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Chechel Anna Oleksandrivna Dr. Sc. (Economics), Professor, Visiting Scholar, University of Cambridge (UK), Head of Department of Public Management and Administration, Mariupol State University, Kyiv, tel.: (050) 348-06-60, <http://orcid.org/0000-0003-4307-5574>

Tokareva Valentyna Ivanivna Dr. Sc. (Public Administration), Professor, Department of Marketing and Tourism of Mariupol State University, Kyiv, tel.: (050) 520-93-70, <https://orcid.org/0000-0003-4304-2617>

WARTIME LAND GOVERNANCE IN UKRAINE: LEGAL SUPPORT FOR SUSTAINABLE COMMUNITY DEVELOPMENT

Abstract. The article explores the transformation of the legal framework for public governance of land resources in Ukraine's territorial communities under martial law, triggered by the armed aggression of the Russian Federation. It focuses on legislative changes adopted in response to crisis conditions, including challenges related to land market operations, access to public registries, and the implementation of land reform. The study highlights key legal issues that have emerged in the wartime context, such as limited access to information systems, displacement of administrative bodies, and the need to maintain continuity in the provision of administrative services.

Particular attention is given to the decentralisation process and the enhanced authority of local self-government in managing communal land. The need for creating a land reserve fund for emergency use is substantiated. The article also stresses the importance of adapting the legal and regulatory framework to wartime realities while aligning with international standards and other countries' post-conflict experiences.

Based on the analysis, practical recommendations are proposed for improving the system of public land governance. These include digitalising land records, ensuring cybersecurity, promoting public oversight mechanisms, enhancing cross-border cooperation, supporting the agricultural sector's sustainable development, and developing tools for compensating land-related losses. The paper outlines strategic directions for strengthening the resilience of land policy in the post-war period to ensure the sustainable development of territorial communities.

Keywords: public administration, land resources, territorial communities, martial law, land reform, agricultural sector, decentralisation, legal regulation.



Чечель Анна Олександрівна доктор економічних наук, професор, запрошений науковець у Кембриджському університеті (Великобританія), завідувач кафедри публічного управління та адміністрування, Маріупольський державний університет, м. Київ, тел.: (050) 348-06-60, <http://orcid.org/0000-0003-4307-5574>

Токарева Валентина Іванівна доктор наук з державного управління, професор кафедри маркетингу та туризму, Маріупольський державний університет, м. Київ, тел.: (050) 520-93-70, <https://orcid.org/0000-0003-4304-2617>

УПРАВЛІННЯ ЗЕМЕЛЬНИМИ РЕСУРСАМИ В УКРАЇНІ В УМОВАХ ВІЙНИ: ПРАВОВА ПІДТРИМКА СТАЛОГО РОЗВИТКУ ГРОМАДИ

Анотація. У статті досліджено трансформацію правового забезпечення публічного управління земельними ресурсами територіальних громад України в умовах воєнного стану, викликаного збройною агресією Російської Федерації. Особливу увагу приділено аналізу змін у земельному законодавстві, що стали відповіддю на нові виклики, зокрема у сферах ринку землі, доступу до державних реєстрів та реалізації земельної реформи. Розкрито проблеми правового регулювання в умовах кризи, що супроводжується обмеженням доступу до інформаційних систем, переміщенням органів управління та необхідністю забезпечення безперервності надання адміністративних послуг.

Виділено ключову роль децентралізації та посилення повноважень органів місцевого самоврядування в управлінні землями комунальної власності. Обґрунтовано потребу у створенні резервного земельного фонду, який міг би бути використаний у надзвичайних ситуаціях. Розглянуто необхідність адаптації нормативно-правової бази до умов воєнного часу з урахуванням міжнародних стандартів і досвіду інших країн, що пережили конфлікти.

На основі проведеного аналізу сформульовано практичні рекомендації щодо вдосконалення системи публічного управління земельними ресурсами. Серед них — цифровізація земельного обліку, забезпечення кібербезпеки, розвиток інструментів громадського контролю, налагодження транскордонного співробітництва, підтримка сталого розвитку аграрного сектору та механізми компенсації втрат. Запропоновано стратегічні орієнтири для зміцнення стійкості земельної політики у післявоєнний період, спрямованої на забезпечення сталого розвитку територіальних громад.

