A manuscript

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THE IMPACT OF THE LEAGUE OF NATIONS UPON THE DEVELOPMENT OF INTERNATIONAL LAW

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THE GENERAL DESCRIPTION OF THE THESIS

The actuality of the research issue. The League of Nations that originated as a result of World War I was the first attempt of establishing an interstate organization for maintaining peace and security. Afterwards the history showed that this effort was far from being unambiguous, as up till now the activities of the League of Nations are criticized while its successful achievements remain unnoticed. At the same time, it would be more correct to asset that the ideas contained in its Statute have not been discarded, just on the contrary, time has showed their importance and urgency for the development of international law. Hence, it is not the case that the League of Nations itself has gone bankrupt but rather the members thereof could not or did not want to unite for maintaining peace with the help of the given organization.

The basic mistake of the founders of the League of Nations was their vision of the world as being unipolar and entirely possessed by the states that had won World War I. This resulted in a plenty of contradictions in its Statute, in the absence of direst prohibition to use armed power, as well as actually in making legal the colonial system. By the time of establishment of the United Nations Organization the two dominant socio-economic systems had formed in the world and thanks to it the UN Charter thereof reflected the international political thinking based on the principle of effective cooperation of states.

After the dissociation of the USSR we have often become witnesses of the attempts of some states or blocks thereof not to get bound by the commitments provided for by the UN Charter if the latter were at variance with their geopolitical interests. As the most vivid examples one can cite the military operations of the USA and their allies which were not authorized by the UN Security Council against Yugoslavia and Iraq, these not only undermining the authority of the UN but also loosening the whole system of international security. It is worth noting that such lack of consensus also existed in the League of Nations and this, jointly with its organizational and legal imperfection, has led to the impossibility of aversion of the world war. The League of Nations became the predecessor of the UN Organization and, despite multiple differences, these organizations have similar features. It is because of this that the study of the activities of the League of Nations is of great

importance for correct understanding and scientific explanation of some tendencies in coming into being and development of modern international law. Besides, the experience of the League of Nations, in particular as regards the development of international law rules and their content, is extremely precious because it has had an impact upon the establishment of the principles of modern international law consolidated in the UN Charter, and it also enables to determine more precisely the course of further activities of the UN. And the history of the League of Nations itself serves as a warning about the consequences which can be caused by the return to the conception of the dominance of force in international law.

The degree of the topic's scientific development. While working on the thesis, the author studied a wide range of scientific literature devoted to the League of Nations which can be conditionally divided into several groups:

1. The research works of domestic scholars issued during the existence of the League of Nations. The majority of the cited works describe the prehistory of the establishment of the League of Nations, its structure and initially (before 1925) give an unbiased assessment of its activities later becoming critical and ideological biased. It is necessary to denote here that the majority of the research papers published starting from 1926 only studied the situations in which the League of Nations could not achieve tangible results without mentioning any of its successes. Practically all the scientific works of domestic scholars of the first part of the 20th century only contain a general description of the Statute of the League of Nations, this being caused by the authors' having no opportunity to get familiar to a sufficient extent with the regulatory documents issued by the League of Nations. Thus, many of these research works are sooner historical than legal ones and sooner are of publicist nature. When mentioning the scientific works issued by domestic scholars abroad, it is worth noting that the principal attention in them is paid to the Statute of the League of Nations as a historical document and the League's progressive importance for the establishment and maintenance of stable peace on the whole is described. Here the scientific works of the B.A. Alexandrov, R.M. Blank, I.M. Bogolepov, V.V. Vodovozov, E. Vsegov, O. Gervye, V.N. Durdenevsky, V.V. Egoryev, L.N. Ivanov, S.F.Kechekyan, G. Kirdetsov, Yu.V. Klyuchnikov, A. Kolsky, E.A. Korovin, P. Lisovsky, A.N. Makarov. Is.M.

Masyukov, I. Mikhailovich, V.A. Ovchinnikov, H.G. Rakovsky, B. Rosenblum, A.V. Sabanin, M.A. Tsimmerman and others deserve the utmost attention.

2. The second group comprises the works of domestic scholars devoted to coming into being and activities of the League of Nations issued after the war. It is worth noting in this group of sources the monograph by R.M. Ilyukhina "The League of Nations. 1919-1934" that has become the first domestic generalizing research work devoted to the establishment of the League of Nations and its activities giving a general idea of the history of this international organization.[1] Apart from the cited monograph, it so also worth noting the dissertation research papers and scientific works by Z.S. Bocharova. T.Yu. Zhukovskaya, P.G. Zverev, T.E. Krasilnikova, R.T. Mardaliyev, A.S. Protopopov, E.S. Pchelintsev, S.V. Sokolovsky, S.V. Ushakov, A.S. Khodnev, A.O. Chetverikov, V.M. Shurshalov and others who study such aspects of the activities of the League of Nations as the protection of the rights of national minorities, supervision over controlled territories, accomplishment of economic and humanitarian tasks, imposition of sanctions etc.

3. As the third groups of sources may be regarded the multiple publications of foreign scholars issued within the period from 1920 to 1945 presenting not only the historical aspects of the origination and activities of the League of Nations but also analyzing many of the provisions of its Statute. The detailed commentaries to the Statute and to individual articles thereof by H. Wehberg, B. Weinberg, J.L. Kunz, H. Lauterpacht, H. Loeschert, D.H. Miller, L. Oppenheim, R. Redslob, M. Roettger, O. Hoijer, W. Schuecking, S. Engel and others are of major interest, in particular because it is difficult enough to find most of them in Russia. The works by J.C. Baak, R.St. Baker, V. Boehmert, L. Bourgeois, B.W. von Buelow, K. Deppert, B. Dernburg, G. Erler, M. Erzberger, P. Fauchille, J. Fisher-Williams, G. Cohn, F. Korenitch, H. Kraus, A. Kruse, Q. Wright, H. Simons, J. Stone, B. Williams, D. Schinder, K. Strupp and others also deserve attention.

