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LANDS OF DESTROYED SETTLEMENTS IN UKRAINE: LEGAL REGIME, LAND USE CONVERSION, AND THE ECONOMICS OF POST-SETTLEMENT TERRITORIES

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Abstract. *The article examines the lands of destroyed settlements in Ukraine as a new object of land-law and land-use planning regulation emerging under the conditions of full-scale war and not reducible to the conventional issues of physical reconstruction. It is substantiated that the universalization of the "build back better" paradigm is methodologically insufficient for the Ukrainian context, since some destroyed cities, towns, and villages have objectively lost, or are likely to lose, the capacity to be restored as fully functioning settlements due to the combined impact of security-related, demographic, economic, and infrastructural factors. It is shown that war-related destruction does not transform the territory of a settlement into a legally free space: even under conditions of actual depopulation, such territory remains structured by a multiplicity of private and public real rights to land, immovable property, and other assets, which makes its spontaneous transition to a new use impossible in the absence of a special legal mechanism. The purpose of the study is to develop an integral scientific and practical concept of the legal regime of the lands of destroyed settlements, to determine the criteria for their actual loss of settlement viability, to elaborate a legally sound algorithm for the land-use conversion of such territories, and to substantiate the institutional and economic model of their further use. The methodological basis of the study includes the analysis of Ukrainian normative legal acts, international programmatic and analytical documents, and official data on destruction, population displacement, and humanitarian demining. The working concepts of the "zone of settlement disintegration" and "war greyfields" are proposed to denote former settlement territories irreversibly damaged by war and deprived of a realistic prospect of restoration as places of permanent residence. The need for a special legal regime is substantiated; such a regime should combine an audit of settlement viability, inventory of land and property, identification of rights holders, voluntary buyout or compulsory acquisition with proper compensation, deposit of funds for unidentified persons, clearance, land reclamation, and subsequent change of the functional use of the territory. The practical value of the article lies in the formation of a conceptually and instrumentally coherent framework for the transition from a*

policy of reconstruction to a policy of lawful conversion of territories that have lost their settlement function, and for preventing their long-term spatial abandonment.

Keywords: *lands of destroyed settlements; land use organization; legal regime of land; post-war recovery; war greyfields; settlement disintegration; consolidation of rights; compulsory acquisition; land reclamation; spatial planning; post-settlement territories.*

Problem statement. Post-war recovery in Ukraine is increasingly conceptualized through the prism of the international build back better doctrine, according to which reconstruction after a disaster should not merely restore what has been lost but should enhance the resilience of territories, infrastructure, the economy, and social systems. This is precisely how this category is defined in the terminology of the United Nations Office for Disaster Risk Reduction and in the logic of implementing the Sendai Framework for Disaster Risk Reduction [1; 2]. At the same time, for Ukraine, which is experiencing not a one-time natural disaster but a protracted full-scale interstate war with repeated strikes on civilian, energy, transport, and industrial infrastructure, the universalization of this paradigm is methodologically risky. Under conditions of a prolonged military threat, spatially uneven security, large-scale forced population displacement, and the destruction of local economic bases, not every destroyed settlement can realistically be restored as a fully functioning place of residence, employment, and reproduction of human capital [3; 4].

The scale of the problem is systemic. According to the fifth Rapid Damage and Needs Assessment of Ukraine (RDNA5), prepared by the World Bank, the Government of Ukraine, the European Union, and the United Nations, as of 31 December 2025 the total amount of direct damage to buildings and infrastructure stood at 195.1 billion United States dollars, while total recovery and reconstruction needs for 2026–2035 were estimated at 587.7 billion United States dollars. Approximately 14 percent of the national housing stock was damaged or destroyed, affecting more than 3 million households; 75 percent of all damage was concentrated in frontline oblasts, and among the most affected sectors, alongside housing, were transport,

energy, commerce, and industry [3]. These indicators show that the issue is not a matter of isolated local episodes of destruction, but of deep spatial deformation across large territorial areas, where physical damage overlaps with a long-term loss of the functional connectedness of settlements.

However, the central problem lies not only in the scale of destruction as such, but also in the fact that a substantial part of the contemporary recovery discourse proceeds from a silent presumption of future re-urbanization: if buildings can be rebuilt, the settlement can be brought back to life. For some Ukrainian territories, this presumption is excessively optimistic. In many cases, damage to the housing stock is accompanied by the destruction or shutdown of enterprises that constituted the basis of local employment, a source of household income, and the fiscal capacity of the community. RDNA5 separately records 19.2 billion United States dollars in direct damage in the commerce and industry sector and 232.9 billion United States dollars in losses in that sector, which indicates large-scale degradation of productive assets rather than merely housing development [3]. Under such conditions, rebuilding houses without restoring the economic core of a settlement does not create a self-sustaining model for the return of the population; it merely preserves a territory with low viability.

An additional factor is security uncertainty, which, under conditions of a probable prolonged ceasefire regime rather than the final elimination of the military threat, objectively reduces the investment attractiveness of frontline territories and areas potentially subject to renewed strikes. In this context, it is decisive not only that destruction has already occurred, but also that future risk is expected. Official materials of the Office of the United Nations High Commissioner for Refugees directly emphasize that the security situation in Ukraine remains highly volatile and unpredictable, and that reverse border crossings cannot in themselves be interpreted as evidence of sustainable return [5]. Consequently, even where there is a morally and politically understandable demand for reconstruction, the economic rationality of long-term private investment in high-value production on territories that remain within a zone of strategic risk is substantially constrained.

