

## SHELTER/NFI CLUSTER UKRAINE

### TECHNICAL WORKING GROUP ON THE REFURBISHMENT OF COLLECTIVE SITES

# FRAMEWORK FOR AN MoU WITH GOVERNMENT COUNTERPARTS

(v 16.9.'22)

*Note: this document is not intended to be a template or a ready-to-use MoU, but rather a guiding framework and a checklist of topics that the Shelter Cluster's TWiG recommends every partner to discuss with governmental counterparts, before engaging in the refurbishment of a Transit, Reception or Collective Centre. The checklist can be used also as a draft outline for a more complete, tailored, formal MoU.*

## RATIONALE

- *Regional State Administration (RSA)* is mandated by the Government of Ukraine to assist in the reception, accommodation and provision of assistance to internally displaced persons (IDPs).
- *HUMANITARIAN ORGANISATION (HO)* commits to support *RSA* in the provision of assistance to IDPs.
- Collaboration is based on the fundamental principle that the authorities of Ukraine have the primary responsibility for protection and assistance for IDPs on its territory, and *HO* has a supportive and complementary role.
- Reference is made to the MoU with *STATE AGENCY* (Min of Development, Min of Reintegration, ...) [NOTE: an MoU at Ministry level is not compulsory]
- Reference is also made to:
  - (a) all relevant Ukrainian Law provisions
  - (b) the CCCM minimum standards (multi-sectorial) for collective centres in Ukraine, which aim to guide relevant authorities, stakeholders and partners involved in IDP collective centres to serve as a baseline during the identification and assessment of services in communal accommodations (<https://handbook.spherestandards.org/en/camp/#ch001>).

## DESCRIPTION OF THE PROGRAM

- *HO* has funds and technical expertise to support *RSA* in the expansion and/or improvement of the accommodation capacity for displaced people in [OBLAST, MUNICIPAL., ...].
- *HO* commits to execute construction works and other interventions in buildings already hosting IDPs and/or in buildings considered suitable for hosting IDPs.
- Buildings will be chosen from lists proposed by *RSA*.
- Priority will be given to locations that
  - a. are safe (not close to potential military targets)
  - b. are central
  - c. have easy access to basic services (schools, medical facilities, government offices, shops, ...)
  - d. have access to job opportunities
  - e. have good transportation services
  - f. ... [criteria can be added; this list can be tailored to each agency's specific needs]

and to buildings that

- g. have no other current function (schools, kindergartens, gyms, ..)
- h. are of public ownership
- i. don't require structural repairs
- j. are already licensed for the accommodation of people and for which an agreement is in place with authorities
- k. guarantee minimum living standards (see annex)
- l. preserve the civilian character of the accommodation (don't host military personnel, equipment or activities, don't provide services to military personnel, etc.)
- m. ... *[criteria can be added; this list can be tailored to each agency's specific needs]*
- n. can accommodate people in the longer term

**With reference to this last point, a precondition for the inclusion in the HO's refurbishment programme is the commitment, by the RSA, that the selected building will be used for IDP accommodation for at least [1 to 3] years or until durable solutions are implemented (voluntary return, acquisition of housing property, rental of accommodation, etc.).**

**Among other factors, the indicative duration of the IDP's stay in the centre may be linked to the extent and cost of the refurbishment works.**

