

чних технологій та їх наукового забезпечення, так і в практичному використанні.

### **Список використаних джерел:**

1. Кошова С. П., Гбур З. В. Перспективи розвитку космічної галузі в Україні *Інвестиції: практика та досвід* 2021, 24. DOI: 10.32702/2306\_6814.2021.24.70
2. Горбулін В. П. Космічна стратегія та перспективи розвитку країни *Вісник НАН України*, 2020, 2, 3–10
3. План першочергових дій Уряду на 2021 рік: розпорядження КМУ від 24 березня 2021 р. № 276-р <https://www.kmu.gov.ua/npas/prozatverdzhennya-planu-prioritetnih-dij-uryadu-na-2021-s240321>

**Ключові слова:** програми розвитку космосу, державні космічні програми, державне регулювання космічної галузі.

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## **THE IMPACT OF THE STATE OF WAR ON UKRAINE'S INTERNATIONAL TREATY RELATIONS**

Events on the territory of our state, faced with an armed confrontation, contributed to the relevance of the topic at hand. In such conditions, international treaty regulation aims to preserve legal relations to the greatest extent possible, with a primary focus on the protection of human rights and fundamental freedoms. The following should be addressed regarding the pressing challenges of international treaty regulation in Ukraine.

1. A full-scale war between states significantly alters legal relations and unquestionably impacts the legality of treaties between parties and/or third-party states. In international law, there are no universally accepted standards governing the specific procedure for the conclusion, execution, or termination of treaties during wartime. The 1969 and 1986 Vienna Conventions on the Law of Treaties do not predetermine the issues that may emerge regarding treaties as a result of the beginning of hostilities, as neither convention predetermines the issues that may arise. Despite the foregoing,

a number of their provisions are applicable while disseminating the impact of armed conflicts on treaties.

Common international legal grounds for the annulment of international treaties, applicable to treaty relations in armed conflict, include 1) a material breach of treaty provisions by other parties; 2) impossibility of treaty execution; 3) a fundamental change in circumstances (doctrine of *rebus sic stantibus*); 4) the emergence of a new imperative norm (*jus cogens*). Today, a military conflict does not automatically result in the cancellation of all bilateral agreements. First and foremost, political treaties are terminated. We underscore that a state of war cannot serve as a justification for the unilateral termination or suspension of human rights treaty obligations.

Also, wars do not nullify accords obligating warring nations to protect diplomatic immunity for employees of embassies, diplomatic missions, their personnel, and international organization officials. In the case at hand, diplomatic relations were severed on the first day of the war, which led to a number of procedural problems in terms of accountability and compensation for actions caused by the armed forces of the Russian Federation (in terms of the application of Ukrainian law and court procedures). Generally, after the conclusion of a war, multilateral treaties involving the warring parties are revived, while the fate of bilateral treaties between them is determined by the involved states.

To strengthen the measures for the implementation of the state policy of national security, form an effective response to existing and potential threats to the national interests of Ukraine, and harmonize the contractual and legal framework in light of the current realities, Ukraine has renounced several agreements with the Russian Federation in a variety of fields. For instance, the signature on the Agreement between the Government of Ukraine and the Government of the Russian Federation on Cooperation in the Field of Creation and Operation of Space and Rocket Equipment was revoked by the Cabinet of Ministers of Ukraine on 19 April 2022, Decree No. 459 [1].

2. With the onset of aggression, special bilateral and multilateral treaties are put into effect, such as those on the protection of victims of war, the prohibition of the use of certain weapons, etc. The key treaties regulating the conduct of hostilities are the Hague Conventions of 1899 and 1907 (the so-called «Law of the Hague»). Four conventions for the protection of war victims were adopted in Geneva in 1949. The norms of these conventions, as well as their two additional protocols of 1977 and 2005, have become known in international humanitarian law as «Geneva Law». Violations of these treaties are considered war crimes and given the systematic nature of such actions by the Russian Federation, the Ukrainian Ministry of Foreign Affairs initiated the creation of a special international tribunal.

The success of international humanitarian law prescriptions is dependent on efficient implementation and enforcement procedures. The final stage of the process of harmonizing national and international legal systems on the regulation of armed conflicts is legislative implementation. To comply with Ukraine's international obligations in the preparation, planning, and conduct of hostilities, it is necessary to consider the rules on the protection of war

victims, primarily civilians, persons who took a direct part in the armed conflict, civilian objects, and protection of especially dangerous objects. It is critical to design proper implementing laws as well as effective systems of legislative control over such legislation's implementation.

