GUIDANCE NOTE

PEACEBUILDING AND RECONCILIATION IN UKRAINE

Protection Cluster
Ukraine

CONTENTS

INTRODUCTION

Peacebuilding and reconciliation are integral to supporting a strong protection environment and facilitating durable solutions. This guidance note has been drafted by the Protection Cluster for use by humanitarian actors in Ukraine. It provides practical guidance on how peacebuilding and reconciliation can be operationalized in humanitarian response, including examples from other contexts, as well as key recommendations.

WHAT IS PEACEBUILDING AND RECONCILIATION?

Peacebuilding encompasses activities that seek to reduce the risk of violent conflict. In May 2007, the United Nations (UN) adopted the following definition of peacebuilding: "Peacebuilding involves a range of measures targeted to reduce the risk of lapsing or relapsing into conflict by strengthening national capacities at all levels for conflict management, and to lay the foundations for sustainable peace and development."[1] Peacebuilding activities can take place at all levels of society, including government, civil society, and at the grassroots level.[2]

Reconciliation involves (re)building relationships among people and groups in society and between the state and its citizens.[3] Healing trauma, building trust, enabling forgiveness, and sharing narratives are some of the many elements of reconciliation.[4] Depending on the conflict, reconciliation may be needed between political groups, between different communities or ethnic groups, between citizens and the state, or a combination of these.

---

[1] "United Nations Department of Peacekeeping Operations, *United Nations Peacekeeping Operations: Principles and Guidelines*, 2008 at 18, http://www.un.org/en/peacekeeping/documents/capstone_eng.pdf.

[2] Interpeace, "Our Track 6 Approach," http://www.interpeace.org/what-we-do/track-6/.

[3] Enrique Sánchez and Sylvia Rognvik, Workshop Report: "Building Just Societies: Reconciliation in Transitional Settings," 1, Accra, Ghana, 5-6 June 2012, http://www.un.org/en/peacebuilding/pbso/pdf/Reconciliation%20 workshop%20report%20WEB.pdf. [hereinafter Sánchez and Rognvik].

[4] *See, e.g.*, *id*. at 6.

WHY ARE PEACEBUILDING AND RECONCILIATION IMPORTANT?

Peacebuilding and reconciliation both work to reduce the risk of relapse into violent conflict by helping create sustainable peace within a society. Peacebuilding activities create "peace dividends," which are tangible results for the affected community that can be directly tied either to the absence of conflict or to the peacebuilding process.[5]

Peacebuilding and reconciliation strategies should be comprehensive and closely correlated to the particular needs of the conflict or area.[6] It is essential that priorities be set by the affected communities, rather than by international actors.[7] In addition, since conflicts often affect women differently—as, in many cases, women often have fewer resources to protect themselves, make up the majority of displaced and refugee populations, and are targeted by certain war tactics such as sexual violence—women's participation at all stages of a peace process is vital to achieving and sustaining peace.[8] Everyone—not just the government or international organizations—can contribute to peacebuilding and reconciliation.

HOW ARE PEACEBUILDING AND RECONCILIATION OPERATIONALIZED?

According to the UN, the "distinctive feature that will identify an activity as **peacebuilding** is whether or not it will significantly reduce the risk of relapse into conflict."[9] Some peacebuilding activities, such as disarmament, demobilization, and de-mining action are clear. However, depending on the type of conflict, administrative reforms, road construction, and access to education may also be considered to be peacebuilding efforts.

By contrast, **reconciliation** generally involves four primary activities: "establishing the truth about the violations committed and acknowledging them, facilitating accountability, responding to the effects that

---

[5] United Nations Peacebuilding Support Office, "UN Peacebuilding: an Orientation," September 2010 at 16, http://www.un.org/en/peacebuilding/pbso/pdf/peacebuilding_orientation.pdf. [hereinafter "UN Peacebuilding: an Orientation"]. Sarah Laughton and Nicholas Crawford have described peace dividends as "timely and tangible: can people see it, or feel it, or use it, or spend it? And can they connect receipt of the dividend to political milestones – to a ceasefire or peace treaty, to DDR, to newly opened returns and resettlement, or to participation in new governance arrangements? If not, the presumed divided may not be recognized at all; or it may be perceived as another ad hoc emergency or development project."

[6] *Id*. at 12.

[7] *Id.* at 13.

[8] The United Nations Seven-Point Action Plan on Gender-Responsive Peacebuilding, Decision of the UNSG and the Policy Commission on Women's Participation in Peacebuilding, 14 September 2010.

[9] "UN Peacebuilding: an Orientation," *supra* note 5, at 16.

violence had on the lives of victims, and providing guarantees of non-repetition."[10] Access to psychosocial care and support may also be an important component of reconciliation, as it is often essential in responding to the effects of violence on victims.

In addition, the historic UN Security Council resolution 1325 on women, peace and security, followed by seven supporting resolutions,[11] frames the global Women, Peace and Security agenda.

