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FORMATION OF INTERNATIONAL LEGAL STANDARDS FROM ANCIENT TIMES TO THE FIRST HALF OF THE XX CENTURY

Abstract. ***Purpose.*** The purpose of the article is to analyse the formation of international legal standards from ancient times to the first half of the XX century. ***Results.*** The law of nations was governed by such concepts of law such as law of war, law of captivity, law of slavery, law of peace treaties, law of ambassadorship, law of prohibiting marriages with foreigners, etc. That is, relevant rules, principles, prohibitions that governed and regulated the diversity of social relations arose both at the intersection of international law and the general Roman law, which was born on the basis of the Empire. Greece developed the law of international treaties, of which there were about twenty different types. These were treaties of peace, alliance, mutual assistance, as well as non-aggression, borders, arbitration, marriage with foreigners, trade, legal assistance, etc. During the heyday of the feudal period of human development, the improvement of trade relations had a positive impact on the development of the law of international treaties, on the basis of which numerous alliances for the purpose of trade emerged. It is revealed that in 1885 for the first time the idea of the expediency of creating a special international bureau of labour was expressed and the draft statute of such a bureau was introduced by a group of working-class deputies in the French Chamber of Deputies. In 1888, the idea of the expediency of establishing a special international society in the field of international labour standardisation was first expressed. At the state level, the first official steps to implement the idea of the international legal regulatory mechanism for labour were taken by the Swiss government in 1881 and in 1889. In 1881, the Swiss government addressed the governments of six European states on the possibility of concluding international agreements in the field of labour law and received a positive response only from Belgium. ***Conclusions.*** It is concluded that the prerequisites for introducing international legal standards originated long ago with the understanding of the need for legal regulatory mechanism for peace, war, the status of participants in international relations, and since the mid-nineteenth century - with the justification of the need for the international legal regulatory mechanism for labour, as well as other important sectors of life, such as international relations, military conflicts, etc. This is the first stage of the formation of international legal standards.

Key words: League of Nations, Assembly, Secretary General, financial responsibility.

1. Introduction

The emergence of international legal standards was due to the collective awareness of their importance, which, as noted in the literature, has been developing gradually and represents nowadays a rich and interesting chronology of historical events involving societies and states from different regions of the planet (Nalyvaiko, Stepanenko, 2019).

For example, the researchers emphasise that the germs of the formation of international legal standards can be traced back to the Manu Laws, an ancient Indian code of moral and legal precepts, created in the IX century BC, which formulated provisions aimed at protecting the victims of war. Similar provisions were in Ancient Greece (polis cities) and in Ancient Rome. Moreover, the ancient Greek institution of proxenia, which proclaimed the protection of foreigners, later had analogues in Roman law.

Issues related to the concept, characteristics, classification of international standards were considered by scientists, such as M.O. Baimuratov, V. Bryntsev, S.M. Liakhivnenko, D.P. Martynovskyi, M. Rabinovych, K.O. Savchuk, and V.V. Shamrai.

However, the issue of international standards evolution is not sufficiently studied, and therefore the purpose of the article is to analyse the formation of international legal standards from ancient times to the first half of the XX century.

2. History of the formation of international legal treaties

Experts in legal history note that during the period of slavery, the Roman law of peoples or the law of the Peregrines significantly influenced not only the development of Roman (Quirite) law, but also the development of international law. First of all, ancient Roman lawyers created rules capable of regulating the legal situation of the peoples conquered by Rome. The reason for this was the need to introduce certain elements of self-government convenient for such a large empire as Rome. Later it turned into the Law of Nations (*jus gensium*). Praetorian law was one of the important institutions of this law, as it regulated the legal status of foreign citizens.

The law of nations was governed by such concepts of law such as law of war, law of captivity, law of slavery, law of peace treaties, law of ambassadorship, law of prohibiting marriages with foreigners, etc. That is, relevant rules, principles, prohibitions that governed and regulated the diversity of social relations arose both at the intersection of international law and the general Roman law, which was born on the basis of the Empire.

The principle of *pacta sunt servanda*, still in force, i.e. "Agreements must be kept", is based on the thesis of Roman lawyers "A word given even to an enemy must be kept". Roman law used the services of conciliation commissions, which were created to resolve all disputes.

In the slave period, the conclusion of international treaties was widely used. For example, these events took place in 3100 BC between the rulers of the Mesopotamian cities of Lagash and Umma.

With the further development of states, the position of sovereigns was equalised, which influenced the nature and spread of the practice of treaties between states. Treaties on neutrality, borders, exchange of disputed border territories, trade, etc. began to be concluded.