4. The last group of sources includes the scientific works by foreign authors issued after the war. It is worth noting here the monographs by A. Pfeil and F.S. Northedge where the history of coming into being and activities of the League of Nations are shown on the basis of comprehensive documentary materials. The works by T.H. Bagley, K.E. von

[1] See R.M. Ilyukhina. The League of Nations.1919-1934 / R.M. Ilyukhina. – M.: Nauka, 1982. – 355 pages.

Turegg, M. Scheuermann, S. Goodspeed, H. Friedmann, N.G. Nicholas, C.M. Ringgenberg, L. Nansen-Heyer are also of interest.

Hence, when speaking about the degree of topic's scientific development, one can only state the availability of general works or of those which are close from the point of their trend that concern in a varying degree the problems raised in the thesis. At the same time, the analysis of the works of the enumerated authors gives an opportunity to conduct in-depth study of the problem, to draw attention to the issues that have not been sufficiently studied in the scientific literature.

The object of the research is the relations of states and other international law entities as to the legal regulation of the activities of the League of Nations and its impact upon the progressive development of international law.

The subject of the research is the practical activities of the League of Nations, the forms of and procedures for regulating the correlation and application of the underlying principles of international law by the League of Nations and by the UN, international and national regulatory acts in respect of this topic, as well as scientific works of domestic and foreign scholars.

The goal and tasks of the dissertation paper. The goal of this dissertation paper is a comprehensive study and analysis of the activities of the League of Nations, as to the acceptability of its principles and ideas, as well as the role of this organization in the subsequent progressive development of international law. The cited goal is achieved by way of studying the following issues:

1. To analyze the provisions of the Statute of the League of Nations for getting familiar with the underlying ideas consolidated in its text.

2. To study the interrelation between individual articles of the Statute subject to the collisions contained in the text thereof for exposing an impact of the given document upon the development of international law.

3. To examine the activities of the League of Nations in solving the problems of the reduction of armaments, establishment of the collective security system, in the states' cooperation in the non-political sphere, as well as in administration of mandated territories,

for the purpose of assessing their compliance with the principles and tasks declared in the Statute.

4. To analyze the law enforcement practices of the Permanent Court of International Justice for determining its role in the development of the underlying principles of international law.

5. To examine the impact of the ideas consolidated in the Statute upon further development of the underlying principles of international law.

6. To analyze the provisions of the Statute of the League of Nations and the UN Charter for the purpose of determining the general regularities indicating the similarity of a number of ideas underlying these documents.

7. To introduce into the scientific circulation the massive literature and sources connected with the activities of the League of Nations, to make the scientifically based conclusions, to formulate practical recommendations as to the enhancement of the effectiveness of international organizations' activities.

The theoretical foundation of the dissertation paper constitute the scientific works on theory of international law, as well as on history, political science and theory of international relations. Here it is worth noting the works by L.A. Aleksidze, K.A. Baginyan, Yu.Ya. Baskin, K.A. Bekyashev, J.K. Bluntschli, R.L. Bobrov, V.E. Grabar, V.N. Durdenevsky, G.P. Zadorozhniy, E.A. Korovin, P.E. Kazansky, V.N. Kartashov, Yu.M. Kolosov, F.I. Kozhevnikov, E.S. Krivchikova, G.I. Kurdyukov, I.I. Lukashuk, N.M. Minasyan, N.V. Mironov, T.N. Neshatayeva, N.G. Nugayeva, G.I. Tunkin, D.I. Feldman, L.N. Shestakov, E.A. Shibayeva and others.

For analyzing the relations in the area under study, of special importance are the works of L.P. Arskaya, Yu.G. Barsegov, I.K. Gorodetskaya, A.N. Kalyadin, V.Kotlayr, A.P. Kusnetsov, M.M. Bedjaoui, K.B. Leontyev, S. Borisov, M.V. Borodko, S.V. Gusey, D. Donskoy, R.A. Kalamkaryan, S.B. Krilov, P.E. Morosov, A.V. Orlovsky, A.I. Poltorak, N.N. Polyansky, V.V. Pustogarov, E.A. Pushmin, I.V. Rachkov, V.A. Romanov, Yu.V. Samovich, A.S. Smbatyan, V.E. Ulakhovich, N.A. Ushakov, I.Z. Farkhutdinov, V.N. Fedorov, D.V. Khutaba, G.V. Sharmazanashvili and others which enable to analyze in a

more detailed way individual aspects of the activities of the League of Nations from the point of modern international law.

The normative legal ground of the research work constitute international treaties and conventions, in particular the peace treaties made as a result of the Paris peace conference, as well as the official documents and materials adopted within the framework of the League of Nations and the UN Organization. An important source are decisions and advisory opinions of the Permanent Court of International Justice.

The methodological ground of the research work are the basic provisions of scientific cognitive theory whose main principles are historicism, objectivity, comprehensiveness, comparison, scientific nature, critical perception and substantiation of the points raised.

In the course of research the author also applied the formal law and comparative law methods becoming still more necessary in the study of multiple sources.

