

CHALLENGES FACED BY LANDOWNERS AND TENANTS DUE TO THE PLACEMENT OF MILITARY ENGINEERING AND FORTIFICATION STRUCTURES



Research Title: *Challenges Faced by Landowners and Tenants Due to the Placement of Military Engineering and Fortification Structures*

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The study was prepared in accordance with the current legislation as of October 1, 2025.

KEY TERMS AND DEFINITIONS

- **Caponiers** – specially equipped shelters or engineering structures intended to protect military equipment (tanks, armored personnel carriers, vehicles, etc.) from enemy fire and aerial observation.
- **Trenches** – linear defensive structures excavated in the ground, designed to protect personnel from enemy fire and enable combat operations.

OBJECTIVES OF THE STUDY

The need to conduct this study arose from the high demand for legal assistance and the regular requests received from beneficiaries living in frontline settlements regarding engineering and fortification structures placed on their land plots by the military.

The use of agricultural land for purposes other than its designated use – specifically for the construction of fortifications – leads to land degradation. Moreover, the placement of fortification and defensive structures deprives landowners or lawful land users of the ability to fully use their land for economic purposes or significantly restricts such use. As a result, owners of agricultural land plots who cultivated or leased their land independently, as well as farmers and agricultural enterprises, lose the opportunity to derive economic value from these lands.

The active construction of fortification structures took place primarily in 2023–2024. The issue is particularly acute in rural areas, where such structures are often built directly on agricultural land.

The primary objective of this study is to identify the legal and non-legal challenges faced by beneficiaries in connection with the placement of engineering and fortification structures on their land plots. Additionally, the study aims to examine public opinion regarding the introduction of a compensation mechanism to address losses resulting from the restriction or deprivation of the right to freely use land plots.

RESPONDENTS PARTICIPATING IN THE STUDY

The research is based on materials collected by the teams of East SOS and the Southern Development Strategy NGO, who monitored the situation and gathered testimonies from communities affected by armed aggression.

LOCATION

Respondents from **four regions** participated in the study.



RESPONDENT GROUPS

The majority of respondents were individual landowners. The survey also included individual farmers, small farm owners, and representatives of local governments and/or military administrations.



GENDER AND AGE

Both men and women participated in the study, predominantly in the 41–60+ age range.



RESULTS OF THE IMPACT OF LAND OCCUPATION BY MILITARY ENGINEERING AND FORTIFICATION STRUCTURES ON RESPONDENTS

Impact of Land Occupation by Military Engineering and Fortification Structures on Respondents

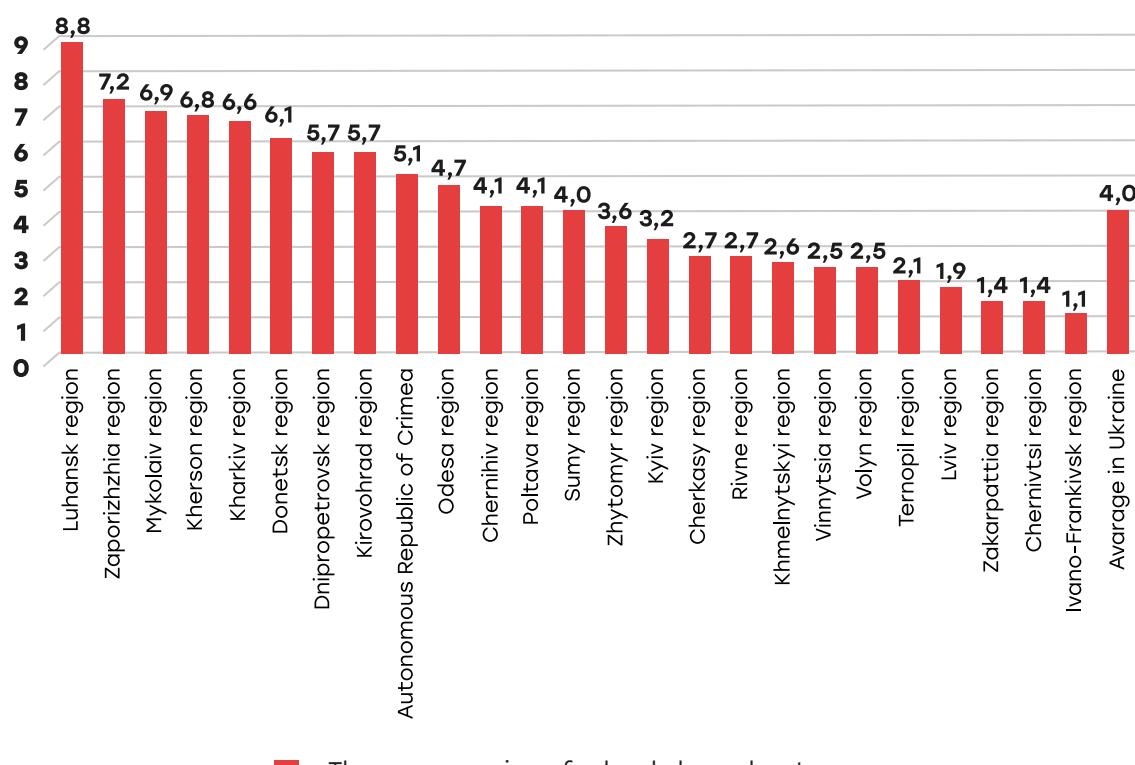
Respondents reported that they are unable to lease their land plots due to the placement of engineering or fortification structures. Some owners specifically noted the presence of caponiers in the form of pits for equipment and trenches on their land plots. These structures are often quite deep, reaching the bedrock. Around the pits and trenches, infertile layers of bedrock are exposed, resulting in the mixing of fertile topsoil with transitional, mineral, and parent soil horizons. This process **significantly reduces soil fertility** and makes it impossible to restore the land to its previous condition.

