LEGAL ORGANIZATION OF SALES PORTS SAFETY MEASURES IN THE BLACK SEA REGION OF RUSSIA IN THE 19TH AND EARLY 20TH CENTURIES

Artur N. Sharmoiants1, Ekaterina P. Kliemenko2, Boris V. Zmerzly3, Ekaterina S. Ivashenko4, Alina P. Nikitina5

1,2,3 Vernadsky Crimean Federal University, Academician Vernadsky Avenue, 4, Simferopol, 95000, Russia, 4,5 Sevastopol State University, 33, Universitetskaya Street, Sevastopol, city of special importance Sevastopol, 299053, Russia.

Purpose: Based on the analysis of legal acts and work of other researchers, a historical and legal analysis of the security measures organization was done for trading ports of the Black Sea region of Russia in the 19th and early 20th centuries in this paper.

Methodology: This study was based on a dialectical approach to studying the legal phenomena and processes by using general scientific (system, logical, analysis and synthesis) and private scientific methods.

Result: The following main components of the legal organization of security measures that are complex in nature: quarantine service; customs; pilot organizations; and port controls. The quarantine and customs authorities included quarantine and, accordingly, border guards. The tasks faced by these bodies were of anti-epidemiological measures nature, i.e. the prevention and detection of offenses with an economic, social and political persuasion.

Applications: This research can be used for businessmen and students in economy.

Novelty/Originality: In this research, the model of sales ports safety measures in the black sea region of Russia in the 19th and early 20th centuries is presented in a comprehensive and complete manner.

Keywords: sea trading ports, legal organization, security measures, Black Sea region quarantine and customs authorities, pilots, port authorities.

INTRODUCTION

Ensuring the safety of commercial shipping is one of the priorities of efforts made by both individual states and the world community as a whole. This can be confirmed by the fact that in 2020, the world will celebrate 40 years from the date of signing the UN Convention on the Law of the Sea [Akbari et al. 2013]. In addition, conventions such as SOLAS, MARPOL, COLREG, LOADLINE, ISPS, and many others are well known in this direction [Kliemenko and Kliemenko, 2016]. However, the isolation and regulatory consolidation of basic principles and rules in the field of merchant shipping occurred only in the twentieth century, while their formation took place in previous centuries, especially in the nineteenth century inactive form.

RESEARCH METHODOLOGY

This study was based on a dialectical approach to studying the legal phenomena and processes by using general scientific (system, logical, analysis and synthesis) and private scientific methods. Among the latter methods are formal legal, linguistic, legal, and comparative legal methods, which are collectively used to study the texts of the UN Charter, UN Convention on the Law of the Sea, and the normative legal acts of the Russian Empire period, also used to identify features and components of legal measures security of trade ports of the Black Sea region of Russia in the 19th and early 20th centuries. The focus group possessed documents relating to the regulation of the activities of quarantine services, customs authorities, pilotage organizations, and port authorities. The choice of this focus group is due to the obvious similarity of functions to ensure the multi-vector security of the regional sea trading ports, which makes it possible to expect a variety of state approaches to regulation of their activities. Finnemore, M. (1996).

RESULTS AND DISCUSSION

Almost until the end of the 18th century, there were no special state services to combat epidemics and ensure the safety of the population in Russia. The first permanent quarantine was opened in 1796 on Seskar Island only to ensure the safety of St. Petersburg [Lobão & Pereira, 2016]. The creation of a quarantine system took place only with the adoption of “Charter of Border and Port Quarantines” of 1800, according to which they received a unified organization, structure and legal framework of activity [Martínez, et al. 2018].

The expansion of borders of the empire at the end of the 18th century, i.e. the first half of the nineteenth century, concurrent with the development of medical science, led to frequent updating of quarantine legislation and unsuccessful attempts to universalize it in different regions, which resulted in the adoption of charters of 1818, 1832 and 1841, and attempts to create a special quarantine guard [Martínez, et al. 2018].
The creation of quarantine and customs institutions in the Caucasus region was caused by local specifics, protracted subordination, the small number of qualified civilian personnel in the region, and objective difficulties in organizing these institutions in the mountainous border areas.

