

Nataliia FILIPENKO,

Doctor of Law, Professor, Professor of the Department of Law Faculty of Humanities and Law, National Aerospace University "Kharkiv Aviation Institute"
ORCID: <https://orcid.org/0000-0001-9469-3650>
e-mail: n.filipenko@khai.edu

Serhii LUKASHEVYCH,

PhD in Law, Associate Professor, Professor of the Department of Law Faculty of Humanities and Law, National Aerospace University "Kharkiv Aviation Institute"
ORCID: <https://orcid.org/0000-0001-8386-6237>
e-mail: s.lukashevych@khai.edu

Olena ANDRIEIEVA,

PhD in Law, Associate Professor, of the Department of Law Faculty of Humanities and Law, National Aerospace University "Kharkiv Aviation Institute"
ORCID: <https://orcid.org/0000-0003-2731-9225>
e-mail: o.andrejeva@khai.edu

DOI: <https://doi.org/10.32620/pls.2025.67.02>

RELOCATION AND INTERNATIONAL LAW: KEY ISSUES AND SOLUTIONS

Abstract. *In the modern world, relocation, encompassing both business migration and forced displacement of populations, is becoming increasingly relevant. Military conflicts, geopolitical instability, climate disasters, and economic crises trigger large-scale migration processes, presenting new challenges for international law.*

This paper examines the key legal issues related to relocation, including conflicts between national legislation and international norms, the legitimacy of forced resettlement, and mechanisms for protecting the rights of internally displaced persons. Special attention is given to the role of international humanitarian law (IHL) and international human rights law (IHRL) in regulating relocation processes.

The authors explore possible solutions to these challenges through the improvement of international cooperation mechanisms, the development of new legal standards, and the establishment of effective adaptation models for displaced individuals.

Keywords: *relocation, forced displacement, international law, internally displaced persons, international humanitarian law, human rights, military conflicts, migration, legal mechanisms, adaptation.*

Introduction. Over the past decades, the issue of relocation encompassing both business transfers and large-scale population movements, has garnered increasing attention from society and the academic community. This phenomenon has become a central theme in global discourse, as it carries profound economic, social, political, and security implications.

The relocation of companies and migration of populations are significant factors influencing state economic stability, the development of international trade, social integration, and even cultural transformation. A distinct aspect of this process is military conflicts, which generate massive waves of forced migration, the reconfiguration of economic centres, and shifts in global relationships. Wars compel governments and international organizations to adapt assistance mechanisms, develop new integration models for displaced persons, and formulate economic strategies that account for the destructive impact of armed conflicts.

Policymakers, economists, and researchers worldwide actively analyse relocation mechanisms, their prerequisites, and potential consequences, as this phenomenon is directly linked to contemporary challenges, including geopolitical transformations, technological progress, climate crises, global security issues, and military conflicts.

Main content presentation. Amid growing global upheavals, relocation is not merely a forced process but also a strategic tool for adaptation to new realities. Military conflicts alter traditional migration routes, intensify the need for international coordination, and introduce new challenges for governmental institutions. This underscores the importance of an interdisciplinary approach to studying relocation, encompassing economic forecasts, social trends, security strategies, and state policies.

The international community is actively addressing these challenges by adopting various legal frameworks aimed at mitigating the negative

consequences of relocation. For instance, international agreements and refugee support programs, climate adaptation measures, and initiatives to foster favourable conditions for business migration contribute to the development of mechanisms that enable both individuals and companies to find new opportunities for growth in safe environments.

For instance, the UN Convention Relating to the Status of Refugees (1951)¹ does not explicitly include the term “relocation.” However, it regulates matters related to movement, resettlement, and the protection of refugees, which are fundamental aspects of relocation. The key provisions concerning displaced persons include:

Article 1: Defines the term “refugee” and the criteria for granting refugee status.

Article 26: Guarantees the right of refugees to move freely within the territory of the host country.

Article 31: Prohibits penalizing refugees for illegal entry if they arrive without authorization while fleeing persecution.

Article 32: Establishes restrictions on the expulsion of refugees, allowing it only in cases concerning national security.

Article 33: Enshrines the principle of non-refoulement, which prohibits returning refugees to a country where they face persecution.

Furthermore, global agreements highlight the significance of proactive relocation strategies. The Sendai framework for Disaster Risk Reduction (2015–2030), adopted by the United Nations World Conference on Disaster Risk Reduction, emphasizes the need for “relocating communities in high-risk disaster zones where feasible”².