On average, respondents indicated that they have been unable to use their land plots for more than two years. Individual farmers and small-scale farms are frequently forced to abandon economic activities on these lands, leading to substantial income losses.

Income from rent

The most severely affected were rural residents who relied exclusively on rent income as their primary source of livelihood.

The average size of a land share, hectares



■ The average size of a land share, hectares

According to the State Land Cadastre, the average size of a land share is as follows:

- **Kherson region:** 6.8 hectares
- **Mykolaiv region:** 6.9 hectares

Survey results indicate that rental income varies depending on multiple factors. The majority of respondents reported that the cost of renting land ranges from 2,500 to 5,500 UAH per hectare. The estimated average rent is:

- **Kherson region:** 3,000 UAH per hectare
- **Mykolaiv region:** 4,000 UAH per hectare

It should be noted that it is possible to partially analyze losses in the form of lost rental income, as these amounts are typically fixed in lease agreements, as confirmed by respondents.

Over the past two years, landowners have lost income due to complete non-use of their land plots. The estimated average losses are:

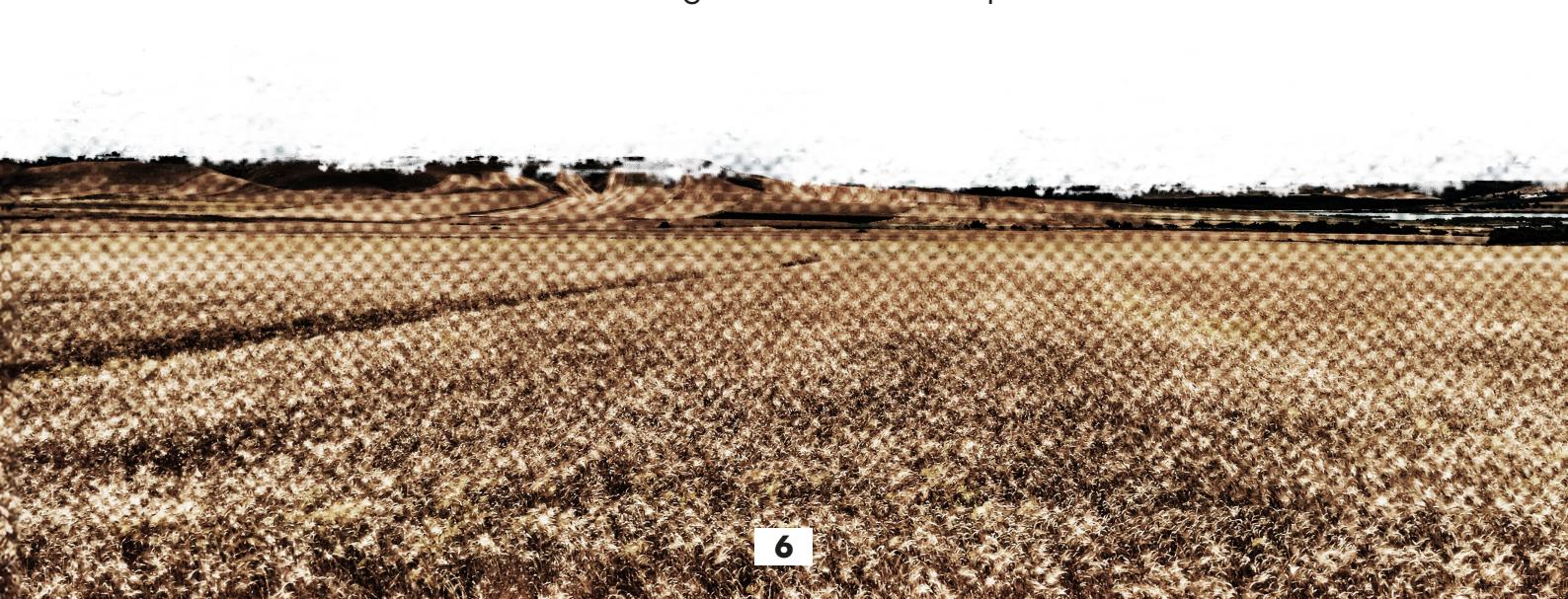
- **Kherson region:** 40,800 UAH
- **Mykolaiv region:** 55,200 UAH