The internal quarantine guard was created in accordance with the 1818 charter from units of the customs border guard, although when creating quarantines, the army units existed to ensure the security and guard duty. On October 20, 1832, the “Provision on Quarantine Guard” was adopted. The purpose of its creation was declared to be “storage of European limits of the State from introduction of plague contagion, from the Black and Azov Seas, and the Turkish border.” Based on this, it was divided into 1) the Quarantine Guard proper, inside quarantines and on ships; 2) external military guards; 3) marines and 4) to the border guard. In this form, it existed until 1835, when most of it was transformed into a border. At the same time, it also performed the functions of quarantine supervision [Melo, et al. 2018].

The Adoption of the quarantine charter of 1866 was the result of Russian defeat in the Crimean War and the need for the rapprochement of domestic legislation with the existing international standards developed at the first quarantine conference in Paris in 1851-1852, as well as the intensification of trade. There was a departure from excessive administration in quarantine business. Key positions passed into the hands of medical personnel, and an attempt was made to abandon the use of soldiers in favor of increasing the volunteer group. The system of quarantine institutions consisted of temporary and permanent quarantines, and quarantine institutions were divided into sea and land. Quarantine establishments located at the mouths of navigable rivers were also classified as sea, divided into quarantines and quarantine agencies, and land quarantines [Nikiforova & Ignatiev, 2016].

The further development of the quarantine system was closely linked to the international cooperation in this area: conferences in Paris (1851–1852), Constantinople (1866), Vienna (1874), Rome (1885), Dresden (1893) and Paris (1912). This led to the elimination of quarantine institutions by 1910 and the creation of medical observation stations [Nikitina, 2018].

The creation of a legal framework for activities of customs institutions, later used in the Tauride province, was laid down at the beginning of the 18th century, with the adoption of the charter of the Commerce College on March 3, 1719 [Radaide, 2012]. Given that in the management of customs institutions, this board of authority has not received but took over proceedings arising from collection of duties and actions of customs officers; construction and maintenance of customs and barns with them; development and control of the charters and the status of customs affairs. All coastal custom officers were assigned to jurisdiction and court of the commercial board. With the adoption of the provincial institutions on November 7, 1775, custom institutions were transferred to the competence of the governors [SafdarI, et al. 2013].

Further reform of the management system of custom institutions occurred at the turn of the 18th – 19th centuries. Since September 16, 1796, a decree "On the abolition of the Commerce College and on assigning some of its duties to other places" was adopted; they were instructed to transfer the internal management of customs and brokers from the department of the Commerce College to state chambers. On November 19, 1796, Berg, Manufactories and Commerce Collegiums were restored, and expeditions for customs affairs were abolished. By decree of February 16, 1797, the main office over custom duties was liquidated, and management of the customs was transferred to the president of commercial college. The decision in 1802 to establish ministries did not change the working system of the Commerce College and management of customs, until the creation of the Ministry of Finance in 1811, to which customs institutions were subordinated [Voronina, 2012].

With the adoption of "Establishment of the Customs Administration for European Trade Act" on June 24, 1811, eleven custom districts were created. Customs were divided into main, ordinary and control. The main custom allowed the passage of foreign goods, and they consisted of customs managers, members of the customs and customs officials and ministers. Ordinary customs consisted of a customs manager and one or two customs officers. However, the dual system of customs institutions did not justify itself, and already on July 15, 1815, by the request of the Minister of Finance and in agreement with the Committee of Ministers, a decision was taken “On destruction of the Control Customs and the whole Control Department” [Zmerzly, 2014]. And the multi-vector foreign and domestic policy of Russia led to the creation of two separate custom systems, i.e. European and Asian, with different devices, tasks, and goals, but with single top management.

