

The Right of Internally Displaced Persons to Local Government: Ukraine's Experience and International Practice

Tetiana Bilous-Osin¹

Andriy Strelnykov²

Liudmila Kornuta³

Olha Lavrenova⁴

¹PhD in law, Associate Professor of the Department of Administrative and Financial Law, National University «Odessa Academy of Law», Odessa, Ukraine. E-mail: bilous200@ukr.net, <https://orcid.org/0000-0001-5343-3756>

²PhD in law, Associate Professor of the Department of Administrative and Financial Law, National University «Odessa Academy of Law», Odessa, Ukraine. E-mail: strelan1976@gmail.com, ORCID ID: 0000-0003-2950-6534

³PhD in law, Associate Professor of Department of Administrative and Financial Law, National University «Odessa Academy of Law», Odessa, Ukraine. E-mail: kornuta02@gmail.com, ORCID ID: 0000-0003-2356-5912

⁴PhD in law, Associate Professor of the Department of Administrative and Financial Law, National University «Odessa Academy of Law», Odessa, Ukraine. E-mail: olgalavrenova89@gmail.com, <https://orcid.org/0000-0002-2558-6429>

*corresponding author email: bilous200@ukr.net

Abstract: *The right for local government is the pledge for the state democratic system. The qualified bond between public management and values, which a member of the community gets, is formed by means of people's participation in local issues' government. That is why the opportunity absence to participate in local government for any member provokes negative consequences and mediates the change from the citizen status into a hybrid-civilian one. The research is focused on the law security legal regulation on the local government of Ukraine and on the detection of weak spots in relation to the inner displaced people. The authors examine international legal standards of law implementation on the local government. Based on this, there were offered the amendments to the current legislative control of law implementation of the inner displaced people on the local government.*

Keywords: *law, local government, forced displaced persons, Ukraine.*

INTRODUCTION

The direction control of forcible migration and the inner displaced people law implementation is the call for the concept of democratic values and state principles of all the world community (Sahoo & Pradhan, 2019). The problem of forcible migration for Ukraine requires an urgent rethink of approaches for its solving. In consequence of the people's migration from the armed conflict territory in the East of Ukraine, their right for the local government was rejected. Moreover, living in a new community a migrant - according to Ukrainian legislation - may have power in the local government only if to accept that he or she is not the inner displaced one. Otherwise, the person keeps social power for the inner displaced people and is restricted in the local government law

implementation. Under such conditions, the actuality of the topic chosen does not raise doubts. The research subject is examined in Ukraine first and has a perspective for the development prospect. On the ground of the international experience research, especially taking into consideration the sociocultural archetypes of Ukrainian population, the alternative pathways of the reformation of law in the sphere of inner displaced people's law implementation on the local government were first proposed. The research results are interesting and useful for domestic lawmakers and public administration entities on the ground of actualization, democratization and humanization tendencies of the managerial processes. The research aim is to find possible ways of the inner displaced people local government law implementation in terms of the community, where they live on the ground of the international experience of this process. While carrying out of this research there were used common and special methods of scientific cognition, the method of system analysis, the dialectical method, the Aristotelian method, the structure functional method and the range of empirical methods.

LITERATURE REVIEW

The problems of the inner displaced people law implementation is important for those states which were subjected to military conflicts, cataclysms or other disasters. The existing researches in this sphere deal with different kinds of the inner displaced people's rights, for example, the right for healthcare (Bozorgmehr&Razum, 2017), the right for normal life conditions in Eastern Burma (Mullanyet al., 2007), the property right in Congo (Jacobs et al., 2019) and so on. What concerns the state and features of the inner displaced people legal position in Ukraine, they were examined through the prism of the socio-economic development of Eastern regions (Arakelova, 2017), the inner displaced people mental health provision (Robertsetal., 2019) and the public administration optimal model search in different areas (Drakokhrust, Prodan&Tkach,2019). The separate vector of research, which is bound to the inner displaced people law implementation on the local government, is the conclusion relative to the law definition on the local government overall (Haug, 2002). The dialectical research of M.E. Amasa (1990)relative to the law essence on the local government and its origin in the USA (1900), the research carried out by V.Noemia Bessa and G. Jose Caramelo (2019) of human rights protection with the help of the local government tool, exploring forms of participatory democracy and their impact on local government, which was carried out by V.V. Petukhov and R.V. Petukhov (2015).