Thus, Greece developed the law of international treaties, of which there were about twenty different types. These were treaties of peace, alliance, mutual assistance, as well as non-aggression, borders, arbitration, marriage with foreigners, trade, legal assistance, etc.

During the heyday of the feudal period of human development, the improvement of trade relations had a positive impact on the development of the law of international treaties, on the basis of which numerous alliances for the purpose of trade emerged.

The events of the XVII century, including the decision of the Peace of Westphalia of October 24, 1648, significantly influenced the development of international law. In addition, it is important to allow for the consequences of the first bourgeois revolutions in Europe (in the Netherlands and England, etc.).

The struggle of the North American colonies for independence from England and France was of great importance, as it ended with the proclamation of the United States in 1776. It was a huge step in the progressive development of international law of that time. Furthermore, the U.S. treaties with Russia, France and other countries have become a legal and de facto recognition of the right of the nation to self-determination, independent development and formation of a sovereign state.

The Great French Revolution of 1789–1793 made a great contribution to the development of international law. Its democratic ideas marked the beginning of a new period of development of international law, the era of classical international law. In 1793, Abbot Gregoire, a member of the French Republican Convention, presented the "Declaration of the Rights of Peoples" to the Convention, where Article 21 emphasised that all peoples are obliged to live in peace, and good should prevail over evil. Even in times of war, the sea and other inexhaustible objects should belong to all, and not be the property of only one nation. Based on this Declaration, conclusions were made about the equal rights of all peoples, the equality of all states. Gregoire stressed the need for mandatory compliance with international treaties. The Declaration also put forward requirements for the humanisation of human relations. On the basis of this document, we can conclude about the importance of humane treatment of prisoners of war, inviolability of private property, consideration of the rights of civilians. The war should have been waged between politicians with the help of troops and as little as possible to touch the peaceful people, who have always been the resource of existence of any state. That is, the performance of states in military conflicts, through the application of international treaties, should be reduced to the observance and implementation of the relevant rules of conduct (Martynovskyi, 2020).

It should not be overlooked that international legal standards gradually crystallised from various philosophical theories, currents about justice, people, their place in society, the role of the state, rulers of countries in ensuring the welfare of the people and peace in the world, etc. In this regard, we can recall

the works by Aristotle, Socrates, Plato, later Friedrich Hegel, Thomas Paine, John Stuart Mill, Machiavelli, Jean-Jacques Rousseau, Voltaire, Melieu, Diderot, Thomas More, John Locke, Montesquieu and others, who in their treatises promoted human rights, equality of people, the need to introduce a just government, the achievement of ideal forms of interaction between man and society with the state, trying to link the law with ethical qualities of a person.

In turn, the philosophical works by these and many other thinkers contributed to the fact that in the Middle Ages in the states there were regulations that began to define the general rules of conduct of people in society, the state and set limits to the omnipotence of the rulers. Magna Carta in England (1215), the Twelve Articles in Germany (1525), the Bill of Rights in England (1689), the Scottish Bill of Rights (1689), the US Declaration of Independence (1776), the Declaration of the Rights of Man and Citizen in France (1789) and other legal acts became the first legal documents that laid the foundations of the concept of human rights, created the basic prerequisites for further establishment of freedom and the rule of law in the life of European societies (Nalyvaiko, Stepanenko, 2019).

3. Legislative consolidation of international legal standards

From the practice of developed democracies, we know that soon the USA (1787), France (1791), Poland (1791) and then in other countries introduced constitutions that at the highest legislative level enshrined the forms of government of these countries, clearly defined the mechanism of state power of a particular country, the powers of the authorities, proclaimed the first human rights and freedoms, guarantees of their provision. Normalisation at the constitutional level of the general principles of functioning of the state and society contributed to the awareness both at the level of individual states and at the international level of the importance of legal definition of certain sectors of human, social and state life. Due to this, legal regulations appeared, which at the national level began to regulate the procedure for the formation of representative bodies of public power, the organisation of work of different segments of the population, etc. For example, in England in 1802, the Health and Morals of Apprentices Act was developed and adopted, which banned the work of parish pupils under the age of nine in paper weaving and wool spinning factories and limited the working day of children aged nine to 13 to eight hours, and adolescents under 18 to 12 hours a day. In 1819, the Cotton Mills and Factories Act was passed to extend the provisions of the 1802 Act to all minors employed in the cotton industry. In addition, it was forbidden to employ children under the age of nine in factories (N.d., 1972). Later, the law of 1824 in England enshrined the right of workers to protect their interests in the form of the right to strike and form trade unions.