No less important is the demographic dimension of the problem. According to the International Organization for Migration, as of the end of 2025 approximately 3.712 million internally displaced persons were present in Ukraine, while 4.405 million persons were classified as returnees; at the same time, the Office of the United Nations High Commissioner for Refugees recorded 5.75 million Ukrainian refugees worldwide in September 2025, of whom 5.2 million were in Europe [4; 6]. Even without drawing categorical conclusions about the irreversibility of migration, these data confirm a long-term spatial reconfiguration of the country's population. Some households have already integrated into new local labor markets and into education, housing, and social service systems in Ukraine or abroad. Therefore, for a considerable number of destroyed cities, towns, and villages, the problem lies not only in the physical reconstruction of assets, but in whether, after the war, there will still be a socio-demographic basis for restoring the school, kindergarten, outpatient clinic, public transport, local business, and municipal services as a whole [3; 4; 6].

In frontline and depressed settlements, this problem is compounded by the age structure of the population. Older age groups usually display lower spatial mobility and a stronger attachment to preserving their habitual way of life, even at an elevated level of danger, whereas families with children and the economically active population are much more likely to relocate and adapt to safer environments. Accordingly, even a partial return of residents is not equivalent to the restoration of a settlement as an economically and socially self-reproducing system. For some territories, the more likely scenario is continued population decline with a predominance of economically inactive groups and, consequently, reduced demand for social infrastructure and a weakening of the financial base of local self-government [3; 4].

Another fundamental aspect of the problem is that war-related destruction does not turn the territory of a settlement into a legally "free space." In Ukraine, land is an object of ownership subject to special protection by the state; the right of ownership to land is guaranteed, and the compulsory acquisition of privately owned property is possible only as an exception on grounds of public necessity, on the basis and in the manner established by law, and subject to prior and full compensation of its value [7;

8]. The Land Code of Ukraine directly defines the grounds for termination of ownership of a land parcel and does not provide for the automatic termination of such ownership as a consequence of the destruction of development or the factual depopulation of a settlement [8]. Likewise, the Law of Ukraine "On the Expropriation of Land Parcels and Other Immovable Property Located Thereon that Are Privately Owned, for Public Needs or on Grounds of Public Necessity" establishes a special and procedurally complex mechanism for the termination of such rights, thereby confirming that public interest in itself does not extinguish private real rights without a separate legal procedure [9].

Moreover, even the destruction of a building does not mean the automatic disappearance of the entire complex of legal relations connected with the territory. The Civil Code of Ukraine provides a separate legal construction for the termination of ownership as a consequence of the destruction of property, but such a provision does not resolve the fate of the land parcel, rights to infrastructure facilities, encumbrances, inheritance rights, rights of use, nor does it replace special procedures of state registration and settlement of the legal status of property [10; 11]. Significantly, after 2022 the Ukrainian legislature itself adopted a separate law on compensation for damaged and destroyed immovable property and established the State Register of Property Damaged and Destroyed as a Result of Hostilities, thereby effectively acknowledging that a destroyed asset does not cease to be legally significant merely because it is physically damaged or even destroyed [12]. Consequently, designing the spatial future of destroyed settlements while ignoring the multiplicity of private rights to land and immovable property means building a fundamental legal error into the recovery model.

It is precisely here that one of the least studied gaps in Ukrainian land-law and land-use planning scholarship becomes apparent. Public and expert attention is focused predominantly on housing compensation, infrastructure reconstruction, community recovery, and new planning solutions. Much less attention is devoted to the situation in which a settlement will, with a high degree of probability, no longer be re-populated or restored in its pre-war functional form, while its territory remains

fragmented into hundreds or thousands of land parcels designated for residential, public, commercial, and other forms of development, with real rights that remain in force or may potentially be restored. In such a situation, a fundamentally different question arises: not how to rebuild the settlement, but how lawfully to transfer the territory from the regime of a settlement to a regime of another use without violating human rights, without creating chronic territorial abandonment, and without blocking a new economic function.

The problem is complicated by the fact that historical analogies in Ukrainian law are only partially relevant. Thus, the legal system of Ukraine is familiar with precedents of resettlement territories after the Chornobyl disaster, in particular the regime of the exclusion zone and the zone of unconditional (mandatory) resettlement [13; 14]. At the same time, these examples cannot be mechanically transferred to contemporary destroyed settlements, because the present problem unfolds under conditions of a fully functioning real estate market, constitutionally guaranteed private ownership of land, state registration of real rights, and a large number of private interests dispersed among owners, heirs, users, and creditors [7; 8; 11]. For that reason, the formal and administrative “removal from life” of a settlement does not yet mean either the termination of private rights or the emergence of a free land stock available to the state or the community for new planning.

An additional dimension of the problem is created by mine contamination and explosive hazards. RDNA5 directly emphasizes that explosive remnants of war and mine contamination are cross-sectoral in nature, directly restricting access to land, infrastructure, public services, and livelihoods, while the restoration of economic activity in contaminated areas depends on prior survey and the safe return of territories to use [15]. The National Mine Action Strategy of Ukraine until 2033, for its part, confirms that this is not a short-term technical problem but a long-term state policy [16]. This means that even where reconstruction is theoretically possible, land and spatial decisions cannot be reduced to architectural or urban planning design; they must be based on the legal regime of the territory, the procedure for consolidating rights, and the algorithm for clearance, land reclamation, and change of functional use.

Accordingly, the scientific problem is that the contemporary recovery discourse in Ukraine is largely focused on reconstructing the material environment, but still insufficiently conceptualizes the fate of the lands of destroyed settlements as an independent object of legal and land-use planning regulation. For some such territories, the question is no longer the reproduction of pre-war development, but the determination of a new legal regime that would make it possible: 1) to recognize the actual loss of settlement viability; 2) to settle the multiplicity of private rights to land and immovable property; 3) to ensure the termination or transformation of such rights in a manner compatible with compensation and human rights; 4) to carry out clearance, land reclamation, and land-use conversion; and 5) to prevent long-term spatial abandonment of the territories. It is precisely the absence of an integral legal and economic model for such cases that constitutes the scientific and practical problem requiring separate study within land law, land use organization, and post-war recovery policy.

