

Legal mechanisms to ensure the activities of economic entities: collective monograph. - ISMA University. – Riga «Landmark» SIA, 2016. – 75-84 p.

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INSTITUTIONAL BASIS OF THE RECREATIONAL LAND USE SUSTAINABLE DEVELOPMENT IN URBAN AGGLOMERATIONS

Effect of concentrating the large number of people in one place, their livelihoods and development of industrial forces, which together is creating a huge economic, scientific and intellectual potential, stimulates the growth of these places and forms the need to institutionalize their functioning on the principles of sustainable development.

The aim of the study is to define the institutional framework and vectors of eco oriented development of recreational areas in the urban agglomerations.

A large number of domestic and foreign scientists devote their researches to the institutional framework, environmental and economic problems of recreational natural use and certain aspects of urban agglomerations, such as D. Adams, O. Alimov, V. Geyts, V. Golyan [1], E. Hoover, S. Ibatullin [2], G. Lappo [3], V. Novitsky, M. Nudelman, E. Pertsik [4], M. Ruzhe, A. Tretyak [5], M. Hvesik [1]. In their works, scientists consider some aspects of problems of development the recreational areas, preconditions of improving the governance of territorial units. Scientists in their researches reveal the problems of: development and management of both total land fund of the country and the individual territorial entities; geourbanization in general and its respective spheres; separate economic and environmental aspects of territories' development and formation of basic principles of mutually ecological & economic development. But the question of studying the recreational land use of urban agglomerations for ensuring their sustainable development is not enough researched, in our view.

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Urban agglomerations are formed by strengthening linkages and suburban areas, which perform both town-service functions and directly develop independently. Classic for the European urbanity is Pierre Merlen's and Francoise Shoe's determination: "Agglomeration is a system, which includes city and its suburbs". Urban agglomerations are influenced by both exogenous and endogenous processes of administrative-territorial formations' development. An avalanche process of expansion the agglomeration's forms of settlements, that form the new urban environment on the large areas, is objective in nature. It meets trends of productive forces and communication forms concentration. In this sense, one of the most important vectors of sustainable development of urban agglomeration is existence of the suburban areas. Appropriate lands must fulfill recreational, environmental and ecological functions, which can't be performed by the large city due to its industrial, economic and commercial development.

According to researches of the UN experts, the number of urban agglomerations in the world amounts many hundreds and they are home to 1300000000 persons, or 56.4% of the world's urban population. In 30 largest agglomeration areas with a population of over 10 million persons there are concentrated 478800000 persons, or 11.6% of the world's urban population.

Today in Ukraine the term "agglomeration", "urban agglomeration" remains almost theoretical in the field of public administration and regional economy. Agglomeration in Ukraine is neither an administrative unit nor entity of government, which is almost virtual in terms of practice. The legal definition of term "urban agglomeration" as implemented in the definition is made in [6]: "urban agglomeration is a compact territorial distribution of urban settlements, combined intense economic, employment and cultural & community links."

Considering the course of synchronization Ukraine's legislation with the EU standards and support of the position about this term usage Directive of the European Parliament and of the Council of the European Union [7] should also be quoted. So art. 2 states: "... 17. "agglomeration" means an area, which is a conurbation with a population of over 250 000 inhabitants or, where the population is

Legal mechanisms to ensure the activities of economic entities: collective monograph. - ISMA University. – Riga «Landmark» SIA, 2016. – 75-84 p. 250 000 inhabitants or less, with a given population density per square kilometer that it will be established by State members".

In the absence of legislative which can clearly define the rules on establishment the urban agglomerations, there are 22 largest agglomerations in Ukraine, where about 17 million people (or 36% of the country's population) live. Big cities of Ukraine, which form the significant urban agglomerations are included to the list of the global system of urban areas (Table 1).

Table 1.

Place of the largest agglomeration's forming cities of Ukraine in the global structure*

№ in the global structure	Town	Population, persons	Area, sq.miles	Density, pers./sq.miles	Area, sq.km	Density, pers./sq.km
451	Dnipropetrovsk	1,000,000	125	8,000	324	3,100
480	Donets'k	962,000	174	5,500	451	2,100
321	Kharkov	1,449,000	180	8,100	466	3,100
152	Kiev	2,816,000	210	13,400	544	5,200
589	Krivoy Rog	750,000	64	11,700	166	4,500
787	Lugansk	525,000	47	11,200	122	4,300
589	Lviv	750,000	75	10,000	194	3,900
823	Mariupol	500,000	66	7,600	171	2,900
449	Odessa	1,010,000	80	12,600	207	4,900
577	Zaporizhzhia	772,000	100	7,700	259	3,000

* Compiled by authors on the basis of [8]

Urban agglomerations are referenced to specific areas of regions, resources of which are taking a direct part in the recreational use of land or affect it. Taking into consideration dynamics, economic development and human impacts on the territory of urban agglomerations, recreational direction of these lands is a prerequisite for further rational environmental usage. Therefore, determination of conditions and priorities of recreational nature usage and diagnosing its effectiveness is becoming increasingly urgent problem because of

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the high environmental, ecological and socio-economic value of these areas.