The resolutions call for women to participate in peacebuilding and reconciliation, be better protected from human rights violations, and have access to justice and services in order to eliminate discrimination. The UN Seven-Point Action Plan on Gender-Responsive Peacebuilding[12] guides the UN system and its partners towards women's full engagement in peacebuilding.

All UN entities working on peacebuilding began implementing the Plan in 2011.

At the country level, the Women, Peace and Security agenda is implemented through National Action Plans. Ukraine adopted its first National Action Plan on Implementation of the UN Security Council Resolution 1325 in 2016.[13] The Plan includes six pillars requiring coordinated state, civil society and international partner implementation:

1) Peacekeeping and peace-protecting activities;
2) Women's participation in peacebuilding;
3) Prevention of conflicts and violence;
4) Protection of women and girls affected by the conflict;
5) Provision of assistance and rehabilitation of people affected by the conflict; and
6) Monitoring of the National Action Plan for implementation of UN Security Council Resolution 1325 on Women, Peace and Security until 2020.

---

[10] Sánchez and Rognvik, *supra* note 3, at 9.
[11] UNSCRs 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013), 2122 (2013) and 2242 (2015).
[12] The United Nations Seven-Point Action Plan on Gender-Responsive Peacebuilding, Decision of the UNSG and the Policy Commission on Women's Participation in Peacebuilding, 14 September 2010.
[13] National Action Plan on implementation of UN Security Council Resolution #1325 "Women. Peace. Security" till 2020, adopted by the Order of the Cabinet of Ministries of Ukraine № 113-r, 24 February 2016 № 113-r, http://peacewomen.org/action-plan/national-action-plan-ukraine.

In general, underlying principles for effective peacebuilding and reconciliation include **conflict sensitivity,**[14] **communication, inclusivity, ownership,**[15] **and trust.**[16] Some common mechanisms for peacebuilding and reconciliation are **capacity building**, **dialogue**, **information sharing**, **legal assistance**, **reintegration**, **reparations**, and **truth and reconciliation commissions**. These mechanisms will be discussed below.

CAPACITY BUILDING

In order to be effective and sustainable, peacebuilding and reconciliation programs should be nationally led and, ultimately, nationally implemented. Consistent and equitable provision of government services is a key component for promoting sustainable peace and social cohesion.[17] By building better and more responsive institutions, the government is more likely to be responsive to the differentiated needs of women, men, boys and girls of all ages. Capacity-building programs often focus on support to the judiciary, the legislature, and the educational sector. Training programs may also be helpful, although the target audiences, methods, and evaluations of these programs should be carefully considered and tailored to various groups' needs. The World Bank has made several recommendations for capacity building, including creating incentives based on decent pay and merit promotions, working with existing institutions, and hosting strategic trainings when needed.[18]

> **EXAMPLE:** *In 2010, during an ongoing political transition, ethnic violence broke out in south Kyrgyzstan. Afterwards, international humanitarian actors began funding peacebuilding and reconciliation projects in the area. These programs created quantifiable results, such as 700 trained mediators. However, because attitudes were not included in the assessment, evaluations didn't incorporate that at least one training participant continued to have discriminatory views towards other groups. Thus, the program may not have fully addressed the underlying sources of the conflict.*[19]

---

[14] Peacebuilding and reconciliation programs should be designed with an understanding of the underlying causes of the conflict, including any trauma and emotional harms from the conflict, as well as to the cultural context within which the conflict takes place. For example, a conflict sensitive program should not exclusively hire or train members of one political, religious, or ethnic group. "UN Peacebuilding: an Orientation" at 6, 12, 16.

[15] It is essential that the national and local community feels it has ownership over the peacebuilding and reconciliation process. *See, e.g.*, Interpeace, "Local ownership," http://www.interpeace.org/what-we-do/our-peacebuilding-principles/local-ownership/.

[16] Rebuilding trust is a key goal, however, "[t]rust cannot be imposed, imported, or bought." Reconciliation efforts in particular should seek ways to slowly build trust within relationships. *See, e.g.*, Michele Brandt, Jill Cottrell, Yash Ghai, and Anthony Regan, *Constitution-making and Reform: Options for the Process*, Interpeace 2011 at v, http://constitutionmakingforpeace.org/sites/default/files/handbooks/Constitution-Making-Handbook-English.pdf.

[17] European Union, United Nations, and World Bank Group, "Ukraine Recovery and Peacebuilding Assessment: Analysis of Crisis Impacts and Needs in Eastern Ukraine," vol. 2, March 2015, at 105, http://www.un.org.ua/images/UkraineRecoveryPeace_A4_Vol2_Eng_rev4.pdf. ("[It] is important to recognize the importance of social protection service delivery as a major element of rebuilding social cohesion. Restoring basic social services and support for livelihood opportunities not only meets the fundamental needs of the conflict-affected populations, but also serves a critical conflict mitigation function by defusing competition over scarce resources.")