The scientific novelty of the dissertation paper lies in the fact that, in contrast to earlier research works which mainly examine individual aspects of the topic under study, this work studies on a comprehensive basis the problems of the impact of the activities of the League of Nations and of the ideas consolidated in its Statute upon the development of international law. In contrast to many works published before, the author concentrates on the study of the content and interrelations of articles of the Statute of the League of Nations offering a comprehensive examination and detailed analysis of the rules and principles contained therein, as well as draws a parallel with the appropriate provisions of the UN Charter, this enabling to show the effectiveness of the international law regulation existing at the time of the League of Nations.

The dissertation paper's novelty is also determined by the fact that with the help of it a number of materials and regulatory documents are introduced into the scientific circulation, many of them being hardly available in Russia. All this enables to enrich the available scientific knowledge and ideas about the League of Nations.

In contract to many researchers holding that the UN Organization is a partial modification of the League of Nations, as well as to those who assert that the League is inconsistent, the author while carrying out a comprehensive study denotes both positive and

negative features of the Statute, thus showing the way in which the experience accumulated by the League was taken into account while working out the UN Charter. As the law-making process relies upon the available experience, in this paper is also examined the activities of the League of Nations both from the point of its compliance with the provisions of its Statute and from the point of its impact upon forming the rules and principles of international law.

The obtained results of the dissertation study can be generalized in the following **basic provisions to be defended**:

1. At present in legal literature there is the opinion that one of the main drawbacks of the League of Nations lied in its allowing the possibility of using war as an extreme means of settling an international dispute. At the same time, the analysis of the provisions of the Statute enables to come to the conclusion that the general sense of this document, as well as the provisions of Article 11, demanded of the League to stop any war and any actions that could break the world peace.

2. Despite the collision nature of the Statute, it consolidated a number of principles which afterwards have transformed into the underlying principles of international law. Among them are the following ones: the sovereign equality of states, non-interference into the internal affairs of a state, territorial integrity and political independence of states, fair discharge of obligations (pacta sunt servanda); non-use of force or the treat of force; peaceful settlement of international disputes; interstate cooperation.

3. The system of mandates created with the framework of the League of Nations has become a new-quality phenomenon in the states' colonial policy. Despite the imperfect procedure for the protection of the population's rights in the controlled territories, the significance of this system lies in the fact that it was within the framework of this system where the reforming of the colonial system started. The two circumstances show it: 1) the underlying principles of the system of mandates were borrowed and afterwards modified within the framework of the UN trusteeship system; 2) within the framework of the trusteeship system the most urgent problems confronting the Permanent Mandate Commission of the League of Nations were not solved. Thus, the UN trusteeship system has preserved many features of continuity of the policy of the League of Nations in respect of controlled territories.

4. Having made a detailed legal analysis of the provisions of Article 19 of the Statute of the League of Nations consolidating the Assembly's right to review non-applicable international treaties whose provisions posed a threat to the world peace, as well as having examined its interrelation with Articles 10 and 11 of the Statute, the author comes to the following conclusions: 1) the Statute of the League of Nations allowed the possibility of reviewing the peace treaties made as a result of World War I; 2) despite the fact that a review of international treaties theoretically could become one of the ways of protection of international peace, Article 19 may not be considered as a special rule in respect of Article 11.

5. The activities of the Permanent Court of International Justice has had an impact upon the development of modern international law because in the decisions and consultative opinions made by it the following principles and institutions were consolidated: the principle of international responsibility; the principle of fair discharge of obligations; the principle of sovereign equality of states and the institution of forum prorogatum. The Statute of the Court for the first time consolidated the rule on temporary measures which has afterwards been confirmed in practice. Apart from this, the Court's practices have contributed to forming of the institution of protection of the rights of minorities and to the development of the principle of protection of fundamental human rights, as well as have influenced the development of the conception of the rules of jus cogens.

The theoretical and practical significance of the research work lies in the fact that it allows to widen the range of scientific approaches to studying the activities of the League of Nations from the point of international law. The materials and the principal conclusions of the research work may be used for comprehensive consideration and analysis of the UN activities in solving the international law problems that arise. Apart from this, the dissertation materials will be useful in writing training aids and in delivering lectures within the framework of such training courses as "International public law", "History of international public law" or "Law of international organizations".

The approbation of the results of the dissertation paper. The dissertation paper was prepared at the chair of international and European law of the Kazan (Privolzhsky) Federal University where it was reviewed and discussed. The dissertation paper's individual

provisions were evaluated at the chair of international and European law of the Kazan (Privolzhsky) Federal University.

The results of the dissertation research were applied in the training process at the Kazan affiliate of the Russian State Humanitarian University when delivering lectures and holding seminars within the framework of the courses “History of State and Law of Foreign States” and “International Private Law”.

The basic provisions and conclusions contained in the dissertation paper are published in 15 scientific articles (5 of them were published in the journals under review recommended by the Higher Attestation Commission of the Ministry of Education and Science of the Russian Federation). The author has also taken part in scientific-and-practical conferences.

The structure of the dissertation paper. The dissertation paper consists of the introduction, three chapters, each of them being divided into paragraphs, the conclusion, footnotes and notes in the text thereof, list of used sources and literature. For making the use of the bibliography list more convenient the alphabetic method of its grouping is used. The volume of the dissertation paper satisfies the requirements for such works.

THE BASIC CONTENT OF THE DISSERTATION PAPER

The **introduction** thereof substantiates the actuality of the selected topic, defines the methodological grounds, goals, tasks, object and subject of the research work, describes its scientific novelty, theoretical and practical significance, as well as formulates the provisions to be defended and contains data on the results of its approbation and on its structure.