Ключові слова: публічне управління, земельні ресурси, територіальні громади, воєнний стан, земельна реформа, аграрний сектор, децентралізація, сталий розвиток, правове забезпечення.



Introduction. The war that has been ongoing in Ukraine since 2014, and since 2022 has entered the phase of full-scale invasion, has created unprecedented challenges for Ukrainian statehood, sovereignty and territorial integrity. Significant territories of the country have been directly affected by hostilities, which have led to the loss of human lives, destruction of infrastructure, deterioration of the ecological state, economic destabilisation and increased social tension. Territorial communities located in active conflict zones and adjacent regions have been particularly affected, and the issue of effective resource management, in particular land, has become critically important.

In these conditions, the need to improve the legal support for public land management at the level of territorial communities, key subjects of local self-government, is becoming more urgent. The existing system of land relations requires a deep correction, considering the challenges of wartime, global trends and the European vector of development. In particular, the configuration of powers in land management, legal regulation of the land market and agricultural sector, and also mechanisms for ensuring transparency, efficiency and fairness in management processes require rethinking.

The relevance of the study is determined not only by the military situation, but also by the ongoing reforms of decentralisation and European integration, which require the formation of a modern regulatory and legal framework that would ensure the sustainable development of communities, guarantee the implementation of citizens' constitutional rights in the land sector and contribute to overcoming corruption risks. In this regard, there is a need for a thorough analysis of the legal support for public management of land resources of territorial communities in wartime, which is the purpose of this study.

The issue of scientific and methodological principles for improving the processes of public management of land resources of territorial communities and the regulation of land relations at various levels is covered in the works of O. G. Bondar, B. M. Danylyshyn, Y. M. F. Dekhtyarenko, D. S. Dobryak, O. S. Dorosh, A. G. Martyn, R. A. Mishchenko, Y. S. M. Palekha, A. Ya. Sokhnych, O. V. Stepenko, A. M. Tretyak, V. V. Tymoshevsky, M. A. Khvesyk, G. I. Sharyo, I. A. Yurko, the issue of land relations under martial law was studied by D. Mykhailenko, A. Snitsar, and others. We share the position of O. G. Bondar, who notes that the state administration's key purpose in land resources is to implement state bodies' legal acts and other decisions through regulatory and administrative influence on public relations and relevant processes [1]. At the same time, it should be noted that most previous studies focused on individual aspects of this issue, leaving out of due attention the problems of legal regulation of land relations in the context of decentralisation of state administration, ensuring deregulation in this area, as well as organisational and legal mechanisms for the functioning of the land system in the



context of martial law in Ukraine. The purpose of the article is to substantiate current approaches to the legal regulation of public management of land resources of territorial communities in the context of decentralisation and deregulation of land relations, as well as to formulate practical recommendations regarding the specifics of the development and implementation of land policy in the context of the legal regime of martial law in Ukraine.

Analysis of recent research and publications. Presentation of the primary material. The need to transform the system of land relations and implement effective mechanisms for managing land resources in Ukraine was realised at the initial stage of statehood after the declaration of independence. One of the fundamental principles that determined the vector of land reform was overcoming the state monopoly on land ownership and the transition to a multi-subject property model. The reform's main goal was to form market mechanisms in land relations and agricultural sector development, which provided for the effective distribution and redistribution of land resources by improving the state administration system at the national and local levels.

In modern conditions, when Ukraine is in a state of full-scale war, adapting the state land management system to the challenges of wartime is of particular importance. This process is an internal priority for the state and an essential factor in ensuring global food security. It is worth noting that in 2021, Ukraine provided food to more than 400 million people worldwide. As a result of the aggression by the Russian Federation, a significant part of the country's land fund - more than a quarter of agricultural land - has been seriously damaged and contaminated by explosive objects: mines, cluster munitions, unexploded shells, etc. Such territories have been withdrawn from economic circulation, which has disrupted stable chains of production, processing and export of agricultural products.