[18] Alastair J. McKechnie, Building Capacity in Post-Conflict Countries, Capacity Enhancement Briefs No. 5, March 2004, http://siteresources.worldbank.org/INTCDRC/Resources/CDBrief05.pdf.

[19] *See* "The Pitfalls of Peacebuilding: Lessons from Kyrgyzstan, Prospects for Ukraine," Event Transcript, Open Society Foundations, Washington, D.C. 14 November 2014, at 3, https://www.opensocietyfoundations.org/events/pitfalls-peacebuilding-lessons-kyrgyzstan-prospects-ukraine.

DIALOGUE

Dialogue provides a forum within which to engage and examine the history of the conflict, which is important when each group in a conflict may have developed different versions of events.[20] In general, group dialogue is preferred to dialogue between individuals because it is less confrontational while also facilitating the sharing of diverse experiences.[21] Dialogue should promote a safe, respectful, and supportive environment at all times. For this reason, dialogue within a community may be helpful before introducing dialogue between different groups. Repeated dialogue over a period of time is likely to have greater results than a one-off event.[22] Every effort should be made to ensure equal representation of women and men in the dialogues.

EXAMPLE: In Northern Ireland, the Glencree Centre for Reconciliation developed the 'Let's Involve the Victims' Experience' (LIVE) dialogue program to build relationships between victims and former combatants. The first group of workshops was between relatively homogenous groups and the organization, to build organizational trust. These were then followed by events with victims from other regions, and then by a third phase of several sessions between victims and former combatants. Based on the initial success of these workshops, the Centre has received additional funding for expanding programming for more groups.[23]

INFORMATION SHARING

Thoughtful, consistent, balanced and accurate communications can help set expectations and build confidence during the peacebuilding and reconciliation process. Peacebuilding and reconciliation efforts will be undermined if they are perceived as illegitimate and/or ineffective.[24] In addition, "[misinformation], absence of information and changing facts are likely to be constant challenges."[25] It is important to communicate both what is realistically possible during the process, as well as to communicate successes and peace dividends to the community. To maximize the effectiveness of media, various aspects should be considered, including the sources of news, preferred listening or viewing times, the variety of outlets available, available infrastructure, and the political, economic, and cultural context within which people engage with media.[26]

---

[20] David Bloomfield, Teresa Barnes, and Luc Huyse (ed.), *Reconciliation After Violent Conflict: A Handbook*, International IDEA Handbook Series 2003 at 40, http://www.un.org/en/peacebuilding/pbso/pdf/Reconciliation-After-Violent-Conflict-A-Handbook-Full-English-PDF.pdf. [hereinafter IDEA Report].

[21] IDEA Report, *supra* note 16, at 95.

[22] For example, the LIVE Programme in the example began with "single-identity" groups and then introduced groups to each other. LIVE met for ten three-day workshops over twelve months. *Id.* at 92.

[23] *Id.* at 90-95.

[24] Timothy Donais, "Empowerment or Imposition? Dilemmas of Local Ownership in Post-Conflict Peacebuilding Processes," Peace & Change vol. 34, no. 1, January 2009, p. 20.

[25] "UN Peacebuilding: an Orientation," *supra* note 5, at 22.

[26] For example, access to radio or television may be limited in rural or low-income areas, and men and women may differ as to what types of programmes they are more likely to watch or listen to. Department for International Development, "Working with the Media in Conflicts and other Emergencies," August 2000, at 30-33, http://www.adelaide.edu.au/accru/pubs/DFID_media_&_conflict.pdf. [hereinafter DFID].

EXAMPLE: *Several organizations have fused media and reconciliation efforts. For example, Common Ground Productions has used a multi-media approach to reduce violence in different countries. In Liberia, Common Ground employs people from different groups to create entertainment programming and news broadcasts in Liberia, and has created a popular program starring multi-ethnic children in Macedonia.[27] A local newspaper in the United States hired facilitators to lead an inter-group dialogue in response to race-related tensions in the city of Akron, Ohio. The dialogue process became a separate entity, involving members of over 150 community, religious, youth and business organizations in the "Coming Together" project.[28]*

ACCESS TO JUSTICE AND LEGAL ASSISTANCE

Ensuring justice for the harms stemming from a conflict can be accomplished through one of two approaches: restorative justice and retributive justice. Restorative justice is more victim-oriented and focused on ways to repair the harm done to victims.[29] Retributive justice is more perpetrator-oriented and concerned with prosecuting and punishing the individuals who committed the harm.[30] In addition, civil claims for loss or destruction of property can be pursued. Ideally, access to justice should be facilitated through free or low-cost legal assistance. Timely and efficient management of these claims can have the additional benefit of demonstrating the competence and efficacy of the judiciary. Justice processes must also address women's experiences in conflict, through provisions to address sexual and gender-based crimes, to counter impunity, and provide the foundations for equality.[31]

EXAMPLE: *As part of comprehensive reforms following the Rose Revolution, the Republic of Georgia created a state-funded legal aid service. The United Nations Development Programme (UNDP) supported national efforts to expand the extent and quality of the service. The service provides legal consultations, gives advice, and helps with legal documents. It also liaises with lawyers in the private sector who may be willing to represent clients. In addition to having several offices nationwide, the legal aid service also sends mobile units to more rural or impoverished regions. In the first five years of its operations, the legal aid service has achieved national coverage and facilitated education regarding legal rights and access to legal services.[32]*

REINTEGRATION

In addition to disarmament and demobilization, reintegration of former combatants is an important part of peacebuilding and reconciliation. Often, combatants may feel the need to justify their feelings and actions or

---

[27] *Id.* at 45-46.