The first chapter titled “**The League of Nations as the First International Organization for Maintaining the World Peace and Security**” consists of three paragraphs.

In the first paragraph named “***The Draft Statutes of the League of Nations and Establishment of the International Organization at the Paris Peace Conference***” the author analyses the draft Statutes worked out by governmental commissions of various countries and containing proposals concerning the consolidation of the new principles of interstate interaction including the restriction of the right to war, creation of the collective

security system and establishment of the permanent judicial instance, peaceful settlement of disputes without fail, reduction of armaments, abandonment of secret diplomacy etc. The research work that has been conducted enables to understand more precisely the general sense of the Statute, as well as to determine the interests of the Great Powers that considered the League of Nations to be established as a tool for achieving their own goals.

The given paragraph also examines the stages of adoption of the Stature at the Paris peace conference. It is denoted in the dissertation paper that the establishment of the League of Nations was accompanied by a great number of contradictions, these showing the non-readiness of the Great Powers to abandon the prewar principle of the balance of powers and the dual standard policy. As a result of it, a wide range of international problems was imposed upon the League of Nations and at the same time the Statute thereof contained a lot of collisions not allowing the given organization to become an effective guarantor for maintaining international peace. At the same time, the establishment of the League of Nations meant that the world community was ready to establish a multi-purpose international organization vested with a definite authority as to maintenance of peace.

The second paragraph titled "***The Organizational Structure of the League of Nations***" contained a detailed legal analysis of the Statute of the League of Nations, regulations on the Assembly and the Council, as well as of the UN Charter, this enabling to define the legal status of the supreme bodies of the League of Nations, to clearly delimit their scope of authority, as well as to compare it with the scope of authority of the UN General Assembly and the Security Council. It is de`noted in the dissertation paper that, despite the indication in Articles 3 and 4 of the Statute that the Assembly and the Council formally have an equal scope of authority, the powers of the given bodies were delimited sufficiently clear both in the subsequent articles of the Statute of the League of Nations and in the regulations on the Assembly and Council. Moreover, despite the declarative equality of the rights of both bodies, at the Assembly's session organizational issues were more frequently considered, while decisions on political problems were adopted by the Council which was initially established as the League's executive body. It is demonstrated by its composition inconsiderable in number as compared to that of the Assembly, frequent meetings and a wider scope of authority.

Apart from the presented description of the Assembly and the Council, this paragraph also examines the legal status and scope of authority of the Secretariat, as well as contains the conditional classification of the auxiliary committees and commissions that existed within the structure of the League of Nations.

The paragraph is completed by a comparative analysis of the provisions of the Statute of the League of Nations and the UN Charter enabling to study in detail the similarities and differences in the structure and authority of the Assembly, Council and Secretariat of the League of Nations, as well as of the General Assembly, the Security Council and Secretariat of the UN Organization. Relying upon the comparison made, the author denotes that, despite the drawbacks in the League's structure, all its main bodies are preserved within the framework of the UN Organization and a number of international organizations have been preserved and restored on the base of auxiliary committees. Hence, within the framework of the League of Nations a new legal and administrative mechanism was developed for the first time in the foreign policy practices that has afterwards had an impact upon the structure of the UN Organization and of other international organizations.

The third paragraph titled "***The Brief Analysis of the Provisions of the Statute of the League of Nations***" contains a clause-by-clause analysis of the Statute, this enabling to single out the underlying ideas consolidated in the text thereof, as well as the existing collisions. For instance, having studied the content of Article 10, the author denotes that it could be only applied for protection of the territorial integrity of member states of the League against foreign aggression and as a result indirectly prohibited interference into the internal affairs of member states of this organization. The author denotes the procedural uncertainty of the article under study because the procedure for defining the aggressor by the Council and a voting procedure in such case remained incomprehensible.

A detailed analysis of Article 11 enabled to come to the conclusion that it not only prohibited any war and a threat thereof but also any circumstance posing a threat to the world peace. Consequently, its provisions extended even to wars allowed by the Statute. A major drawback of this article was the absence of the right of the League of Nations to independently interfere into a conflict without waiting for an appropriate appeal on the part of a member state of the League. With that, appeals of third states were not considered by

the League of Nations. The voting procedure also remained unclear, it afterwards being interpreted in favour of the unanimous adoption of decisions, and this, on the one hand, was contrary to the sense of the Statute and, on the other hand, did not allow to successfully apply the provisions of this article in practice.

Apart from Article 11, this paragraph also examines Articles 17-20 of the Statute concerning the cooperation of the League of Nations with third states. The author denotes that under the Statute all the disputes to which a third state is a party shall be considered by either the Permanent Court of International Justice or shall be passed over to the Council. A detailed analysis of Article 17 enabled the author to the come to the conclusion about an unequal status of third states which have agreed to assume the obligations consolidated in the Statute as compared to member states of the League of Nations. The requirement for mandatory registration of concluded treaties provided for by Article 18 also extended solely to member states of the League of Nations and, consequently, a third state could not make an appropriate request with the Secretariat of the League. As a non-registered treaty did not have to be legally binding, one could come to the conclusion that the discharge of the obligations contained therein depended on the interests of the member states of the League of Nations being the parties to such treaties. Having made the analysis of Article 19 allowing a review of non-applicable international treaties, whose preservation could pose a threat to the world peace, the author denotes that the absence in the Statute of the League of Nations and in the regulations on the Assembly of unambiguous grounds for reviewing allowed the Assembly to propose a review of any international treaty. According to Article 20, all the treaties which were concluded by member states of the League and which were incompatible with the provisions of its Statute had to be declared invalid. With that, it was not clear from the text of this article what body was entitled to expose discrepancies between the concluded treaties and the provisions of the Statute, as well as not a word was said as to whether the provisions of this article extended to the treaties made with third countries.

