

МІЖНАРОДНЕ ПРАВО

BABARYTSKYI O. V.,

Candidate of Economic Sciences, Colonel
Deputy Head Military Law Institute
of Educational and Scientific Work,
Head of the Educational Department
(*Military Law Institute of Yaroslav Mudryi
National Law University*)

IGNATIEVA A. I.,

Candidate of Sciences in Pedagogy,
Senior Lecturer at the Department
of General Military Disciplines
(*Military Law Institute of Yaroslav Mudryi
National Law University*)

KRIPAK R. O.,

2nd year cadet
(*Military Law Institute of Yaroslav Mudryi
National Law University*)

UDC 341.32

DOI <https://doi.org/10.32842/2078-3736/2025.5.2.37>

INTERNATIONAL IMPACT OF TREATIES IN TIMES OF WAR

The article examines the international impact of treaties in wartime as one of the key factors in shaping the modern system of international relations and legal regulation. It analyzes the main international legal acts, in particular the UN Charter, the Geneva Conventions, and their Additional Protocols, which establish basic standards for the protection of human rights and the conduct of military operations. Particular attention is paid to contemporary challenges related to the armed aggression of the Russian Federation against Ukraine, which has brought to the fore the issue of the effectiveness of international treaties and their real impact on ensuring international security.

The mechanisms for the application of international treaties in wartime are considered, in particular their role in regulating the status of prisoners of war, protecting the civilian population, and limiting the means and methods of warfare. The problems of fulfilling international obligations related to the selective approach of states to the implementation of international humanitarian law norms are analyzed, as well as the difficulties of ensuring control over the implementation of these norms in the real conditions of armed conflicts.

Particular attention is paid to the legal aspects of state responsibility for violations of international treaties in wartime. The role of the International Criminal Court and other international institutions in bringing to justice those guilty of war crimes, crimes against humanity, and acts of aggression is examined. The need to strengthen mechanisms for enforcing international obligations, including sanctions regimes and international isolation of violator states, is emphasized.



The article also highlights the importance of international treaties for Ukraine in the context of armed aggression. It emphasizes the importance of harmonizing national legislation with international law, the effective use of international legal instruments in diplomatic and judicial practice, and the expansion of cooperation with the EU and NATO in the field of security and defense.

It concludes that international treaties in wartime serve a dual function: on the one hand, they are a basic legal guideline for states, and on the other, they require improvement of implementation and control mechanisms. This is particularly relevant for modern Ukraine, which serves as an example of how international legal norms can be a practical tool for protecting statehood and human rights in conditions of armed aggression.

Key words: *international treaties, wartime, international humanitarian law, international security, state responsibility, Ukraine.*

Бабарицький О. В., Ігнатська А. І., Кріпак Р. О. Міжнародний вплив договорів у часи війни

У статті досліджується міжнародний вплив договорів в умовах воєнного часу як один із ключових чинників формування сучасної системи міжнародних відносин і правового регулювання. Аналізуються основні міжнародно-правові акти, зокрема Статут ООН, Женевські конвенції та їхні Додаткові протоколи, які встановлюють базові стандарти захисту прав людини та ведення воєнних дій. Особлива увага приділяється сучасним викликам, пов'язаним із збройною агресією російської федерації проти України, що поставила на порядок денний питання ефективності дії міжнародних договорів та їх реального впливу на забезпечення міжнародної безпеки.

Розглянуто механізми застосування міжнародних договорів у воєнний час, зокрема їхню роль у регулюванні статусу військовополонених, захисту цивільного населення та обмеження засобів і методів ведення війни. Аналізуються проблеми реалізації міжнародних зобов'язань, пов'язані з вибіркоким підходом держав до імплементації норм міжнародного гуманітарного права, а також труднощі забезпечення контролю за виконанням цих норм у реальних умовах збройних конфліктів.

Окрему увагу приділено правовим аспектам відповідальності держав за порушення міжнародних договорів у воєнний час. Досліджується роль Міжнародного кримінального суду та інших міжнародних інституцій у притягненні до відповідальності осіб, винних у воєнних злочинах, злочинах проти людяності та актах агресії. Наголошується на необхідності посилення механізмів примусу до виконання міжнародних зобов'язань, включаючи санкційні режими та міжнародну ізоляцію держав-порушників.