A separate threat is the disruption of sowing campaigns in the territorial communities of nine regions of Ukraine: Donetsk, Luhansk, Zaporizhia, Kherson, Mykolaiv, Kharkiv, Sumy, Kyiv and Chernihiv. Increased risks in this context are also observed in Zhytomyr, Poltava and Dnipropetrovsk regions. It is characteristic that these communities demonstrated high indicators of agricultural production development before the start of full-scale aggression and are currently partially under occupation or are in a zone of potential military threat. Combined with the blockade of sea trade routes and the virtual impossibility of exporting agricultural products, these factors have created critical risks for the sustainable functioning of farm businesses and global food security. In response to these threats, the state, through the decisions of the Government and the Verkhovna Rada, introduced a temporary restriction on access to state real estate registers. This step was aimed at preventing the conclusion of transactions on non-market terms, preventing speculation, and preventing raider seizures of land property.



As noted by D. Mykhailenko and A. Snitsar, the temporary restriction of access to state registers in the field of land relations was due to the need to minimise the risks of corruption, abuses and fraud in conditions of martial law, when effective state control over such processes is complicated [2]. At the same time, to avoid a complete blockage of the functioning of the land settlement system, the Government initiated and implemented several unprecedented decisions to stabilise the situation in the field of land relations in wartime. Thus, in March 2022, amendments to the Land Code of Ukraine allowed for alienation without auctions of specific categories of state and municipal lands. Such categories include industrial plots for enterprises moving from areas of hostilities, land for non-residential development intended for constructing critical infrastructure facilities, in particular port terminals, and energy-related areas for laying electricity networks and gas pipelines.

The aim of the article is to examine the specific challenges of land governance in Ukraine during wartime and to assess the role of legal support in promoting sustainable community development. The study seeks to identify key legal and institutional gaps, explore the impact of displacement and military activities on land use and ownership, and provide recommendations for strengthening land governance frameworks to support the recovery and resilience of affected communities.

The main results of the research. To ensure the sowing campaign and guarantee food security in wartime, the Verkhovna Rada adopted the Law of Ukraine No. 2145-IX dated March 24, 2022, “On Amendments to Certain Legislative Acts of Ukraine on Creating Conditions for Ensuring Food Security in Martial Law” [3]. This law establishes several specific provisions on the regulation of land relations for the period of martial law, in particular:

1. Automatic extension for one year of lease agreements, emphyteusis, superficies and easements for agricultural land, the term of which expired after the introduction of martial law.
2. Limiting the lease term of state, municipal and collective land to one year, with a rent limit of up to 8% of the average normative monetary value in the relevant region.
3. Strict regulation of the intended use of land plots: it is prohibited to change the land, transfer it to sublease, carry out construction or change the intended purpose.
4. Simplification of the land transfer procedure: Lease agreements are exclusively electronic without conducting land auctions.
5. Possibility of transferring land without a cadastral number - in the absence of access to the State Land Cadastre or the Register of Property Rights, the right to lease can be registered by the military administration in a special Register of Land Ownership.



6. Prohibition of the free transfer of state and municipal lands to private ownership, the formation of new plots (except for individual production needs), and conducting land auctions for use rights.

7. Recognition of incomplete auctions for the right to lease agricultural land as invalid.

8. Possibility of temporary transfer of use rights to other agricultural producers for up to one year if the primary land user cannot cultivate the plot due to the war [4].

As part of further regulatory activities, on April 28, 2022, Resolution No. 480 of the Cabinet of Ministers of Ukraine entered into force, allowing for the partial resumption of notarial and registration actions regarding real estate [5]. Following Resolution No. 164 of the Cabinet of Ministers of Ukraine of February 28, 2022 [6], notarial certification of transactions with real estate is permitted only to notaries included in a special list approved by the Ministry of Justice.

Since May 2022, the land market has gradually begun to revive after the restoration of access to registers. On May 14, 2022, Resolution No. 564 of the Cabinet of Ministers of Ukraine [9] entered into force, determining the temporary procedure for functioning of the State Land Cadastre (SLC) during martial law. The document provides for terminating access to the cadastre in active hostilities and temporary occupation areas. In other regions, access is allowed under certain conditions, including:

- changes to the cadastre are made exclusively by cadastral registrars included in the approved list;
- access permission is granted only to those users who had it before 02/24/2022;
- extracts and other information from the cadastre are allowed to be provided to administrators of ASNS and representatives of local governments. The public cadastral map is temporarily not functioning.

Further steps to adapt land legislation in wartime conditions included adopting the Law of Ukraine of May 12, 2022 [7], which simplified the conditions for the placement of displaced enterprises, the organisation of temporary residence of IDPs, conducting agricultural production, and supporting critical infrastructure facilities.