Respondents indicated that families typically own two to three land plots, which amplifies the financial impact. Since these funds were used to cover essential household needs – including coal, briquettes, firewood for heating, fodder for livestock, medicines, and food – the inability to use the land has significantly affected the well-being of households in the affected regions.

Income from Crop Cultivation

The losses incurred by farmers as a result of the cessation of economic activity and the reduction in the sale of grain and oilseed crops were significantly higher.

To assess the scale of income decline, statistical data were analyzed to determine the sown areas and yields of key crops in the relevant regions over a three-year period, as well as average grain prices. Lost profits were calculated based on the average land share and per-hectare indicators.



The average distribution of crops within the structure of sown areas over the last three growing seasons is presented in Appendices 1–7.

Region	Share of major field crops in crop rotation, %				
	winter wheat	winter barley	winter rape	peas	sunflower
Mykolaiv	35,6	9,0	10,3	3,2	41,9
Kherson	52,8	8,7	5,5	4,9	28,1

Average crop yields over the last three growing seasons are presented in Appendices 1–6.

Region	Average yield, centners per hectare				
	winter wheat	winter barley	winter rape	peas	sunflower
Mykolaiv	37,5	37,8	21,3	20,9	17,3
Kherson	27,4	24,2	13,8	14,1	11,9

Purchase prices were obtained from open-source data and adjusted to reflect the nearest points of sale (see Appendix 8).

Year of harvest	Agricultural commodity prices, \$/t (exchange rate as of date)				
	CPT terminal, \$/t (as of 01.09)				EXW elevator (as of 01.10)
	winter class II wheat	winter barley	winter rape	peas	sunflower
2025	254,77	244,86	546,29	324,39	609,14
2024	233,80	180,71	535,80	315,39	523,15
2023	163,57	121,72	359,68	232,49	300,33
Average	217,38	182,43	480,59	290,76	477,54

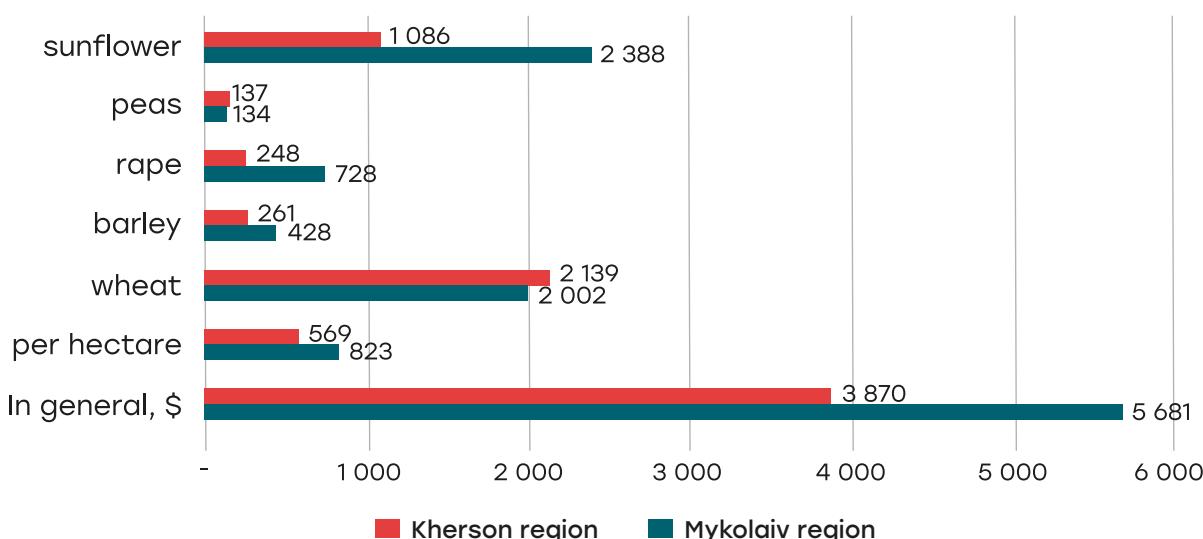
The calculation of lost harvest volumes was based on the weighted average crop structure for each region, calculated from the proportional share of major crops over a three-year period (Appendix 9).