У статті також висвітлюється значення міжнародних договорів для України в умовах збройної агресії. Підкреслюється важливість гармонізації національного законодавства із міжнародним правом, ефективного використання міжнародно-правових інструментів у дипломатичній і судовій практиці, а також розширення співпраці з ЄС і НАТО у сфері безпеки та оборони.

Зроблено висновок, що міжнародні договори в умовах воєнного часу виконують подвійну функцію: з одного боку, вони є базовим правовим орієнтиром для держав, а з іншого – потребують удосконалення механізмів реалізації та контролю. Це особливо актуально для сучасної України, яка виступає прикладом того, як міжнародно-правові норми можуть бути практичним інструментом захисту державності та прав людини в умовах збройної агресії.

Ключові слова: *міжнародні договори, воєнний час, міжнародне гуманітарне право, міжнародна безпека, відповідальність держав, Україна.*



Introduction. International treaties are the foundation of the modern system of international relations and a decisive factor in regulating and suppressing military actions. Their importance is particularly heightened during armed conflicts, when it is necessary to minimize the suffering of the civilian population, ensure compliance with basic humanitarian standards, and attempt to resolve international conflicts through treaties. The first international treaties, which later became the model and basis for any modern treaty, were: the Geneva Conventions and their Additional Protocols, which establish rules for the protection of the wounded, prisoners of war, and civilians; the Hague Conventions; the 1954 Hague Convention for the Protection of Cultural Property; and the 1998 Rome Statute of the International Criminal Court.

At the same time, the example of the Russian Federation's current war against Ukraine shows us that the existing treaty framework has limited effectiveness: numerous war crimes, mass attacks on civilian targets, forced deportation of the population, and destruction of cultural heritage testify to the direct disregard of all previously established treaties, from the IHL to the Budapest Memorandum, in which the aggressor state, along with other states, assumed a list of obligations. This poses a challenge for the scientific and practical community to find ways to strengthen the control and effectiveness of international treaties and adapt them to new forms of warfare.

The problem of regulating warfare through international treaties is one of the most pressing issues in contemporary international legal science and practice. The experience of the 20th and 21st centuries shows that armed conflicts, especially large-scale ones, lead to serious humanitarian consequences and necessitate clear legal mechanisms to limit violence. International treaties play a key role in this process, as they define not only the framework for the behavior of states, but also the mechanisms for accountability and protection of the civilian population. (For example, the Geneva Conventions and their Additional Protocols remain the fundamental documents that form the system of international humanitarian law. They enshrine the principles of humanity in war, limit the use of force, and define the rights and obligations of the military and the civilian population. In addition, agreements on the prohibition of chemical weapons, anti-personnel mines, and cluster munitions demonstrate the evolution of international law towards the “humanization of war.”)

Analysis of recent studies and publications. Recently, the topic of international treaties in wartime has received significant scientific development in various works by both foreign and Ukrainian researchers. Foreign authors, in particular M. Sassòli [8], A. Clapham [3], and A. Roberts [6], focus on the problems of adapting international humanitarian law to modern realities, especially to asymmetric and hybrid conflicts. The provisions of conventions on international humanitarian law that we are accustomed to are now outdated. Now it is necessary to introduce new regulatory and legal acts, according to which certain groups of persons can be held accountable for certain acts of cyber terrorism (e.g., hacker attacks on energy infrastructure). From Ukrainian researchers: V. Kysil (2020) [16] examines the legal nature of international humanitarian law and its implementation in Ukrainian legislation; H. Sytnik (2021) [18] analyzes Ukraine's national security through the prism of international obligations; V. Hutsal (2022) examines the problems of countering information aggression in the context of hybrid warfare.

The United Nations has repeatedly emphasized in its resolutions the obligation of all parties to conflicts to comply with international treaties (for example, UN General Assembly resolutions on Ukraine 2022–2024) [11]. The International Committee of the Red Cross (ICRC) regularly publishes analyses of the application of the Geneva Conventions [5], emphasizing their universality and relevance even in modern warfare. In practical terms, NATO documents (Allied Joint Doctrine for the Conduct of Operations, 2022) [1] play an important role in demonstrating the integration of humanitarian norms into military management standards. Together, these studies form the basis for the analysis of international treaties, some of which only propose and highlight, but do not solve all the problems faced by the world community in times of war.