- (A) Construction works and (B) other interventions implemented by HO in the centre will aim at
  1. the improvement of the quality of the existing accommodation offer; and/or
  2. the creation of additional accommodation.
- (A) Construction works will range from very light to medium/heavy interventions, and will include:
  - the refurbishment of old, abandoned, dilapidated buildings
  - the completion of unfinished buildings
  - the re-purposing of buildings designed for a different function
  - the partitioning of large halls
  - the provision of adequate services (toilets, showers, communal spaces, ...)
  - the repair or replacement of utility networks (water, gas and heating pipes, electricity wires, ...)
  - ... *[items can be added; this list can be tailored to each agency's specific needs]*
- (B) Other interventions will include the provision of NFI (non-food items) for the equipment of the centre:
  - Ukraine Shelter Cluster's *Standard "Centre Kit"* (bed, mattress, bedlinen, blanket, ...)
  - home appliances (fridges, washing machines, ovens, etc.)
  - ... *[items can be added; this list can be tailored to each agency's specific needs]*
- In addition to the present framework MoU, the two parties will sign also - for each building selected for this programme - an annex that will include:
  - (a) details on the extent of the HO's intervention (BoQ, scope of work, ...)
  - (b) (if applicable:) details of the complementary activities to be provided by the RSA
  - (c) the number of IDPs that can be hosted at one time in the centre
  - (d) exceptions - if any - to the principles and responsibilities agreed upon in this MoU
  - (e) any additional information not included in this MoU
  - (f) ... *[items can be added; this list can be tailored to each agency's specific needs]*

## HOSTED FAMILIES

- With regards to the selection of families and individuals that will be assigned a place in the refurbished centre, the two parties agree that priority will be given to vulnerable and socially unprotected families and individuals, like:
  1. people with serious medical needs or with disabilities unable to care for self on daily basis who are without support from their caregivers or where such support is insufficient
  2. elderly unable to care for self on daily basis who are without support from their caregivers or where such support is insufficient
  3. people with serious medical needs or with disabilities
  4. elderly persons who are single or heading households
  5. single headed households with one or more dependants who are unable to care for self, including children or older family members
  6. households with three or more children under the age of 18
  7. households with one or more persons with specific needs, including disability or chronic illnesses
  8. unaccompanied and separated children
  9. individuals, who suffered from recent serious physical/psychological harm
  10. ... *[criteria can be added; this list can be tailored to each agency's specific needs]*
- *[the point here below applies to a restricted number of specific cases and must be the object of a preliminary agreement with the government counterpart]*

A joint RSA-HO committee may be established for the selection of families and individuals to be hosted in the centre, in coordination with CCCM Area - Subnational coordinator].

## COSTS

*This section reports all the main alternative options on cost coverage discussed in the TWiG. For each type of cost, HO may choose the option that best suits its case.*

- Accommodation rent:
  - (a) free for all hosted families, for the entire duration of their stay
  - (b) free for all hosted families, for the first 3 months of their stay; then paid by guests
  - (c) free for all hosted families, for the first 3 months of their stay; then free only for particularly vulnerable hosted families
- Utilities (water, electricity, heating/hot water, internet):
  - (a) paid by hosted families
  - (b) free for all hosted families, for the first 3 months of their stay; then paid by families
- Ordinary and extraordinary maintenance of both building and compound (common spaces -such as corridors, stairs, kitchens - and infrastructure e.g. water and power supply, sewage, roof, ...)
  - (a) paid by the building owner
  - (b) paid by hosted families
- Individual utility service agreements should be opened for each unit, and individual utility metres should be installed at the expenses of the building owner.

## GOVERNMENTAL COUNTERPART'S RESPONSIBILITIES

### **Responsibilities related to the refurbishment phase**

- Appoint a focal point for the HO for the entire duration of the process of refurbishment and centre management (“Site administrator”).
- Clarify ownership rights over the premises.
- Provide the HO with all initial essential documents (technical conditions, urban planning conditions and requirements, construction or reconstruction permit, refurbishment plans (if existing), etc.).  
In particular, in case of re-purposing of a building, ensure that all necessary bureaucratic and legal actions on the side of the government (decision by the rights holder, decision by local authorities etc) are undertaken and timely finalised.
- Facilitate the paperwork (in particular: change of purpose, decision on placement criteria, establishment of a housing commission if not existent etc.)
- Provide all other necessary documents (authorisations, licences, permissions by controlling authorities (such as sanitary and epidemiological control, fire hazard control etc).
- Facilitate the liaison with government bodies.
- Facilitate access by humanitarian agencies for monitoring, protection, follow up activities and humanitarian programs in general
- Facilitate access to CCCM partners to support with technical and material support with management and coordination of the facility and community communication/mobilisation

### **Responsibilities related to the “site administration” phase**

Management responsibilities should be discussed with and taken over by the Governmental counterpart in coordination with CCCM partner, area or subnational focal point.