The purpose of the article is to formulate an integral scientific and practical concept of the legal regime of the lands of destroyed settlements in Ukraine under conditions of full-scale war by theoretically substantiating that some of these territories have objectively lost, or will in the future lose, the capacity to be restored as fully functioning settlements and therefore require not a traditional reconstruction model but a special mechanism of land-use conversion; in this connection, the article is aimed at identifying the legal, demographic, security, economic, and spatial factors of the irreversibility of destruction, determining the land and property consequences of the actual loss of a settlement's viability, developing a legally correct algorithm for the transformation of such territories compatible with guarantees of property rights, and substantiating an institutional and economic model of their further use that would preclude long-term spatial abandonment, ensure land reclamation, consolidation of rights, and the transfer of land to a new socially useful functional purpose.

Materials and methods of the study. The material basis of the study consisted of Ukrainian normative legal acts, international programmatic and analytical documents, official statistical and assessment materials, as well as scholarly publications

concerning post-war recovery, the legal regime of land, real rights to immovable property, administrative-territorial structure, internal population displacement, mine action, and the governance of territories that have suffered large-scale destruction [1–17]. The source base included only those materials that possess an appropriate official, scholarly, or institutionally recognized status and make it possible to combine the legal, demographic, security, economic, and spatial dimensions of the problem. At the same time, the authors consciously proceed from the fact that, under conditions of an ongoing war, any quantitative data on the scale of destruction, population displacement, actual inhabitation of particular territories, and the economic viability of settlements are dynamic in nature and therefore are used not as final data but as the most reliable empirical benchmarks available at the time of preparation of the article for legal and land-use planning analysis [3–6; 15; 16].

Methodologically, the study is based on a combination of formal-legal, system-structural, comparative-legal, functional, and problem-oriented approaches. The formal-legal method was used to establish the current legal regime of the lands of destroyed settlements, to analyze the grounds for the termination of rights to land and immovable property, the procedure for the liquidation of settlements, and the permissible limits of state intervention in the sphere of private property [7–14]. The system-structural method was employed to identify the interconnections between the administrative-territorial status of a settlement, the land and property structure of the territory, demographic processes, security restrictions, and the prospects for new functional use. The comparative-legal and functional approaches made it possible to compare the international logic of build back better with the specific features of the Ukrainian wartime situation and to show the limits of directly transferring recovery concepts to territories that may lose their settlement function [1; 2; 8; 9]. Elements of doctrinal interpretation were also applied in order to substantiate the need for a special legal regime for the lands of former or de facto non-viable settlements.

The empirical and analytical part of the study is based on the method of critical processing of secondary data and on the construction of the authors’ own analytical frameworks, including concepts, classifications, and model solutions. Such

frameworks include, in particular, the working concept of the “zone of settlement disintegration,” the category of “war greyfields,” the typology of future-use directions for the territories of former settlements, and an illustrative economic model of their land-use conversion. Due to the current absence of completed state registers of the viability of destroyed settlements and of a standardized methodology for determining the irreversibility of their decline, some of the conclusions of the article have the character of scientifically grounded assumptions rather than finally established facts; such assumptions are expressly distinguished from official statistics and are presented solely as an instrument for framing the problem and developing a normative and prognostic model [3; 4; 15–17]. For this reason, the study does not claim to provide an exhaustive inventory of all destroyed settlements of Ukraine, but focuses on developing a conceptual framework that can be used as a basis for further applied, cadastral, economic, and legislative work.

Analysis of recent research and publications. The body of contemporary studies and analytical documents devoted to the post-war recovery of Ukraine is already substantial; however, it reveals a clear conceptual asymmetry: the overwhelming majority of works treat destruction as a precondition for a modernization-oriented relaunch of territories in the logic of build back better, whereas the scenario of the irreversible loss by some settlements of their settlement function remains almost unarticulated. This applies both to international framework documents, where build back better is interpreted as recovery with enhanced resilience, safety, and environmental quality [1; 2], and to Ukrainian governmental and donor programmatic texts, in which reconstruction is consistently linked to modernization, European integration, the green transition, greater energy efficiency, the development of local capacity, and the mobilization of private capital [3–7]. Within this intellectual field, the dominant assumption is that a destroyed settlement is first and foremost an object of reconstruction rather than a potentially lost socio-economic organism.

The first large body of literature is formed by works devoted to the institutional architecture of Ukraine’s recovery. Their focus is on donor coordination, the role of the state, local self-government, transparency, accountability, reforms, and the

integration of reconstruction with the broader agenda of economic transformation. This is exactly how the issue is framed in the works of E. Berglöf and V. Rashkovan, where the reconstruction of Ukraine is viewed as a large-scale political and economic project requiring a new institutional architecture and strong internal ownership [8]. A similar approach can be traced in the analytical documents of the Organisation for Economic Co-operation and Development, where emphasis is placed on strengthening regional and municipal governance, supporting local economic development, and enhancing territorial resilience [9]. Government documents, in particular the Ukraine Plan 2024–2027, also expressly anchor recovery in the principle of build back better [4]. At the same time, these works scarcely develop the point that, for some territories, the basic managerial problem may lie not in reconstructing the community as a place of residence, but in lawfully removing a destroyed settlement from the regime of a populated place and transferring its lands to another functional use.

The second body consists of studies of green, sustainable, and climate-oriented reconstruction. In Ukrainian and international policy discourse, these studies are especially influential. They include works in which the war is interpreted as a historic window of opportunity for a transition to energy-efficient development, decarbonization, circular use of materials, environmentally sensitive spatial planning, and new standards of public participation [5–7; 10]. These studies undoubtedly contain important normative and practical potential; however, their perspective usually remains reconstruction-oriented: the destroyed environment is conceived as a space for "better" reconfiguration rather than as a territory where, as a result of the war, the prerequisites for renewed settlement may have been definitively lost. In other words, green recovery and sustainable recovery in the existing literature predominantly answer the question of how reconstruction should be carried out, but much more rarely whether a particular settlement should be rebuilt as a settlement at all.