The research work that has been carried out has enabled the author to come to the conclusion that, despite the static-formal nature of the Statute and the collisions contained therein, this document has the innovative provisions consolidating in international law the liberal-democratic principles which were typical of Western Europe at the end of 19th and at

the beginning of 20th century. It is denoted in the thesis that the Statute's significance lies in the attempt to attach the universal importance to such principles which are now the basis of international law, as maintenance of international peace and security; observance of international treaties and fair discharge of obligations; rejection of secret diplomacy; cooperation with international organizations in solving socio-economic problems etc.

The second chapter titled "**The Impact of Practical Activities of the League of Nations upon International Law**" consists of five paragraphs.

The first paragraph titled "***The Problem of Reduction of Armaments and the League of Nations***" contains a detailed legal analysis of Article 8 of the Statute devoted to the reduction of armaments, as well as examines the activities exercised by the League of Nations in the cited filed. The research that has been conducted has enabled the author to come to the conclusion about the ambiguousness of the provisions of this article which, on the one hand, stressed the need for reduction of armaments and, on the other hand, showed an evident non-readiness of the Great Powers for actual regulation of armaments, this being confirmed by the restrictions not allowing to apply the provisions thereof in practice which are contained in the text of the article.[2]

The same paragraph gives a comparative analysis of the Statute of the League of Nations and the UN Charter denoting that the UN Charter also contains solely the general principles concerning the disarmament and regulation of armaments.

The second paragraph tiled "***The Creation of the Mechanism of Collective Security within the Framework of the League of Nations***" is devoted to the comprehensive legal analysis of Article 16 of the Statute subject to its interrelation with the other articles of the given document.

As a result of the conducted research, the author comes to the conclusion that the grounds for imposing sanctions were provided for not only in Article 16 but also in Articles 10, 11 and 17 of the Statute. It is denoted in the dissertation paper that the Statute directly

[2] The following pertains to them: 1) the reduction of armaments to the minimum level compatible with the national security; 2) the need for taking into account the geographic location and specific conditions of every state; 3) the approval of the plans of reduction of armaments by the governments concerned; 4) the plans of armaments' limitation were initially worked out for the countries whose armaments were in any case insignificant; 5) the absence of the terms of preparation and endorsement of initial plans of armaments' reduction; 6) the demand to reduce armaments immediately did not extend to the initial members of the League of Nations.

allowed the imposition of sanctions solely in respect of “inadmissible” wars. However, in practice the imposition of sanctions was complicated by a number of reasons: 1) the absence in the Statute of an unambiguous definition of aggressor; 2) the absence of the direct duty of member states of the League to participate in sanctions; 3) the need for unanimous adoption of decisions. All this indicates that sanctions were of recommendatory nature and every state was entitled to resolve independently the issue of their imposition.

While analyzing the interrelation of Article 16 with Articles 10, 11 and 17, the author denotes the admissibility of imposing sanctions in compliance with Article 10 that containes the collective guarantees as to the protection of territorial integrity and political independence of member states of the League. It is denoted in the dissertation paper that the procedural uncertainty of Article 10 has led to the origination of various points of view concerning the imposition of sanctions, should its provisions be violated. Having analyzed the provisions of the Statute, the author comes to the conclusion that the provisions of Article 10 did not contradict Article 16 and as a result of it the member states of the League of Nations were not legally bound by the definition of aggressor offered by the Council and could take part in sanctions if they deemed that there was the need for granting the guarantees provided for by Article 10.

A detailed analysis of Article 11 enabled the author to obtain answers to the questions concerning the admissibility of imposing sanctions for making actions conducive to war, for making retaliatory actions, as well as for waging preventive wars. While analyzing the provisions of Article 11, the author draws attention to the fact that it contained wider grounds for imposing sanctions than Articles 10, 16 and 17 but, at the same time, by implications of Article 11, the imposition of military sanctions was inadmissible. In the course of the research the author comes to the conclusion that the imposition of sanctions for violation of the provisions of Article 11 was only allowed after the adoption of the decision by the Council. Consequently, member states of the League of Nations did not have the right to take individual punitive measures against the aggressor pending the Council authorization of it.

Article 17 regulated the relations of the League of Nations with third states. In compliance with this article, sanctions could be imposed upon a third state, if the following

conditions were concurrently met: 1) the start of an aggression against a member state of the League; 2) the refusal of a third state to assume the obligations imposed by the Statute on member states of the League.

The legal analysis of the Statute has enabled the author to come to the conclusion about the wittingly unequal status of third states as compared to member states of the League of Nations because of the following: 1) the Statute passed over in silence the possibility of imposing sanctions against a member state of the League of Nations acting as an aggressor in respect of a third state; 2) solely member states of the League of Nations could draw attention of the organization to the presence of the circumstances posing a threat to the world peace. Such situation, as well as the activities of the Great Powers which did not deem themselves bound by the provisions of the Statute, led to the situation that sanctions started to be regarded as a possibility to get involved in a military conflict, rather than a means of peace protection.