The next important step was the adoption of the Law of Ukraine No. 2698-IX of November 19, 2022 [8], which partially lifted the restrictions introduced at the beginning of the full-scale invasion. In particular, it was allowed:

- conducting land auctions for the rights to use state and municipal land;
- registration of lease rights for agricultural land;
- free privatisation of land on which private buildings are located or which were in use by citizens before the Land Code came into force;
- conclusion of lease agreements for more than one year, except in cases of complete suspension of the functioning of the State Land Code throughout Ukraine.



The measures introduced aim to gradually restore the land market, support the agricultural sector and industry, and generally stabilise the economy in difficult wartime conditions. The expansion of the powers of local governments in the field of land relations primarily concerns the exercise of control over the rational use and protection of land resources. According to current legislation, local councils are authorised to make decisions on issues of control over the use and protection of land and delegate relevant powers to their executive bodies for implementation at the local level. Within the limits of their competence, these bodies have the right to withdraw land plots provided for permanent use from the state or municipal fund, if this is due to public necessity or other legally defined needs. In addition, local governments have the right to attract specialists – inspectors- to control the use and protection of land.

At the highest level, a state supervision system operates over the activities of local bodies in this area. Thus, the State Service for Geodesy, Cartography and Cadastre (State Geocadastre) monitors compliance with land legislation by local governments. The state assumes the relevant functions in communities where local councils have not implemented their control system due to a lack of funding or staff.

One of the key areas of decentralisation in land relations and the agricultural sector has been granting communities the authority to approve land management and urban planning documentation within the entire community territory. This also includes the right of local governments to change the purpose of privately owned land plots. Land management projects for such plots are developed based on an application from the land owner and do not require approval by executive authorities. The relevant projects are submitted to the local council and must be considered and approved within a month of their receipt.

A significant innovation was preserving the principle of "tacit consent" exclusively for plots of land on which buildings or structures are located. In addition, the procedure for leasing agricultural land owned by the state and municipal property has been simplified to ensure food security in martial law. In particular, the requirement for mandatory land auctions when transferring such land for lease has been abolished, except for plots for permanent use by individuals or legal entities and public associations. These provisions must be reflected in the content of lease agreements concluded to conduct commercial agricultural production. Given the challenges caused by the war, an important direction of state policy in the land sector is the support of small-scale farming at the level of territorial communities. This concerns the transfer of land plots to small producers for use and creating conditions for their economic sustainability. The issue of state support for local processing of agricultural products, which contributes to the diversification of production, the creation of added value and the increase in the economic self-sufficiency of communities, requires special attention. In modern conditions, small agricultural enterprises demonstrate greater mobility and adaptability to crisis challenges.



Within a territorial community's resource potential, one should understand the material, financial, natural, human, information, organisational, and other assets owned by the community or at its disposal that can be used to implement its strategic goals and meet current and future needs. Land resource management at the level of territorial communities involves rational, effective, transparent, and responsible use, fair distribution, preservation, restoration, and development, considering both current and long-term challenges, needs, and opportunities for the community [9].

In martial law, land resource management acquires specific features due to several factors. First, territorial communities differ significantly in the level of losses and the degree of impact of the armed conflict: from communities that have been temporarily occupied to those that are in the zone of direct or indirect combat impact or are experiencing minimal impact. Each of the above types of communities is characterised by its priorities in the use of resources, the level of integration into the national management system, and the specifics of the socio-economic situation.

Secondly, the availability, accessibility, limitations, economic value, renewability, and sustainable potential for use of land resources are of decisive importance. Land resources remain a key asset in the community's structure, as they are the basis of agricultural production, spatial planning, environmental safety, and energy independence.

The management bodies of territorial communities, especially in wartime conditions, need a clear idea of the current state of the resource base, particularly the land fund. Knowledge of free agricultural land that can be quickly involved in the sowing campaign; identification of areas where actual use does not correspond to their intended purpose; identification of land for housing for internally displaced persons; assessment of the possibilities of using land for military or other critical needs - all this forms the basis for effective and adaptive management in conditions of crisis threats.

Each community needs to form a reserve land fund to respond promptly to the challenges of wartime. However, today, the legislative framework does not clearly define the mechanism for creating such a fund or the procedure for transferring reserved land for use. There are also no legal norms that would regulate the possibility of reserving land on a contractual basis. In conditions of armed conflict, these gaps become especially noticeable, emphasising the need for legislative regulation of this institution.