Similarly, the 2010 Cancun Agreements, under the United Nations Framework Convention on Climate Change (UNFCCC), urge participating nations to enhance adaptation measures in response to climate change. These agreements specifically advocate for improved understanding, coordination, and cooperation regarding “displacement, migration, and planned resettlement induced by climate-related events”³.

Researchers⁴ argue that attempting to comprehensively define “relocation” is akin to opening Pandora’s box, as it introduces a cascade of intricate and conflicting issues. This challenge has driven the emergence of a new research field that explores the relocation of businesses and individuals in the context of natural disasters, climate change, wars, and other global crises. A substantial body of academic literature is dedicated to analysing the diverse aspects of this phenomenon, including social-economic, legal, and humanitarian dimensions. Scholars emphasize that resettlement processes are exceptionally complex and variable, as they depend on multiple factors, such as regional specificities, the preparedness of state institutions, the availability of international support, and the social adaptation of displaced populations⁵.

Similar relocation dynamics are observed in other contexts, particularly in armed conflicts, where warring factions utilize population displacement as a tool for control or protection. In such scenarios, relocation may serve various purposes, ranging from suppressing insurgent movements to implementing socio-economic programs. Historically, mass forced resettlement has occurred across different regions of the world. One of the most prominent examples is the “strategic hamlets” projects, which were deployed by military forces in conflicts ranging from Vietnam to Uganda⁶. This resettlement strategy, as envisioned by governments, not only aimed at disrupting insurgent operations but also contributed to the development of rural areas, the improvement of infrastructure, and the enhancement of social services in remote regions⁷.

The issue of business and population relocation has become one of the most pressing challenges for modern Ukraine. The onset of the full-scale war between Ukraine and Russia has forced thousands of companies and entrepreneurs to seek safer locations to sustain their operations. The situation is particularly critical for businesses located in active combat zones, where continuous shelling, infrastructure destruction, and threats to workers’ lives have made economic activities impossible.

The large-scale displacement of people to western

¹ United Nations. *Convention Relating to the Status of Refugees*. URL: https://zakon.cc/law/document/read/995_011?form=MG0AV3

² Third UN World Conference on Disaster Risk Reduction, ‘Sendai Framework for Disaster Risk Reduction 2015–2030 (18 March 2015) (2015 Sendai Framework’), para 27(k).

³ UNFCCC Conference of the Parties, ‘The Cancun Agreements’ (10–11 December 2010, Decision 1/cp.16), para 14(f).

⁴ Jane McAdam and Elizabeth Ferris (2015). *Planned Relocations in the Context of Climate Change: Unpacking the Legal and Conceptual Issues* (2015) 4(1). *Cambridge Journal of International and Comparative Law*. Pp. 137, 165.

⁵ Elena Correa (2011). *Preventive Resettlement of Populations at Risk of Disaster: Experiences from Latin America* (World Bank 2011); Erica Bower and Sanjula Weerasinghe (2021). *Leaving Place, Restoring Home: Enhancing the Evidence Base on Planned Relocation*

Cases in the context of Hazards, Disasters, and Climate Change (Kaldor Centre 2021); Elizabeth Ferris and Erica Bower (2023). *Planned Relocations: What We Know, Don’t Know, and Need to Know*. (Researching Internal Displacement, 15 March 2023). URL: https://researchinginternaldisplacement.org/short_pieces/planned-relocations-what-we-know-dont-know-and-need-to-learn/

⁶ Christian Gerlach (2009). *Sustainable Violence: Mass Resettlement, Strategic Villages, and Militias in Anti-Guerrilla Warfare* in Richard Bessel and Claudia Haake (eds), *Removing Peoples: Forced Removal in the Modern World*.

⁷ Hannah Whittaker (2012). ‘Forced Villagization during the Shifita Conflict in Kenya, c. 1963–8’ (2012) 45(3) *International Journal of African Historical Studies*. Pp. 391–408.; Bernardo Pinto da Cruz (2019). *The Penal Origins of Colonial Model Villages: From Aborted Concentration Camps to Forced Resettlement in Angola (1930–1969)*. 47(2). *Journal of Imperial and Commonwealth History*. Pp. 343–371.