As of now, there is absent the complex research of the inner displaced people's participation in the local government and the provision of them with the opportunity to implement their right on the administrative management. Sometimes this problem is addressed to by separate scientists who studied the forcible migrants' political rights initialization opportunity, who were displaced to another region of the state. Thus, it is proved that the inner displaced people rights' leveling not only violates their fundamental right but also strengthens the social, political and economic marginalization they undergo (Weiss, 2003). The most important thing is that this deprives them of the opportunity to use democratic impact levers in the process of decision making, which may have effect upon the state and quality of life including the opportunity to form national and local authorities (Balkees&Erin, 2005). This article deals with the ways of the inner displaced people's attraction towards the management implementation on the local level as a system element of democratic processes in Ukraine. For the subsequent illumination of the problem there are detailed pithy blocks which characterize the affinity group of social

relations concerning the inner displaced people's rights on the local government which are as follows: the international standards of the local government, the institutional legal basics of the local government in Ukraine, the inner displaced people power realization on the local government in Ukraine and the foreign experience of the inner displaced people's rights implementation.

METHODOLOGICAL FRAMEWORK

According to the data of the Monitoring center on the necessary movement issues, the quality of the inner displaced people two times exceeds the quality of refugees in the world. Only in 2013 their quality increased in 4.5 million persons (the most serious problem is in Syria, Sudan, Nigeria and Iraq). In Syria, for example, the quality of the inner displaced people exceeds 6.7 million persons as of 2014. In Europe, the quality of the inner displaced people reaches 2.2 million, including Azerbaijan – 543 thousand, Armenia – 8 thousand, Georgia – 206 thousand, Russia – 34 thousand, Turkmenistan – 4 thousand, Uzbekistan – 3 thousand (People internally displaced by conflict and violence, 2014). Almost 28 million of new movements - connected with conflicts and catastrophes in 148 countries - took place in 2018. According to the data of the Internal displacement monitorin centre (iDMC) in 2019 - already 41.3 million people live in the inner displaced regions because of conflict or violence in 55 countries, which is the highest index possible. What concerns Ukraine, the last number of the inner displaced people recorded corresponds to 800 000 people within the last year. The new progress was recorded in October, when 12 000 people were evacuated after the explosion on the ammunition depot – to the East from Kiev. There were also recorded around 200 of new movements in settlements along the borderline, where the shellings do not stop (Global report on internal displacement, 2019).

The scale of the forcible migration on the territory of Ukraine requires the creation of the adequate scientific-reasonable approach to the definition of the state management mechanisms in this sphere. As of September 2, 2019 - according to the data of the Unified informational database about the inner displaced people – 1 405 184 people were registered to be migrants from the temporarily occupied territories of Donetsk and Luhansk oblasts and the Autonomous Republic of Crimea. Many of them are in Donetsk (492 th.), Luhansk (273 th.), Kharkiv (131 th.), Dnipropetrovsk (75 th.), Zaporizhia (69 th.), Kiev oblasts (51 th.) and in Kiev (170 th.) The lowest number of migrants is in Ternopil (2 th.), Chernivtsi (2,5 th.), Rivne (3 th.), Volyn oblasts (3 th.) областях (Ministry of social policy official website, 2019). The perception of the inner migration in Ukraine as a long-term problem, which should be solved, mediates the inconsistency of Ukrainian government to stabilize the situation in this sphere. The official statistics of the inner displaced people number matters for the definition of the problem-solving of the certain category. Instead, the official data about the number of the inner displaced people differs from real numbers with the certain error. The Ministry of Social Policy of Ukraine takes into account people who turned to them with the request to get their pension or public assistance on their new registration. In practice, the Ministry of Social Policy of Ukraine (Pro zatverdzhennya Poryadku stvorenniya, vedennya ta dostupu do vidomostei Yedynoi informatsiinoi basy dannykh pro vnutrishu peremishennykh osib, 2016) carries out the registration of not only migrants but also of those who continue to live on the separate territories – those who come to the territory of Ukraine only sometimes - to get pensions or public assistance, where the state authority performs their duties. Together with this,

the carrying out of the Unified informational database about the inner displaced people by the Ministry of Social Policies of Ukraine is illogic because it makes payments and public assistance. It is considered to be rational to give the power on the provision of the formation and carrying out of the Unified informational database about the inner displaced people to the Ministry of Temporarily Occupied Territories and IDPs. Secondly, carrying out the register of the inner displaced people should be made on the ground of the real movement fact but not on the ground of pensions get or other social payments obtaining the person living on territory has the right.