At the same time, recent practice demonstrates significant challenges for the treaty system in times of armed conflict. Hybrid and information wars, cyber operations, and the actions of private military companies significantly complicate the implementation of treaty norms. In the context of the Russian Federation's aggression against Ukraine in 2022, these challenges have become



extremely apparent. They include violations of humanitarian law, difficulties in ensuring international accountability, and the limited capabilities of international enforcement mechanisms.

Purpose. The purpose of this work is to conduct a comprehensive study of the international impact of treaties in wartime, analyze their significance and mechanisms for protecting the civilian population, assess the effectiveness of treaty implementation in contemporary conflicts, analyze international responsibility for violations of norms, and determine their significance for legal activity in the military sphere. Achieving this goal involves revealing the historical development of international treaties, analyzing their application in modern conditions, identifying the main problems of implementation, and outlining prospects for their improvement.

The work uses methods of dogmatic and comparative analysis of legal acts, as well as a review of practical reports from international organizations such as the UN, ICC, ICRC, OSCE, and NATO.

Presentation of the main material. International treaties have always been the foundation for maintaining law and order in the world, especially in times of military conflict. They serve not only as legal documents establishing rules of conduct for states, but also as political and security guarantees that determine the balance of power in international relations. Armed conflicts of the 20th and 21st centuries have proven that the absence of clearly established agreements or their violation leads to catastrophic consequences for the military and civilian populations. That is why the international community has created a complex system of norms known as international humanitarian law (IHL).

The foundation of this system was laid by the 1949 Geneva Conventions [5] and their Additional Protocols, which became universal documents in the field of protecting victims of war. They enshrined the basic principle that even in war there are limits to what is permissible. The Conventions guarantee the protection of civilians, medical personnel, and prisoners of war, prohibit torture and indiscriminate attacks, and provide for accountability for war crimes. For military lawyers, these provisions are not only abstract norms but also practical guidelines for documenting violations and preparing evidence for international courts.

In the context of the current russian-ukrainian war, the Geneva Conventions [5] have taken on exceptional importance. Mass shelling of civilian targets, torture of prisoners of war, and forced displacement of civilians are direct violations of IHL. These crimes are carefully documented by Ukrainian military lawyers, which allows for the formation of a legal basis for international condemnation of the aggressor's actions.

However, international treaties in which Ukraine participates are not limited to the humanitarian sphere. They cover issues of nuclear safety, territorial integrity, use of natural resources, space, and arms control. Thus, in 1967, at the height of the Cold War, with the increasing growth of threats on land and in the air, a threat began to emerge from space. Therefore, a decision was made to develop and subsequently sign the "Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies." [14] It prohibits the placement of weapons of mass destruction in space. Its goal is to preserve space as a peaceful environment. However, current challenges show that aggressor countries (in particular russia) can use space technology for military purposes, including reconnaissance and navigation. For Ukraine, this is relevant in terms of cooperation with NATO and participation in joint space programs. Also, in light of recent news from open sources and the media, Russia, seemingly "forgetting" about this treaty, directly declares its intentions to deploy weapons of mass destruction in space. This fact proves once again that treaties do not exist for this state.

Regional agreements also play a significant role. One example is the Grain Agreement concluded by Ukraine [15], the UN, and Turkey in 2022, which made it possible to continue food exports even during active hostilities and prevented a global food crisis in a number of countries. Despite its temporary nature and subsequent violation, this precedent demonstrated the potential of international agreements as instruments of stabilization even in the most difficult conditions.

Modern treaties perform several key functions: they legitimize the actions of states in the international arena, protect civilians and prisoners of war, lay the groundwork for integration



processes, and form the basis for bringing war criminals to justice. However, the effectiveness of these treaties depends on the willingness of international organizations and alliances to ensure their implementation.

