide for people “temporarily moved” from the occupied territories of both Crimea and the Eastern regions. This resolution differs from the former in its inclusion of people from the Eastern regions in Ukraine and its creation of a Coordination Center. Through the Coordination Center, displaced people could find information on open housing, find legal aid, medical care, and ask questions of the staff for any other concerns related to their displacement.

Though the establishment of the Coordination Center was meant to create one outlet where a network of inter-agencies could relay information to the displaced, the government did not make the Center well known, and its information was inadequate. Humanitarian organizations were unaware of its existence and were surprised to find that it was operating. When these organizations attempted to contact the center, they were not warmly received. In an interview with Human Rights Watch, members from the humanitarian group “Action” discussed their experiences with the center. The first member to contact the Center was told he should only call if there was an emergency. The second time this man called, he asked if there was a list with vacant houses available to the public, and the representative of the Center who spoke with him replied that there was not. The third time a member of “Action” called, they asked what the center did for displaced people, and the Center answered that when people call for help, they give them the telephone numbers of volunteer organizations (Williamson 2014, 6).

These resolutions, websites, and law 1207 are examples of the government’s attempts and failure to amend the crisis in its early stages. These attempts fall short

because of the government's unwillingness to notice the severity of the situation. This is understood by noting the language employed in these resolutions and laws. At this time, all legislation referred to displaced people as "temporarily removed." This meant the government did not fully recognize people as displaced and therefore did not acknowledge the existence of a crisis. By not recognizing these people as displaced, the Ukrainian government downplayed the severity of the crisis without tarnishing its previous human rights records (Supinsky 2015). This hoax of stability was pertinent to a government focused on stabilizing the economy through trade deals with foreign countries. Consequently, the legitimacy of the government was undermined in the eyes of the people.

In light of the failure of these resolutions, humanitarian organizations pressured the Ukrainian government to create a law that would directly address the issue of internally displaced people. During the summer of 2014, the United Nations High Commissioner for Refugees, the Organization for Security and Cooperation in Europe, State Migration Service, and other NGOs aiding the internally displaced in Ukraine worked with parliament to create a law that protected the rights of IDPs. After President Poroshenko vetoed three bills due to what he perceived to be ineffectiveness at confronting IDP problems and pressure from humanitarian organizations to stay true to what had been discussed in the previously stated meetings, draft law number 4490 a-1 was presented before Parliament on August 28, 2014. However, by the time of presentation, there were already more than 190,000 people displaced within the country (United Nations High Commissioner for Refugees 2014, 6). While the Verkhovna Rada

approved the original bill “On the legal status of persons who were forced to leave their place of residence as a result of the temporary occupation the Crimea and Sevastapool, or circumstances related to the ATO on the territory of Ukraine,” President Poroshenko believed the law was too declarative and did not comply with the constitution principles of guaranteeing the rights of citizens (Hops 2014). This deadlock between the legislative and executive branches of government highlight the inability of Ukraine to be effective in passing any legislation that would promptly aid the displaced people.

After the presentation of this IDP draft law, the Ukrainian government tabled it for two months due to Parliament postponing preliminary hearings (United Nations High Commissioner for Refugees 2014, 20). These postponements were due to other issues such as the creation of an anticorruption bureau and further anticorruption legislation (United Nations Office for the Coordination of Humanitarian Affairs 2014, 2). This further undermines the legitimacy of the Ukrainian government and reinforces that the government was more focused on trade deals and ending the conflict in the East than dealing with the issue at hand. Nevertheless, on October 1, 2014, the Cabinet of Ministers issued Resolution 509. This Resolution officially recognized the IDP issue and gave the Ministry of Social Policy (MSP) permission to start the registration process for the internally displaced. One of the main goals of this Resolution was to “take steps to establish and maintain a unified database of registered internally displaced persons from the temporarily occupied territory of Ukraine and anti-terrorist operation area” (Cabinet of Ministers 509, 2014). It outlined a procedure to issue certificates of registration for internally displaced people. In order to register, the displaced were required to complete a

personal information form and list their reason for fleeing their previous area of residence. Upon completion of this form, the displaced person was required to submit his passport or ID card to prove citizenship or legal residence in Ukraine.