The third direction is formed by architectural and urban-planning works devoted to the spatial and imagistic dimension of reconstruction. They are characterized by a normative aspiration to use post-war recovery as a chance for the aesthetic, functional, and technological renewal of Ukrainian cities. In this group of scholarly texts, the

themes that visibly dominate are the new identity of urban space, memorialization of destruction, ecological design, biophilic approaches, the rethinking of public spaces, and the reconstruction of destroyed urban blocks [11; 12]. Significantly, even where authors record the traumatic dimension of destruction, the final analytical frame most often remains the design of a new urban environment. Such a perspective is understandable from the standpoint of architecture; however, it often fails to take into account the land-law inertia of the destroyed territory: hostilities do not annul ownership of land, do not automatically eliminate land parcel boundaries, do not by themselves terminate real rights to destroyed or damaged immovable property, and do not create a "clean slate" for urban replanning [13–16].

The fourth, much smaller but methodologically important, block of research concerns the demographic, socio-spatial, and functional consequences of the war for territorial communities. It is here that isolated approaches appear that partly move beyond the optimistic narrative of reconstruction. Thus, in the study by D. Malchykova, I. Pylypenko, P. Ostapenko, and others on the de-occupied territories of the right-bank Kherson region, the threats of changes in the categories and functions of settlements, the simplification of their socio-spatial structure, and the difficulties of restoring economic activity are explicitly identified [17]. Such works are important exceptions because they record that, after the war, some settlements may enter not a phase of reconstruction but a phase of functional contraction. Nevertheless, even in these studies, the main emphasis is placed on assessing human potential, spatial deformations, and the prospects of community recovery rather than on the legal regime of land and the mechanisms for the conversion of territories that in practice cease to be viable as settlements.

Thus, the analysis of recent research and publications supports three conclusions. First, the contemporary literature on Ukraine's recovery is predominantly reconstruction-oriented and normative: it proceeds from the premise that the war opens an opportunity for "better" recovery, modernization, and greater resilience [1–12]. Second, even where authors acknowledge large demographic losses, population displacement, the destruction of the economic base of communities, and territorial

unevenness of security, this rarely leads them to an intellectually honest formulation of the point that a significant number of destroyed cities, towns, and villages will never be restored in their pre-war function for objective socio-economic reasons [3; 8; 9; 17]. Third, Ukrainian scholarship almost entirely lacks a systematic study of the lands of destroyed settlements as an independent object of legal regulation, one that would require combining questions of ownership, the termination and transformation of real rights, land-use consolidation, land reclamation, prevention of abandonment, and the transfer of territory to new productive use [13–16]. It is precisely this gap that defines the subject niche of this article.

Presentation of the main research material. As of the beginning of the fifth year of the full-scale war, the problem of the lands of destroyed settlements in Ukraine is acquiring the features of a distinct object of land policy that is reducible neither to housing reconstruction nor to the general logic of spatial planning after disasters. Its specificity lies in the fact that, for a considerable number of settlements, wartime destruction has already ceased to be merely temporary damage to the material environment and has turned into a structural loss of settlement viability. This is indicated by the combination of three processes: the prolonged destruction of the housing stock and engineering infrastructure, the destruction of production and logistics functions, and the prolonged forced withdrawal of the population from frontline and border territories [3; 4; 6; 16]. As a result, what emerges is not merely a "destroyed settlement," but a territory that de facto ceases to perform the function of permanent settlement while de jure remaining a mass of private and public real rights to land, immovable property, engineering networks, perennial plantings, municipal property, and other assets [7–12].

Unlike the earlier stages of the war, when destruction was still often perceived as something that could be compensated for through ordinary reconstruction, there are now a number of settlements for which even official or semi-official sources employ the vocabulary of factual annihilation. At the end of 2023, the Commander-in-Chief of the Armed Forces of Ukraine, Valerii Zaluzhnyi, directly stated that Marinka had been "destroyed by the enemy street by street, house by house" [24]. In 2025, Reuters was

already describing Marinka as an abandoned city destroyed in the course of the war, and the agency's visual materials recorded a continuous field of housing ruins [25]. As for Vovchansk, Ukrainian sources stated in 2025 that the city lay in ruins, and in November 2025 it was noted that, because of the degree of destruction, it was in practice impossible to establish stable positions there even for defensive purposes [26; 27]. For de-occupied territory, Bohorodychne in Donetsk oblast is illustrative: after repeated changes of control, the village was described as "virtually wiped out by war," and Ukrainian and international reports recorded the near-total destruction of its built environment [28–30]. These examples are important not only as humanitarian testimonies, but also as indicators of a new type of territory in which the issue is no longer the pace of reconstruction but the legal fate of the land after the factual collapse of the settlement function.

For legal and land-use planning analysis, it is fundamentally important not only to state the fact of destruction, but also to outline its spatial logic. According to Reuters, in 2025 the active front line extended for about 1,250 kilometers, while another agency report in February 2026 referred to a 1,200-kilometer front on which the dronization of war had radically changed the character of hostilities [31; 32]. This means that the issue is not a matter of separate local "points" of destruction, but of a long contact belt along which highly intensive impacts on settlement infrastructure arise or persist in different periods.

