

The humanitarian implications of the crisis in Ukraine

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Key messages

- The situation in Ukraine remains volatile and the potential for a full-blown humanitarian emergency is real.
- Both the government of Ukraine and the international community should step up preparedness efforts, including signing a customs agreement to facilitate the transit of emergency supplies and personnel.
- Donors should begin to fund preparedness, including through financial or technical assistance to the Ukrainian Red Cross.
- The international community should remind both Ukraine and Russia of their obligations to protect civilians in areas under their control.

Tensions in Ukraine remain high following elections on 25 May that confirmed Petro Poroshenko, a pro-European businessman, as president. Since the election, the military has intensified 'anti-terrorism operations' against Russian separatists in the eastern city of Donetsk. The eastern regions of Donetsk and Luhansk remain outside of government control.

Humanitarian needs and efforts to date

The Ukrainian Red Cross Society (URCS), supported by the International Federation of Red Cross and Red Crescent Societies (IFRC) and the International Committee of the Red Cross (ICRC), has led humanitarian response efforts since mass protests began in Kiev in December, providing first aid to several hundred people on

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Photo: Unidentified gunman on patrol at Simferopol Airport in Crimea, February 28, 2014
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both sides of the conflict. The ICRC has staff on the ground and is in dialogue with representatives of the government and the opposition.

Despite reports of disrupted health services and small-scale displacement, little humanitarian assistance has been distributed, though UN humanitarian agencies, the European Community Humanitarian Office (ECHO) and some international NGOs have increased their presence in Ukraine. The UN Children's Fund (UNICEF) is providing crisis counselling to children from Crimea and, together with the World Health Organisation (WHO), has stepped up immunisation efforts, particularly against polio. The UN High Commissioner for Refugees (UNHCR) has supported the government's development of legislation allowing freedom of movement of Ukrainian citizens between Crimea and the rest of Ukraine, and the UN resident coordinator has made an official offer of international assistance to the Ukrainian government.

On 12 May, the IFRC launched a six-month humanitarian appeal for \$1.55 million to scale up training of URCS volunteers and staff counselling, and to increase URCS's emergency stocks.

Issues for consideration

The situation in Ukraine is volatile, the potential for a full-blown humanitarian emergency is real and possibly imminent and neither the government nor the international community is sufficiently prepared. In light of these potential scenarios, governments and humanitarian organisations should consider the following:

Increased displacement

According to UNHCR, more than 10,000 people from Crimea – mostly Crimean Tatars – have fled Crimea for western and central areas of Ukraine, as well as Turkey and Poland. This currently slow trickle could become more intense if Russian/opposition activities intensify, with the potential for additional displacement of up to 200,000 people. Preparedness efforts by humanitarian organisations are focused on supporting the government, including identifying national and local government humanitarian focal points and establishing a process for the registration and protection of internally displaced people. The UN is also in discussion with the government to establish a customs agreement to facilitate the transit of relief

supplies, equipment and aid personnel into the country. Such preparedness measures should be encouraged and supported.

Access and obligations under IHL

Since the 16 March referendum in Crimea and the subsequent integration of Crimea into the Russian Federation, there has been an attempt to classify the situation in Ukraine in legal terms. On 20 March the UN General Assembly approved a resolution declaring Russia's annexation as 'having no validity'. The Ukrainian parliament has passed a law defining Crimea as 'occupied territory' and has referred the case to the European Court of Human Rights. Organisations such as Human Rights Watch have also classified Crimea as under 'foreign occupation', making Russia subject to legal obligations under international humanitarian law.

To date, the government has handled the humanitarian aspects of the crisis ably within its domestic resources. However, should the situation escalate it is likely that international humanitarian law would apply. Others may follow Human Rights Watch's lead in determining Crimea to be under 'foreign occupation' by Russia and therefore subject to international legal obligations. Under the 1949 Geneva Conventions, a territory is considered 'occupied' when it comes partially or entirely under the control or authority of foreign armed forces without the consent of the domestic government. In Ukraine, this includes the presence of 'Russian' troops in Crimea and eastern Ukraine (Russia's denials that its troops are in Crimea and eastern Ukraine have no legal effect if the facts on the ground – Russian military uniforms and artillery – demonstrate otherwise) the referendums in Crimea on 16 March and in Donetsk and Luhansk on 11 May are not considered a transfer of sovereignty that would end occupation; and Russia has control over some ports and local authorities.

Among other things, international humanitarian law obliges Russia, as the occupying power, to maintain law and order, respect human rights and provide food and medical care to the population under its control. It also obliges Russia to facilitate assistance by relief agencies should it be unable to provide for the population itself. The international community should be ready to initiate discussions with the Russian government, once diplomatic efforts have been exhausted, to gain access to affected people and to ensure basic protection of civilians.

Deteriorating livelihoods

The economic situation in Ukraine is precarious for a population that was already suffering from economic hardship before the crisis began. Inflation, a depreciating local currency, increasing commodity prices and reductions in the government's social spending are all putting further stress on families. Russia's threat to cut off gas supplies to Ukraine in early June may affect Ukraine's ability to build up gas reserves for the winter months. Although the International Monetary Fund, the EU and other donors have put together a \$32 billion economic support package, the loans are dependent on strict economic reforms, including raising taxes and energy prices, which are likely to put further pressure on households in the short term. Any humanitarian response must include efforts to shore up basic services and lay the foundation for longer-term income generation, asset replenishment, skills training and other forms of livelihoods support.

Human rights abuses

A report by the United Nations Office for the High Commissioner for Human Rights (OHCHR) on 15 May documented increasing human rights abuses by 'opposition' armed groups against journalists, aid workers and military observers and targeting Crimean Tatars. Media reports also cite instances of Jews, Roma and other minority groups being driven from their homes in Donetsk. These are worrying developments that may have implications for the protection of civilians should the conflict escalate. The international community should continue to monitor the situation and remind both Ukraine and Russia of their obligations to protect civilians in areas under their control. Actors on both sides should also be reminded that humanitarian organisations such as the

Red Cross are neutral, impartial and independent, and are providing critical assistance to vulnerable people based entirely on needs. The ICRC has already voiced its concern in this respect.

Options for action

While it is unclear what the political and security fallout from the presidential election will be, governments and humanitarian organisations would be wise to consider the following options for immediate action:

- ***Initiate internal preparedness activities***, including through close monitoring and analysis of political, security, human rights and humanitarian developments and the initiation of internal processes for triggering the release of emergency response funds.
- ***Support to local response capacity*** by providing financial or technical assistance to the Ukrainian Red Cross to strengthen its first response capacity, including by supporting the current IFRC appeal.
- ***Support in-country preparedness activities*** by providing funds to national and international organisations on the ground and engaged in preparedness activities, such as immunisation campaigns, replenishing medical stocks and shoring up basic services.
- ***Encourage government planning*** by urging the Ukrainian government to tighten legislation related to requests for and receipt of humanitarian assistance and personnel, the registration of international organisations and IDP support, to sign the model customs agreement with the UN to facilitate the transit of UN relief supplies and personnel and to designate government humanitarian focal points at national and sub-national levels.