From its conception, Resolution 509 was doomed to fail. The MSP did not have the capacity to process all of the applications it received. Also, confusion existed over the requirements for registration, which areas were considered to be under government control, and regarding the definition of an IDP. Under Resolution 509, people are allowed to apply for government benefits only if they have proper identification as a “Citizen of Ukraine” or documentation of status as “a foreigner or stateless person.” This is difficult for people who were forced to flee their homes in haste, forgetting to bring documents such as birth certificates and marriage licenses. Another issue persisted in those who preemptively fled to the West in fear of what could happen to them in the future. These people lived in regions that experienced the repercussions of the conflict because they bordered the separatist-controlled areas but were considered to be under government control. When these people attempted to apply as displaced, they were viewed as ineligible because their region was still considered to be under government control. The dispute over which regions are controlled by rebels and which are controlled by the government is a problem that plagues the Ukrainian IDP crisis to present today.

In response to the arduous registration process in resolution 509, on October 17, 2014 the Ministry of Internal Affairs enacted an order that required only a Ukrainian passport or documentation of permanent registration be presented for issuance of IDP registration card. Although this order came into effect, the Migration Services still

requested multiple forms of identification and refused to issue documents to displaced people because they lacked a functioning system to accurately record the overwhelming number of those who wished to register (Coynash, 2014). This caused problems when citizens came to renew their IDP registration card. Many were turned away because the government said they were never actually listed as IDPs.

While the Ministry of Social Policy created an IDP registration system following Resolution 509, there was still no official law set forth by the Ukrainian government to protect and ensure the rights of displaced people. This meant the MSP had no national policy for dealing with IDPs and the displaced people had no formal claim to certain rights being violated during the registration process.

On October 3, 2014, a group of humanitarian organizations sent a letter to the chairman of the Verkhovna Rada concerning why the draft law on IDPs was tabled in August. This letter addressed the need for a law for IDPs and requested the law be put to vote on October 7, 2014 (Matviychuk, 2014). The Verkhovna Rada answered this plea by passing the bill “On the Rights and Freedoms of Internally Displaced Persons” on October 20, 2014. This bill officially recognized the problem of internal displacement and gave rights to them which were previously unclear. These rights include protection from forced return to abandoned residences, rights for employment and pensions, ensuring voting rights, financial support of IDPs, and promised cooperation of the Ukrainian government with other international organizations to end the IDP crisis in Ukraine.

Although the bill formally addressed the IDP problem within the country, it provided little in the form of actual aid for displaced people. By the time the Rada passed the bill for IDPs the total number of displaced people had already surpassed 190,000 and continued to increase. Also, the bill also failed to establish a way to enforce the protection of displaced people's rights as citizens because it did not establish clear avenues for how to enforce the law. Further, the bill was adopted, but it could not be enacted because it lacked the signature of president. Poroshenko signed the bill into law on November 19, 2014, almost a month after the bill was adopted.

After the law was enacted, it created much confusion regarding the definition of an IDP because it conflicted with the definition set forth by Resolution 509. According to Resolution 509, IDPs are defined as "citizens of Ukraine, foreigners and stateless persons permanently residing on the territory of Ukraine, internally displaced persons from the temporarily occupied territory and anti-terrorist operation area" (Cabinet of Ministers 509, 2014). The Ukrainian law defines an internally displaced person as "a citizen of Ukraine, permanently residing in Ukraine, who was forced or who left his own residence as a result of or in order to avoid the negative effects of armed conflict, the temporary occupation, widespread violence, massive human rights violations and natural or manmade emergencies" (Cabinet of Ministers 509, 2014). The confusion lies in the law's failure to include foreign or stateless persons as IDPs. This resulted in the revocation of promised benefits such as social protection, reinstatement of social benefits, financial support, and information on local governing bodies offered to them under Resolution 509. The law and Resolutions work against each other in creating a system

capable of dealing with the IDP problem. The Resolution attempted to create a registration system, but because it is not a law, the Ministry is able to apply only the parts they deem fit. The Law on IDPs makes it illegal to discriminate against displaced people, but it does not create a system to ensure the IDPs receive the assistance granted to them in the law.

It is important to note that not everyone in the disputed territories supports the separatists. This is important to consider when discussing the Ukrainian government's decision to discontinue social services in the separatist-controlled areas, which forced more people to flee and directly led to a rise in the number of IDPs. On November 7, 2014, the Ukrainian government announced the terms of Resolution 595. According to this resolution, beginning December 1, the Ukrainian government would no longer pay social benefits or pensions in areas not under government control. If citizens in separatist-controlled areas did not flee by this time, they would be cut off from government financial support. This meant citizens had less than one month to move from their homes and attempt to register as displaced people, and forced the already overwhelmed registration system to take on more applications. The government enacted the resolution in order to secure the borders under its control and decrease extra expenses to areas that were no longer considered part of Ukraine.