At the same time, such a belt is not homogeneous. The available sources make it possible to distinguish, on reasonable grounds, at least three spatial zones. The first is a zone of almost continuous destruction, which in conditions of positional warfare usually forms within approximately 0 to 10 kilometers from the immediate line of combat contact, especially in sectors of prolonged artillery confrontation and assault operations. It is precisely within this distance that the forced evacuation of families with children was applied in Donetsk oblast in 2024–2025, and later the regional authorities initiated an expansion of this distance to 15 kilometers [33; 34]. The second is a zone of deep degradation of viability within approximately 10 to 15 kilometers, where the total physical destruction of all development does not always occur, but

where the conditions for normal living, school operation, outpatient medical care, water supply, regular trade, and transport connections are systematically destroyed. UNICEF and CEDOS directly point to this by treating settlements located within 15 kilometers of the line of fighting as a qualitatively different category, incomparable with the relatively more stable “frontline” communities situated farther away [35–37]. The third is a zone of high risk of renewed strikes, which, depending on relief, the nature of hostilities, and the use of drones, guided aerial bombs, and long-range artillery, may extend far beyond 15 kilometers; the Office of the United Nations High Commissioner for Human Rights and United Nations humanitarian structures recorded that already in 2024–2025, more than half of civilian casualties in a number of periods occurred in territories located farther than 10 kilometers from the front [38; 39].

Therefore, for the purposes of this study, the authors introduce the working concept of a zone of settlement disintegration, that is, the space along the front within which settlements lose not merely individual buildings but their integrity as socio-economic systems. On the basis of the available data, its hardest core can today be reasonably estimated at 10 kilometers, while the zone of stable unsuitability for normal family living can be estimated at 15 kilometers from the active line of combat contact; in sectors of intensive use of drones, aircraft, and long-range weapons, the actual effect may be wider [33–39]. It is this distance, rather than merely the formal location of a settlement within an oblast where hostilities are taking place, that should underlie the future legal classification of territories of irreversible settlement decline.

There is currently no precise official figure for the number of settlements that, most likely, will never be re-populated, and at this stage such a figure cannot be established with proper legal precision without a separate state audit of settlement viability. However, an analytical estimate is possible. It should rest not on political intuition but on a combination of at least six criteria: 1) location within 0 to 15 kilometers of the active line of combat contact or in a zone of regular repeated strikes; 2) duration of destruction; 3) the degree of demographic outflow; 4) loss of the local economic base; 5) the absence of realistic preconditions for safe investment

reconstruction; and 6) the legal and infrastructural complexity of recovery [3; 4; 16; 31–39].

If one proceeds from the fact that in 2025 hostilities directly affected hundreds of territorial communities and that the list of territories where hostilities are ongoing or have occurred, or which were temporarily occupied, covered communities in 13 oblasts of Ukraine [40; 41], then even a conservative selection limited to those settlements that for a long time were, or still are, within the core of the zone of settlement disintegration supports the following preliminary conclusion. In the territory controlled by Ukraine, the number of settlements that are highly likely not to recover as fully inhabited settlements can be cautiously estimated in the range of 150 to 250. These are mainly small villages, settlements, and some small cities in Donetsk, Kharkiv, Kherson, Zaporizhzhia, and partly Sumy oblasts that have undergone, or are undergoing, prolonged proximity to the front, repeated evacuations, destruction of the housing stock, and degradation of basic services. In temporarily occupied territory, this number is probably higher, roughly from 300 to 500 settlements, because it is precisely there that cities and villages are concentrated which endured prolonged siege, assault fighting, or were effectively turned into zones of ruins without the possibility of verified recovery within the Ukrainian legal field [24–32; 40]. These figures are not official statistics; they are an analytical estimate for scholarly discussion and are subject to further verification after a state methodology for auditing settlement viability has been developed. Even now, however, they convincingly demonstrate the scale of the problem: the matter is not one of isolated exceptions, but of a notable array of territories for which the standard reconstruction paradigm is insufficient.

The current legislative model for the liquidation of a settlement is enshrined in the Law of Ukraine “On the Procedure for Resolving Certain Issues of the Administrative-Territorial Structure of Ukraine.” Part six of Article 5 of this Law provides that the liquidation of settlements is carried out by the Cabinet of Ministers of Ukraine on the basis of a submission by the relevant village, settlement, or city council, the Council of Ministers of the Autonomous Republic of Crimea, or the relevant oblast state administration. The key substantive condition is formulated in part

seven: a settlement may be liquidated if there are no registered (declared) places of residence of natural persons within it, provided that at least three years have elapsed since the last person was deregistered; an alternative ground is the inclusion of the entirety of its territory within another settlement [42]. At the same time, the law expressly establishes that the liquidation of a settlement does not entail the termination of ownership rights and rights of use to immovable property located within its boundaries [42].

This provision is, on the one hand, legally correct and, on the other hand, demonstrative of the complete unpreparedness of the current model for the mass consequences of war. It is designed for classical cases of natural depopulation or administrative reassignment, rather than for situations in which a settlement is physically destroyed, economically non-viable, and unsafe for residence, while some individuals still retain registration there or return episodically. Under such conditions, the three-year criterion of complete absence of registered residence becomes an almost unattainable legal barrier: a settlement may be de facto dead while continuing to exist de jure for an unlimited period of time. Moreover, even in the event of liquidation, the law does not answer the questions of changes in the designated use of land, the fate of privately owned residential and public development parcels, the consolidation of fragmented rights, the removal of ruins, land reclamation, the management of demolition waste, and the prevention of prolonged territorial abandonment [8–12; 42].