Region	Land plot area, hectares	Average annual yield of field crops per land plot, tons				
		winter wheat	winter barley	winter rape	peas	sunflower
Mykolaiv	6,9	9,2	2,3	1,5	0,5	5,0
Kherson	6,8	9,8	1,4	0,5	0,5	2,3

Lost profits were calculated based on the estimated income per land plot and per hectare of arable land.

Region	Income per share, \$	Income per 1 hectare, \$	Average annual lost income by crop per share, \$				
			winter wheat	winter barley	winter rape	peas	sunflower
Mykolaiv	5 680,8	823,3	2 002,4	428,2	727,5	134,2	2 388,5
Kherson	3 870,2	569,2	2 138,5	261,2	248,0	136,6	1 085,9

Average income from cultivation of crops per share, 2023-2025, \$



The analysis indicates that annual lost profits resulting from the inability to cultivate key crops in the studied regions range from USD 569 to USD 823 per hectare. In addition, mandatory tax payments constitute a separate financial burden and should be taken into account when determining the appropriate level of potential compensation.

Problems with Documentation

It should be noted that **all respondents face significant difficulties in recording** and confirming the placement of military engineering and fortification structures on their land plots. The placement of such structures is carried out on the basis of decisions by the military command and in accordance with classified maps. As a result, landowners and lawful users are deprived of the ability to formally document the presence of engineering and fortification structures on their property. In particular, it is not possible to photograph these structures due to the risk of criminal liability under Article 114-2 of the Criminal Code of Ukraine, which prohibits the unauthorized dissemination of information related to the movement or placement of military objects. Furthermore, local village councils and starostas generally do not possess information regarding which specific land plots contain such structures. At the same time, it is impossible to obtain official confirmation from local military administrations or local self-government bodies, as the issuance of such documents could result in the disclosure of state secrets.

At present, **there is no lawful mechanism** that would allow a landowner or lawful user to officially record or confirm the placement of military engineering or fortification structures on their land plot. This legal gap requires urgent legislative regulation.

OFFICIAL RESPONSES FROM STATE AND LOCAL AUTHORITIES

Official Responses from Regional Departments of the State Land Cadastre

During the study, formal inquiries were submitted to five regional departments of the State Land Cadastre of Ukraine.

Pursuant to the Resolution of the Cabinet of Ministers of Ukraine No. 105 dated February 7, 2018, a nationwide normative monetary valuation of agricultural land located outside settlements was conducted in 2018. This valuation was approved by Order of the Ministry of Agrarian Policy of Ukraine No. 552 dated November 16, 2018.

According to the letter of the State Service of Ukraine for Geodesy, Cartography and Cadastre dated January 13, 2025, No. 6-28-0.22-18/71-25, the indexation coefficients of the normative monetary valuation of land by year are as follows: 2022: 1.0 for agricultural land (arable land, perennial plantations, hayfields, pastures, and fallow land); 1.15 for land plots other than agricultural land; 2023: 1.051; 2024: 1.12.

The indexation coefficient of the normative monetary valuation of land is applied cumulatively, depending on the date of the initial valuation. At the same time, in accordance with Order of the Ministry of Agrarian Policy and Food of Ukraine No. 376 dated June 24, 2022, average indicators of normative monetary valuation per unit area of land were approved.

Problems in Judicial Proceedings

The Unified State Register of Court Decisions contains a number of rulings from administrative, commercial, and civil courts concerning the placement of fortification structures on land plots. Due to outdated and fragmented legislative regulation governing the expropriation or restriction of rights to real property, including land plots, neither the state nor private entities are able to adequately protect their interests or consistently rely on fair and predictable judicial outcomes. Insufficient legal regulation not only undermines legal certainty but also leads to an increased burden on the judicial system. Many of these disputes could be avoided if existing legislation were aligned with the current realities faced by landowners and tenants of agricultural land, particularly in the context of wartime needs and national defense.

For example, in court case No. 910/10009/22, the state was unable to defend its interests. Due to the absence of explicit legislative provisions authorizing a military administration to seize property, the claimant successfully reclaimed the property.

