

Козловський Євген Вікторович, кандидат наук з державного управління, доцент, доцент кафедри міжнародного туризму, Київський національний університет культури і мистецтв, 01601, м. Київ, вул. Коновальця, 36, тел.: 0503863404, e-mail: ek2002@bigmir.net

Козловский Евгений Викторович, кандидат наук по государственному управлению, доцент, доцент кафедры международного туризма, Киевский национальный университет культуры и искусств, 01601, г. Киев, ул. Коновальца, 36, тел.: 0503863404, e-mail: ek2002@bigmir.net

Yevhen Victorovych Kozlovsky, PhD in Public Administration, Associate Professor, Associate Professor of the Dept. of International Tourism, Kyiv National University of Culture and Arts. Kyiv, 01601, Kyiv, Konovaltsa Str., 36, tel.: 0503863404, e-mail: ek2002@bigmir.net



THE ROLE OF STATE IN THE FIELD OF SIMPLIFICATION AND HARMONIZATION OF TRAVEL FORMALITIES

Abstract. In this article the meaning of “travel formalities” is defined and the practice of applying of travel formalities in international tourism is considered. Special attention to the organization of public authorities during simplifying of travel formalities is paid. It was found that the harmonization of travel formalities depends on the interests of the state in the aspect of its security, public order, as well as rights and freedoms of citizens. With the elimination of the differences in social and economic development of countries, bringing law to the same level, travel formalities should be as simple as possible. The creation of space with any formalities is only possible where the high level of trust and cooperation between the law enforcement system, the state and society as a whole.

Keywords: international tourism, travel formalities, state tourism policy, international tourism organizations, freedom of travel, tourism safety.

РОЛЬ ДЕРЖАВИ У ПРОЦЕСІ СПРОЩЕННЯ ТА ГАРМОНІЗАЦІЇ ТУРИСТИЧНИХ ФОРМАЛЬНОСТЕЙ

Анотація. Визначено зміст поняття “туристичні формальності”, розглянуто практику застосування туристичних формальностей у міжнародному туризмі.

Особливу увагу приділено питанням організації діяльності органів державної влади у процесі спрощення туристичних формальностей. З'ясовано, що гармонізація туристичних формальностей залежить від інтересів самої держави в аспекті її безпеки, суспільного правопорядку, а також прав і свобод громадян. З усуненням відмінностей у соціальному та економічному розвитку країн, приведенні норм права до єдиного рівня, туристичні формальності мають бути максимально спрощені. Створення простору, вільного від всіляких формальностей, стає можливим лише там, де панує найвищий рівень довіри та взаємодії між правоохоронними системами, державами та суспільством в цілому.

Ключові слова: міжнародний туризм, туристичні формальності, державна туристична політика, міжнародні туристичні організації, свобода подорожей, безпека в туризмі.

РОЛЬ ГОСУДАРСТВА В ПРОЦЕССЕ УПРОЩЕНИЯ И ГАРМОНИЗАЦИИ ТУРИСТИЧЕСКИХ ФОРМАЛЬНОСТЕЙ

Аннотация. Определено содержание понятия “туристические формальности”, рассмотрена практика применения туристических формальностей в международном туризме. Особое внимание уделено вопросам организации деятельности органов государственной власти в процессе упрощения туристических формальностей. Выяснено, что гармонизация туристических формальностей зависит от интересов самого государства в аспекте ее безопасности, общественного правопорядка, а также прав и свобод граждан. С устранением различий в социальном и экономическом развитии стран, приведении норм права к единому уровню, туристические формальности должны быть максимально упрощены. Создание пространства, свободного от всяческих формальностей, становится возможным только там, где царит высокий уровень доверия и взаимодействия между правоохранительными системами, государствами и обществом в целом.

Ключевые слова: международный туризм, туристические формальности, государственная туристическая политика, международные туристические организации, свобода путешествий, безопасность в туризме.

Formulation of the problem. In the second half of the twentieth century, tourism took a significant development has become an important and widespread social and economic phenomenon of international scope. Tourist travel associated with crossing the borders of countries, stay and movement of tourists in a foreign country, and these issues are regulated not only by international law as national laws and administrative regulations.

Each country has specific conditions that characterize tourism activities, operating their national legislation governing the entry and exit of tourists procedure for moving goods across the border, exchange of foreign currency, rules of conduct tourists and others. Because of these reasons, organizational problems in international tourism is quite complex. To date, they have not yet fully resolved, although keenly discussed tavystupayut object of constant attention of states, governments and international organizations.