In 1840 in this country, it was forbidden to work for women and for children under the age of 10 underground. In 1847, the Act to limit the Hours of Labour of Young Persons and Females in Factories provided for that in the textile industry for women and adolescents from the age of 14 the working day should not exceed 10 hours. The duration of the working week was set at 63 hours by the second section of the Law. From July 1, 1847 it was reduced to 58 hours. The Factory Acts Extension Act of 1867 extended the new health and safety regulations to iron, steel and paper mills, as well as to all other businesses and factories employing more than 50 workers on a permanent basis. It should be noted that work at a particular factory for at least 100 days a year was recognised as a permanent basis.

Adopted in 1878, the Factory Act 1878 was issued with the aim of consolidating all previously issued laws regulating labour in factories and factory workshops. It systematised all the main provisions of the previously issued factory laws. According to Section 6 of this law, restrictions on working hours and working conditions now applied to all branches of the factory industry. According to the Act 1878, any underage worker, regardless of which factory he worked in, could not work more than 10 hours a day, regardless of the shift schedule.

Later, the 1908 Act established in England an 8-hour working day in the coal industry) or for some categories of workers and employees (for railway workers, miners, postal workers). In the second half of the XIX century, the first laws providing for compensation to workers in case of occupational injuries appeared in England. The Workmen's Compensation Act of 1897 provided for financial liability for occupational injuries.

Other countries, in particular France, Germany, followed the path of England in regulating the issues of labour organisation of different social groups and in different sectors of economy (Kryzhevskyi, Derii, 2019). However, it should be noted that the legislative consolidation of these issues in the countries differed, which put on the agenda the need for their certain unification.

According to researchers, scientific substantiation of the need for the international legal regulatory mechanism for labour devel-

oped in Europe in the 30–40s of the XIX century, mainly within political economy. Almost simultaneously, in the late 30s – early 40s of the XIX century, this was done by the French economist Jerome Adolphe Blanqui and the entrepreneur from Alsace Daniel Le Grand.

In the second half of the XIX century, the idea of the international legal regulatory mechanism for labour was actively discussed at international congresses of labour organisations in France, Germany, England, Belgium and other countries. However, concrete steps to sign an agreement on the international legal regulatory mechanism for labour were made only in the late nineteenth century (Kryzhevskyi, Derii, 2019).

According to the literature review, three countries became the founders of the idea of the international legal regulatory mechanism for labour: France, where the idea of the international legal regulatory mechanism for factory labour conditions arose, Germany, where the idea received the most thorough theoretical coverage, and Switzerland, where the federal government supported this idea in its practical implementation (Kravchenko, 1913).

Furthermore, in 1885 for the first time the idea of the expediency of creating a special international bureau of labour was expressed and the draft statute of such a bureau was introduced by a group of working-class deputies in the French Chamber of Deputies. In 1888, the idea of the expediency of establishing a special international society in the field of international labour standardisation was first expressed.

At the state level, the first official steps to implement the idea of the international legal regulatory mechanism for labour were taken by the Swiss government in 1881 and in 1889. In 1881, the Swiss government addressed the governments of six European states on the possibility of concluding international agreements in the field of labour law and received a positive response only from Belgium. In 1889, the Swiss government again initiated an international conference and sent proposals to 14 European countries, of which only Russia responded with a strong refusal due to radically different working conditions, while eight states accepted the proposal in full or with reservations, Spain limited itself to notifying the receipt of the note, four states, including Germany, did not respond.

However, on February 8, 1890, on the initiative of Emperor Wilhelm II, an Intergovernmental Conference on the conclusion of an international convention on the improvement of labour relations was held in Berlin, which resulted in resolutions to improve working conditions in mines, establishing age limits for employment, reducing the working day for children, adolescents and women, and establishing Sunday as a mandatory day off, as well as the establishment of the International Labour Law Association, which was to facilitate the conclusion of a number of bilateral agreements, mainly on the working conditions of foreign workers. Unfortunately, the Association did not work in practice, so the idea of such an organisation was implemented at the Brussels Congress in 1897, where the statute of the International Association for the Legal Protection of Workers was drafted, and in Paris at the International Congress on Labour Law held during the World Exhibition in 1900, where it was established with an executive body - the International Labour Office (formed on September 27, 1901), with headquarters in Basel (Kryzhevskyi, Derii, 2019).

The International Association for the Legal Protection of Workers was the predecessor of the International Labour Organisation, which was established on April 11, 1919 under the Treaty of Versailles. The purpose of the organisation was to promote international cooperation to ensure lasting peace in the world, eliminate social injustice by improving working conditions, ensure minimum standards in all countries of the world, and extend international labour standards to all climatic zones. Initially, the founders of the ILO were 29 states that signed the Treaty of Versailles, the same status was granted to 13 more states. Among the founders of the ILO there were 17 American (except the USA), 16 European, five Asian, two African states, Australia and New Zealand. The ILO's activities in the early years of its existence were focused on the problems of the international legal regulatory mechanism for labour of women, children and adolescents and the development of universal international standards in this field. Primarily, these are standards that determine the minimum age for employment, working conditions for women and young people in various jobs, night work, medical examination and social insurance (Kryzhevskyi, Derii, 2019).