Due to the absence of any lawful mechanism for recording the placement of military engineering and fortification structures during previous periods (2022–2023), private enterprises face a range of legal and financial challenges. Ineffective legislative regulation in this area has resulted in tax and civil disputes related to the use of land plots.

The actual occupation of a land plot by fortification structures **does not exempt a farmer from the obligation to pay rent**. At the same time, the farmer is deprived of the ability to cultivate the land plot or derive any economic benefit from it. The lack of an open and transparent mechanism for documenting the placement of fortifications on land plots in previous periods has led to the emergence of tax disputes, imposing an unjust financial burden on taxpayers. This imbalance stems from the taxpayer's legal position and the objective inability to obtain evidence lawfully, due to the classified nature of information related to military infrastructure.

Similar disputes frequently arise in cases involving the termination of lease agreements or the recovery of overdue rent, where farmers are unable to legitimately prove that engineering or fortification structures are located on the leased land plot.

Problems with the Current Land Conservation Mechanism

The existing mechanism for land conservation in connection with the placement of military engineering and fortification structures on land plots is overly burdensome, particularly for vulnerable groups of citizens. The conservation procedure requires the preparation of technical documentation, the market cost of which varies by region and currently ranges from UAH 3,500 to 6,000 per document. The respondents interviewed during the study categorically rejected the idea of preparing such documentation at their own expense. The existence of this mechanism, in its current form, is likely to lead to increased litigation between tax authorities and taxpayers, rather than providing an effective solution.

Almost all respondents view the requirement to prepare technical documentation for land conservation at their own expense—solely to confirm the presence of fortification structures and obtain tax relief—as an “unfair obligation” and a “shift” of responsibility from the state to affected individuals.

AVERAGE INDICATORS

of Normative Monetary Value per Unit Area of Agricultural Land

Nº	Name of the administrative-territorial unit	Average normative monetary value, UAH per hectare
1	Autonomous Republic of Crimea	26 005
2	Vinnytsia region	27 184
3	Volyn region	21 806
4	Dnipropetrovsk region	30 251
5	Donetsk region	31 111
6	Zhytomyr region	21 411
7	Zakarpattia region	27 268
8	Zaporizhzhia region	24 984
9	Ivano-Frankivsk region	26 087
10	Kyiv region	26 531
11	Kirovohrad region	31 888
12	Luhansk region	27 125

13	Lviv region	21 492
14	Mykolaiv region	27 038
15	Odesa region	31 017
16	Poltava region	30 390
17	Rivne region	21 938
18	Sumy region	26 793
19	Ternopil region	29 035
20	Kharkiv region	32 237
21	Kherson region	24 450
22	Khmelnitskyi region	30 477
23	Cherkasy region	33 646
24	Chernivtsi region	33 264
25	Chernihiv region	24 065

AVERAGE INDICATORS

of the Normative Monetary Valuation per Unit Area for Lands of Nature Reserves and Other Environmental Protection Purposes, Recreational Lands, Lands of Historical and Cultural Significance, Forestry Lands, and Water Fund Lands

Category of land	Average normative monetary value, UAH per hectare
Lands of nature reserves and other environmental protection purposes	81 197
Recreational lands	51 789
Lands of historical and cultural significance	82 023
Forestry lands	6 574
Water fund lands	14 531

LEGAL AND REGULATORY FRAMEWORK GOVERNING THE PLACEMENT OF MILITARY ENGINEERING AND FORTIFICATION STRUCTURES ON LAND PLOTS

It should be noted that, pursuant to **Part 4 of Article 5 of the Law of Ukraine «On Land Valuation»**, the normative monetary valuation of land plots is used for the purposes of determining: the amount of land tax; state duty in cases of mine, inheritance, and donation of land plots, except for: inheritance by heirs of the first and second line by law (both in cases of inheritance by law and by will) by right of representation; inheritance of property subject to taxation at a zero rate in accordance with the law; rent for state-owned and communal land plots; sublease payments, in cases where state-owned land plots are subleased by a joint-stock company or a limited liability company with 100 percent state ownership in the authorized capital, formed as a result of the transformation of a state enterprise that previously held such land plots under permanent use; compensation for losses of forestry production; the development of indicators and economic incentive mechanisms aimed at the rational use and protection of land.

Current legislation does not provide for the use of normative monetary valuation as a basis for compensation. Moreover, a comparison between the average normative monetary valuation of land and the actual losses incurred by owners or lawful users as a result of the placement of military engineering and fortification structures demonstrates that reliance on such averaged indicators for compensation purposes would be

inequitable. Given the scale of real economic losses, compensation based on normative monetary valuation would fail to fully restore the property status of the landowner or lawful user.