The Resolution was also a tool employed by the Ukrainian government to force governmental dependence on the Eastern regions. The hope was that by ceasing to provide benefits for those in the East, the separatists would realize the need for the Ukrainian government. This realization would then facilitate negotiations between

leaders, or force the separatists to admit failure. As a result of the negotiations or concession of failure, the government would regain control of the Eastern regions held by the separatists. Regaining control of the non-government controlled areas was the government's main plan for dealing with the IDP problem. In a press conference with Prime Minister Arseniy Yatsenyuk, he stated the "ultimate goal" for Ukraine was "establishing conditions for these [displaced] people to return back home" (Department of Information and Communication of the Secretariat of the CMU 2014). This press conference is evidence of how the government started to acknowledge the problem of displaced people; however, did not have a concrete plan to handle them. It simply said they needed to make improvements to the registration system but emphasized returning displaced people to their previous areas of residence. In the press conference, Prime Minister Yatsenyuk also addressed issues with Resolution 595. He acknowledged the potential issue of a humanitarian rights catastrophe with cutting off non-government controlled areas in the East, and assured that gas and electricity would still be provided. He went on to state, "But the amount of funds reserved by the Government for the payment of pensions, benefits, subsidies... will be reduced by the cost of gas and electricity. It seems that is fair." (Department of Information and Communication of the Secretariat of the CMU 2014).

The government's plan had the opposite effect on citizens residing in these areas. Ukrainian citizens in these regions felt the government was abandoning part of Ukraine and voiced their opinions with remarks such as "Up at the top they gave away Crimea, and now Donbas" and "Isn't Donetsk part of Ukraine?" (Coynash 2014). The financial

support from the government was a lifeline for elderly people in these regions, and upon its revocation, these people were forced to turn to other avenues for aid, further delegitimizing the government in the eyes of the people (Coynash, 2014).

For those who were forced to leave their homes in order to receive government benefits, everything was left behind. There was no guarantee for where these people would live, work, or what they would eat. The government only said people needed to flee and register as displaced people, but did not provide a system to provide these basic needs. This is merely another example of how the Ukrainian government contributed to the IDP problem. At the time this resolution went into effect, there were 460,365 displaced people (United Office for the Coordination of Humanitarian Affairs 2014, 1). By January 30, 2015, roughly two months after this resolution went into effect, the number of displaced people more than tripled with 943,500 people registered as displaced (United Nations High Commissioner for Refugees 2015, 7).

Though appalling, this number does not include all who are displaced; it counts only the number of people who have been able to complete the formal registration process. There are more people attempting to register but encountering many government obstacles. For example, children born in separatist-controlled areas are not considered Ukrainian citizens, and one cannot register as displaced if they are not a citizen of Ukraine (United Nations High Commissioner for Refugees 2015, 4). Obtaining a birth certificate issued by the Ukrainian Government is difficult because birth certificates issued in non-government controlled areas have the stamp of the de facto authorities, and the government refuses to recognize this documentation as legitimate (United Nations

High Commissioner for Refugees 2015, 3). This has created large problems for families who were not able to flee before their child was born. The parents possess the right to register as a displaced person, but they cannot register their child until they conquer the barrier of citizenship. While this does not directly add to the number of people displaced, it is an example how the government continues to contribute to the IDP problem and how the government is delegitimizing itself through its actions. Further examples of the Ukrainian government contributing to the IDP crisis continue to arise, such as the court battle that occurred after the enactment of Resolution 595.

The Resolution was considered unlawful by the negatively affected citizens, and it was taken to court for review. On February 2, 2015, the District Administrative Court of Kiev attempted to terminate Resolution 595 and required the Ukrainian government to resume payments to the non-government controlled areas (KyivPost 2015). However, instead of cooperating with the decision of the district court, the government refused to pay any moneys to citizens of Eastern Ukraine and decided to try the case in Appeal Administrative Court. This court also ruled in favor of the citizens, yet the government continued to appeal the ruling. According to the rebel-controlled Donetsk News Agency, on October 16, 2015, lawyer Irina Khiznyak, reported the decision of the courts to overturn Resolution 595 (Donetsk News Agency, 2015). With these rulings, the government had to resume paying social benefits in January 2016. This victory is overshadowed by the complications people of Eastern Ukraine still experience with the permit system set forth by the Ukrainian government in January 2015.