Travel formalities - an element of public and legal activities of public authorities. The content of the travel formalities have formalized the steps undertaken by the government to verify compliance with the law of the tourists, international law and the implementation of other measures caused by the need to ensure the safety of the individual, society and state, protection of other public interests.

Analysis of recent research and publications. Determination of content, features different aspects of compliance and regulation of travel formalities are devoted AP Bhatova, IV Zorina, AA Ignatiev, VA Quarterly, VS Senin and others. A significant contribution to research travel formalities as a major

aspect of tourism safety were made MM Marinin. But despite the available scientific results from this area important for us perceived problem of defining the role of the modern state in the simplification and harmonization of travel formalities.

The purpose of the article - to determine the place, role, functions of the state and its government structure the process of simplification and harmonization of travel formalities.

Presenting main material. The tourism industry because of its transnational character is immune from the use of "travel channel" for illegal activities, tourists, intentionally or inadvertently, destroy the monuments of nature, history and culture; infinitely entrepreneurs exploit tourist resources, employs minors for profit; public authorities and their officials are set to entrepreneurs excessive administrative barriers, thus preventing the development of tourism.

In view of the above facts, any civilized state can not remain aloof from these events and phenomena not create adequate protective mechanisms for combating security threats associated with tourism. An effective means of combating these risks are the "formalities" in tourism.

The concept of "travel formalities" came into practice due to the widespread use of the term in international legal acts. For example, documents the World Tourism Organization (UNWTO) the term "formal" is usually used in a neutral or negative sense, "Documents", "procedure", "barrier", "barrier".

Analyzing the etymology of the word "formality", IV Zorin in "Encyclopedia of Tourism: A Handbook" reveals its meaning as "a condition or set of actions that are necessary to achieve any

important responsible business" [5, c. 301]. M.M. Marinin defines as formal rules, conditions and actions needed in terms of law and established in the state order, which must be observed in the organization, design and implementation of travel [9, p. 7]. According to V. Senin, travel formalities - a procedure related to the observance of tourists who cross the state border, certain conditions, rules and requirements set by public authorities of traveling and staying [10, p. 115].

A person who intends to visit for the first time as a tourist foreign country generally believed that there are only border and customs formalities. But there are no less important sanitary and epidemiological rules governing the entry in tropical countries, where there are many dangerous diseases that tourists can bring in their own country. Knowledge and accurate performance of health standards will save it from many troubles during the trip.

Equally important for the tourist traffic is regulated procedure across the border many specimens of flora and fauna; rules relating to the movement of foreign currency and other valuables; question of personal insurance at the time of travel. In addition, there are a number of other, less known to the public the terms and rules of international tourism, which are provided by law in the interests of national security and public safety as well as protecting travelers and the environment.

Currently, to distinguish between two main groups of travel formalities: a) those relating to travelers as a whole (that is, individual tourists and organized groups); b) those relating to tourism enterprises that provide

services to tourists. Over the last ten years, non-tariff barriers in tourism resulting from the implementation of additional security measures by States, began to play a more significant role than purely economic obstacles or commercial character. Vyklykom time for business tourism is strengthening konkurensiyita consolidation companies. Today there is a serious intensification of competition between tourist centers in attracting foreign tourists. Ultimately, the struggle will be conducted by jobs and sustainable, responsible economic development. With the increasing consolidation processes will increase the pressure on the public authorities responsible for the issue of competition with the requirement to provide equal opportunities for all. Calls for the adoption of measures for the integration of local markets will grow with confidence that the globalization of benefit mainly multinational corporations. Other problems faced by modern tourism, can be identified as: congestion tourist centers; excessive taxation; the additional costs of security measures; liability and insurance; imperfection of e-commerce; congestion of airports and airspace; reduction or cancellation of air services; risks associated with the disease or natural katastrofamy. U theoretical aspect of the entry of foreign citizens in either country and the associated degree of "hardness" or "softness" of travel formalities depend on the interests of the state in terms of its security, public order, and the rights and freedoms of citizens. At various historical stages of development of the state balance is disturbed, periodically dominated by one or the other side. With the elimination of differences in social and economic development of countries, bringing law to the same level and with the same sense of human rights as a "citizen of the world" (not a single country), travel formalities are simplified and dominate your order