RESULTS AND DISCUSSION

International Standards of Law on the Local Government

The right for the local government means the competence the content of which differs depending on the local government model. According to the European Charter of Local Self-Government 1985, it was defined as a right and ability of the local government to carry out – in terms of law - the regulation and management of public affairs - under their responsibility - in the interests of local population (the European Charter of Local Self-Government, 1985). While at the same time, the national differences in the legal regulation of the local government do not deprive its content of the unified democratic values and development tendencies. The confirmation of this thesis is the intensification of mechanisms to protect and defend historical regional and minority languages (The European Charter for Regional or Minority Languages, 1992), the youth attraction to decision-making, who have an impact upon the life in a traditional community (The Revised European Charter on the Participation of Young People in Local and Regional Life, 2003), the provision of the sustainable development which is based upon a balanced and harmonious combination of social, economic and cultural factors (the European Landscape Convention, 2000), and others. The Convention on the Participation of Foreigners in Public Life at Local Level, which was adopted in 1992, deserves separate attention. This international document shows the readiness of the international cooperation to recognize the foreigners' rights (people, who legally live on the territory of the state for more than 5 years) to take part in elections to the local government (The Convention on the Participation Foreigners in Public Life on Local Level, 1992). As of now, Ukraine has not ratified this convention. Under these conditions, the recognition of the same rights for the inner migration would be easier. It is mediated by the fact that the inner displaced people – in spite of migrants – are the citizens of the state and are in need of the protection and may use the rights as other citizens of Ukraine.

In spite of the long-term practice of the law concept use on the local government, it is subjected to the globalization processes with the simultaneous tendency of public authority deconcentration reflecting the development and perfection levels of the municipal authority. In democratic states the organization of the local government is predetermined by the objective needs for the society development, i.e. the amount of power on the local level should be as much as it is needed to provide the territorial communities with the life support (territorial teams, communities and so on) and to solve the problems of the local level in terms of separate territories. The more functions and authorities are reserved for the local government, the more complex the system-structural organization of the same level of the public authority is. The European practice for the local government organization testifies to the presence of three institutional levels.

The primary local government entity is the territorial team (communities), self-governed communities (the set of people/units of the main territorial division) and the local citizens' communities, who have the right for self-government (Kovbasyuka & Orlatogo, 2015). Nevertheless, the organized component is not the constant for the allocation of types (models) of the local government. It is reasonable to compare the competence and appointment of the local government as the criteria for the allocation of the international law local government functioning, which is reflected by the authors in *the Table 1*.

Table 1. The type of the local government functioning

The type of the local government functioning	Typical signs	The states where it is presented
Continental	The combination of the election of the representative and executive organs on the primary level of the local government and the appointment of the plenipotentiaries from the government (commissioners, prefects and so on.). The competence of the local government concerns the whole sphere of management and includes that power, which is not taken to the state structure management. The administrative, organizational and financial autonomy of the local government, which is under the state structure control.	France (Laffin, 2018; Simonet, 2018), Italy (Farneti, Guthrie & Canetto, 2019), Finland (Jaske, 2019)
Anglo-Saxon	The absence of the accredited representatives of the government. The clear distinction of the sphere of management between the state structures (fulfillment of the national and political tasks) and the local government (current managerial function like education, healthcare, public assistance, highway maintenance and so on.). The control over the local government activity is carried out by the central ministries and juridical authorities.	Great Britain (Demokaan, 2018), the USA, Canada (Magnusson, 2015)
Scandinavian	The absence of the accredited representatives of the government. The competence of the local government concerns the whole sphere of management and includes that power, which is not taken to the state structure (public safety, provision of pensions). The control over the local government is carried out by the central ministries, which clearly determine the borders of the local government.	Norway (Local Government in Norway, 2008)
Post-Soviet	The local government is considered to be the government and their executive organs to be the local government. The competence of the local government is restricted but at the same time the representative body is excessively engaged in the daily issues solving. The person who would take responsibility for the state of the local government. The local government has double-subjection to the superior body and the corresponding representative body.	Cuba (Greenwood & Lambie, 2008), Vietnam (Joop de Wit, 2007)

Thus, the most successful type of the local government is one, which corresponds to the socio-cultural type of the community. What concerns the ability to implement the effective system of the local government in Ukraine, the most successful is the continental type.