[28] *Id*. at 45.

[29] Sánchez and Rognvik, *supra* note 3, at 111.

[30] *Id.* at 97. Sánchez and Rognvik also note that retributive justice can be problematic if the actions of potential defendants were technically legal at the time of their commission.

[31] The UN has also sought to improve women's access to justice and enhance national capacity in twenty-two countries through the building of institutions such as the Attorney-General's office, Family Protection Units at police stations and special courts to address specific sexual and gender-based violence (SGBV) needs.

[32] UN Development Programme, "Legal Aid Service in Georgia," http://www.undp.org/content/undp/en/home/ourwork/democraticgovernance/projects_and_initiatives/georgia_justice_forall.html.

to otherwise legitimize their role in the conflict.[33] The lack of psychological rehabilitation, post-traumatic stress disorder (PTSD) treatment and reintegration programs for ex-combatants is a key cause of increases in domestic violence. Since former soldiers may suffer from stigmatization, as well as financial and emotional insecurity, one of the primary ways to facilitate reintegration is through non-military employment for former combatants.[34]

> **EXAMPLE:** *The three biggest components of the post-conflict transition in Colombia have been disarmament, demobilization, and reintegration (DDR) of former paramilitary members. After former paramilitary combatants hand in their weapons, they receive a monthly stipend for the next 18 to 24 months.[35] In addition, Colombia established comprehensive support centres for former combatants, which provided trained support personnel, benefits, educational programs and resources, and employed demobilized staff members to establish credibility.[36] Another component that is essential in ensuring the success of DDR is the gathering of accurate information. For example, as part of Colombia's DDR process, a computer program tracked personal and benefits information relating to registered former combatants.[37] This information informed subsequent programming.[38] Although Colombia's DDR program is neither perfect nor complete, over thirty thousand former paramilitary members have registered with the program and turned in their weapons.[39]*

REPARATIONS

The UN recognizes five main categories of reparations: restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition.[40] The primary goal of reparations is to restore victims to the way they were before the conflict started or before they suffered the harm.[41] In particular, housing, land, and property rights are often one of civilians' main concerns during and after a conflict, and these concerns need to be addressed by the appropriate parties. Reparations can be either material, such as financial compensation, or symbolic, such as official apologies.[42] Although reparations may include compensation, compensation alone is unlikely

---

[33] Beatrice Pouligny, Simon Chesterman and Albrecht Schnabel (ed.), *After mass crime: Rebuilding states and communities*, United Nations University Press 2007, 149-159, https://collections.unu.edu/eserv/UNU:2479/pdf9789280811384.pdf.

[34] Pouligny et. al. at 150.

[35] *Id.*

[36] Jonathan Morgenstein, "Consolidating Disarmament: Lessons from Colombia's Reintegration Program for Demobilized Paramilitaries," USIP Special Report 217, November 2008, http://www.usip.org/sites/default/files/sr217.pdf.

[37] *Id*.

[38] *Id*.

[39] United States Institute of Peace, "Paramilitary Reintegration Assessment in Colombia," Sept. 15, 2006, http://www.usip.org/publications/paramilitary-reintegration-assessment-in-colombia.

[40] Office of the UN High Commissioner for Human Rights, *Rule-of-Law Tools for Post-Conflict States: Reparations Programmes*, 2008, at 7-8. http://www.ohchr.org/Documents/Publications/ReparationsProgrammes.pdf. [hereinafter OHCHR]

[41] See, e.g., Sánchez and Rognvik, *supra* note 3, at 10.

[42] Other examples of material reparations include the provision of services, or other material mechanisms. Other symbolic reparations include the creation of national holidays or days of mourning, and dedicating or re-dedicating public spaces to victims. OHCHR, *supra* note 40, at 22.

to contribute to reconciliation.[43] Thus, reparations should be accompanied by access to justice, truth telling mechanisms, or other forms of reconciliation and assistance for victims. In order to reach as many people as possible, reparations programs should be open for a long period of time, advertised nationwide, and made available to people in remote areas and those with specific needs.[44] Reparations programs have excluded violations that "disproportionately affected women and marginalized groups," such as conflict-related sexual violence.[45] While reparations programs should be designed to alleviate the harms suffered by victims, it should also be recognized that nothing will be able to fully restore a victim to how they were before the conflict.[46]