On January 21, 2015, the Ukrainian government announced a temporary order that created a border between the government controlled areas and non- government controlled areas and required a system of permits to cross it. This border line is similar to the one the government set forth in Resolution 595, and although that resolution was overturned, this order remains in effect. When it was brought to Kiev Circuit Administrative Court, it was rejected on grounds that the Order was adopted illegally. This order contributes to the IDP problem because it separates the people in the East from the rest of population of Ukraine. Further, this not only adds to the already arduous task of registering as a displaced person, it creates problems for people who live in the conflict zones but buy their food and medicines across this make shift border. A person is no longer allowed to cross the border without obtaining a permit to do so. However, the process to obtain the necessary permit is as arduous as the process to register oneself as a displaced person. Upset by the order, different human rights organizations pushed the government to veto the order or make amendments on the grounds of human rights violations (Marples, 2015). In June of 2015, amendments were made to the order, but there were parts introduced in the document that were not discussed previously with other groups. These three parts included: using tickets between checkpoints, transportation issues of goods by railway, and the prohibition of public transportation across the border (Marples, 2015).

As of October 2015, no national policy existed on how to meet the needs of the displaced people in Ukraine. One year after the law declaring the rights and freedoms of IDPs was enacted, the only change seen was an increase in the number of displaced

people. The Verkhovna Rada seemed content to put forth legislation without providing the necessary mechanisms to implement the promised social programs. The number of people displaced by fall of 2015 reached 1.4 million people (Internal Displacement Monitoring Center 2015, 1.) More are still displaced but hindered from registering due to ineligibility. Others have not registered due to fear of military conscription. Still more have not registered due to fear that registering will be viewed as an allegiance to the Ukrainian government and negatively affect family members remaining in the East (Organization for Security and Co-operation in Europe 2015, 11). Some citizens decide not to flee because they have jobs in these regions that are their only source of income and have realized that there will be no government assistance if they flee. Further, as the conflict continues to grow, control of different areas changes frequently. As control changes, areas where citizens are considered displaced also changes. Therefore, citizens might be considered displaced one month but not the next because the area is no longer considered separatist-controlled (Moldovan, 2015). The IDPs do not want to engage in the arduous registration process only to be told they no longer qualify.

The government's refusal to pay pensions and salaries, the difficult registration process, and the confusing definition of who constitutes as an IDP has contributed to the rise in number of IDPs within Ukraine. Now two years from the start of the conflict, the total number of IDPs continues to increase with no apparent end in sight. The Ukrainian government is too consumed with ending the conflict in the East to acknowledge the needs of the IDPs within Ukraine. If this persists, it is likely that Ukrainians who have been subjected to the conflict will turn away from the Ukrainian government completely

and look to other countries or humanitarian organizations for help. There is probable cause to assume the government will never have complete control over these regions again if they do not provide significant aid IDP problem. People who were once supported the government and the idea of a united Ukraine now feel that they have been betrayed by the government. It is in the best interest of the government to attend to the IDP crisis because the negative sentiments felt toward the government can be a dangerous if used by separatists to garner support.

Recent Attempts and Looking Forward:

In order to combat the negative affects of prior legislation, humanitarian organizations and the office of the ombudsmen worked together to create draft law 2166. This law would change the 6-month limit on registration forms to an indefinite amount of time. It also addresses the issue of defining an IDP by including the phrase “foreign or stateless person who is in Ukraine on legal grounds and is entitled to permanent residence in Ukraine.” Another major problem with the original law concerns the documents required for registration. The draft law, if passed, would rectify this by allowing people to prove their identity with documentation such as military cards, home videos, education certificates, or employment records. By including foreigners and stateless people in the definition of an IDP and allowing more opportunities to identify oneself, more displaced people can receive benefits from the government.

On May 19, 2015 the draft law passed the first reading of the Verkhovna Rada (Council of Europe 2015). It was not adopted by parliament until November 3, 2015, but

it was then vetoed by President Poroshenko. He added a series of proposals that addressed the amount of authority officials possessed in looking for information on past places of residence of displaced people. Parliament then amended the law with the President's suggestions and the Verkhovna Rada adopted the draft law on December 24, 2015. The President signed the law into action on January 7, 2016

The creation of this law suggests that the Ukrainian Government is finally taking steps toward addressing the IDP problem. This is seen by creating registration forms with indefinite time limits and addressing problems not discussed in former legislation such as orphans and children who arrive with legal guardians. Humanitarian organizations hope to see a decline in the number of IDPs and a rise in the satisfaction levels of the displaced people with the government as a result of this law. Only time can tell if this law will help to end the IDP crisis or fall short as the other attempts by the Ukrainian Government have. If the government is successful in bringing an end to the IDP crisis or simply providing mechanisms to better aid the displaced, a sense of legitimacy can be restored for the Ukrainian government in the eyes of the people. As of now, there are over 1.5 million people registered as displaced in Ukraine (Hetfield 2016). With this number experiencing no decrease, and the inability of the government to handle the IDP problem thus far, displaced people are becoming more reliant on local and foreign aid for help instead of the government. Unless the Ukrainian government can find a way to combat this growing dependency on foreign aid, the legitimacy of the government will continue to be undermined with no one to blame but itself.