The aspect of international legitimacy deserves special attention. It is treaties that create the basis for the official assessment of the actions of the parties to the conflict. Thus, Russia's aggression against Ukraine is defined as an act of aggression under the UN Charter [2], violating the fundamental principles of international law – the prohibition of the use of force against the territorial integrity and political independence of states, as well as the previously concluded Budapest Memorandum [17]. This allows Ukraine to appeal to international legal mechanisms, demand sanctions, seek military assistance, and legally justify the recognition of Russia as an aggressor state in international courts.

International agreements continue to have a significant impact on integration processes. Although Ukraine is not a member of NATO or the EU, it participates in a number of agreements that provide military assistance, joint training, and modernization of the Armed Forces. Agreements on the standardisation of weapons, the exchange of intelligence and the training of military personnel ensure the gradual approximation of the Ukrainian army to Alliance standards, strengthening the country's defence capabilities and international authority.

However, modern challenges – in particular hybrid warfare, information campaigns, and cyber operations – remain outside the scope of traditional international treaties. This requires a review of the international legal framework and its adaptation to new forms of conflict. In this context, initiatives such as the Tallinn Manual [9], which, although not a treaty, offers recommendations on the application of international law in cyberspace, are of particular importance. This demonstrates its gradual development towards adaptation to the latest challenges, but it is used as a practical guideline in the field of cybersecurity.

In the military-legal sphere, international treaties perform several key functions: they protect civilians and prisoners of war, form the basis for bringing war criminals to justice, strengthen integration into the international security system, and legitimize the actions of states in the international arena. At the same time, their effectiveness directly depends on the willingness of international organizations and states to ensure their compliance. Lawyers who are fluent in English and specialize in international law are able not only to represent Ukraine's interests in international courts, but also to participate in the development of new agreements, adapt national legislation to international standards, and provide evidence for the prosecution of war criminals.

Conclusions. Analysis of international treaties as instruments for regulating relations in the field of security and law confirms their key role in maintaining international law and order, especially in conditions of armed conflict. From the Geneva Conventions [5], which became the foundation of modern international treaties, to the latest agreements aimed at regulating nuclear and space security. A common idea can be traced: even in the harshest conditions of war, there are limits to what is permissible, and the protection of human life and respect for the sovereignty of states remain a priority.

At the same time, Ukraine's experience has shown that the formal existence of international agreements does not always guarantee their implementation. Examples of gross violations of the Budapest Memorandum [17], a series of ukrainian-russian treaties, and obligations under the UN Charter [2] have confirmed the crisis of enforcement mechanisms in international treaties. These events undermine confidence in the international system of guarantees and demonstrate the need to create more effective instruments of accountability for violator states.

The current russian-ukrainian conflict is of particular importance, as it has demonstrated both the effectiveness of treaties in documenting crimes and their limitations in preventing aggression. Ukraine's practice of recording violations of international treaties sets a precedent for the international accountability of the aggressor, but at the same time highlights the weakness of the global security system, where the mere existence of treaties does not stop crimes.

In this context, a promising direction is to strengthen Ukraine's integration into collective security systems, such as NATO and the EU, which allows compensating for the lack of individual



guarantees with international alliance mechanisms. In addition, the development of new areas of law – in particular, cybersecurity and information operations – requires the adaptation of the existing treaty base and the formation of flexible instruments to respond to hybrid threats.

Therefore, international treaties remain an indispensable mechanism for legitimising the actions of states, protecting civilians and military personnel, integrating into global security structures, and bringing aggressors to justice. However, their effectiveness directly depends on the political will of states, the determination of international organisations, and the ability to adapt to new challenges. For Ukraine, this means a double task: on the one hand, to make maximum use of existing legal mechanisms to protect its interests, and on the other, to actively influence the reform of international law, forming a new security architecture that takes into account the lessons of today.