Current Regulatory Framework for the Placement of Military Engineering and Fortification Structures on Land

The intensified construction of military engineering and fortification structures necessitates comprehensive legislative regulation of relations between: owners and lawful users of privately owned land on which such structures are constructed or planned; and the state. This regulation should include the establishment of an effective legal compensation mechanism to address damages resulting from the seizure of land, or loss of soil fertility.

The procedure for compensating the seizure of land plots for specific purposes, including defense needs, was established prior to the full-scale invasion and remains in force. In particular, **Articles 156 and 157 of the Land Code of Ukraine** define the grounds for compensation to landowners and land users, as well as the key provisions governing the compensation procedure. Additionally, **Resolution of the Cabinet of Ministers of Ukraine No. 284 dated April 19, 1993, “On the Procedure for Determining and Compensating Losses to Land Owners and Land Users”** (hereinafter referred to as the Procedure), provides that commissions responsible for determining the amount of losses, in accordance with Article 156 of the Land Code of Ukraine, may be established by Kyiv and Sevastopol city state administrations; district state administrations; and executive bodies of village, settlement, and city councils.



During martial law, adjustments were required regarding the delegation of powers to military administrations, as existing legislation did not provide civil-military or military administrations with the authority to establish commissions for compensating landowners and land users. This issue was addressed by the Supreme Court, in the Joint Chamber of the Commercial Court of Cassation, in **its decision dated February 16, 2024, case No. 910/10009/22**. The panel of judges concluded that the plaintiff's property had been illegally expropriated, as the procedure for expropriation was not followed and the military administration exceeded its powers under martial law by issuing the expropriation order. As a result, the amendments of

May 10, 2024 were introduced, explicitly including military administrations in clause 2 of the Procedure.

However, the current legislation still does not provide for compensation in cases of temporary occupation of agricultural land plots for defense purposes, leaving owners and users of such land without a clear legal mechanism to claim losses.

The Concept for Improving the National System of Legal Remedies and Support for Victims of Armed Aggression against Ukraine, developed by the Working Group established pursuant to the Order of the Ombudsman of Ukraine No. 98.15//23 dated September 4, 2023, highlights critical legislative gaps. Specifically, Section 3, paragraph 6 states that current legislation does not adequately regulate compensation for damages arising from the use of privately owned land, including cases of temporary restriction of the rights of owners and land users. Consequently, there is a need to: respect the rights and legitimate interests of citizens; establish a clear procedure for making and implementing decisions on the expropriation or seizure of property under martial law; and create an effective compensation mechanism for losses incurred.

The legal mechanisms for transferring land plots to defense use include:

1. Seizure of land plots with a change of designated purpose;
2. Purchase of land plots for public needs, including national security and defense;
3. Expropriation of land plots for reasons of public necessity, including national security and defense;
4. Compulsory alienation of land under the legal regime of martial law (requisition).

At present, requisitioning and other legal mechanisms for transferring land to the category of defense land remain time-consuming and financially burdensome.

To address this, Section X “Transitional Provisions” of the Land Code of Ukraine was supplemented with clause 27-1, which **simplifies the mechanisms for withdrawing land of various categories, including specially protected lands, for defense purposes during martial law.**

Several attempts have been made in Ukraine to create an effective mechanism for compensation and land withdrawal. In 2024, two draft laws were registered, including Draft Law No. 9085 “On Amendments to

to the Land Code of Ukraine on the Settlement of Certain Issues of Compensation for Landowners and Land Users." This draft law proposed to establish the possibility of compensation for losses to landowners and users caused by the temporary occupation of agricultural land for national security and defense purposes; grant military-civilian and military administrations the authority to establish commissions to compensate for such losses. However, the draft law did not receive support in the relevant parliamentary commissions, faced critical comments on its provisions, and was not submitted for parliamentary reading.

The Draft Law of Ukraine No. 12130, titled "On Amendments to Certain Legislative Acts of Ukraine on the Use of Land Plots Required for the Construction and Maintenance of Military Engineering and Fortification Facilities under the Legal Regime of Martial Law", was supported by the Cabinet of Ministers of Ukraine (initiated by D. Shmyhal) and received positive expert conclusions. However, it was withdrawn on July 17, 2025 due to the resignation of the Government. The draft law provided for the compulsory temporary deprivation of the right to use a land plot. Specifically, it would oblige the owner or land user to temporarily lose the right to use all or part of their privately owned land plot under martial law for the construction and maintenance of military engineering and fortification structures. The law envisioned subsequent termination, redemption, or compulsory alienation of the land plot or part thereof. Importantly, the draft law did not include a mechanism for compensating losses to landowners or land users.