> **EXAMPLE:** *Some countries have created trusts or claims funds to distribute reparations to victims. Examples include the Reparations Commission for the relatives of an armed rebel movement who disappeared under military rule in Brazil; a National Damage Claims Settlement Office for owners of unlawfully seized property in Hungary; legislation to compensate victims of human rights violations and disappearances in Argentina; and the National Corporation for Reparation and Rehabilitation to implement the recommendations of the national truth commission in Chile.[47] In some cases, international commissions have been formed to address claims arising from international conflict, such as the Eritrea-Ethiopia Claims Commission and the Iran-U.S. Claims Tribunal.*

TRUTH AND RECONCILIATION COMMISSIONS

Truth and reconciliation commissions are usually temporary, independent bodies that investigate patterns of abuses and wrongs over a specified period of time.[48] Unlike courts, these commissions generally cannot summon or sanction individuals, or enforce their recommendations. Accordingly, commissions may provide the flexibility and responsiveness needed for the sensitive inquiries following a conflict, and they can provide a public platform for truth-telling and promote recommendations based on their understanding of patterns of abuses in the conflict.[49] Commissions can also have the ability to "name names" of perpetrators in their report, with "the best practice [being] to allow commissions to name names but ultimately to leave it at their discretion whether or not to do so."[50]

---

[43] Sánchez and Rognvik, *supra* note 3, at 10. For example, reparations might include provision of a stable income or health care to address the physical or psychological harms suffered.[43] For refugees, reparations may include repatriation or compensation/restoration of property.[43]

[44] Sánchez and Rognvik, *supra* note 3, at 10.

[45] OHCHR, *supra* note 40, at 21.

[46] *Id.* at 10.

[47] IDEA Report, *supra* note 16, at 155.

[48] Truth commissions tend to be temporary, independent, backward-looking rather than forward-looking, investigative of incidents over a period of time rather than a specific incident, and focused on humanitarian concerns. In creating a commission, the goals, time period, motivation, location, procedure, and authority should be given careful consideration. IDEA Report at 123-136. *See also* International Center for Transitional Justice, "Challenging the Conventional: Can Truth Commissions Strengthen Peace Processes? Conclusions," https://www.ictj.org/challenging-conventional-truth-commissions-peace/conclusions.html#01.

[49] IDEA Report at 123-125.

[50] *Id.* at 135-36.

> **EXAMPLE:** *The hallmark of these commissions, the South African Truth and Reconciliation Commission (SATRC), was made up of 17 commissioners, selected after a highly inclusive selection process, [51] and was given a wide set of powers.[52] The SATRC held public hearings and heard testimony from 23,000 victims and witnesses. [53] The report and recommendations of the commission were endorsed by the South African government, which also issued an official apology to victims. Many reparations were distributed and prosecutions initiated—supervised by a governmental monitoring body—although implementation was ultimately neither perfect nor fully consistent with the commission's recommendations.[54]*

Other forms of reconciliation, which have focused on the use of formal legal processes, include constitutional reform, criminal prosecutions, and international and ad hoc tribunals.[55] Civil sanctions such as fines, prohibition from political office, and early retirement are also examples of non-criminal measures that have been levied against perpetrators.[56]

---

[51] *Id.* at 129-30.

[52] These included "the power to grant individualized amnesty, search premises and seize evidence, subpoena witnesses and run a sophisticated witness protection programme." *Id.* at 140.

[53] *Id.* at 140.

[54] USIP, "Truth Commission: South Africa," 1 December 1995, http://www.usip.org/publications/truth-commission-south-africa.

[55] For a discussion of the benefits and challenges of these types of mechanisms, see generally Sánchez and Rognvik, *supra* note 3; Brandt et. al., *supra* note 12; IDEA Report, *supra* note 16.

[56] IDEA Report, *supra* note 16, at 102.

HOW CAN PEACEBUILDING AND RECONCILIATION SUPPORT PROTECTION AND DURABLE SOLUTIONS IN UKRAINE?

Since 2014, over 3.5 million people have been affected by the conflict in Ukraine.[57] The government estimates that more than 1.7 million people have been internally displaced, with 63% of the displaced population being women and children.[58] Approximately 0.8 million people live along the contact line, which separates the government controlled and non-government controlled areas (NGCA), where security is fragile and access to government services minimal.[59] The consequences of the ongoing conflict, and in particular widespread internal displacement, have placed strains on the Ukrainian government and on host communities. IDPs experience problems finding housing, as property owners are often reluctant to rent to IDPs, or will only rent to IDPs under unofficial leases or with exploitative conditions.[60] Tensions have developed between IDPs and some host communities, particularly where resources are scarce and there is competition or perceived competition for places in schools, access to government services, accommodation, and employment. The burden on displaced and conflict-affected women, who often shoulder the responsibility of caring for children, the elderly, and the disabled, has been compounded by the lack of available social services. Women are often responsible for ensuring their families' social and economic well-being—including managing domestic needs, securing school places for children and providing financially for their families—and meeting these responsibilities in conflict-affected communities and in situations of displacement is particularly onerous.