The third paragraph titled "***The Economic and Humanitarian Tasks of the League of Nations***" examines the activities of the League of Nations in compliance with the provisions of Articles 23-25 of its Statute. In particular, the author examines the activities of such auxiliary bodies forming part of the League's structure as the International Labour Organization, the Commission on Slavery, the Commission for the Control of the Opium Trade, the Organization of Communications and Transit, the Economic and Financial Organization. The same paragraph examines the most significant conventions adopted at the international conferences held under the auspices of the League of Nations. In the dissertation paper attention is drawn to the fact that three articles of the Statute were devoted to non-political cooperation of states in which the goals of the cooperation were enumerated but nothing was said about the mechanism of their attainment and about the establishment of a special body to coordinate such cooperation. In the course of the research the author comes to the conclusion that, despite the lack of the League's material resources and authority that could enable to regulate effectively the financial relations that became established after the World War I, the functioning of the international bureaus established under the auspices of the League of Nations was important not only in the first half of the 20th century but also remains in demand up till now. The same paragraph examines the cooperation the League of

Nations with the International Committee of the Red Cross in solving the problem of re-evacuation of prisoners of war.

The forth paragraph titled "***The Mandate System of the League of Nations***" contains a detailed study of the legal status of controlled territories. Here the author examines the premises for establishing the mandate system; gives its brief description, examines the legal status of the territories administered under the mandates pertaining to the groups A, B and C; the scope of authority of the Permanent Mandate Commission is analyzed and a comparative analysis of the mandate system of the League of Nations and of the UN trusteeship system is given.

In this paragraph the author examines various approaches to the legal evaluation of the mandate system which are characteristic of the science of international law of the first half of the 20th century. Subject to the conducted research, the author denotes that the mandate system became a new phenomenon in the states' colonial practices presupposing a temporary nature of the administrative authority. With this, a major drawback of the given system was the inability to create the effective international administration under control of the League of Nations that has been passed over to individual states by way of consolidating their right to establish the mandates' conditions independently.

The conducted comparative analysis of appropriate articles of the Statute of the League of Nations and of the UN Charter enabled to come to the conclusion that the system of the UN trusteeship had a number of features which were both similar to the mandate system and different from it from the qualitative point of view. With that, the most disputable problems for which the mandate system was often criticized were not solved within the system of the UN trusteeship as well. It is noted in the dissertation paper that the UN Charter, in the same way as the Statute of the League of Nations, passes over in silence the issues concerning the citizenship of the indigenous civil population, the sovereignty of controlled territories, the treatment of their state property, the right of representatives of the indigenous population to be present when the problems involved in the establishment of the mandate system (trusteeship) are being solved, the absence of the absolute demand to declare the cited territories as neutralized, as well as the absence of a reference about the terminal nature of the administration. In the same paragraph the author denotes that the

Statute contained a number of innovative provisions which were not consolidated in the UN Charter.[3] The conducted research has enabled the author to come to the conclusion that the mandate system of the League of Nations was the first step aimed at reforming the colonial problem and showing the readiness of the community of states and of the world public for international discussion of the situation in the controlled territories.

The fifth paragraph tiled "***The Creation of the Permanent Court of International Justice. The Scope of Authority Thereof***" contains a brief description of the Court's Statute, as well as the analysis of individual decisions and advisory opinions issued by the Court that have had an impact upon the development of generally recognized principles of international law. Thus, having studied the decisions on the "Case Concerning the Factory at Chorzow" (1929), "The Phosphates in Morocco Case" (1938) and "Treatment of Polish Nationals and Other Persons of Polish Origin or Speech in the Danzig Territory" (1932), the author came to the conclusion that the Court regarded the principle of responsibility as one of the key principles of international law. It is denoted in the dissertation paper that in the decisions on the case "Treatment of Polish Nationals and Other Persons of Polish Origin or Speech in the Danzig Territory" (1932) and on the case "Minority Schools in Albania" (1935) the Court called for adherence to the spirit of the agreement without being limited by the literal content of its text. In the decision on the "Case Concerning Certain German Interests in Polish Upper Silesia" (1926) the Court pointed to the need for assessment of the conduct of states relying on the real situation rather than on legal actions thereof. It is denoted in the dissertation paper that the principle of sovereign equality of states is presented in the advisory opinion about "The Status of Eastern Karelia" (1923) referring to the inadmissibility of a dispute's consideration without the consent to it of a state being a party to the give dispute. When rendering the decision on "The Case of the S.S. Lotus" (1927), the Court pointed that one of the features of the state sovereignty was the absolute jurisdiction solely in respect of the national territory. The sovereign right of a state to provide diplomatic protection to its nationals was proved by the decision on the case in respect "The

[3] In contrast to the Statute of the League of Nations, the UN Charter justifies the creation of the territories which are under trusteeship, military, navy and air bases and maintenance of a military contingent there; it does not contain the provisions aimed at finding out and registration of the opinion of the population of the territories under trusteeship when selecting the controlling state; the territories under trusteeship were regarded as an integral part of the territory of the controlling state.

Mavrommatis Palestine Concessions" (1924), as well as on the "Case Concerning the Factory at Chorzow" (1928). In its decision on the "Case of Free Zones of Upper Savoy and in the District of Gex" (1930) and on the "Case Concerning Certain German Interests in Polish Upper Silesia" (1926) the Court confirmed the rules in respect of non-extension of obligations under a treaty to third states without their explicit consent to it.