Natural recreational resources that constitute a system of recreational nature usage are the components of environment: climate, lands, surface water and groundwater, vegetation, etc., used to meet the recreational needs.

In the subjective sense freedom of recreational usage is the possibility of specific persons to use natural resources for meeting their recreational needs in the case of general or recreational nature usage or for mass recreational needs of others in case of special recreational nature usage. In the objective sense freedom of recreational nature usage is defined by scientists as interdisciplinary institute within the recreation law, which is considered as sector of environmental law.

During research of recreational land resources, as part of the appropriate type of nature resources' management, it should be noted that an important feature of recreational land use is its organizational normative & legal regulation, provisions of which are enshrined in the Constitution of Ukraine, the Land Code, laws of Ukraine and other legal acts that are inherent in the regulation of the land relations. In fact, according to the Constitution of Ukraine, the land is the main national wealth that is under special state protection.

At the same time, scientific & conceptual apparatus, which is used in recreational studies, is characterized by the absence of a clearly defined system of definitions and by their ambiguity and diversity. This is because scientific researches that are conducted in this area started recently; they are dynamic and studies are conducting in several areas: recreational geography, economics of recreation and tourism, recreational environmental management, sociology, tourism, education, tourism management and marketing etc.

In the area of recreation land use there are outstanding aspects of the regulatory and legislative fixing of differences in terms of "recreation area" and "recreational land". According to Art. 63 of the Law of Ukraine "On Environmental Protection" recreational areas are areas of land and water intended for organized mass recreation and tourism. The Land Code of Ukraine in the Art. 50 added one more feature of recreational areas: "for sporting events".

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Thus, organizational & economic foundations of recreational land use in urban agglomerations are reflecting the relationship and interdependence of both organizational regulation, standardization and methodological instruction, and economic leverage in terms of planning, investment, financing, crediting, taxation, leasing, pricing, material and monetary stimulus, ensuring of profitability in the economic, social and environmental process of land use in urban agglomerations for renewing strength of citizens and their rest.

In this sense, there is a pressing problem that territory of Ukraine has no regime for single usage of recreational zones. In addition to the above mentioned legislation, some legislative acts include special provisions about usage of these lands. So Art. 413 of the Commercial Code of Ukraine determines that economic activity in territories and objects of natural reserve fund of Ukraine, spa, therapeutic, recreational and other territories and objects, related by legislation to such territories, is carried out according to legal requirements of these areas, made by law and other legislative acts. Tax Code of Ukraine states certain features of taxation of recreational land use; payment of fees; term of recreation facilities etc. Among other legal acts, regulating the process of recreation land use is worth noting the Law of Ukraine "On Land Protection", "On land management," On Basic Principles (strategy) of the State Environmental Policy of Ukraine till 2020", "Concept of the State Target Program Development of land relations in Ukraine till 2020","On tourism ","On ecological network of Ukraine", "On the Fundamentals of Urban Development", "On regulation of urban development", state building codes and health rules etc.

Considering modern recreational land use of urban agglomerations in the context of international integration, the attention must be paid to the fact that there is a double imposition of interests and spheres of influence, fragmented governance, discrepancy of list of regulations for today requirements. This situation is so because of inconsistency of management personnel and a clear delineation of areas. Recreational functions, partly, are carried out by lands with another intended purpose. These include: forests and other wooded area, perennial plants, hayfields, pastures, mixed-use land, land with special vegetation and territory covered by

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surface water. This creates additional challenges for effective management of areas.

Disadvantages of settlement systems of urban agglomerations include:

- inconsistency of social, economic, urban and environmental aspects of human settlements and surrounding areas;
- excessive concentration of population and production in large cities;
- slow development of most medium and small cities, towns and villages;
- eccentric geographical location of most regional centers, insufficient development of social and cultural services and transport links for population of surrounding areas, which makes it impossible to provide equal conditions for access to these facilities for every citizen;
- insufficient development of social and engineering & transport infrastructure of settlements.

Sustainable development of the recreational land use in urban agglomerations is defined by us as the process of introduction of innovative ecologically arrangements for mutually socio-ecological-economic development of recreational areas in order to receive appropriate services, pleasure and leisure, when the use and recovery of natural resources of recreation lands is taking into account the needs of future generations.