Therefore, the current procedure should be assessed as formally existing but functionally unsuitable for territories of irreversible war-related destruction. What it requires is not merely technical simplification, but qualitative renewal. At the same time, a decision on liquidation cannot be “automatic” in a crude mechanical sense, because it affects the rights of residents, owners, users, and heirs. A realistic model appears to be that of a quasi-automatic launch of the procedure: once legally established quantitative thresholds are reached, the state is obliged to commence a special audit and adopt a reasoned decision, but may not postpone it indefinitely for political reasons. Such thresholds may include: 1) the share of destroyed or uninhabitable housing stock; 2) the share of destroyed critical infrastructure; 3) the

average size of the actual population; 4) the duration of presence within active hostilities; 5) the absence of an approved and economically substantiated plan for restoring jobs; and 6) a conclusion that dense residence entails an unacceptable security risk [3; 16; 33–42]. In other words, the issue should not be one of political discretion, but of a bound administrative procedure based on metrics, while fully preserving the right to participation, objection, and judicial review.

The largest gap in current regulation lies in the fact that the liquidation of a settlement in the administrative-territorial sense has almost no built-in land-and-property continuation. This is logical: Article 5 of Law No. 3285-IX merely records that liquidation does not terminate rights to immovable property [42]. But it is precisely here that the genuine land-use planning problem begins. A formally liquidated settlement may contain hundreds or thousands of both registered land parcels with cadastral numbers and parcels whose rights are evidenced only by paper title documents, with different designated uses, communal lands of common use, lands of residential development, lands of public development, farmyards, remnants of streets, servitudes, lease rights, superficies, emphyteusis, inherited estates, and unfinished construction objects [8–11]. Such a territory does not become “free” merely because the settlement no longer appears in administrative-territorial directories.

For this reason, the authors propose applying to these territories a separate term, namely war greyfields. Unlike the term brownfields, which usually denotes former industrial territories requiring cleanup and repurposing, war greyfields are former settlement territories irreversibly damaged by war and deprived of a realistic prospect of restoration as places of permanent residence, but burdened by a multiplicity of existing or potentially restorable real rights. The word “grey” here points not to the industrial character of the land, but to an intermediate condition between settlement and non-settlement, between rights preserved de jure and the function of the territory destroyed de facto. It is precisely war greyfields that constitute the new class of lands for which Ukrainian legislation still lacks an integral legal regime.

Taking into account Article 41 of the Constitution of Ukraine, Article 1 of Protocol No. 1 to the Convention for the Protection of Human Rights and Fundamental

Freedoms, as well as the current provisions of land, civil, and registration legislation, the legal mechanism for the conversion of such territories should consist not of a single act, but of a sequence of interrelated stages [7–12].

The first stage should be a state audit of settlement viability. This is not an engineering conclusion, but an integrated legal and spatial assessment including demographic, security, infrastructural, environmental, and economic indicators. The second stage should be a decision assigning the territory to the category of war greyfields and launching a special procedure. The third should be a comprehensive inventory of land and property: without such a census, any subsequent change in the regime of use will be legally vulnerable. The fourth stage should be a procedure for identifying owners, users, and heirs, including electronic notification, public announcement, requests to registers, and the recording of unidentified persons. The fifth should be a preferential voluntary buyout under a model approximating the current Law on Expropriation of Property for Public Needs [9]. Only the sixth stage, where consolidation has not been achieved, may involve compulsory acquisition on grounds of specially defined public necessity, namely the need for the safe and environmentally sound conversion of a territory that has lost the function of a settlement.

The key guarantee should be a compensation mechanism. The issue is not full compensation for war damage in the broad sense, but compensation for the termination or transformation of a private right. In this respect, it is entirely possible to employ a logic close to buyout for public needs: valuation of the land parcel, valuation of the residual property interest in destroyed immovable property, valuation of perennial plantings and improvements, judicial review in case of dispute, and, for unidentified persons, the deposit of monetary sums into special accounts until the right is claimed [7; 9; 10]. It is precisely the deposit mechanism that is critically important: without it, it is impossible to reconcile the requirement of prompt territorial conversion with the Convention standard of protection of property.

After the consolidation of rights, the next stage should be the clearance of the territory, covering humanitarian demining, dismantling of dangerous building remains, removal of demolition waste, handling of hazardous materials, and primary land

reclamation. A separate economic and organizational regime operates here, closely connected with the National Mine Action Strategy and the modern waste management system [16; 43–46]. Only after this can a land-use planning project for the conversion of the territory of the former settlement be approved, and this should become a new type of land-use planning documentation in Ukrainian law.

Below is a generalized classification, developed by the authors, of the most realistic directions for the use of the territories of former settlements after completion of the procedures of rights consolidation, clearance, and land reclamation (Table 1).

Table 1 – Typology of directions for the use of the territories of former settlements

Direction of use	Legal logic	Typical spatial conditions	Main advantages	Main limitations
Arable land and other field agriculture	change of designated use to agricultural land; subsequent lease or emphyteusis	level terrain, suitable soils, low fragmentation after consolidation	rapid return of land to economic circulation; a clear market of users	requires full demining; low payback of conversion costs from rental payments alone
Perennial plantations, berry farming, horticulture	agricultural conversion with a longer investment cycle	plots with good insolation, water availability, and access	higher value added than arable land	high upfront investment, security risk for long-term plantations
Afforestation and protective plantings	reclassification to forestry land or nature conservation land	degraded, eroded territories difficult for mechanized cultivation	reduction of erosion, ecological restoration, buffer function	long effect horizon; low short-term monetization
Nature conservation and memorial landscapes	special protection regime, partly recreational or memorial	territories of high symbolic value, difficult environmental conditions, or burial sites	preservation of the memory of war, low technogenic pressure	limited revenue sources, need for public funding
Siting of solar energy facilities	lease or superficies for energy facilities	large cleared areas, technical possibility of grid connection	higher financial potential than arable land; suitable for some degraded plots	requires acceptable security conditions, capital investment, and grid access
Warehousing, logistics, repair and service sites	industrial and logistics repurposing	road and rail junctions, borderland or rear	higher rental capacity, jobs	far from suitable for all former villages and

Direction of use	Legal logic	Typical spatial conditions	Main advantages	Main limitations
		areas that are not excessively risky		settlements; sensitive to war risk
Extractive or other natural-resource function	special subsoil use permits and change of land use	territories where economic feasibility is spatially tied to the location	the resource cannot be relocated to another region	high regulatory complexity, environmental constraints
Mixed model	combination of agricultural, forestry, energy, and memorial regimes	large territories with a complex internal structure	the most realistic for most cases	requires complex planning and a long-term operator

Note: developed by the authors.