Chapter 3: Decline in Public Support Further Undermines the Legitimacy of the Government

This chapter will explore how the Ukrainian government's actions concerning the IDP problem has only generated a loss of faith among citizens further undermining the legitimacy of the government. Through interviews, one will see this loss of faith is evident with IDPs who receive little to no help from the government, are not able to cross the bureaucratic barriers of the registration system, or are not receiving promised benefits guaranteed by law. These interviews display the change in mindset among Ukrainian IDPs from reliance on the government to reliance humanitarian organizations. Increased reliance on humanitarian organizations is problematic because they are understaffed and underfunded. They need help from the government which too is problematic because the government itself is underfunded and focuses its attention on ending the conflict rather than helping displaced people.

Beginnings of the Decline:

Initially, when the problem of internal displacement erupted in early March 2014, people looked to the government for economic and social aid in the form of legislation that would allow them to find new places to live. The ratification of the law concerning IDPs in October 2014 was met with gratification from international human right organizations (United Nations High Commissioner for Refugees 2014, 1). They hoped that the Ukrainian government, after months of vetoing and postponing parliamentary hearings of draft laws, was finally recognizing the need to help IDPs. However, shortly after, IDPs began experiencing the difficulties brought on by vague language of laws and

an unclear definition of who was considered to be an IDP. The registration process it implemented was disorganized and underfunded (Supinsky 2015). Also, systems put into place by the government proved inadequate at providing substantial monetary supplements to IDPs. An example of this inadequacy is seen in the the government's benefit system. This system entitled displaced people the equivalent of twenty dollars per month for their first two months of displacement; however, after those two months, they were only entitled to the equivalent of ten dollars per month (Pikulicka-Wilczewska 2015, 1). This unsubstantial amount has only further fostered the belief that the government lacks the capacity to provide for its people.

David Stern, a reporter for BBC news, conducted an interview with a family who fled from the Eastern city of Kramatorsk. In this interview, the mother, Irina Kipina, recounted her personal experience of fleeing her home and the events she had experienced since arriving in the small village of Vorzel, a suburb of Kiev. She informed Stern that since arriving in Vorzel, her family had only received government help in the form of twenty dollars. As a result, Irina stopped relying on the government and now looks to the local volunteer group "Kozhen Mozhe" for answers to questions of housing, clothing, and healthcare. In her interview with BBC news she stated, "Unfortunately, everyone knows we can't expect any kind of help from the government... Everything has been placed on the volunteers' shoulders" (Stern 2015). Irina's story provides a perfect example of families realizing the inability of the Ukrainian government to meet basic needs of IPS and turning to humanitarian organizations for help.

Looking to Humanitarian Organizations for Help

Stories similar to Irina's are common among displaced people in Ukraine. A spokesperson for the Ukrainian ombudsman's office stated "While the government has taken some measures... the vast majority of displaced people are left to fend for themselves." This statement is a testament to the inefficiency of the government in creating productive avenues to assist displaced people. These inefficiencies force displaced people to look to humanitarian organizations for help and create a burden on already overworked organizations. Evidence for this is provided by the documentary film titled *Ukraine. Displaced: Post-trauma*, produced by the Ukrainian internet television channel Hromadske.tv. This documentary shows a humanitarian organization in Kharkov helping IDPs arriving on trains from the East. This organization, known as Station Kharkov, helps provide food, clothing, and free train tickets to other cities in Ukraine. When asked what they do at the train station, the leader of the organization replied, "We help IDPs!" (Hromads'ke Telebachennia 2015a). All assistance administered by Station Kharkov is provided by volunteers, and no financial support comes from the government. When displaced people arrive at the station seeking answers to questions, the volunteers help them by providing current information as well as help with the registration process. Government programs have promised to provide these same benefits but have completely failed to do so. Thus, reliance has shifted to local organizations that are able to provide IDPs with results.

Another example of the shift in reliance persists in the story of a family from a small Eastern Ukrainian village. Nina and her five children were forced to move when artillery shattered her roof. Instead of turning to the government for help, she sought out

the village council who helped her find a new home. Lack of government support and the arduous process of crossing the newly enforced borders have forced Nina and her family to remain in a war zone. In her interview, she stated “when there is shelling.... We all sit here together, fighting off fear” (Levin 2015).