Two years of conflict have significantly affected the enjoyment of social and economic rights of Ukrainian citizens, living in the non-government controlled areas of Ukraine, who cannot access their bank accounts, social entitlements, or registration documents unless they are registered as IDPs in the government controlled areas.[61] In addition, the restrictions on freedom of movement between the government controlled and non-government controlled areas, and the ongoing ban on all commercial cargo across the 'contact line' contributes to the alienation of people living in the non-government controlled area.

Cases of involuntary return to the NGCA have been documented, as some IDPs are not able to meet their basic needs in the government controlled areas, and this number is increasing given the suspension of social benefits

---

[57] 2016 Humanitarian Needs Overview, November 2015, http://www.globalprotectioncluster.org/_assets/files/ field_protection_clusters/Ukraine/2016_hno_ukraine_en.pdf at 6.
[58] 2016 Humanitarian Needs Overview, November 2015, http://www.globalprotectioncluster.org/_assets/files/ field_protection_clusters/Ukraine/2016_hno_ukraine_en.pdf at 6; http://en.interfax.com.ua/news/economic/351907.html.
[59] 2016 Humanitarian Needs Overview, November 2015, http://www.globalprotectioncluster.org/_assets/files/ field_protection_clusters/Ukraine/2016_hno_ukraine_en.pdf at 7.
[60] Norwegian Refugee Council, HLP Rights of Displaced and Conflict-Affected Communities, http://www globalprotectioncluster.org/_assets/files/field_protection_clusters/Ukraine/housing_land_property/hlp-rights-of-displaced-and-conflict-affected-commmunities-in-eastern-ukraine-january-2016_en.pdf, January 2016 at 6.
[61] Office of the United Nations High Commissioner for Human Rights, HRMMU, "Report on the human rights situation in Ukraine 16 February to 15 May 2016," http://www.ohchr.org/Documents/Countries/UA/ Ukraine_14th_HRMMU_Report.pdf at 34.

and pensions to many IDPs in the first part of 2016. There have also been reports about tension between returning IDPs and the non-displaced population due to their different experiences during the conflict, as well as of human rights violations on both sides of the conflict.[62]

Peacebuilding and reconciliation are interconnected with these protection concerns and can advance durable solutions in Ukraine. Durable solutions are needed to allow conflict-affected people to rebuild their lives and their communities. Peacebuilding contributes to repatriation efforts by creating a more stable environment to which internally displaced persons (IDPs) can return, or within which IDPs can integrate. Improving infrastructure and access to services means that IDPs will not have to relocate to search for access to shelter and basic needs. Promotion of peaceful conflict resolution mechanisms, provision of basic services, and development of equal employment opportunities are all peacebuilding activities that can begin even as the conflict continues.[63]

Reconciliation supports humanitarian initiatives such as psychosocial healing and trust building. Trust is an essential component for peaceful dispute resolution and community relationships, while increased capacity enables efforts to document and address the needs of conflict-affected populations. Increasing opportunities for dialogue promotes healing within a community, with related improved psychosocial effects, as well as making integration and relocation into host communities more sustainable. Working groups and dialogue between stakeholders have been proven helpful in other settings.[64] Similar reconciliation activities, such as community dialogues, can support the process of integrating IDPs into host communities, reducing the possibility of secondary displacement. This dialogue can also ease tensions between IDPs and host communities. Reconciliation efforts are also essential in repatriation efforts, especially when displacement has disproportionately impacted marginalized groups.[65]

Activities such as legal assistance, promotion of access to justice, and reparations also promote healing, reconciliation, and social cohesion by addressing the harms suffered because of the conflict.

---

[62] *Id.*

[63] "UN Peacebuilding: an Orientation," *supra* note 5, at 6.

[64] "UN Peacebuilding: an Orientation," *supra* note 5, at 18.

[65] *Id.* at 18.

EXISTING EFFORTS

Below are some examples of existing peacebuilding and reconciliation activities in Ukraine:

Ukrainian Government: The Office of the Vice Prime Minister and other federal agencies have begun coordinating to improve local governance alongside peacebuilding and recovery initiatives.[66] Both the national and subnational governments should work with local authorities, civil society and private sector organizations, youth, women, and marginalized groups.[67] In April 2016, a new ministry was created that will oversee conflict-affected and displaced communities – the Ministry of Temporarily Occupied Territories and Internally Displaced Persons. One of its core mandates is the promotion of peacebuilding, reconstruction, and development of the Donetsk and Luhansk regions. In June 2016, the Ukrainian Parliament passed a series of reforms of the judicial system aimed at improving appointments and assessments of judges as well as the structure of the courts system.[68] The government has also supported the expansion of legal aid centres to provide free legal assistance