The source base and the current structure of Ukraine's recovery expenditures show that in most cases the mixed model will be the most rational: purely agricultural use rarely pays for the entire conversion, whereas a purely memorial or purely nature-conservation regime does not generate a sufficient economic basis for self-support [3; 43–46].

The most realistic institutional form appears to be a special public-private partnership within which an operator for the conversion of a former settlement is selected on a competitive basis. Its functions should not replace the state in matters of authoritative decision-making, but may include financing the buyout of rights, organizing clearance, preparing the territory technically, concluding agreements with new land users, and managing the land mass returned to economic circulation. In essence, this means a specialized territorial consolidator operating at the intersection of land, property, investment, and environmental regulation.

Below is an illustrative model of the transformation cost of a typical completely destroyed village in controlled territory (Table 2). This is not an estimate for a specific project, but an analytical model developed by the authors in order to understand the order of magnitude. The initial assumptions are as follows: the territory within the former settlement comprises 100 hectares; pre-war residential and public development amounted to approximately 320 homesteads or assets; the degree of destruction

exceeds 85 percent; after consolidation, 85 hectares are suitable for new use, while the remainder is accounted for by roads, water bodies, memorial areas, and buffer zones. The benchmark for humanitarian demining is taken from the actual expenditures of the 2025 state program: 713 million hryvnias for more than 12,000 hectares, that is, approximately 59 thousand hryvnias per hectare; a similar order of magnitude is also provided by sectoral estimates, namely 40 to 70 thousand hryvnias per hectare [43; 47; 48]. For waste management and dismantling, the national RDNA and United Nations Development Programme benchmark of almost 13 billion United States dollars in needs for debris clearance and debris management at the national scale was used as the basis for a cautious local extrapolation [44; 45].

Table 2 – Illustrative model of the transformation cost of a typical completely destroyed village in controlled territory

Cost item	Calculation basis	Estimated cost, million hryvnias
Inventory of land, property, boundaries, and register verification	100 hectares + 320 assets + bundle of rights	1.8
Search for owners and heirs, administration of procedures, valuation, notarial and court costs	package procedure	2.5
Buyout or compensation for land rights and residual property interests in destroyed assets*	model average figure	18.0
Non-technical survey and humanitarian demining	100 hectares × 0.059 million hryvnias per hectare	5.9
Dismantling of hazardous structures, sorting and removal of debris	320 assets × average model cost	22.0
Primary land reclamation, landform grading, restoration of access roads, drainage	100 hectares	4.2
Preparation of the land-use conversion project, new zoning, formation of lots	package procedure	1.6
Contingency reserve (approximately 10 percent)		5.6
Total		61.6

* Note: in this model, compensation is not reparative reimbursement for the full war damage; it is an indicative resource required for the termination or transformation of private rights for the purpose of territorial conversion.

This model leads to a fundamental conclusion: purely agricultural reuse cannot by itself recoup the full cost of converting a typical completely destroyed village. If one uses average rental indicators for communal agricultural land at Prozorro.Sale

auctions at a level of about 9.3 thousand hryvnias per hectare, or the higher indicators of the State Land Bank in 2025, namely about 17.1 thousand hryvnias per hectare, then with 85 hectares of suitable area the annual gross rental income would amount to approximately 0.79 to 1.45 million hryvnias per year [49; 50]. At such a yield level, full payback from agricultural leasing alone would be excessively prolonged. That is why, for most war greyfields, a multi-channel model is economically justified: state or donor coverage of socially necessary but commercially non-recoverable costs (demining, clearance, part of reclamation) plus a private operator that recovers its investment over a longer horizon through leases, energy projects, logistics sites, forestry and agricultural uses, and through appreciation in the value of the prepared territory. For comparison of possible scenarios of future use of a typical former-village territory, it is advisable to present an indicative model of benefits (Table 3).

Table 3 – Illustrative comparative model of scenarios for the future use of a typical completely destroyed village in controlled territory

Post-conversion scenario	Suitable area	Approximate annual revenue or economic effect	Comment
Purely agricultural lease	85 hectares	0.8–1.5 million hryvnias per year	economically weak but the simplest scenario
Agroforestry mixed model	60 hectares of arable land + 25 hectares of protective plantings	0.6–1.1 million hryvnias per year + long-term ecological effect	advisable for degraded territories
Agro-energy model	45 hectares of arable land + part of the area for solar generation	substantially higher potential than the purely agricultural scenario	requires a separate investor and grid capacity
Logistics-agricultural model	limited area for warehouses or services + the remainder arable land	depends on transport location, but may become the only truly bankable scenario	suitable only for particular locations
Memorial and nature conservation model	predominantly non-profit	public rather than market benefit	requires budgetary or grant funding

Accordingly, the economic logic of converting such territories cannot be built on the naïve expectation that the market will itself compensate for the consequences of

war. The only realistic option is a hybrid financial architecture in which the legal consolidation of the territory, demining, and primary clearance have a public or donor core, while reintroduction into economic circulation has a private-operator component.