Another important direction for improving regulatory and legal support in land relations is a systematic audit of acts of the Cabinet of Ministers of Ukraine for their compliance with the goals and provisions of land reform. A significant part of the adopted regulatory documents requires revision, consolidation, or cancellation and implementation of their provisions in the Land Code of Ukraine. First, this concerns regulations on land management, land use, and the procedure for exercising the powers of local government bodies.



It is important to emphasise that excessive central government interference in the powers of local self-government bodies contradicts the principles of constitutional state building and the fundamental principles of decentralisation. That is why reform in the field of land administration should take place while maintaining a balance of interests between the state and territorial communities.

A separate vector of regulatory framework development should aim at further implementing the provisions of the Association Agreement between Ukraine and the European Union, which provides for the unification of land policy, increased transparency, strengthening the institutional capacity of local authorities, and ensuring sustainable development of territories [18].

In order to ensure the consistency of the transformation processes of land relations with the national interests of Ukraine, it is relevant to implement several strategic measures. First, it is advisable to adopt a separate specialised law that will regulate the procedure for land use within the framework of cross-border cooperation between business entities - residents of Ukraine and European Union member states. The primary purpose of such a law should be to establish at the legislative level the obligation to pay taxes on income received from the sale of products manufactured in Ukraine to the relevant state and local budgets, regardless of the residency of the manufacturer or the preferential tax regime operating following the norms of European law.

Secondly, it is necessary to introduce mandatory rent payments by non-resident entities for land plots in Ukraine within the framework of joint ventures. In this case, the payers of these payments should be the participants of such enterprises, and not joint legal structures as separate business entities. Such an approach will strengthen financial discipline, prevent tax evasion, and ensure budget revenues [21]. The peculiarities of regulating land relations under the legal regime of martial law, caused by the Russian Federation's armed aggression, have significantly slowed down the implementation of measures envisaged within the framework of land reform. At the same time, it is worth noting that the legal mechanisms developed before a full-scale war can become a reliable basis for the continuation and completion of land reform in the post-war period. They also have the potential to significantly increase the efficiency of land resource management at the level of territorial communities.

Land reform in Ukraine, which began as an attempt to improve land relations and mechanisms for state regulation systematically, started without proper scientific, regulatory, and organisational preparation. The lack of a holistic concept, clearly defined strategic guidelines, and a legislative and institutional framework led to the fact that many key goals identified in the first regulatory and legal reform acts remained unrealised. To correct the situation, the implementation of the so-called "land reform package" was initiated, within the framework of which 29 structural



initiatives were implemented by amending four codes and 22 laws of Ukraine. The analysis shows that in a reasonably short time, it was possible to create the necessary regulatory and legal basis for completing the reform and outline scientifically substantiated vectors for further rationalisation of land relations in Ukraine. These vectors are based on decentralisation, deregulation, strengthening local self-government and ensuring transparency in land management.

Table 1 presents the main regulatory legal acts, their changes during the war, and challenges and prospects.

Table 1.

Changes in the legal framework of public land management of territorial communities during the war.

Aspect	Description	Legal framework (before the war)	Changes in wartime conditions / new acts	Problems /Challenges
1. Decentralization and community empowerment	Communities gained the right to independently manage their lands	Law of Ukraine "On Local Self-Government", Land Code, Law No. 1423-IX (2021)	Retention of powers, even under martial law	Lack of staff and experience in communities
2. Defense/Critical Infrastructure Land Management	Restrictions on communities' disposal of certain lands	Land Code, Law "On Defense of Ukraine"	Resolution of the Cabinet of Ministers of Ukraine No. 187 of 2022 — simplification of land allocation for the needs of the Armed Forces of Ukraine	Conflict of interest between communities and the state
3. Alienation and transfer of land under martial law	Restrictions on land alienation, simplification of some procedures	Civil Code, Land Code	Law No. 2145-IX (2022) — simplification of lease, Law No. 2247-IX (2022) — agrarian reserves	High risks of raiding, opaque procedures
4. Electronic services / State Land Cadastre	Community access to cadastral information	Law "On the National Geospatial Data Infrastructure"	Restoration and support of the cadastre during wartime	Temporary closure of registries, cyberattacks