This shift is further highlighted in an interview by Hromadske.tv with a displaced person from Debaltseve named Marina. In this interview, Marina discusses her life since she arrived in the city of Kharkov. Marina has two children, one of which is sick with pneumonia from walking to safety in the snow without proper shoes. She does not have money or a plan for the future, but she is grateful for the shelter she has now. In her interview she stated, “The state is not taking care of us, so at least we are getting help from private individuals” (Hromads’ke Telebachennia 2015a).

Without the support of humanitarian organizations, the Ukrainian government would be facing an IDP problem of even greater magnitude. Evidence for this opinion occurs in the city of Sergeev where a home for disabled IDPs was created by local humanitarian organizations. In this village of 5,000 people, 1,000 of the people are disabled IDPs. The displaced people in Sergeev asked questions about money from the government and why this money has not arrived. The humanitarian leader’s response to this inquiry was. “Kiev is delaying the money. I don’t know about the reason of this delay, but they promise the money will be here any minute” (Hromads’ke Telebachennia 2015b). Without the money from the government, organization leaders worry about how they will continue to run this safe haven for IDPs. When discussing these fears, one of the leaders stated “As of now, we have not received one kopek from the state” (Hromads’ke

Telebachennia 2015b). They owe over 1,100,000 UAH (over 41,000 dollars) in electricity bills and even more in water and taxes. The same leader stated, “If the authorities do not react, I don’t know where we will find the money to pay for this.” This dissatisfaction with the Ukrainian government helps to explain the shift towards humanitarian organizations and further undermines the legitimacy of the government to aid in this problem.

This attitude about the government exists in the majority of the displaced. When interviewed, an IDP named Svetlana Kovalenk stated, “I love my country. I’m proud to be Ukrainian, but our government has done nothing for us. Everything you see is what we have... we depend on volunteers” (Salem 2015). Others, like Olga Ausudiskutsa and her family are not as diplomatic in statements concerning the government. When interviewed, Olga stated, “Nobody came to tell us about the humanitarian corridor... The government has just forgotten us.” (Salem 2015). In a series of interviews produced by Eurasianet last spring, displaced people from the city of Slovyansk expressed their frustration with the central government. One woman stated, “Our local government tells us that no one pays anything out of the budget from Kyiv. That is, Kyiv really does not give a damn about us” (Mielnikiewicz 2015).

People are upset with the government for leaving them in what some refer to as “a bureaucratic maze,” and feel as if they have been cast aside. Upon arriving in Dnipropetrovsk, a former Donetsk resident told interviewers “We feel abandoned... When they are shelling around you, you feel nobody needs you” (Quintanilla, Parafeniuk, and Moroz 2015, 9). Even people who have managed to find sufficient housing without

assistance from the government are frustrated. This is evident in the story of Yana Matveyeva.

Yana Matveyeva is a 37-year-old woman who fled from her hometown of Donetsk when pro-Russian sentiment began spreading throughout the city. She feared persecution for being pro-Ukrainian and supporting the events that occurred at Euromaidan. Thanks to her husband's job as a businessman, they were able to rent an apartment without assistance from the government. When asked about leaving Donetsk Yana stated that they left "at the end of May 2014 planning to be gone no longer than a month" (Personal Correspondence with Yana Matveyeva 2015). When asked about her opinions concerning the performance of the Poroshenko Presidency, she replied "I cannot say I am satisfied with how he acted and reacted during the last two years. There were many promises that have not been kept. Many reforms that never took place" (Personal Correspondence 2015). Yana is an example of an IDP frustrated with the government's lack of providing for displaced people, but she has the ability to support herself without government assistance. This is not true for most of the displaced in Ukraine.

In other regions of the East, people express their anger with the Ukrainian government in stronger statements. Pastor Sergei Kosyak stated, "People will survive, but they will never forget the devastating hardship inflicted on them by our leaders. Those who were against Ukraine will become fixed in their views. Those who were for it will never wish to live in such a Ukraine" (Marples 2015). His opinion is that more people will be pushed towards Russia as a result of the government's actions. A resident of Donetsk also criticizes the government's actions over social media saying their refusal to

accept all Ukrainian citizens is “the government’s acceptance of the DPR...” (Coynash 2014). This citizen continues to write that the people actually assisting displaced people are volunteers and other Ukrainian citizens not directly affected by the conflict.

Humanitarian Organizations taking Control:

As the conflict continues, the Ukrainian government is content to allow volunteer organizations to handle the IDP problem. This is evident by the increased amount of humanitarian aid distributed to Ukrainians since the onset of conflict as well as through interviews of humanitarian workers within Ukraine.