The Law Rightful Principles on the Local Government in Ukraine

In Ukraine, the right for the local government is assigned on a constitutional level and is defined as the right for the territorial community (village residents or the voluntary association into the country community of some villages, settlement or city residents) to independently solve the local issues in terms of the law of Ukraine (Constitution of Ukraine, 1996). That means that, on the one hand, the right for the local government concerns only the territorial community and its members – on the other hand, the right for the local government concerns only the local sphere of management. The endowment of person with the right for the local government is carried out according to the confession to a corresponding territorial community for the provision of interest: the material, spiritual, political and family one. The combination of these interests will define the content of the subjective right. The ability to have the right and the opportunity to implement them is in the phenomenon plane of personality, which has the stative value for the legal status of person as the subject of law on the local government. The Ukrainian citizen implements his / her right for the local government without any restrictions depending on race, skin color, political, religious or other believes, sex, ethical and social origin, property state or the period of residence on the certain territory. Thus, the condition for the right obtaining on the local government is the person's residence within the corresponding territorial community.

The authors identified that the territorial community is the residents united by the constant living within the settlement, village, city (the independent political subdivision) or the voluntary association of some settlements' residents, who have the unified administrative center. It should be pointed out that absolutely different paradigms, which institutionalize and embody the public self-governing (municipal) government and totally emphasize it from the public government, act in this context. On the whole, the territorial community has the following sings:

- the territorial one, which relates to the “dislocation” of the local government on village, settlement and city levels as a territorial basis of municipal democracy;
- the integrative one according to which the territorial community happens on the ground of unity of all the citizens living on a certain territory even though whether they are the country citizens or not. That means that the members of the territorial community may be the country citizens, foreign citizens and stateless persons who live on the certain territory;
- the intellectual one which is conditioned by the citizens' common interests, who have specific character and are shown in the broad spectrum of the system individual and territorial relations;
- the property one, which is the result of this community to have the common property;
- the fiscal one, which is conditioned by that the members of the territorial community are taxpayers (Pogorilka& Frytskogo, 2001).

Moreover, as O.V. Batanov (2008) points out that the important thing is the account of the local historical features and traditions while forming the territorial community. Thus, the traditions of the certain territorial community include the following interconnected levels: the world outlook (symbolizes and shows the social proximity, the community identity and the person one), the theoretical and conceptual (defines that local traditions of political and legal thought), the social, spiritual and the praxeologic one. Thus, the archetype of the territorial community, which provides with the opportunity to form the corresponding socio-cultural space, where the community is formed, functions and develops as one of the most important socio-cultural phenomena of the democratic state. While defining the territorial community and its members to be the main subject of law on the local government, it is important to point out the persons, whom the power would be given to, characterizing the right for the local government. The thesis given correlates with the articles of the profile law, which provides with the opportunity to implement the law on the local government not only by the territorial community but also by the following subjects: by the organs and officials of the local government under the responsibility of which it is done (Pro mistseve samovryaduvannya v Ukraini, 1997), by the united city territorial community (the administrative center of the united territorial community is defined to be the city), by the united village community (the administrative center of the united territorial community is defined to the village), by the united settlement community (the administrative center of the united territorial community is defined to be the settlement) (Pro dobrovilne obyednannya terrytorialnykh gromad, 2015).