The dissertation paper denotes the influence of the activities of the Permanent Court of International Justice in respect of the development of the principles of international procedural law. For example, the principle of forum prorogatum was consolidated when trying the case on "The Mavrommatis Palestine Concessions" (1924) where it was pointed that the conduct of a party to the dispute might mean that it agreed with the Court's jurisdiction. The rule about temporary measures was consolidated in the Statute of the Court and afterwards confirmed when trying the case on "The Electricity Company of Sofia and Bulgaria" (1939). The author also points that it was in the Court's Statute where it was officially said for the first time about the general principles of law as the sources of international law. Afterwards the Court's practices, for example in the decision on "The Case of the S.S. Lotus" (1927), proved the possibility for the Court to apply the general principles of law.

The third chapter tiled "**The League of Nations and Modern International Law**" consists of two paragraphs. In the first paragraph titled "***The Consolidation of the Underlying Principles of International Law in the Statute of the League of Nations***" the author makes a detailed legal analysis of the Statute's provisions that has enabled to come to the conclusion that in this document, despite the absence therein of a definite chapter or article devoted to the principles of international law, was consolidated a number of the ideas which afterwards have transformed into the rules of jus cogens which are well-know today. It is denoted in the dissertation paper, the absence at the time of the League of Nations the concept of the rules of jus cogens, as well as the explicit dominance in international relations of the Great Powers which were not ready to limit their sovereignty, caused the contradictions contained in the Statute.

While examining the principle of sovereign equality of states, the author comes to the conclusion that the essence of the given principle was presented in Articles 1 and 3-5 of the

Statute.[4] Article 17 devoted to the League's cooperation with third countries, on the one hand, confirmed the principle of sovereign equality of states, because the Statute invited third states, rather than demanded of the, to conform to the obligations imposed upon the League's member states. On the other hand, the given article contains reservation clauses derogating the condition of the latter as compared to member states of the League. Article 11 also points the unequal position of third states according to which, should an aggression start, solely a member state of the League of Nations could apply to the organization for help while third countries had no such opportunity.

The author denotes that the principle of non-interference into the internal affairs of states is confirmed by Articles 10, 15 and 21 of the Statute. However, the given obligation was not clearly consolidated because the Statute admitted the possibility of the League's interference into an intrastate conflict (Article 11).

The principle of territorial integrity is consolidated in Article 10 whose guarantees extend only to member states of the League of Nations. Having made a comparative analysis of Article 10 and Article 19 related to it, the author comes to the conclusion that the Statute only imposed a ban on the modification of frontiers by way of foreign aggression and allowed the possibility of review of international treaties, in particular those fixing the state borders.

Having studied the Statute of the League of Nations, the author comes to the conclusion that the principle of fair discharge of obligations was consolidated in the preamble and had to be applied in the relations between "civilized" nations without extending it to colonial countries. Articles 1 and 8 of the Statute mention the need for fair discharge of obligations. It is denoted in the dissertation paper that the Statute contained the demand for mandatory registration of the treaties made between member states of the League of Nations (Article 18) and an attempt was made to consolidate the hierarchy of international law rules (Article 20). With that, the author comes to the conclusion that the principle in question was partially restricted by Article 19 under which the Assembly could

[4] For example, any states, self-governing dominions and colonies could become member states of the League (Article 1); all the member states of the League were represented in the Assembly and had a single vote (Article 3); each member state of the League that was not represented in the Council could take part in the Council's meetings, if a dispute concerning the interests thereof was considered at it, and had the right of vote (Article 4); the principle of unanimous adoption of decisions (Article 5).

establish at its discretion the conditions for review of any international treaty that could pose a threat to the world peace and security.

While analyzing the provisions of the Statute of the League of Nations, the author comes to the conclusion that it abolished the right to war manifesting itself in the form of the principle of non-aggression which afterwards was transformed into the principle of non-use of force or of the threat of force. The author indicates in the dissertation paper that, despite the formal division of wars into two types, the Statute obliged the League to interfere into hostilities to prevent even an admissible war. Furthermore, this document imposed a ban not only on war or the threat of war but also on any circumstances posing a threat to the world peace (Article 11). The author also denotes that Article 11 consolidated the exclusive right of the League of Nations to the protection of international peace and security because the Statute allowed the League's interference into a conflict the parties to which were both its member states and third states. The conducted research enabled the author to come to the conclusion that, despite the formal admissibility of war as a means of settling international disputes, the general tenor of the Statute and the provisions of Article 11 demanded of the League of Nations to terminate any war and any actions which could break the world peace. It was also noted in the given paragraph that the principle of non-use of force also contained in Article 10. The conducted comparative analysis of Articles 10 and 11 of the Statute enabled the author to expose the similarity of and differences in the cited articles and to come to the conclusion that the principle of non-use of force consolidated in the Statute only was a palliative as it extended first and foremost to member states of the League of Nations. With that, the League did nor enjoy the right of initiative and could not independently interfere into armed conflicts with the aim of settling them.

Despite the fact that the Statute passed over in silence the principle of the protection of human rights and fundamental freedoms, it proclaimed the need for creation of fair and humane labour conditions, a ban was imposed on trade in slaves and it was also indicted in it that there was the need for ensuring the freedom of conscience and religion for the indigenous population of the controlled territories (Articles 22-23).

Concurrently, the peace treaties in respect of which the League of Nations acted as a guarantor consolidated the provisions on the protection of the rights of national minorities.

Having analyzed a number of international treaties concerning the protection of the rights of national minorities, the author comes to the conclusion that such protection was not of universal nature but it, however, contributed to the development of the principle of the protection of human rights, for the first time provided for the exercise of international control over the observance of the cited rights and developed a special mechanism of their protection.