References:

1. Allied Joint Doctrine for the Conduct of Operations. NATO, 2022. URL: https://www.coemed.org/files/stanags/01_AJP/AJP-3_EDC_V1_E_2490.pdf (дата звернення: 29.09.2025).
2. Charter of the United Nations of 26.06.1945. *Official website of the UN*. URL: <https://www.un.org/en/about-us/un-charter> (дата звернення: 29.09.2025).
3. Clapham A. Brierly's Law of Nations: An Introduction to the Role of International Law in International Relations. *Oxford: Oxford University Press, 2012*. 543 p.
4. Convention for the Protection of Cultural Property in the Event of Armed Conflict of 14.05.1954. *International Humanitarian Law Databases*. URL: <https://ihl-databases.icrc.org/en/ihl-treaties/hague-res-1954> (дата звернення: 29.09.2025).
5. Geneva Conventions of 12.08.1949. *International Humanitarian Law Databases*. URL: <https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949> (дата звернення: 29.09.2025).
6. Roberts A. Transformative Military Occupation: Applying the Laws of War and Human Rights. *American Journal of International Law, 2006, Vol. 100, № 3*. pp. 580–622.
7. Rome Statute of the International Criminal Court of 17.07.1998. *International Humanitarian Law Databases*. URL: <https://ihl-databases.icrc.org/en/ihl-treaties/icc-statute-1998> (дата звернення: 29.09.2025).
8. Sassòli M. International Humanitarian Law: Rules, Controversies, and Solutions to Problems Arising in Warfare. *Cheltenham: Edward Elgar, 2019*. 720 p.
9. Tallinn Manual on the International Law Applicable to Cyber Operations. *Cambridge: Cambridge University Press, 2nd ed, 2017*. 598 p. URL: https://ilmc.univie.ac.at/fileadmin/user_upload/p_ilmc/Bilder/Bewerbung/Case_2/Michael_N._Schmitt_-_Tallinn_Manual_2.0_on_the_International_Law_Applicable_to_Cyber_Operations-Cambridge_University_Press_2017_.pdf (дата звернення: 29.09.2025).
10. The Hague Conventions of 1899 and 1907. *International Humanitarian Law Databases*. URL: <https://ihl-databases.icrc.org/en/ihl-treaties/hague-conv-viii-1907> (дата звернення: 29.09.2025).
11. UN General Assembly Resolutions on Ukraine (2022–2024). *Official UN website*. URL: <https://www.un.org> (дата звернення: 29.09.2025).
12. Договір між Україною і Російською Федерацією про українсько-російський державний кордон: Документ 643_157 від 28.01.2003, ратифікація Україною від 20.04.2004. URL: https://zakon.rada.gov.ua/laws/show/643_157#Text (дата звернення: 29.09.2025).
13. Договір про нерозповсюдження ядерної зброї від 01.07.1968: Документ 995_098, приєднання України від 16.11.1994. URL: https://zakon.rada.gov.ua/laws/show/995_098#Text (дата звернення: 29.09.2025).
14. Договір про принципи діяльності держав з дослідження і використання космічного простору, включаючи Місяць та інші небесні тіла: Документ 995_48 від 27.01.1967. URL: https://zakon.rada.gov.ua/laws/show/995_480#Text (дата звернення: 29.09.2025).
15. Ініціатива щодо безпечного транспортування зерна і продуктів харчування з українських портів від 22.07.2022. *Центр журналістських розслідувань*. URL: <https://investigator.org.ua/ua/news-2/245135> (дата звернення: 29.09.2025).



16. Кисіль В. Правова природа міжнародного гуманітарного права та його імплементація в законодавство України. Київ: Юрінком Інтер, 2020. 356 с.

17. Меморандум про гарантії безпеки у зв'язку з приєднанням України до Договору про нерозповсюдження ядерної зброї: Документ 998_158 від 05.12.1994. URL: https://zakon.rada.gov.ua/laws/show/998_158#Text (дата звернення: 29.09.2025).

18. Ситник Г. Національна безпека України у світлі міжнародних зобов'язань. Київ: НІСД, 2021. 278 с.

19. Угода між Україною і Російською Федерацією про статус та умови перебування Чорноморського флоту РФ на території України: Документ 643_076 від 28.05.1997, в редакції від 20.10.2010. URL: https://zakon.rada.gov.ua/laws/show/643_076#Text (дата звернення: 29.09.2025).

Дата першого надходження рукопису до видання: 29.09.2025

Дата прийнятого до друку рукопису після рецензування: 30.10.2025

Дата публікації: 28.11.2025