Currently, Ukraine faces the challenge of using land plots for fortifications without providing legal ownership or usage guarantees. In cases where temporary deprivation is imposed, it could create an excessive burden on owners or land users after martial law ends, as they would be required to restore the land to a usable state - including dismantling, clearing fortifications, and reclaiming the land, etc.

In its letter No. 21-6010-05/19068 dated July 19, 2024, the Ministry of Agrarian Policy and Food of Ukraine proposed that, in the event of temporary deprivation of the owner's or land user's right to use a land plot (or part thereof), the state should be obligated to pay annual compensation. The proposed amount was 12% of the normative monetary value of one hectare of arable land in the relevant region, proportional to the area of the affected land plots, funded from the state budget.

According to calculations by the Ministry of Defense, implementing the Ministry of Agrarian Policy's proposal would require UAH 356.6 million annually for already constructed structures, UAH 772.1 million for structures planned for construction, and UAH 1.1 billion in total.

However, the Ministry of Finance of Ukraine did not support these proposals, noting that funds for such reimbursements were not allocated in the State Budget for 2025–2027, as approved by the Cabinet of Ministers of Ukraine on June 28, 2024 (No. 751).



As a result, **the issue of compensation and damages remains unresolved**. According to Article 13 of the Constitution of Ukraine, all subjects of law are equal before the law. At the same time, the right to protection of property during martial law, as guaranteed by the Constitution, remains inviolable.

Case law from the European Court of Human Rights (ECHR), including *Hutten-Czapska v. Poland* and *Akdeson v. Turkey*, establishes that any interference with property rights must be accompanied by guarantees of a fair trial. **The state is therefore obliged to provide adequate compensation to landowners, even when the seizure is temporary or motivated by national security needs.**

Compensation should not be limited to the market value of the land, but also include the costs of reclamation once the land is no longer needed for military purposes. Furthermore, the procedure for calculating compensation, the sources of funding, and the payment process must be clearly established and regulated.

According to Resolution of the Cabinet of Ministers of Ukraine No. 326 of March 20, 2022, titled “On Approval of the Procedure for Determining the Damage and Losses Caused to Ukraine as a Result of the Armed Aggression of the Russian Federation”, specific indicators were established for assessing damage to land resources. These indicators include, among other things, the costs associated with the reclamation of land disturbed due to hostilities, as well as the construction, arrangement, and maintenance of engineering and fortification structures, fences, border signs, border clearings, and communications related to the organization of the state border. Additionally, damage includes soil degradation or contamination caused by foreign objects, materials, waste, or other substances.

According to paragraph 5 of the Methodology for determining damage and losses caused to the land fund of Ukraine as a result of the armed aggression of the Russian Federation, approved by the Order of the Ministry of Agrarian Policy and Food of Ukraine No. 295 dated May 18, 2022 (hereinafter referred to as the Methodology), the costs incurred by landowners and land users for the reclamation of land disturbed due to hostilities, as well as the construction, arrangement, and maintenance of engineering and fortification structures, fences, border signs and clearings, and communications for the organization of the state border, are calculated based on the estimated cost of the proposed works outlined in the relevant implemented land management projects for the reclamation of disturbed lands. These projects are developed in accordance with the Rules for the Development of Working Land Management Projects, approved by Resolution of the Cabinet of Ministers of Ukraine No. 86 dated February 2, 2022.

Paragraph 6 of the Methodology stipulates that the amount of damages incurred by owners or land users of agricultural land plots, including the actual costs of restoring the land to a usable condition, **is determined in accordance with the Procedure for Determining and Compensating Damages to Land Owners and Land Users**, approved by Resolution No. 284 of the Cabinet of Ministers of Ukraine dated April 19, 1993.

Landowners, land users, enterprises, institutions, and organizations whose land plots were damaged or lost due to the armed aggression of the Russian Federation are required to inform regional and Kyiv city state administrations (or military administrations during martial law) of the amount of damage and losses, once they have been calculated according to paragraphs 5-7 of the Methodology.

This mechanism is suitable for assessing compensation for the temporary use of land plots for the construction of fortifications. However, the implementation mechanism for actual compensation remains unresolved. At present, damage can only be recorded through the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine, established and operated in accordance with the Resolution of the Committee of Ministers of the Council of Europe. An effective system for paying reparations has not yet been established, although the creation of a dedicated compensation commission is anticipated in the future.

A legislative example of a possible solution is the Law of Ukraine dated February 23, 2023, "On Compensation for Damage and Destruction of Certain Categories of Real Estate as a Result of Hostilities, Terrorist Acts, and Sabotage Caused by the Armed Aggression of the Russian Federation against Ukraine", as well as the State Register of Property Damaged and Destroyed as a Result of Hostilities, Terrorist Acts, and Sabotage Caused by the Armed Aggression of the Russian Federation against Ukraine.