v'yizdu- travel abroad. MM Marinin said that the legal regime of international tourism consists of a set of legal norms of the country of residence of the tourist and the State, which made the trip, or more often - several states along the route of the tour at the same time. Therefore simplification of travel formalities, every country has to go through the line with a proven international practice. At full coincidence of the law of several countries travel formalities are they identical. In other words, all restrictive regulatory framework and actually disappear, to travel from one country to another - does not need a passport, visa, insurance, passing the border or customs control. The experience of the European Union and the Schengen Agreement on the only space tourist to the vast majority of European countries clearly show [9, p. 17]. It should be noted that Shenhenskazona "without borders" has little in practice bilshetrydtsyaty years: almost all of its standards is a unique precedent in international relations and have not been previously used. So create a space free of internal border checks is possible only where reigns the highest level of trust and cooperation between law enforcement, government and society in tsilomu. Razom with those for other countries of the world participated in a single space travel - is the distant future . Systematic violations travelers entities of various rules and regulations compel the country to be more "formalists" than hospitable. In this strict approach tourist travel falls not so much in the "hospitality industry" as beginning to occur with rigid administrative system, which stands for the protection of interests of their country, protecting it from illegal immigrants, foreign workers,

international terrorism and other "problems" . The Universal Declaration of Human Rights adopted by the United Nations in 1948, proclaimed the equality of all people confirmed their right to life, liberty, security of person, humane treatment, respect, rest and leisure, reasonable limitation of working hours and periodic holidays with pay. The declaration was a direct result of the experience of the Second World War and was first formulated those rights that should be everyone. In particular it was noted that all States of the international community are legally equal subjects of international relations and to respect human rights and freedoms. The main provisions of this important document serve as the legal foundation of international tourism [4] .Usima legal norms recognized worldwide tourism universal phenomenon, so nobody can be limited in opportunities to travel. However, the right to freedom of travel involves the mandatory compliance with the rules of international tourism, respect for local customs laws and visited countries and leaving it at a certain implement measures ni termin. Protsedura one security tourism while expanding opportunities for people to travel within the country and abroad in the scientific literature and international instruments is called "simplification of travel formalities" .Vidpovidno the Hague deklaratsiyiz tourism, tourist simplification of formalities in international tourism - a coordinated policy and actions of states to promote and encourage both individual and group travel trips, trips and stays [2] .Sproschennya travel formalities have grown beyond their initial narrow border formalities and customs procedures. Today it is believed that the focus should be on positive stymulyuvannyata promoting travel and tourism in particular

through measures that allow kozhnomubraty participate in domestic and international tourism, especially thanks to the perfect distribution of work and free time, the introduction of paid annual leave, a more equitable distribution during the year during the holiday season, paying special attention to the development of tourism for young people, the elderly and invalidiv. Protses simplification of travel formalities usually differ from the process of "liberalization," which is associated with the removal of barriers to tourism business and tourist trade. However, the rapid growth of travel and tourism in recent years, the meaning of "simplification of travel formalities" also includes liberalization of trade in services in the travel formalities turyzmu. Sproschennya state initially conducted bilaterally. Subsequently, these issues have been assigned intergovernmental organizations under the auspices of which were developed and adopted a number of important international treaties and dokumentiv. 1. Final Act of the Conference on Security and Cooperation in Europe (Helsinki, 1975): "The States Parties express their intention to encourage the development of tourism by considering the positive perspective, issues related to formalities for traveling abroad" [7] .2 . Manila declaration on world tourism (Manila, 1980), "World Tourism Organization includes a program of activities issues relating to the use of existing rules and current practices of travel formalities and making general recommendations to streamline and simplify tourist travels" [8] .3. Tourism Charter (Sofia, 1985): "States should facilitate the access of travelers (citizens of their countries and foreign citizens) to the public domain in locations frequented by applying the provisions of existing

documents on the facilitation produced by the United Nations International Civil Aviation Organization , the International maritime organization, the customs cooperation Council or any other organization, including the World tourism organization, given the continuous reduction of restrictions on travel "[11] .4. Hague Declaration on Tourism (The Hague, 1989): "Along with the rapid increase in travel utochnyayetsya and expands the concept of travel formalities. Some of them relate directly to tourists, others - representatives of the tourist business. Simplifying the travel formalities have left their original narrow limits of border formalities and customs procedures. Today we are talking about positive stimulation and promotion of tourism, in particular through the implementation of measures that allow each person to participate in domestic and international tourism, especially the young, the elderly, persons with disabilities "[2] .Komisiya UN Sustainable Development in April 1999. approved the concept of the Global Code of ethics for tourism and offered suggestions to complement its tourist industry representatives, non-governmental and civil society organizations. Written comments on the document were received from over 70 member countries of the UNWTO and various organizations. The latest edition of the Global Code of Ethics for Tourism, developed by the results of a long consultation process, was unanimously approved at the thirteenth session of the UNWTO General Assembly in Santiago (Chile) in October 1999 r. Kodeks contains nine articles that define the "rules" for governments, tour operators , travel agencies and tourists themselves directly. A separate tenth article is devoted to defining mechanism of solving controversial issues, which is based on the