Ukraine and abroad has led to significant workforce losses for many enterprises, while disruptions in logistics have complicated the supply of raw materials, components, and finished products. In addition to the physical destruction of production facilities, business operations have suffered from internal market instability, which has severely hindered economic forecasting and long-term planning.

Today, Ukrainian businesses face several critical challenges, including:

Loss of sales markets – both in temporarily occupied territories and internationally, due to disrupted logistics routes.

High credit costs – limited access to financial resources restricts opportunities for development and business recovery.

Workforce mobilization – a significant portion of the working-age population has been conscripted into the Armed Forces of Ukraine (AFU), leading to a shortage of skilled labour.

Energy resource deficit – regular attacks on the country's energy infrastructure cause power supply disruptions, directly impacting manufacturing processes.

To mitigate the negative impact of war on businesses and the national economy, Ukraine's Ministry of Economy launched the "Enterprise Relocation Program"⁸. Its primary goal is to restore economic activity by relocating enterprises from conflict zones or areas close to active hostilities to more stable and secure regions, predominantly in western Ukraine. The key provisions of the program state that enterprises of any size and industry can participate; relocation may be partial or full, ensuring job retention and maintaining production capacity; the government provides logistical, financial, and organizational support to facilitate equipment transportation, secure new premises, and integrate relocated businesses into the economic ecosystem of safer regions. Through this program, hundreds of companies have resumed operations, creating new jobs and contributing to the economic development of host communities. Future expansions of the initiative aim to introduce additional support mechanisms for entrepreneurs adapting to the new realities. However, there are currently no consolidated data on the total number of businesses that have utilized these opportunities.

Business and population relocation is a complex process that occurs within various humanitarian and economic contexts. Despite its diverse manifestations, the analysis of international legal frameworks suggests that "relocation" is synonymous with "resettlement" or "displacement", applicable in cases of armed conflicts, natural disasters, climate change, and infrastructure projects. The fundamental characteristics of this process include its systematic nature, its focus on long-term or permanent relocation of businesses and the resettlement of individuals, which is administered by the state or other governmental authorities.

Within this context, two primary aspects of state

responsibility emerge: a) the inability to provide adequate conditions for business operations and residential stability, b) potential abuses of power in initiating forced displacement policies.

At the same time, international law does not always explicitly regulate all aspects of forced relocation, leading to numerous legal and ethical dilemmas. Debates arise over whether a state has a direct legal obligation to implement resettlement under certain circumstances or, conversely, whether it can avoid such measures, citing security or economic concerns as justification. Another critical nuance involves the legitimacy of forced relocation: on what legal grounds can it be justified, and does it align with international human rights standards.

In such cases, International Humanitarian Law (IHL) and International Human Rights Law (IHRL) play a fundamental role in defining the legal framework for internal forced relocation as a form of internal displacement. IHL establishes principles for the protection of civilian populations during armed conflicts, prohibiting forced resettlement unless justified by security concerns or humanitarian necessity. Meanwhile, IHRL reinforces individual rights such as freedom of movement, the inviolability of housing, and protection against discrimination, complicating the justification of forced displacement.

The classification of relocation as either voluntary or forced is pivotal in legal discourse, as it determines the application of international legal norms. In cases of voluntary relocation, state obligations are generally limited to ensuring the rule of law. However, even seemingly voluntary migration may take on coercive elements if: a) individuals leave their homes due to grave threats to their safety and security, b) the resettlement process is state-driven as part of broader policy measures.

Forced displacement is subject to strict regulations under international law. Legal frameworks governing internal displacement define the circumstances under which authorities may compel population resettlement while also outlining safeguards that must be upheld. These regulations are grounded in International Humanitarian Law (IHL) and International Human Rights Law (IHRL) to ensure protection for businesses and displaced individuals while establishing legal solutions to address their situations.

One of the most crucial legal instruments in this context is the (1998)⁹ Rome Statute of the International Criminal Court (ICC). This treaty defines mechanisms for prosecuting the most severe crimes that threaten international security and fundamental human rights. It sets clear legal standards for prosecuting individuals responsible for forced displacement, recognizing such acts as grave violations of IHL.