The efficiency and effectiveness of the local government depends on the principles of its creation and functioning. Thus, despite that the three-level system of the local government is assigned in Ukraine, there functions a branchy system of the government. The securing of the great amount of office on the local government problem-solving for the local administration makes it impossible to implement the right for the local government. It is because of this, that the legal security of the right for the local government in Ukraine will undergo serious changes, which are mediated by the tendencies of the government decentralization, by the inability of the local government to perform the duties incommensurably to the administrative and territorial basis as a ground for the irrational territorial government (Pro schvalennya Kontseptsii reformuvannya mistsevogo samovryaduvannya ta terytorialnoi organizatsii vlyady v Ukraini, 2014). First of all, the local government should be changed into an effective control-gear, which includes: the unification and standardization of public services to the population by the local government and by the executive agencies taking into account the principles of maximum availability of services to customers, the carrying out of the institutional reorganization of the local government and the local executive agencies on a new territorial basis, the holding of election taking into account the reformed system of the local government, the perfection of the community system planning and so on (Pro zatverdzhennya Planu zakhodiv shodo realizatsii Kontseptsii reformuvannya mistsevogo sanovryaduvannya ta terrytorialnoi organizatsii vlyady v Ukraini, 2014).

The Implementation of Right of the Inner Displaced People on the Local Government in Ukraine

The provision problem of the inner displaced people with the right for the local government consists of the absence of state concretization as the part-time residence for

forcible migrant and of clear regulating for the right obtaining on the local government on the whole. Until recently, the participation in a local referendum as the implementation of the right for the local government has been possible for any person, who lives on the territory, when it takes place. That means that Ukrainian citizens, who live on the administrative and territorial area, had an opportunity to take part in the referendum. The list of those, who had an opportunity to participate in a referendum, consisted of all the Ukrainian citizens who were 18 and of those who lived on the corresponding station at the date of when the referendum took place (Pro vseukrainskyi ta mistsevyi referendum, 1991). Nowadays, the general provisions about the local referendum are contained in the Constitution of Ukraine. The article 70 states that the rights to vote in elections and referendums have all the Ukrainian citizens, who are 18 at the date when it takes place (Constitution of Ukraine, 1996). The article 1 of Zakonu Ukrainy "Pro mistseve samovryaduvannya v Ukraini" (1997), states that the local referendum is the form of the territorial community's decision-making on the issues related to the local government by means of direct vote. The article 7 of the same Zakonu, states that the local referendum is the form of the territorial community's problem-solving by means of direct will, the order of which is stipulated by the law about referendums. Thus, as of today the clear competence for the participation in local referendums for the people, who live on the corresponding territorial community, is absent.

It should be pointed out that - as a result of the collision of law standards relative to the definition of the territorial community and its members on a legislative level - the attempt to eliminate it with the help of the explanation of the Constitutional Court of Ukraine was made in 1999. In the Constitutional understanding of the members of parliament of Ukraine as regards the official interpretation of articles 140-143 of the Constitution of Ukraine, there were touched a range of questions including the problem of the definition of the territorial communities and its members. That means that the resident and the citizen of Ukraine have equal rights on the local government. However, the chamber of the Constitutional Court of Ukraine by its ruling as of July 13, 1999, refused to start proceedings based on the clause 2, article 45 Zakonu Ukrainy "Pro Konstytutsiinyi Sud Ukrainy". The decision mentioned was motivated by that the answer follows from the text of the Constitution of Ukraine and from the Zakon Ukrainy "Pro mistseve samovryaduvannya v Ukraini" (Pro vidmovu u vidkrytti konstytutsiinogo provadzhennya, 2019). What concerns the forcible migrants, the only opportunity to implement his / her right on the local government is to refuse form the public assistance. Such decision for the problem-solving is unacceptable as the national assistance get is mediated by the reasons, which do not depend on the will of the inner migrants.

In order to find possible ways of the problem solving, it is needed to base on the following. The inner displaced people are the citizens of Ukraine, foreigners or stateless people living on the territory of Ukraine on legal basics and have the right for residence in Ukraine, who were made to leave or abandon their residence with the aim to avoid negative consequences of the armed conflict, temporary occupation, general violence, human rights abuse and disasters of nature or manmade character. The status of the inner displaced people indicates that the inner displaced people use the same rights and freedom as other citizens of Ukraine - according to the Constitution of Ukraine, laws and international treaties of Ukraine - who live in Ukraine. The fact of inner displacement is confirmed by the reference about the registration of the inner displaced people. It is limitless in spite of the cases stipulated by the law (art. 4). The basics for the cancelling of the reference about the registration of the inner displaced people are: the application for

the refusal from the reference, committing a crime stipulated by the clause 2, article 12 of Zakonu Ukrainy “Pro zabespechennya prav i svobod vnutrishno peremishnykh osib” (2014), the return to the residence abandoned, the leave for permanent residence abroad, the provision with the fake information (art. 12), the reference about the registration of the inner displaced people confirms the residence of the inner displaced people for the period of grounds (art. 5), the inner displaced people implements his / her right to vote in elections by means of changing the place of voting without changing the pool address (art. 8) (Pro zabespechennya prav i svobod vnutrishno peremishnykh osib, 2014).