Article 438 of Ukraine's Criminal Code serves as an example of national-level harmonization of Ukrainian legislation with international humanitarian law, stating that violation of laws and customs of war stipulated by international treaties, consent to which is granted by the Verkhovna Rada of Ukraine, constitutes a separate *corpus delicti*. On July 12, 2018, the Verkhovna Rada passed the Law «On the Legal Status of Persons Missing in Special Circumstances». In addition, on April 5, 2022, the Cabinet of Ministers of Ukraine issued Decree No. 413 «On Approval of the Procedure for the Detention of Prisoners of War».

3. Following the February 2022 events, the debate over ratifying the International Criminal Court's Statute heated up. It should be noted that Ukraine signed it on January 20, 2000, but has yet to ratify it. In June 2019, Part 6 of Article 124 of the Constitution of Ukraine came into force, according to which «Ukraine may recognize the jurisdiction of the International Criminal Court on the conditions determined by the Rome Statute of the International Criminal Court» [2]. The current situation has reopened the topic in the expert community. Without a doubt, Ukraine requires international procedures to defend society's interests from criminal intrusion, prevent crimes, and provide just punishment for the most severe violations of international law.

4. In order to ensure a high degree of national interests and security, Ukraine is obligated to continue peaceful and mutually beneficial collaboration with members of the international community in the fight against various manifestations of international crime [3]. To this goal, our nation accedes to existing multilateral international treaties and engages in new bilateral agreements that foster cooperation. In April 2020, the Verkhovna Rada of Ukraine adopted a bill on Ukraine's accession to the Second Protocol to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict [4]. On May 4, 2022, the interior ministries of Ukraine, Poland, Lithuania, Latvia, and Estonia signed a joint declaration to strengthen cooperation. The benefits of such international cooperation are crucial for the global community as a whole.

5. Despite the ineffectiveness (stalemate) of the negotiation process, it will be necessary to return to international legal processes to develop post-conflict relations following the conclusion of hostilities. The absence of a treaty after the cessation of hostilities deprives the parties of the legal certainty provided by such an arrangement. That said, the effectiveness of such a treaty as a legal instrument is negligible, but nevertheless, its very existence is essential.

To assure the efficacy of the future treaty as a document announcing the cessation of hostilities and laying the groundwork for future relations, several democratic European states have agreed to provide additional guarantees comparable to those provided in Article 5 of the North Atlantic Treaty. In the

context of the post-conflict change of international treaty legal relations, this might be seen as the development of new guarantee mechanisms that will allow nations to regain faith in international law as the primary regulator.

### **References:**

1. «Про денонсацію Угоди між Урядом України і Урядом Російської Федерації про співробітництво в галузі створення та експлуатації ракетно-космічної та ракетної техніки», Постанова Кабінету Міністрів України № 459 від 19 квітня 2022 р. URL: [https://zakononline.com.ua/documents/show/504367\\_\\_688689](https://zakononline.com.ua/documents/show/504367__688689) (дата звернення 06.06.2022 р.).
2. Римський статут: коли чекати на ратифікацію? / Заголовок зі сторінки. URL: <https://uba.ua/ukr/news/8171/> (дата звернення 06.06.2022 р.).
3. Перецьолкін С. М. Конспект лекцій з дисципліни «Міжнародне співробітництво у сфері правоохоронної діяльності» / Ред.: Білозьоров Є. В., Легка О. В. Дніпропетровський державний університет внутрішніх справ, Дніпро, 2016. 54 с. URL: <https://dduvs.in.ua/wp-content/uploads/files/Structure/library/student/lectures/1115/9.1.pdf> (дата звернення 06.06.2022 р.).
4. Актуальні питання МГП в Україні. Міністерство з питань реінтеграції тимчасово окупованих територій України: офіційний сайт. URL: <https://minre.gov.ua/page/aktualni-pytannya-mgp-v-ukrayini> (дата звернення 06.06.2022 р.).

**Ключові слова:** міжнародно-договірні правовідносини, стан війни, міжнародне гуманітарне право, римський статут.

**Key words:** international treaty relations, state of war, international humanitarian law, the Rome Statute.

### **БАБЧИНЬСКА ТЕТЯНА ВОЛОДИМИРІВНА**

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### **ОСВІТНЯ ГАЛУЗЬ В УМОВАХ ВОЄННОГО СТАНУ**

24 лютого 2022 року в Україні введено воєнний стан. Це обумовило низку відповідних змін у різних сферах суспільного життя. Однією з таких є освітня галузь. Значну частину українських вищих навчальних закладів (далі – ВНЗ) було зруйновано. Ще більшу їх кількість було пошкоджено. Втім, попри це, освітня галузь у нашій державі продовжує функціонувати, хоч і з труднощами.

Із запровадженням воєнного стану у закладах вищої освіти на території України було оголошено канікули. Однак, у деяких регіонах навчання почало відновлюватись вже за два тижні. З початку війни