Responsibilities grouped under the general term of “Site Administration” refer to the functions carried out by governments and national authorities that relate to the overseeing of activities in sites. Site Administration comprises such sovereign state functions as:

- Designate, open and close collective sites
- Secure land and occupancy rights for temporary communal accommodation and resolve disputes arising from land appropriation. Ensure HLP arrangements are in place (agreement with state/private owner on use of the facility, life-span etc.)
- Guarantee the civilian character of the facility
- Provide security
- Protect people hosted in sites and prevent evictions (forced removals) and relocation; when relocation is necessary, take the lead in implementing it in a smooth, communicated, coordinated manner
- Issue documentations, permits and licenses (e.g. ID cards, birth certificates)
- Create or appoint a company for the provision of services to the centre.

- Ensure that costs related to the provision of these services and any other cost related to the management of the centre are included in the local administration's budget
- Ensure that communal utility service providers sign the individual service agreements with hosted families
- Ensure that individual utility metres are installed in each unit.

If CCCM partner is identified, roles and responsibilities related to the management of the centre - although beyond the scope of this document - should be included in the same MoU that regulates the refurbishment.

**HO who wishes to provide also management services to the centres selected for refurbishment should refer - for the part of the MoU dedicated to this services - to CCCM minimum standards (in annex).**

Among other items, agencies should include in this part of the MoU a paragraph which promotes the participatory development of Standard operating Procedures for centre management and a Code of Conduct for peaceful cohabitation, which will be signed by all hosted families.

*Rules to be included in these two documents will depend on factors like the centre capacity and availability of services and infrastructure. Rules should cover:*

- *management of collective/community spaces,*
- *cohabitation,*
- *procedures for relocations and accommodation of new arrivals,*
- *procedures on how to raise complaints and feedback to the centre management,*
- *roles and responsibilities of centre management and resident representative bodies, if any*
- *coordination of services and actors operating in the centre etc.*

## HANDOVER AND EXIT STRATEGY

- While closing formal collective centres is a government responsibility, national exit strategies are not the responsibility of a single agency or authority and need multiple stakeholders across different levels of government, community or agency to be engaged.
- The closure of sites hosting IDPs must align with any government plans for IDP movement, the restitution of the land and any other administrative issues.
- Whatever the circumstances, careful planning and extensive coordination is crucial and should be carried out by the SMS team in collaboration with CCCM Area / Subnational coordinator, national authorities and other key stakeholders, including the legal owners of the land. Together they should ensure that site and host populations participate fully in the process. Buildings which have been degraded due to their temporary use as collective centres can have a negative impact on the local community. The eventual decommissioning, or rehabilitation and handover, of such assets during site closure should be defined and agreed with involved stakeholders from the start. The planning of site set-up/improvement and closure are interrelated from the beginning.
- Recommended actions in case of rehabilitation and decommissioning (CM minimum standard 5.4)
- Recommended actions in case of site closure:
  - Revisit site closure plans and adapt to the current context. Use results from consultative meetings, focus group discussions or intentions surveys to inform any action.
  - If appropriate and feasible, set up go-and-see visits to return, integration or resettlement locations
  - Compile a list of site residents who are ready to relocate, taking note especially of large families, people with specific needs and female-headed households. Advocate for appropriate transport.

- Involve site governance structures and leadership in the planning and implementation of closure.
- Seek solutions for vulnerable people to be absorbed into any social safety net should site services suddenly be reduced or withdrawn.
- Monitor site closure against the plan.
- Ensure feedback and complaints mechanisms remain available to the affected population.
- Make sure measures are in place for the residual population, who may need to access special services while residing or remaining on-site, including receiving access to appropriate levels of assistance.
- Use or adapt existing participatory approaches and tools to find out and document community perceptions on site closure and relocation.

Reference: "Camp management toolkit", checklist for a camp management agency on site closure:

<https://www.cmtoolkit.org/chapter/checklist-camp-management-agency-4>