Another example is the mechanism for compensating landowners for demining that has been created in Ukraine. But this mechanism needs to be created now. And it should be taken into account that access to compensation services and the opportunity to recover losses incurred for the placement of military engineering and fortification structures on agricultural land should be clear, transparent, not burdensome for landowners or users, and safe for the state.

In cases where a land plot is actually occupied without procedural decisions by the authorized bodies, an administrative (out-of-court) procedure should be established to protect and restore the violated rights of landowners or land users. This procedure should ensure that the burden of proof does not fall on the applicant; the applicant is not dependent on the actions or decisions of specific authorities, minimizing potential abuse; the lack of opportunity to document the presence of defense structures – due to military secrecy.

An example of the temporary withdrawal of a land plot from agricultural use is land conservation, which is carried out in accordance with Article 51 of the Law of Ukraine “On Land Protection.” One of the legal grounds for conservation is the placement of military engineering and fortification structures on the land. In the case of privately owned land, the initiator of conservation is the landowner. For state or municipally owned land, the customer is typically the tenant and, in exceptional cases, the territorial community. As noted above, this procedure is lengthy and financially burdensome, as it requires the development of a land conservation project by certified land management organizations, its approval, and changes to the State Land Cadastre.

At the same time, the most critical issue remains the lack of information available to village and town councils regarding planned or ongoing construction of fortification structures, which significantly complicates timely response and proper documentation of changes in land use. An additional systemic problem is the absence of an automatic tax exemption mechanism for such land plots through coordinated interaction between the State Land Cadastre, military coordination headquarters, and tax authorities.

CONCLUSIONS AND RECOMMENDATIONS

Conclusions and Recommendations for Further Steps

As demonstrated above, the issue of the deployment of military engineering and fortification structures on land plots requires comprehensive legislative regulation. The current procedure, which was developed under pre-war conditions, has proven to be overly bureaucratic, inefficient, and unfit for application under the legal regime of martial law. Moreover, the legally established mechanism for the seizure or use of land plots for the placement of engineering and fortification structures fails to adequately protect the interests of either the state or landowners and land users. The absence of a clear, transparent, and unified procedure has resulted in legal uncertainty. The lack of an effective compensation mechanism that takes into account modern security challenges places landowners and tenants in an objectively disadvantaged position.

The interviewed respondents unanimously confirmed that the introduction of a compensation mechanism during the period of martial law would constitute a fair and justified response to state interference with property rights. This issue was perceived as particularly acute by respondents who do not have alternative sources of income, for whom rental payments or income from crop cultivation represented the sole means of meeting basic household needs.

The majority of military engineering and fortification structures are located within communities that have experienced significant population outflow, where local businesses have ceased operations or relocated to safer regions. Local self-government bodies have confirmed that, under these conditions, local budgets are structurally deficient and lack the financial capacity to introduce or sustain compensation programs at the municipal level. The issue of compensation requires the development and implementation of a state-level compensation program.

Respondents indicated that a combined approach to submitting compensation claims would be acceptable (a mobile application and the “Diia” web portal, Administrative Service Centers (ASCs), village councils, etc.)

It should also be emphasized that the vast majority of respondents reside in areas of active or potential hostilities. The introduction of a compensation mechanism for the long-term placement of military engineering and fortification structures would contribute to restoring the economic stability and social resilience of affected citizens, strengthening their financial capacity and their ability to withstand the ongoing challenges of war. The implementation of such a mechanism requires additional analytical work and the formulation of detailed proposals by the competent authorities. Consequently, the issue necessitates an institutionalized dialogue between civil society and state authorities.

Conducting Public Consultations

To develop and implement an effective and balanced mechanism for the use of land for the placement of military engineering and fortification structures, as well as to ensure fair compensation for interference with private property rights, it is proposed to:

- Engage the humanitarian and human rights sectors
- Hold an additional round of public consultations involving the following institutions and stakeholders:

1

Committee on Agrarian and Land Policy of the Verkhovna Rada of Ukraine

2

Ministry of Defense of Ukraine

7

Association of Farmers and Private Landowners of Ukraine

3

Ministry of Communities and Territorial Development of Ukraine

8

State Service of Ukraine for Geodesy, Cartography and Cadastre

4

Ministry of Agrarian Policy and Food of Ukraine

9

Regional Military Administrations

5

Ministry of Digital Transformation of Ukraine

10

General Staff of the Armed Forces of Ukraine

6

Ministry of Finance of Ukraine

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