Thus, the right implementation on the local government for the inner displaced people on the territory of the administrative and territorial community, where the person lives, is not stipulated but the fundamental principles are formed. Together with this, when the person lost the status but continues to live on the administrative and territorial community, where the person was registered, the person obtains all the rights connected with the implementation of the right for the local government and relieving from the part of privilege and benefit the person was given as a result of the inner displaced people status obtaining. It is almost impossible to define how long the status of the inner displaced people will be valid. There are many ways as to define the residence of the person in the Law of Ukraine. Thus, the residence may be defined as the residence situated in the territory of the administrative and territorial community, where the person live permanently or temporarily (Pro svobodu peresuvannya ta vilnyi vybir mistysya prozhyvannya v Ukraini, 2004). According to the amendments, which were brought into the law in 2015, the residence is the accommodation situated on the territory of the administrative and territorial community, where the person lives as well as the special social institutions, the social services institutions and military units (Pro vnesennya zmin do deyakykh zakonodavchykh aktiv Ukrainy, 2016).

Thus, the first legislative act interprets the place of residence by a common way paying attention to the territorial and connotation sign. The second legislative act uses the same territorial and connotation sign but has a wide notion of the place of residence that means the corresponding collision. The provision of the inner displaced people with the right for the local government may be implemented by the citizens of Ukraine, who always change their place of residence and by the homeless. The registration of the last – according to the art. 6 of Zakonu Ukrainy “Pro osnovy sotsialnogo zakhystu bezdomnykh osib i bezprytulnykh ditei” (2005) is carried out on the place of residence or the residence on the ground of personal address or their detection. That means that their registration by the centers, which are created by the local government and their executive bodies of the corresponding territorial community are the basis for the recognition of such people to be the members of the territorial community.

The Foreign Experience of the Inner Displaced People Rights Implementation

The need for the creation of the international mechanisms on the inner displaced people’s rights implementation was considered to be the world danger. In spite of the fact that according to the external evidence the inner displaced people are in the same situation as the migrants are, they do not fall into a category (the fact of border crossing is absent) and they cannot pretend to the corresponding measures of the international protection. But at the same time, the international protection measures in the sphere of humanitarian activities (The Geneva Convention to the Protection of Civilian Persons in Time of War, 1949) and the human rights protection - because regardless of the residence

or the status the inner displaced people are deprived of their status - are applied to the inner displaced people (The Universal Declaration of Human Rights, 1948; The International Covenant on Economic, Social and Cultural Rights, 1966; The International Covenant on Civil and Political Rights, 1966; International Convention on the elimination of all forms of racial discrimination, 1965). The international law supports the inner displaced people's rights implementation. However, there are no international norms, which regulate this sphere. The only profile international document, which defines the notion of the inner displaced people and their protection, is Kerivni pryntsypp UVKB OON z pytan pro peremishennya osib useredyni krainy. But at the same time, the inner displaced people are people or the group of them, who were made to abandon or leave their homes or residence as a result of avoiding the armed conflict, general violence, natural or manmade disasters and who didn't cross the international borders. Moreover, the responsibility for their provision with the help and protection depends on the states, the citizens of which are the inner displaced people (The Guiding Principles on Internal Displacement, 1998). The need for the implementation of the Spravochnik po zashite vnutrennye peremeshennykh lits, where the essence of the effect and its prerequisites are explained and where it is said who is responsible for the fate of this category was brought in 2010 (Handbook for the Protection of Internally Displaced Persons, 2010).