As previously stated, as the Ukrainian Government passed legislation to help solve the IDP problem, the numbers of displaced people continued to increase. This is true for the distribution of humanitarian aid as well. When the first IDPs arrived from Crimea in March 2014, the amount of humanitarian aid distributed was 3.5 million dollars (Swithern 2015, 96). When the law for IDPs took effect in October of 2014, the amount of humanitarian aid had risen to 46.1 million dollars. This number increased to 64.6 million dollars by December of 2014 (Swithern 2015, 96). As government programs fail to provide aid for IDPs, humanitarian aid has been forced to increase.

The increase in humanitarian aid is not going unnoticed by humanitarian aid workers. In interviews, workers express their frustration at the realization that the government has only increased their burden. Oleksandra Dvoretzka, the coordinator for the human rights initiative Vostok-SOS, stated in an interview “...the state does five percent of the work, while volunteers do the remaining ninety-five” (Lelich 2015, 85).

Oleksandra is not the only humanitarian worker who is tired of the government deferring the responsibility of displaced people to humanitarian organizations. In an interview with Internews, an aid worker in Zaporizhzhya stated, “The government is absent. They don’t realize that IDPs are everybody’s problem, for the whole Ukraine” (Quintanilla, Parafeniuk, and Moroz 2015, 9). These workers are frustrated with the Ukrainian government for not dealing with the IDP crisis and for the poor programs they put in place when pushed for action. One international aid worker told interviewers, “The Ukrainian government is not helping the IDP situation with contradictory policies that create negative consequences and a very large number of protection issues” (Quintanilla, Parafeniuk, and Moroz 2015, 10). The inefficiency of these government programs can be seen in the contact lists the government provided to humanitarian organizations of places willing to host IDPs. Oleksandra Dvoretzka told interviewers about a time when she called almost 400 places on the list provided to her by the government. “It turned out that only one option was viable” said Dvoretzka (Lelich 2015, 86).

It is important for the Ukrainian government to begin implementing better programs for displaced people or to provide financial relief for the organizations that are presently responding to the internal displacement problem. Currently, volunteer humanitarian organizations such as the UNHCR and Caritas Internationalis, are underfunded. The regional director for the charity CRS stated, “We could do more for the people in Ukraine if we had more resources” (Caritas Czech Republic 2015). These organizations are not able to reach all displaced people, nor are they able to provide accommodation for the all of the IDPs with whom they come in contact. In July of 2014, the UNHCR stated that

over 111,000 people were registered as displaced in Ukraine. Out of this number, they were only able to assist 80,000 people (United Nations High Commissioner for Refugees 2014, 6). In January of 2015, the number of people displaced was over 940,000 with an expected increase to 1,400,000 people by December. Out of this, the UNHCR could only afford to assist 900,000 people by December 2015 (United Nations High Commissioner for Refugees 2015, 7).

Furthering this problem, the increase in the number of IDPs in Ukraine exceeded the expectations of the UNHCR and reached 1.4 million by August (IMDC). This means that even more IDPs than originally thought went without assistance in the year of 2015. Where humanitarian organizations like the UNHCR cannot help, the Ukrainian Civil Society has inserted itself. Many cities have welcomed IDPs and provided assistance in the forms of shelter and food; however, this sense of duty to help is beginning to wane. Everyday Ukrainian citizens are growing tired of the economic pressure the IDPs put on their cities (Curtis 2015). With no definitive end in sight to the conflict in the East, people are beginning lose interest in helping IDPs. In her interview, Oleksandra Dvoretzka emphasized this point. She commented on how “You can feel exhaustion even among those who are willing to help...The situation has changed. Not every family is ready to house strangers for years” (Lelich 2015, 86-87).

To combat the exhaustion of civil society, the government must to take more responsibility for internally displaced people. When the government is accused of not adequately handling the IDP problem, its states that there are simply too many people that are in need of assistance. The government argues that it has set up coordination

centers, but it is the responsibility of the local governments to make these places more accessible (Mielnikiewicz 2015). The government paints itself in a positive light, always stating that it is doing the best it can. Even if this is true, people no longer expect help from the government. They firmly believe the only help they will receive is from humanitarian organizations. This move away from governmental expectations shows how unsuccessful the government has been in pacifying the IDP problem.