Aspect	Description	Legal framework (before the war)	Changes in wartime conditions / new acts	Problems /Challenges
5. Land restoration after hostilities	Assessment and reclamation of damaged lands	Law "On Land Protection"	Resolution of the Cabinet of Ministers of Ukraine No. 326 of 2023 – procedure for determining damage	Lack of a unified damage assessment methodology
6. Land reform / land turnover	Agricultural land market launched in 2021	Law No. 552-IX (2020)	Slowing down reform, suspending sales in frontline areas	The growth of shadow schemes
7. Publicity and community participation	Citizen involvement in governance	Law "On Access to Public Information"	Restrictions on public hearings due to security	Low level of public participation

Formed by the author based on [3-8; 10-22]

However, under the legal regime of martial law caused by the Russian Federation's armed aggression against Ukraine, the implementation of specific provisions of the so-called "land reform package" was suspended. This, in turn, necessitated an urgent review and adaptation of land policy to new challenges and circumstances of wartime.

Given the current situation and future needs of post-war reconstruction, it is advisable to propose the following promising areas for improving public land management:

- Increasing the professional capacity of specialists through systematic education and land management training, emphasising crisis management and digital technologies.
- Digitalisation of management processes, including implementing and developing electronic registers, ensuring openness, efficiency and accessibility of land information.
- Strengthening the relationship between the competence of the state and local governments, which involves establishing clearly defined powers of each level of government.
- Expand public control mechanisms by involving the public in monitoring land processes, using e-democracy tools, and conducting online consultations.
- Improving cybersecurity and the resilience of information systems, in particular by ensuring reliable data protection, creating backup systems and restoring access to critical resources.



- Forming a legislative mechanism for recording losses and compensating for losses caused by aggression, particularly damaged or destroyed land plots.

- Introducing a military land market monitoring system that will allow tracking changes in the land use structure, identifying potential risks, and making informed management decisions.

All these measures will contribute to increasing the efficiency of the land administration system in Ukraine both during martial law and in the post-conflict period, ensuring transparency, accountability and sustainability of land resource use [23].

Conclusions. A thorough analysis was conducted, and it showed that the public management of land resources of territorial communities of Ukraine in the conditions of war underwent significant transformations. Martial law, caused by the full-scale aggression of the Russian Federation, actualised several new challenges in the field of land relations, including the suspension of the implementation of specific provisions of the land reform, restrictions on the functioning of state registers, damage to significant areas of agricultural land and violation of traditional land regulation mechanisms.

One of the key tasks of this period was an adaptive legal response, making changes to the Land Code, adopting special legislative acts to simplify leasing, introducing mechanisms for transferring land without cadastral numbers, and restoring access to registration actions. This approach made it possible to avoid legal collapse in the land sector and ensure minimal functionality of the agricultural industry. At the same time, the analysis showed that the existing regulatory framework was partially unprepared for crisis conditions. There is no regulated mechanism for reserving land plots, a legislative model for compensation for damaged land has not been formed, and cross-border aspects of land use with the participation of foreign entities have not been regulated. This indicates the need for a deep modernisation of the legislation, considering modern risks and scenarios. Within the framework of decentralisation, local governments are actively expanding their powers in land relations, which requires strengthening their institutional capacity. It is also essential to ensure a clear division of competences between state and local authorities, contributing to the effectiveness of management decisions.

Given the results obtained, it is advisable to recommend the following areas for further improvement of the public land management system:

- Digitalisation and cyber security: development of electronic services, ensuring data security and access to state cadastres and registers;
- Educational and human resource development: systematic training of personnel for local government bodies in crisis management;
- Public control: implementation of transparency mechanisms, online participation tools and feedback from citizens;
- Regulatory regulation of the land reserve fund, compensation for losses and assessment of damages due to armed aggression;



- Legislative registration of cross-border cooperation in the agricultural sector with a guarantee of revenues to the Ukrainian budget;
- Monitoring the land market in wartime will allow for a quick response to risks and ensure food security.

The war circumstances significantly slowed down the implementation of the land reform. At the same time, they became a catalyst for identifying its weaknesses and determining strategic directions for its completion. Creating a flexible, effective and fair land management system will become one of the key foundations of the post-war restoration of territorial communities and the development of the state as a whole.

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