principles of reconciliation and mutual understanding through the creation of the World Committee on Tourism Ethics, consisting of all members of the tourism process - government, private sector and civil society organizations [3]. Global Code of Ethics for Tourism should be a living document, especially in the context of streamlining travel formalities. In particular, in its eighth article "Freedom tourist trips" states that administrative formalities on crossing borders, imposed by States or arising from international agreements (visa, health, customs, etc.) need to be adapted so as to facilitate freedom of travel and freedom access the maximum number of people to international tourism. It should also encourage HS odes among countries aimed at harmonization and simplification of formalities gradually cancel or adjust specific taxes and fees, aggravating the tourism industry and prevent its konkurentospromozhnosti. Vysnovky and prospects for future research. The present system of travel formalities are the result of the long history of entry and exit, reception and service of foreign visitors. Travel formalities to protect the interests of tourists who are outside their country of residence, and allow registration of foreign tourists who cross national kordon. Turystychni formalities are divided into several types and include: passport, visa regime v'yizdu- exit customs regulations, currency control, medical and health standards, insurance, residence and movement of foreign tourists peculiarities of the country, immigration rules and some other protsedury. Poryadok entry and stay travelers in a foreign country, as well as the most international tourist activities for a long time will be under state

control. This is due primarily to the differences in socio-economic development of countries and different understandings of the representatives of various countries such categories as goodwill, order, morality, law and so on. Simplifying the travel formalities - a thoroughly thought out and coordinated policy, specific activities of government agencies, especially the National Tourism Administration, to the development and promotion of tourist travel, providing travelers the necessary social and economic security, a qualified medical and other assistance, protection of their property health and personal rights and svobod. Suchasni state as part of the tourism policy should encourage the people to travel by creating appropriate conditions for the development of the tourism industry, they must also ensure the safety of the individual, society and state, the environment in connection with disorganizing the possible influence of negative processes and phenomena caused by tourism development.

REFERENCES

1. *Бгатов А. П.* Туристские формальности: учеб. пособие для студ. вузов, обуч. по спец. 230500 — Социально- культурный сервис и туризм / А. П. Бгатов [и др.]. — М.: Академия, 2004. — 297 с.
2. *Гаазька* декларація з туризму. Офіційний веб-портал Верховної Ради України [Електронний ресурс]. — Режим доступу: http://zakon3.rada.gov.ua/laws/show/995_904. — Назва з екрана.
3. *Глобальний* етичний кодекс туризму. Офіційний веб-портал Верховної Ради України [Електронний ресурс]. — Режим доступу: http://zakon3.rada.gov.ua/laws/show/983_001. — Назва з екрана.
4. *Загальна* декларація прав людини. Офіційний веб-портал Верховної Ради України [Електронний ресурс]. — Режим доступу: http://zakon3.rada.gov.ua/laws/show/995_015. — Назва з екрана.
5. *Зорін І. В.* Енциклопедія туризму: довідник / І. В. Зорін, В. А. Квартальнов. — М.: ФиС, 2009. — 375 с.
6. *Игнатъев А. А.* Туристические формальности в индустрии гостеприимства и туризма: учеб. пособие / А. А. Игнатъев, Рос. экон. акад. им. Г. В. Плеханова. — М.: Изд-во РЭА им. Г. В. Плеханова, 2009. — 123 с.
7. *Заклучний* акт Наради з безпеки та співробітництва у Європі. Офіційний веб-портал Верховної Ради України [Електронний ресурс]. — Режим доступу: http://zakon3.rada.gov.ua/laws/show/994_055. — Назва з екрана.
8. *Манільська* декларація зі світового туризму. Підприємницьке право [Електронний ресурс]. — Режим доступу: http://businesspravo.ru/docum/documshow_documid_33268.html. — Назва з екрана.
9. *Маринин М. М.* Туристские формальности и безопасность в туризме: учеб. пособие / М. М. Маринин. — М.: Финансы и статистика, 2004. — 144 с.
10. *Сенин В. С.* Организация международного туризма: учеб. для студ. вузов, обучающихся по спец. “Менеджмент” / В. С. Сенин. — М.: Финансы и статистика, 2005. — 398 с.
11. *Хартія* туризму. Офіційний веб-портал Верховної Ради України [Електронний ресурс]. — Режим доступу: http://zakon3.rada.gov.ua/laws/show/995_640. — Назва з екрана.