---

[66] European Union, United Nations, and World Bank Group, "Ukraine Recovery and Peacebuilding Assessment: Analysis of Crisis Impacts and Needs in Eastern Ukraine," vol. 1, March 2015, 45, http://reliefweb.int/sites/reliefweb.int/files/resources/V1-RPA_Eng_rev2.pdf. [hereinafter RPA].
[67] *Id*. at 45.
[68] Government of Ukraine, 2 June 2016, http://rada.gov.ua/news/Novyny/131146.html.

throughout Ukraine. [69] Additionally, the government has recognized the need to include women in peacebuilding efforts, aiming to have a certain percentage of women participating in peacekeeping operations, negotiations, administrative bodies, and the security sector.[70]

Wider Humanitarian Community: Many civil society and international organizations are already implementing peacebuilding and reconciliation activities in Ukraine. These activities include initiatives to build dialogue, promote good governance and empower conflict-affected communities. For example, a Dialogue Support program covering conflict-sensitivity and cooperation, as well as dialogues between Ukrainian and Russian women peace activists have been implemented.[71] There is also an ongoing support for decentralization and strengthening local governance [72] A comprehensive support programme to the government for implementation of the Women, Peace and Security agenda includes integration of gender-sensitivity and responsiveness to security reform, defense reform, and mediation.[73] An economic and social recovery project to increase employment and rebuild infrastructure in the Donbas region is also underway.[74]

Organizations are providing support for survivors of sexual and gender-based violence, conducting trainings on trauma and post-trauma disorders, and undertaking other assistance programs for IDPs, former combatants, and conflicted-affected communities.[75] Several Quick Impact Projects (QIPs), aimed at strengthening peaceful relationships between IDPs and host communities, have been completed.[76]

Despite the limited space for humanitarian activities in the NGCA, a number of organizations continue to provide support to displaced persons, returnees and affected populations through the establishment of

---

[69] Coordination Centre for Legal Aid Provision, "Over 400 legal aid bureaus will be created in Ukraine," http://legalaid.gov.ua/en/home-eng/1636-over-400-legal-aid-bureaus-will-be-created-in-ukraine. *See also* Міністерство юстиції України, Наказ No. 2748/5, 25 Dec 2015, http://legalaid.gov.ua/images/plan_2016 _LegalAidUkraine.pdf.

[70] Ukraine National Action Plan, http://peacewomen.org/sites/default/files/Ukraine_NAP.pdf.

[71] *See, e.g.,* MediatEUr and UNDP, "Fifth Report of the Dialogue Support Platform in Ukraine," May 2016, http://ukraine.dialoguesupport.org/system/attachments/files/000/000/007/original/ENGLISH_DSPU_May_2016_report. pdf?1465486265; UN Women, "In Brief: Putting Women at the Forefront of Peace and Humanitarian Action in Europe and Central Asia,", http://www2.unwomen.org/~/media/field%20office%20eca/attachments/ publications/2016/unw%20putting%20women%20at%20the%20forefront%20of%20peace%20and%20humanitarian%20 action_rnd3_lr%20final.pdf?v=1&d=20160205T155415. [Hereinafter UNW In Brief].

[72] *See, e.g.,* Council of Europe, "Programme 'Decentralisation and Territorial Consolidation in Ukraine," http://www.slg-coe.org.ua/?lang=en.

[73] *See, e.g.,* UN Women, "Ukraine," http://eca.unwomen.org/en/where-we-are/ukraine.

[74] *See, e.g.,* UN Development Programme, "Economic and Social Recovery of the Donbas Region," http://www.ua.undp.org/content/ukraine/en/home/operations/projects/human_development/Economic_and_Social_R ecovery_of_Donbas_Region.html

[75] *See, e.g.,* CrimeaSOS, "A multi-functional hub for IDPs to be launched in Kyiv," 11 August 2015, http://krymsos.com/en/settlers/news/khab-dlya-pereselentsev/; *IOM's Assistance to Conflict-Affected People in Ukraine* Bimonthly Report, April-May 2016, http://www.iom.org.ua/sites/default/files/iom_assistance_report _april-may_2016_1.pdf; Wounded Warrior Ukraine, http://woundedwarriorukraine.org/

[76] UNHCR, Eastern Ukraine Quick Impact Projects (QIPS) 2015, http://unhcr.org.ua/attachments/article/317 /04202016_QIP%20Factsheet.pdf

community centres and livelihoods programs. Monitoring, reporting and advocacy on the human rights situation in Ukraine, with a focus on the east and Crimea, supports long-term reconciliation processes.[77]

Several civil society institutions have also conducted surveys regarding national dialogue and attitudes in Ukraine. They have published recommendations for state policy, including building consensus on future development, drafting state policy on national unity, prioritizing decentralization alongside reintegration of Crimea and Non-Government Controlled Areas of Donetsk and Luhansk, building stronger relationships between government and civil society, and promoting inclusive dialogue.[78]

Foreign governments, UN agencies, and private donors have all made tremendous efforts to contribute to Ukraine's recovery. Millions of dollars in bilateral and multilateral assistance have already been pledged or donated to peacebuilding and other development programs in Ukraine. The promotion of recovery and social cohesion is one of three primary strategic objectives in the 2016 Humanitarian Response Plan for Ukraine. However, while ongoing projects seek to address the protection needs of displaced and conflict-affected communities, additional efforts are required for peacebuilding and reconciliation to be sustainable.