On December 14, 1819, the "Customs Charter for European Trade" was adopted. In this regard, all previous legalizations in this area were canceled. It consisted of 6 parts with the corresponding chapters and sections. Part I was devoted to the formation of Customs Institution, and their division into classes. All these customs were divided into 4 classes Brower, D. (1996).

With the adoption of customs charter "for European trade" on December 14, 1819, Feodosia custom became first-class customs (warehouse), and the number of its employees was 61. Evpatoria (main) was the second class, which was allowed to bring those goods not subject to plague from abroad and allowed by quarantine rules (37 employees). The fourth class included the rest of custom institutions in the region — Kerchenskaya (4 people), Yenikolskaya and Bugazskaya outposts. All of them, as before, was part of the Feodosia customs district [Zmerzly, 2014].
The period from 1784 to 1819 in the history of the customs of Crimea can be called organizational. By force of circumstances, the most important customs institution was Feodosiya customs, especially with the creation of the Feodosiya customs district in 1811. In total, in Crimea during this period, customs institutions operated in Feodosia, Sevastopol, Evpatoria, Kerch, Yenikol, Balaklava, Bugaz, and for a short period, in Perekop.

With the adoption of 1819 charter, practically until the middle of the 19th century, legal support and regulation of customs activity was carried out by supplementing and amending 1819 charter and by Decree of November 30, 1865 “On the Customs Institutions on European and Asian Trade and on the Rights of the First of on the admission of goods”, the ground was provided for elimination of part of the customs institutions and some of the custom teams. In changing the existing regulations, the import and release of goods on European trade were allowed only through customs, customs outposts and transitional points in future. Based on their rights to import and clean customs duties, these institutions were divided into: a) main storage customs, b) first class customs, c) second class customs, d) third-class customs, e) customs outposts and e) transition points. The customs of the second class were Theodosia, Evpatoria, and Kerch. The customs of third class were Sevastopol and Genicheskaya. And customs outpost was Yalta [Nikitina, 2018].

By the decree of October 10, 1821, in Kerch, instead of the customs post, customs were established and the staff was approved for the Kerch customs district. Customs received degree of “Major Customs 2 class.” And, created in Bugaz, instead of a quarantine outpost, the exchange yard with cleansing warehouses was established at the port of Sevastopol for trade with mountain peoples, subordinated to the Kerch quarantine and customs administration. In 1820 customs control, in 1824 Yenikoloskaya customs post was liquidated. In 1826, a custom outpost was created in Yalta, and in 1835, a customs outpost was created in Akmetchetskaya Bay [Klimenko and Klimenko, 2016].

To “promote the development of the trade movement and organization of the customs part in the Black Sea and Azov ports,” a decree of November 27, 1859 was adopted as “On some changes in customs administration.” It envisaged the restoration of the post of chief of customs districts of Theodosia and Taganrog, who were ordered to subordinate all the customs institutions of these two and Kerch-Yenikolsky districts. As part of the reform, on November 5, 1863, the staff of the Sevastopol customs of class 1, and class 2 was approved. And in 1869, the Sevastopol customs was erected in class 2 customs. The next stage of the reform of customs institutions began in 1880. Thus, by decree of 1881, the Yalta customs post was upgraded to 3rd class customs, and the Taganrog customs district and Kerch-Yenikolsky brigade of the border guard were renamed as the Azov district and the brigade Ciocelescu, S. F. (2013). The Feodosia district and the Tauride brigade in the Crimean. However, by a decree of February 8, 1883, all of them became part of the Southern Customs District [Klimenko and Klimenko, 2016].

The main practical activities of the customs institutions of Tauride province were censorship supervision, control of border crossings, fight against smuggling, collection of excise taxes, various forms, and degrees of control over goods, duty and money regulation, and regulation of coastal shipping. Separately, it is possible to single out the organization of customs institutions activities in emergency situations during the preparation and conduct of numerous wars in the 19th and early 20th centuries Kortepeter, C. M. (1966).