Although the term "relocation" is not explicitly mentioned in the Statute, its provisions encompass the forced displacement of civilians resulting from armed conflicts, military occupation, ethnic cleansing, political

⁸ Ministry of Economy of Ukraine. Enterprise Relocation Program. URL: <https://me.gov.ua/Documents/Detail?lang=uk-UA&id=3e766cf9-f3ca-4121-8679-e4853640a99a&title=ProgramaRelokatsiiPidprimstv>

⁹ Rome Statute of the International Criminal Court. Official website of the Verkhovna Rada of Ukraine. Ratification date: August 21, 2024. URL: https://zakon.rada.gov.ua/laws/show/995_588#Text

repression, or other forms of coercive population transfers. The document classifies such actions as crimes against humanity or war crimes, depending on the circumstances and scale of the violations. Specifically, the Statute defines deportation and forced displacement as illegal resettlement conducted without legitimate justification, leading to widespread human rights abuses, including loss of housing, deprivation of livelihood, undermining of social stability. In contexts of war or occupation, such actions may be considered international crimes, warranting legal proceedings under the jurisdiction of the ICC.

Terms related to forced relocation have also been examined in various international tribunals. For instance, legal proceedings associated with the trial of Slobodan Milošević addressed the issue of forced population displacement, which was among the charges against him. Milošević faced accusations of genocide, war crimes, and crimes against humanity, including deportation and forced resettlement of civilians during the conflicts in the former Yugoslavia¹⁰. The International Criminal Tribunal for the former Yugoslavia (ICTY) classified forced relocation as one of the methods used in ethnic cleansing by Serbian military forces. The trial documents detail instances of violent expulsions of Bosnian Muslims and Croats, which were accompanied by destruction of settlements, torture, and mass killings¹¹.

Given the severe risks associated with forced displacement, contemporary scholars¹² emphasize the key role of international tribunals in preventing such violations. These judicial bodies not only provide legal assessments of forced relocations but also establish accountability mechanisms for individuals involved in such crimes. Through their rulings, international tribunals set legal precedents that eliminate impunity for forced resettlement and reinforce its unacceptability in a civilized world. Furthermore, they contribute to the development of international law in protecting the rights of internally displaced persons (IDPs), refugees, and other affected groups that suffer from forced demographic changes.

Conclusions. Thus, the regulation of relocation requires a comprehensive and interdisciplinary approach, integrating legal, social, and economic dimensions as well as geopolitical realities that influence the process. Global cooperation mechanisms between states, international organizations, and human rights institutions can contribute to the development of a structured model capable of effectively addressing challenges related to forced and strategic relocations.

References:

1. Bernardo Pinto da Cruz (2019). The Penal Origins of Colonial Model Villages: From Aborted Concentration Camps to Forced Resettlement in Angola (1930–1969). 47(2) *Journal of Imperial and*

Commonwealth History. Pp. 343–371. URL: <https://www.tandfonline.com/doi/abs/10.1080/03086534.2019.1605699>

2. Christian Gerlach (2009). Sustainable Violence: Mass Resettlement, Strategic Villages, and Militias in Anti-Guerrilla Warfare' in Richard Bessel and Claudia Haake (eds), *Removing Peoples: Forced Removal in the Modern World*.

3. Elena Correa (2011). Preventive Resettlement of Populations at Risk of Disaster: Experiences from Latin America (World Bank 2011). URL: <https://documents1.worldbank.org/curated/en/674571468047054696/pdf/702830ESW0P1100ventive0re%20settlement.pdf>.

4. Elizabeth Ferris and Erica Bower (2023). Planned Relocations: What We Know, Don't Know, and Need to Know. (*Researching Internal Displacement*, 15 March 2023).

URL: https://researchinginternaldisplacement.org/short_pieces/planned-relocations-what-we-know-dont-know-and-need-to-learn/.

5. Erica Bower and Sanjula Weerasinghe (2021). Leaving Place, Restoring Home: Enhancing the Evidence Base on Planned Relocation Cases in the context of Hazards, Disasters, and Climate Change (Kaldor Centre 2021). URL: https://www.researchgate.net/publication/350850250_LEAVING_PLACE_RESTORING_HOME_ENHANCING_THE_EVIDENCE_BASE_ON_PLANNED_RELOCATION_CASES_IN_THE_CONTEXT_OF_HAZARDS_DISASTERS_AND_CLIMATE_CHANGE.

6. Filipenko, N., & Lukashevych, S. (2024). The Contribution of International Tribunals to the Development of International Judicial Procedures. New opportunities and perspectives for holding representatives of the Russian Federation accountable following Ukraine's ratification of the Rome Statute of the International Criminal Court and its amendments: Proceedings of the scientific and practical round table, November 7, 2024. Kyiv: Alerta, pp. 125–132.