In parallel with the introduction of the ILO, the Paris Peace Conference in 1919-1920 considered the establishment of the League of Nations, the first international intergovernmental organisation, which was founded to develop cooperation, peace and security among nations. When it was introduced, the main tasks of this organisation were to respect the rights of national minorities and to resolve territorial conflicts in the world after the First World War.

According to the Covenant of the League of Nations, its founders were the victorious states in the First World War, as well as newly

created countries, such as the Polish Republic, Czechoslovak Republic and the Kingdom of Hijaz. Initially, 44 countries became members of this organisation, later their number increased to 52. The authority of the League of Nations was recognised so much that its charter was a part of all post-war peace treaties.

The main working body of the League of Nations was the Assembly of Representatives of all members of the organisation, which convened annually. Moreover, representatives of each state had one vote at the meetings of the Assembly, regardless of the population and size of the country's territory. The decisions of the Assembly were made unanimously, except as specifically stipulated. In addition, there was the Council of the League of Nations, which consisted of four permanent members (Great Britain, the French Republic, the Kingdom of Italy, the Empire of Japan) and four non-permanent members, who were re-elected annually, and a permanent secretariat headed by the Secretary General. The headquarters of the League of Nations was located in Geneva (Wikipedia site, 2021).

4. Conclusions

Therefore, the prerequisites for introducing international legal standards originated long ago with the understanding of the need for legal regulatory mechanism for peace, war, the status of participants in international relations, and since the mid-nineteenth century - with the justification of the need for the international legal regulatory mechanism for labour, as well as other important sectors of life, such as international relations, military conflicts, etc. This is the first stage of the formation of international legal standards.

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СТАНОВЛЕННЯ МІЖНАРОДНИХ ПРАВОВИХ СТАНДАРТІВ ВІД НАЙДАВНІШИХ ЧАСІВ ДО ПЕРШОЇ ПОЛОВИНИ XX-ГО СТОРІЧЧЯ

Анотація. ***Мета.*** Метою статті є аналіз становлення міжнародних правових стандартів від найдавніших часів до першої половини XX-го сторіччя. ***Результати.*** Право народів керувалось такими інститутами права, як право війни, право полону, право рабовласництва, право мирних договорів, посольське право, право заборони шлюбів із чужоземцями тощо. Тобто вже можна говорити про виникнення відповідних правил, принципів, заборон, що регламентували та регулювали розмаїття суспільних відносин, котрі виникали як на стику міжнародного права, так і в рамках загального Римського права, що народжувалось на засадах Імперії. У Греції розвивалось право міжнародних договорів, яких нараховувалось близько двадцяти різних типів. Серед них були договори про мир, союз, взаємодопомогу, а також про ненапад, кордони, арбітраж, про шлюби з іноземцями, про торгівлю, про правову допомогу тощо. Під час розквіту феодального періоду розвитку людства покращення торговельних зв'язків позитивно впливало на розвиток права міжнародних договорів, на основі яких виникали численні союзи з метою торгівлі. З'ясовано, що в 1885 р. вперше була

висловлена думка про доцільність створення спеціального міжнародного бюро з питань праці і проект статуту такого бюро було внесено групою депутатів з робітничого класу у французьку палату депутатів. У 1888 р. вперше висловлюється думка про доцільність утворення особливого міжнародного товариства в галузі міжнародного нормування праці. На державному рівні перші офіційні кроки до реалізації ідеї міжнародно-правової регламентації праці вжив уряд Швейцарії в 1881 і в 1889 роках. У 1881 р. уряд Швейцарії звернувся до урядів шести європейських держав з питання про можливість укладення міжнародних угод у галузі трудового права і отримав позитивну відповідь лише від Бельгії. ***Висновки.*** Зроблено висновок, що передумови запровадження міжнародних правових стандартів зародилися давно з розумінням необхідності правового врегулювання питань миру, війни, статусу учасників міжнародних відносин, а з середини XIX ст. з обґрунтування необхідності міжнародно-правової регламентації праці, а також інших важливих сфер життєдіяльності, таких як міжнародні відносини, питання військових конфліктів і т. ін. Це є перший етап становлення міжнародних правових стандартів.

Key words: Ліга Націй, асамблея, генеральний секретар, матеріальна відповідальність.

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