Articles 12-14 of the Statute are devoted to the principle of peaceful settlement of international disputes indicating the possibility of the Council's intermediary activities and arbitration. Having also analyzed the provisions of Article 19 which, theoretically, could become one more means of settling disputes, the author comes to the conclusion that the given article is not a special rule with respect to Article 11, because otherwise the League's intermediary activities were fully dependent on the decision of each of its members. Here the author makes a comparative analysis of the Statute of the League of Nations and the UN Charter enabling to expose the influence of the League's experience on the development of the given principle.

The Stature of the League of Nations passes over in silence the problem of the right of peoples to self-determination but Article 10 indirectly prohibited for the League of Nations to interference into the internal affairs of a state, in particular for suppressing the revolutionary movements originating in the territory thereof. At the same time, the author draws attention to the restrictions of this principle presented in Articles 11 and 22, as well as in the preamble of the Statute. The very fact that the Statute did not abolish colonialism, the mandate system was established, as well as the nations were divided into "organized" and "non-organized", all that showed the non-readiness of the international community to recognize the right of peoples to self-determination as an underlying principle of international law. The conducted analysis of the mandate system has enabled the author to denote that, despite its imperfections, its significance lied in recognizing the international jurisdiction of temporary nature over definite territories with the possibility of their becoming afterwards independent in a peaceful way, as it was the case, for example, with Iraq.

As the principle of interstate cooperation formed the foundation of the League of Nations, the author, having analyzed the provisions of the Statute, points that the given principle was concretized in the individual articles devoted to the cooperation of states in the area of the reduction of armaments (Article 8), maintenance of peace and security (Articles 10-13, 15 and 16), as well as in solving economic, social and humanitarian problems (Articles 23-25).

In the second paragraph titled "***The Comparative Analysis of Individual Provisions of the Stature of the League of Nations and the UN Charter***", the author examines the similarities and differences of the League of Nations and of the UN Organization concerning their goals and principles, the composition of its members, relations with third states, control over non-self-governing territories, creation of the system of collective security and international court. In the given paragraph the author comes to the conclusion that, despite the fact that the Statute of the League of Nations lacks the dynamism of the UN Charter, the majority of the principles and ideas without which modern international law was inconceivable was generally recognized in it for the first time. Here the author denotes the great importance of the Statute, this lying in the fact that it, despite the collisions contained in the text thereof, tried to attach the universal nature to the majority of the principles which have been examined.

The **concluding part** of the dissertation paper containes the generalized conclusions and the results of the research proving the attainment of the aim of the research and its practical significance.

The following scientific works have been published on the theme of the dissertation paper:

Publication in peer-reviewed journals recommended by the Higher Attestation Commission of the Ministry of Education and Science of the Russian Federation:

1. Yu.S. Silchenko. Influence of the League of Nations Statute Provisions on the Interests of Non-Member States // "Actual Problems of Economics and Law". – 2011. – №2 (18). – P. 267-272.

2. Yu.S. Silchenko. Possibility of Revision of International Treaties within the Framework of the League of Nations // “Eurasian Legal Journal”. – 2011. – №9 (40). – P. 41-43.

3. Yu.S. Silchenko. Once again about the Principle of Unanimity in International Law // “The Review of Economy, the Law and Sociology”. – 2011. – №3. – P. 117-121.

4. Yu.S. Ovchinnikova. On Admissibility of Intervention under the Covenant of the League of Nations // “Eurasian Legal Journal”. – 2015. – №4 (83). – P. 94-97.

5. Yu.S. Ovchinnikova. The Role of the League of Nations in the Development of International Law // “Eurasian Legal Journal”. – 2015. – №9 (88). – P. 50-53.

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6. Yu.S. Silchenko. Protection of the Rights of National Minorities by the League of Nations // “V Derzhavinskiye Chteniya in Mordovia Republic”: Documents of the All-Russian Scientific and Practical Conference. – Saransk: Publishing House LLC “The Vector-Print”. – 2009. – Vol. 1. – P. 322-326.

7. Yu.S. Silchenko. Strengthening the Principles of Peaceful Settlement of International Disputes and Non-Use of Force or Threat of Force in the Statute of the League of Nations and Briand-Kellogg Pact // “The Legal Sciences”. – 2011. – №4 (50). – P. 43-48.

8. Yu.S. Silchenko. Strengthening the Principle of Non-Use of Force or Threat of Force in the Statute of the League of Nations // A Collection of Scientific Works of Post-Graduate Students of Law Faculty. – Kazan: The Kazan University, 2011. – P. 374-379.

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13. Yu.S. Silchenko. The Statute of the League of Nations as a Guarantor of International Peace // “Legal Science and Practice: History and Modern Age”: Documents of the 1st International Scientific and Practical Conference (June 5, 2013). – Ryazan: Publishing House “Conception”, 2013. – Issue 1. – P. 293-296.

14. Yu.S. Silchenko. The Mandates System of the League of Nations like one of the Ways of Reforming the Colonial Question // “Humanitarian Sciences in 21th Century”: Documents of the 14th International Scientific and Practical Conference (June, 10, 2013). – Moscow: Publishing House “Sputnik+”, 2013. – P. 197-202.

15. Yu.S. Silchenko. A Reflection of the Basic Principles of International Law in the Covenant of the League of Nations // “Scholarly Discussion: the Questions of Jurisprudence №8 (28)”: Documents of the 28th International External Scientific and Practical Conference (May 23, 2013). – Moscow: Publishing House “The International Centre of Science and Education”, 2014. – P. 59-65.