As an independent institution, the customs border guard was established on September 27, 1782, Bhum. J. (1961). By the end of the 18th century, its quantitative composition has increased significantly, thanks to the territorial acquisitions of Russia. Therefore, by the end of 1799, customs supervision on Tauride Peninsula was carried out by 68 people, of whom 3 were wardens and 65 guards. And just in the customs supervision of the Novorossiysk province, there were 302 people (this number does not include the Cossack units who performed similar functions). By a decree of November 1, 1807, customs supervision on shores of the Sea of Azov was transferred to the competence of the Taganrog mayor, and earlier he was under the authority of the Tauride Customs Inspector. The new organization of customs guard established with the creation of the “Customs Administration for European Trade” in 1811 Tulchinsky, T. H., & Varavikova, E. A. (2014). According to him, customs supervision was compiled from teams of the Customs Guard. The main customs authorities relied on the sea and on rivers armed with boats and lifeboats, while the vessels that sea officials used for navigation and management of customs were exclusively under the authority of the main customs authorities Houston, F.; Wood, W. D., & Robinson, D. M. (Eds.). (2010).

According to the customs regulations of 1819, customs guards in the Feodosia and Taganrog districts were submitted to the governors. Institute of the customs guard further developed on August 5, 1827, with the adoption of the provision “on the structure of border customs guard at the European border and its staff”. According to this, the border guards in each customs district were a brigade, or a semi-brigade, or a separate company, and all were 4 brigades, 7 semi-brigades, 2 separate companies, and a total of 31 companies [Klimenko and Klimenko, 2016].

A further reorganization of the border guard took place by a decree of November 24, 1846, of "On the structure of border guard at the European border." It became more militarized and received additional powers. In the late 1850s and early 1860s, border guards in the region were greatly strengthened. In the 1870s, new posts were built and the former ones were repaired, guard was re-equipped and its staff increased. By the decree of March 24, 1881 “On strengthening the staff of customs institutions”, the Kerch-Yenikoloskaya brigade of the border guard was renamed the Azov brigade and Tauride brigade as the Crimean brigade. In 1885, protection of the Azov coast by border guards was discontinued. In the same period, the guard was equipped with modern high-speed vessels Emerson, M. (2008).
With the development of shipping security system in the second half of the nineteenth century and the appearance of piloted societies recognized by the state, it was the pilots who were the first to meet the merchant ships arriving at the Black Sea and Azov ports; first before representatives of the quarantine and customs departments climbing them [Martínez, et al. 2018]. The main normative act regulating the activities of pilots in the period under review was the “Regulations on Sea Pilots” dated May 1, 1890 [Martínez, et al. 2018]. If a dangerous disease was subsequently found on the ship, the pilots, together with the crew, were quarantined.

The last step in ensuring security in the ports of the region was the legal organization of activities of trading ports and works produced in them. This became possible only by adoption of the “Regulations on the administrative management of merchant shipping and port police in the coastal trading ports” dated May 7, 1891 [Martínez, et al. 2018]. On the basis of this regulation, state port administration with the port police appeared in the commercial ports of the region.

Rules for the safe operation of commercial ports, including issues of loading and unloading merchant ships, were further developed by the port authorities [Martínez, et al. 2018].

**FINDINGS**

Thus, we can single out the following main components of the legal organization of security measures for the trading ports of the Black Sea region of the Russian Empire in the nineteenth and early twentieth centuries: quarantine service, customs, pilot organizations, port authorities with the police at them. At the same time, sometimes, the quarantine and customs authorities included quarantine and, accordingly, border guards Bahgat, G. (2002).

**CONFLICT OF INTERESTS**

The author confirms that the data do not contain any conflict of interest.

**REFERENCES**