CONCLUSION

Although the conflict in Ukraine is ongoing, there are nonetheless opportunities to begin Ukraine's peacebuilding and reconciliation process. Peacebuilding and reconciliation measures in Ukraine will require careful consideration of the underlying causes of the conflict. After appropriate and inclusive consultations, which identify local needs and sources of conflict, a national strategy can be carefully crafted to respond to these needs. The priorities and sequencing of this process must also be determined by national actors.

Simultaneously, humanitarian agencies in Ukraine should begin considering ways to promote peacebuilding and reconciliation in their work. Although some mechanisms, are likely premature, peacebuilding and reconciliation efforts should nonetheless still be pursued. A joint report (Recovery and Peacebuilding Assessment, or RPA) by the European Union, United Nations, and World Bank—authored at the request of the Ukrainian government—is an important first step towards identifying immediate needs. That report, which focused on the need for durable solutions, emphasized assistance to infrastructure and services, economic livelihoods, and reconciliation and peacebuilding.[79]

---

[77] *See, e.g.,* UN Human Rights Monitoring Mission, "News," http://www.un.org.ua/en/information-centre/news/1870.
[78] *See, e.g.,* International Centre for Policy Studies, "National dialogue in Ukraine: what are the chances of success?" 13 July 2015, http://icps.com.ua/en/studies-icps/government-policy/national-dialogue-in-ukraine-what-are-the-chances-of-success/; UNHCR and Kiev International Institute of Sociology, *Ukrainians' Attitudes Towards Internally Displaced Persons from Donbas and Crimea*, April 2016, http://unhcr.org.ua/attachments/article/1605/Public%20Survey%20Report_ENG.pdf; OSCE, "Leader of OSCE National Dialogue Project Ukraine presents recommendations to Permanent Council," 30 April 2014, http://www.osce.org/ukraine/118166.
[79] RPA, *supra* note 65, at 4-5, 11.

RECOMMENDATIONS

Of the primary peacebuilding and reconciliation mechanisms discussed in this guidance note, the following are possible within an ongoing conflict situation and could begin being implemented in Ukraine:

Strengthen Administrative Capacity and Ensure Equal Access to Government Services	*Equitable access to government services is a key component of rebuilding social cohesion and mitigating against social tension. The government should work to ensure non-discriminatory and consistent provision of government services and assistance, including pensions, to all Ukrainians – including IDPs, host communities and persons residing in the NGCA. In addition, it is important to ensure that any administrative or legislative actions of the government do not inadvertently discriminate against one section of the population but treat all citizens equally.*
Begin Dialogue at National and Subnational Level and Consultations with Communities	*Narratives about the conflict are likely very different on both sides, so constructive and respectful dialogue is needed in order to build social cohesion. The government, humanitarian community, and local civil society organizations, should be involved, as this dialogue will likely be needed at every level of Ukrainian society. Consultations should be as inclusive as possible, and involve IDPs as well as host communities, returnees, and people living in the NGCA.*
Improve Communication, Sharing of Information, and Accountability	*Supporting independent media and protections for journalists, increasing clear and consistent information from government and international actors, and setting expectations will improve access to information throughout Ukraine. National media can play a key role in the process of peacebuilding and reconciliation but this requires capacity building, including on adherence to journalistic standards. The use of divisive rhetoric and discriminatory language should be avoided.*
Advocate for Psychosocial Support	*Survivors of the conflict and members of conflict-affected communities will have unique physical, emotional, and psychosocial needs that will require sensitive care and attention. The government, humanitarian community, and local organizations are likely best able to identify and remedy gaps in medical and psychosocial support for both ex-combatants as well as civilians. Where possible, cooperation with local practitioners is recommended.*
Advocate for an Inclusive Approach	*Peacebuilding and reconciliation activities will only succeed through an inclusive and comprehensive approach, which brings together multiple and diverse stakeholders. Therefore, the government, humanitarian actors, and local NGOs should ensure their programs are as inclusive as possible.*
Monitor and Record Human Rights Violations	*The gathering, monitoring, and recording of human rights violations, including sexual and gender-based violence, are indispensable steps for future justice and reconciliation. The collection of such facts facilitates the acknowledgment of violations and leads to improved accountability and decreased probability of repetition in the future.*
Ensure Equal Access to and Enforcement of Property Rights	*The inability to access property rights and safe housing is often a major barrier to durable solutions, integration, and access to justice. Respect for property rights should be meaningfully upheld. Special attention within the reconciliation process should be paid to the assurance of compensation and restitution mechanisms for lost, destroyed, or occupied housing, land, and property*