Conclusions. The conducted study supports the conclusion that the lands of destroyed settlements in Ukraine form a new object of regulation that had previously remained effectively non-conceptualized in domestic land-law and land-use planning scholarship. Its specificity lies in the fact that wartime destruction does not cancel private and public real rights, does not automatically eliminate the land structure of the territory, and does not create a legally "free space" for new planning, while some settlements, because of a combination of security, demographic, economic, and infrastructural factors, objectively lose or have already lost the prospect of recovery as a full-fledged environment of permanent residence. Consequently, for Ukraine it is essential to abandon the universalization of the reconstruction paradigm under which every destroyed settlement is a priori regarded as an object of reconstruction, and to move to a more differentiated model in which, alongside rebuilding, the legitimacy of another scenario is recognized, namely the lawful land-use conversion of territories that have lost settlement viability. In this context, the categories proposed in the article, namely the zone of settlement disintegration and war greyfields, have not only descriptive but also practical significance, because they make it possible to move the discussion from the plane of general rhetoric about recovery to the plane of a special legal regime, spatial criteria, and managerial decisions.

At the same time, the study has shown that current Ukrainian legislation does not provide an adequate normative toolkit for working with territories that in practice cease to be settlements but continue to exist as arrays of fragmented land and property rights. The current procedure for the liquidation of a settlement, built around the formal criterion of the complete absence of registered population over a certain period, is suitable for cases of natural depopulation but does not meet the challenges of mass war-related destruction. For this reason, the article substantiates the expediency of moving to a bound administrative procedure launched on the basis of clearly defined quantitative and qualitative metrics of settlement viability, while remaining compatible

with the constitutional guarantees of property rights, the standards of the European Convention on Human Rights, the principles of proper compensation, and judicial review. The proposed algorithm—viability audit, special classification of the territory, inventory of rights, identification of owners, voluntary buyout, compulsory acquisition on grounds of public necessity where required, deposit of compensation, clearance, land reclamation, and new functional use—makes it possible, for the first time, to build a coherent model of transition from a "destroyed settlement" to a "legally and economically managed post-settlement territory." Equally important is the conclusion that a purely market scenario for the transformation of such lands is economically unrealistic in most cases, and that the most substantiated model is therefore a hybrid one combining public, donor, and private-operator financing components.

Prospects for further research consist primarily in moving from the conceptual level to the level of methodologies, registers, and normative design. First, there is a need for the separate development of a state methodology for auditing settlement viability that would make it possible, in a verifiable and reproducible manner, to determine the boundary between territories subject to reconstruction and territories for which conversion is more rational. Second, applied cadastral and geoinformation studies are needed at the level of specific cases of fully or almost fully destroyed villages and settlements in order to establish the actual structure of rights, types of land use, fragmentation of parcels, and options for their further consolidation. Third, the questions of compensation methodology, the legal regime of unidentified owners and heirs, the relationship between conversion and mechanisms for compensation of war damage, and the drafting of a model legislative act on the lands of irreversibly destroyed settlements require separate in-depth study. Finally, an important direction of further research should be a more detailed elaboration of the economics of post-settlement territories—with account taken of different scenarios of agricultural, forestry, energy, logistics, nature-conservation, and memorial use—so that the concept proposed in the article can be transformed into a full-fledged instrument of state land policy in post-war Ukraine.

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ЗЕМЛІ ЗРУЙНОВАНИХ НАСЕЛЕНИХ ПУНКТІВ В УКРАЇНІ: ПРАВОВИЙ РЕЖИМ, ЗЕМЛЕВПОРЯДНА КОНВЕРСІЯ ТА ЕКОНОМІКА ПОСТПОСЕЛЕНСЬКИХ ТЕРИТОРІЙ

Анотація. *У статті досліджено землі зруйнованих населених пунктів в Україні як новий об'єкт земельно-правового та землевпорядного регулювання, що формується в умовах повномасштабної війни та не зводиться до традиційної проблематики відбудови. Обґрунтовано, що універсалізація парадигми «build back better» є методологічно недостатньою для українського контексту, оскільки частина зруйнованих міст, селищ і сіл об'єктивно втратила або в перспективі втратить здатність до відновлення як повноцінні поселення через поєднання безпекових, демографічних, економічних та інфраструктурних чинників. Показано, що воєнне руйнування не перетворює територію населеного пункту на юридично вільний простір: навіть за фактичного знелюднення вона залишається структурованою множинністю приватних і публічних речових прав на землю, нерухоме майно та інші об'єкти, що унеможливлює її спонтанне переведення до нового використання без спеціального правового механізму. Метою дослідження є сформувати цілісну науково-практичну концепцію правового режиму земель зруйнованих населених пунктів, визначити критерії їх фактичної втрати поселенської життєздатності, розробити юридично коректний алгоритм землевпорядної конверсії таких територій та обґрунтувати інституційну й економічну модель їх подальшого використання. Методологічну основу становлять аналіз нормативно-правових актів України, міжнародних програмних і аналітичних документів, офіційних даних щодо руйнувань, переміщення населення та протимінної діяльності. Запропоновано робочі поняття «смуга поселенської*

дезінтеграції» та «грейфілди війни» для позначення колишніх поселенських територій, незворотно пошкоджених війною і позбавлених реалістичної перспективи відновлення як місць постійного проживання. Обґрунтовано необхідність спеціального правового режиму, що має поєднувати аудит життєздатності населеного пункту, інвентаризацію земель і майна, виявлення правовласників, добровільний викуп або примусове відчуження з належною компенсацією, депонування коштів для невстановлених осіб, очищення, рекультивацію та подальшу зміну функціонального використання території. Практична цінність статті полягає у формуванні концептуально й інструментально узгодженої рамки для переходу від політики відбудови до політики правомірної конверсії територій, що втратили поселенську функцію, та для запобігання їх тривалій просторовій занедбаності.

Ключові слова: *землі зруйнованих населених пунктів; землеустрій; правовий режим земель; повоєнне відновлення; грейфілди війни; поселенська дезінтеграція; консолідація прав; примусове відчуження; рекультивація земель; просторове планування; постпоселенські території.*