The increases in humanitarian aid distribution and dependence on humanitarian organizations occurred simultaneously with the enforcement of legislation for rights of IDPs. Since there is no decrease in the dependence on humanitarian organizations, one can assume that the government's attempts have been less than successful. Unless the IDP problem becomes more important to the leaders of Ukraine, the dependence on humanitarian will continue to increase and reliance on the government will continue to decrease. If this reliance decreases, there could be major repercussions for the Ukrainian government. People will not easily forget the incapacity of the government to aid the people who supported it. The idea of a unified Ukraine will never exist if people do not trust the government. Finally, militant groups can capitalize on this dissent when attempting to garner the support of Ukrainians.

Conclusion

From the preceding chapters it is clear that the Ukrainian government has not been successful in handling the IDP problem. Through poor legislation, inefficient programs, lack of funding to humanitarian organization, and a preoccupation with ending the conflict in the East, the number of displaced people in Ukraine has only increased. As this number increases, the Ukrainian government continues to pass new legislation that promises to aid the problem of displacement; however, no current legislation has accomplished this goal. Even so, this is a contemporary issue and each day brings new information regarding IDPs in Ukraine.

It is also incorrect to fault the Ukrainian government for the deterioration in the IDP situation because it is not completely in their control. This is evident in the focus on ending the crisis in the East. As stated, ending the conflict in the East is at the forefront of the Ukrainian government's agenda. The government believes that if it could end the conflict the displaced people could return to their homes. Although there have been attempts to have peace talks with separatist leaders of Donetsk and Lugansk, there have been few improvements in the conflict. This is due to the involvement of other countries with the conflict. Ukraine wants to see an end to the conflict, but it must get the autonomous regions and Russia to agree to negotiations. This can be seen in the discussions at Minsk in September of 2014 and February of 2015.

These talks included leaders from France, Germany, and Belarus and focused on the best way to end the conflict. Under the Minsk Protocol, twelve points were laid out to bring about peace in the warring regions. These points were agreed to by both President

Putin and President Poroshenko. The main points of this protocol were: ensuring the removal of weapons from both sides, the release of hostages, creation of a law granting special status for the Eastern regions, and taking steps to improve the humanitarian situation in the Donbas region. However, there was no mention of what to do with people displaced from these regions. The twelve points listed at this meeting were not upheld, and the number of displaced people continued to increase.

The Minsk II agreements took place on February 11, 2015 in response to the failure of the former Minsk Protocol. During these talks, displaced people were once again denied a voice. The main points of these agreements were similar to those of the earlier document with the addition of the decentralization of rebel regions and Ukrainian control of the border by the end of 2015 (Weaver and Luhn 2015). After the ceasefire went into effect on February 15, residents of the Eastern city Donetsk said they noticed that the truce was holding because the shooting ceased and it was quiet (Ukraine Today 2015).

This ceasefire brought about periods of quiet in the East and helped the Ukrainian government take over some of the once separatist-controlled territory. Due to this, some IDPs have been encouraged to return home, but upon arrival receive no help from the government and find their former cities in ruins. Also, after returning to a former place of residency, under the IDP law, the returner is no longer considered an IDP after a short period of time. Both Minsk agreements highlight a problem faced by the Ukrainian government in that it lacks the ability to resolve the IDP problem on its own. As long as

the conflict persist in the East, the Ukrainian government will be preoccupied with resolving it.

Therefore, successfully ending the IDP problem in Ukraine relies on ending the conflict in the East. This is a major component because it takes away foreign involvement in national affairs, and people can return to their previous areas of residence. This would alleviate many of the problems the government is experiencing now as a result of IDPs. For example, the cities experiencing overcrowding and economic issues will start to feel relief as people return home. Also, the government and humanitarian organization will experience relief from providing housing for the more than one million IDPs.

The end of the conflict in the East will bring on new problems for the Ukrainian government. The need to rebuild infrastructure in the cities will cost money that the government does not have. Also, programs will need to be created to help support people attempting to rebuild their lives in these war-torn cities. As of now, the government's track record for implementing programs has been less than successful, and people feel that the government is incapable of providing assistance. The government will have to provide heavily for these people if it wishes to overcome the stigma it has given itself.

For now, the conflict in Ukraine seems to continue with no end in sight. As a result, the Ukrainian government needs to find a way to better implement its programs and help those displaced by conflict. So far, it has not been able to provide substantial support to displaced people and as a result delegitimized itself. If the government can find a way to make better legislation, follow through on the implementation of social programs, and provide support for humanitarian organizations, then we might see another

shift in the mindset of Ukrainians to one that views the government in a better light. This could help by giving the Ukrainian government the sense of legitimacy it needs for future support of programs and legislation. However, until the government provides for those displaced, its actions will only continue to undermine its legitimacy in the minds of the people.

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