7. Hannah Whittaker (2012). 'Forced Villagization during the Shifita Conflict in Kenya, c. 1963–8' (2012) 45(3) *International Journal of African Historical Studies*. Pp. 391–408. URL: https://www.researchgate.net/publication/291998202_Forced_Villagization_during_the_Shifita_Conflict_in_Kenya_ca_1963-1968

8. Jane McAdam and Elizabeth Ferris (2015). Planned Relocations in the Context of Climate Change: Unpacking the Legal and Conceptual Issues' (2015) 4(1). *Cambridge Journal of International and Comparative Law*. Pp. 137, 165. URL: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3381349.

9. Lessons from the Milošević Tribunal. Prosecutor Geoffrey Nice on political pressure in The Hague and future trials in Ukraine. URL:

¹⁰ Lessons from the Milošević Tribunal. Prosecutor Geoffrey Nice on political pressure in The Hague and future trials in Ukraine. URL: <https://www.pravda.com.ua/articles/2022/08/29/7365140/>

¹¹ Ibid.

¹² Filipenko, N., & Lukashevych, S. (2024). The Contribution of International Tribunals to the

Development of International Judicial Procedures. New opportunities and perspectives for holding representatives of the Russian Federation accountable following Ukraine's ratification of the Rome Statute of the International Criminal Court and its amendments: Proceedings of the scientific and practical round table, November 7, 2024. Kyiv: Alerta, pp. 125–132.

<https://www.pravda.com.ua/articles/2022/08/29/7365140/>

10. Ministry of Economy of Ukraine. Enterprise Relocation Program. URL: <https://me.gov.ua/Documents/Detail?lang=uk-UA&id=3e766cf9-f3ca-4121-8679-e4853640a99a&title=ProgramaRelokatsiiPidprimstv>

11. Rome Statute of the International Criminal Court. Official website of the Verkhovna Rada of Ukraine. Ratification date: August 21, 2024. URL: https://zakon.rada.gov.ua/laws/show/995_588#Text

12. Third UN World Conference on Disaster Risk Reduction, 'Sendai Framework for Disaster Risk Reduction 2015–2030 (18 March 2015) (2015 Sendai Framework)', para 27(k). URL: <https://www.undrr.org/publication/sendai-framework-disaster-risk-reduction-2015-2030>

13. UNFCCC Conference of the Parties, 'The Cancun Agreements' (10–11 December 2010, Decision 1/cp.16), para 14(f). URL: <https://unfccc.int/resource/docs/2010/cop16/eng/07a01.pdf>

14. United Nations. Convention Relating to the Status of Refugees. URL: https://zakon.cc/law/document/read/995_011?form=MG0AV3

Н. Філіпенко, С. Лукашевич, О. Андрєєва

Релокація та міжнародне право: ключові проблеми та шляхи вирішення

Анотація. В умовах зростаючих глобальних викликів релокація, що охоплює як міграцію бізнесу, так і вимушене переміщення населення, набуває дедалі більшої актуальності. Воєнні

конфлікти, геополітична нестабільність, кліматичні катастрофи та економічні кризи спричиняють масштабні міграційні процеси, ставлячи нові виклики перед міжнародним правом.

У статті досліджуються ключові правові проблеми, пов'язані з релокацією, зокрема конфлікти між національним законодавством і міжнародними нормами, легітимність примусового переселення та механізми захисту прав внутрішньо переміщених осіб. Особливу увагу приділено ролі міжнародного гуманітарного права (МГП) та міжнародного права у сфері прав людини (МППЛ) у врегулюванні процесів переміщення.

Автори розглядають можливі шляхи вирішення означених викликів шляхом удосконалення механізмів міжнародної співпраці, розроблення нових правових стандартів і впровадження ефективних моделей адаптації для переміщених осіб.

Ключові слова: переселення, примусове переміщення, міжнародне право, внутрішньо переміщені особи, міжнародне гуманітарне право, права людини, військові конфлікти, міграція, правові механізми, адаптація.

Sample for citation:

Filipenko N., Lukashevych S., Andrieieva O. Relocation and international law: key issues and solutions. *Пропілеї права та безпеки*, 2025. № 6-7. С. 21-25. DOI: <https://doi.org/10.32620/pls.2025.67.02>.