It is needed to pay attention to the fact that no UN structural unit has the special mandate for the provision of the inner displaced people's rights. The post for the Special Representative of the Secretary-General in the issues of the inner displaced people was established in 1992. The interagency UN committee coordinates the activity on the help provision in case of humanitarian catastrophes. The organ mentioned consists of the representative of the UN humanitarian agencies, the international nongovernmental organizations and the International Committee of the Red Cross. The interagency UN committee defines the humanitarian policy with the aim to provide the coordinated and effective measures in case of emergency. The due rights implementation of the inner displaced people depends on the International Organization for Migration, the UNICEF implements the children rights protection, the United Nations Development Fund for Women and so on (Koch, 2015). The important role in the children rights protection of the inner displaced people is played by the nongovernmental organizations. As J. El-Bushar (2004) points out that it is possible to sort out the international operational agencies, which work in the sphere of the forcible migration. The international operational agencies implement the projects aimed at the satisfaction of needs (the food problem, water, sanitary and medical issues, the registration) and the provision with the social development, psychological support, skills getting and the education to new conditions, the access to subsistence and financing, the protection and lobbying. Among the big organizations, which perform the functions, it is possible to sort out the following: the International Committee of the Red Cross, the Doctors Without Borders, Save the Children. The nonoperational agencies works to elaborate the strategies, the issues examination connected with the inner displaced people. Which are as follows: Refugees International, which assists in the situation liquidation which led to the displacement.

The Global VPO project documents the situation with the inner displaced people on a global level and takes stock in different states of this category, updates the data and provides with the teaching material on the issues of migration. Other principles on the carrying out of the research and strategies development are carried by "the Committee on the Interaction in the sphere of Strategy and Practice on Humanitarian Aid", "the American Council for Voluntary International Action". Thus, the international

instruments for the inner displaced people's rights implementation are not profile ones but are formed from the system of human rights implementation and from the protection of people in crisis situations. The inner displaced people legal position ordering procedure, because of the national debt prerogative, leads to the problems in the international legal regulation. What concerns the state practice in the sphere of the inner displaced people's rights implementation it is as follows. In Azerbaijan the inner displaced people are not engaged in the planning of settlements or in the making decisions about settlements. However, as the citizens of Azerbaijan, they have the right for taking part in presidential elections but are deprived of the right for the local government election, as they have the interim status of residence (Azerbaijan: analysis of gaps in the protection of internally displaced persons IDPs, 2009). In Georgia, the accent is made on the inner displaced people's provision with the accommodation and payments but the problem of the equal rights implementation, in spite of the 12-year experience, remains to be unsolved (Funke & Bolkvadze, 2018).

CONCLUSIONS

The authors identified that, to date, it is possible to state the range of legal defects both as the law assignment on the local government of Ukraine and the features of its implementation by the inner displaced people. It is caused by the formed subjectivity of the territorial community, the proper normative base for the local referendums carrying out, the clear list of base related to the territorial community as a condition for the local government law implementation, the statehood functioning in the areas of ATO in Ukraine. To solve the problem of the inner displaced people's rights implementation it is needed to introduce the complex of legal steps, which concern the improvement of the local government system mentioned in Ukraine. It is grounded that the local government should be changed into the control-gear, which consists of the following: the unification and standardization of public services to people by the local government and by the executive powers taking into consideration the principles of maximum availability for customers, the carrying out of the institutional reorganization of the local government and the executive powers on the new territorial base, the conduct of the elections taking into consideration the reformed system of the local government, the perfection of the territorial system planning and so on. Providing the implementation of the administrative and territorial reform the citizens of Ukraine have to get the range of benefits (the receiving of office, subventions and subsidies from the state budget), which will allow to solve the problems by means forming the budget and developing the country. It is proved that the most successful is the continental type of the local government functioning, which corresponds to the sociocultural type of the territorial community in Ukraine. The authors offered to give the Ministry of Temporarily Occupied Territories and IDPs the power to secure the formation and carrying out of the Unified informational database about the inner displaced people as the reservations of such power for the Ministry of Social Policy of Ukraine is illogic because they are paid pensions and public assistance. Moreover, the inner displaced people register carrying out is implemented on the ground of the fact of real movement but not on the ground of pensions or other social payments getting the person living on the territory of risk has the right. According the Zakon Ukrainy "Pro mistseve samovryaduvannya v Ukraini" it is important to make amendments concerning the inner displaced people's rights for the local government management, who live in territorial community without the loss of social maintenance.

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