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LEGAL REGULATION OF THE USE OF DRONES UNDER THE CONDITIONS OF MARTIAL LAW

In the context of martial law, the use of drones has great potential for providing intelligence, combat support, medical delivery, and more. However, this also requires clear legal regulation. One of the main challenges is the development of international standards for the use of drones in wartime, including rules to protect the civilian population from possible abuse.

To effectively legally regulate the use of drones in wartime it is important to take into account the principles of international law, the protection of human rights and privacy, as well as to ensure compliance with the requirements for the safety and effectiveness of the use of these technologies.

According to the Rules for the use of airspace, flights of unmanned aircraft weighing up to 20 kg inclusive are carried out without submitting applications for the use of airspace, without obtaining permits for the use of airspace, without informing the management bodies of the Air Force of the Armed Forces of Ukraine and the bodies of the joint civil-military air traffic organization system of Ukraine, bodies of the State Border Service of Ukraine, air traffic service bodies and departmental air traffic control bodies [1].

However, these rules only apply if you meet several requirements: the drone does not cross the state border of Ukraine; flights do not fly over crowds of people in open spaces, densely built-up areas or objects under state protection; the flight speed of an unmanned aircraft is no more than 160 km/h [2].

The Law of Ukraine "On State Secrets" of 1994 defines the list of military objects, in relation to which restrictions on photo and video recording are established (location of units of the Armed Forces, their personnel, etc.).

In addition, there is a ban on the use of drones over nuclear power plants, hydroelectric power plants, dams, important state facilities, nature reserves, facilities or industrial enterprises of increased ecological danger.

A ban or restriction on the use of the airspace of Ukraine may be established by the State Aviation Service and the bodies of the joint civil-military system of air traffic organization (Ukrairorukh) in the following cases:

if there is a threat to national security, sovereignty over the airspace of Ukraine, territorial integrity of Ukraine or during an armed conflict, conducting special operations related to countering illegal activities on the state border, preserving the territorial integrity of Ukraine and the constitutional order, for irregular flights (flights) between points of departure located on the territory of Ukraine and destinations located on the territory of the aggressor state, and in the reverse direction.

On February 24, 2022, Ukraerorukh announced the closure of Ukrainian airspace for civilian aircraft due to Russia's invasion of Ukrainian territory. That is, civilians are prohibited from flying in the airspace. This rule also applies to drones [3].

Today, there is no single regulation that citizens can refer to to find out whether they can launch a drone. Therefore, we advise you to weigh each action and follow the official announcements of government agencies and amendments to the legislation. For example, the SBU Office in the Lviv Region notes that the requirements of Clause 4 of Section II of the Rules for the Use of Airspace, namely, "flights of unmanned aircraft weighing up to 20 kg inclusive are carried out without submitting applications and obtaining permits for the use of airspace" do not apply during martial law, and the launch of UAVs and light aircraft takes place exclusively with the approval of the Security Service of Ukraine in the Lviv region [1].

During the war, it is difficult to do without drones. For example, journalists should record destruction in the de-occupied territories. And in agriculture, drones help to spray fertilizers over the fields of Kyiv Oblast, Sumy Oblast, Chernihiv Oblast and other regions where demining is ongoing.

For farmers who use drones, the Ministry of Agrarian Policy and Food of Ukraine has developed a separate Memorandum, which briefly defines the procedure for launching UAVs in agriculture.

In general, reforming the legal regulation of the use of drones in the conditions of martial law require a comprehensive approach that takes into account both the needs of security and defense, as well as the protection of human rights and international norms.

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