The primary objective towards sustainable development is to develop the improved institutional framework of recreational land use. For addressing the major problems of formation the institutional model of recreational land use it is necessary to clarify the definitions of basic concepts such as "institutionalization". Nobel Laureate D. Nort considers institutions as structure that people put on their relationship, defining thus the incentives and limitations which outline the limits of choice. The above mentioned ones define the limits of the economy and society over a period of time. Polish economist H. Kolodko understands institutions as the "rules" established by law and organizations that ensure compliance with these "rules" by economic actors. Institutionalization is the process of identifying and fixing norms, rules, statuses and roles, bringing them into the system that can work towards meeting some public

Legal mechanisms to ensure the activities of economic entities: collective monograph. - ISMA University. – Riga «Landmark» SIA, 2016. – 75-84 p. need [1]. Exploring the institutional basis for the development of recreational land use, it is needed to determine the structure of management and cooperation in this sphere on the example of Odessa urban agglomeration (Figure 1).

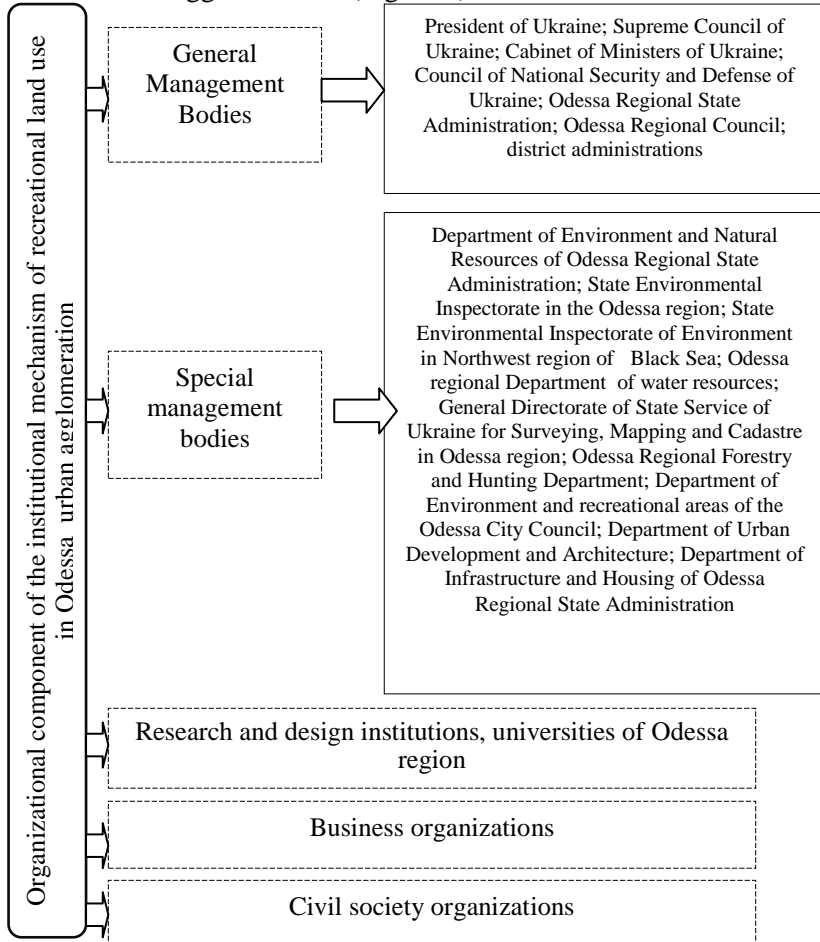


Fig. 1. Organizational principles of institutional development of recreational land use in Odessa urban agglomeration

Research of institutional framework of recreational land use in the system of spatial development of urban agglomerations gives rise to the following general conclusions:

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- Socio-economic characteristics, environmental status and institutional support of urban agglomerations, formed in Ukraine are not fully complying with the parameters established in the world in general and in EU.
- Development of recreational land of urban agglomerations that serve as opened socio-economic systems largely depends on their institutional framework, balance of its components and impact of factors surrounding the macro and micro environment. The scale of recreational land use is determined, on the one hand by the demand for recreation, cultural and cognitive activities, and on the other - by level of anthropogenic load state of the environment and set of institutional reforms aimed at sustainable development of the territory and meet of the recreational needs.
- The current regulatory and legal framework of recreational land use include gaps, especially regarding distribution of authorities and intended use of areas, the availability of basic law on recreational lands and strategies conformed with the requirements of international law.
- There is a lack of systemic support of stakeholders in financing of business projects of recreational and social structures in which economic interests dominate on the environmental and social.
- The lack of established links and information provision in the sphere of government, business sector, NGOs and society interaction.

The primary source of solving the above problem is to develop mechanisms and institutional basis of greening the relevant areas. Basic principles of improving the institutional support of recreational lands are founded in Figure 2.

Taking into account market transformations in Ukraine, the problem of substantial correction of mechanism for management and development of areas, socio-environmental and economic aspects of development are raised. The above mentioned is needed because development of recreational land use largely depends on their correct positioning, differentiation, resource's potential, and impact of factors surrounding the macro and micro environment. Designing the institutional changes, it is important to take into account the factor of promoting the innovation updating the methods of management and labor.

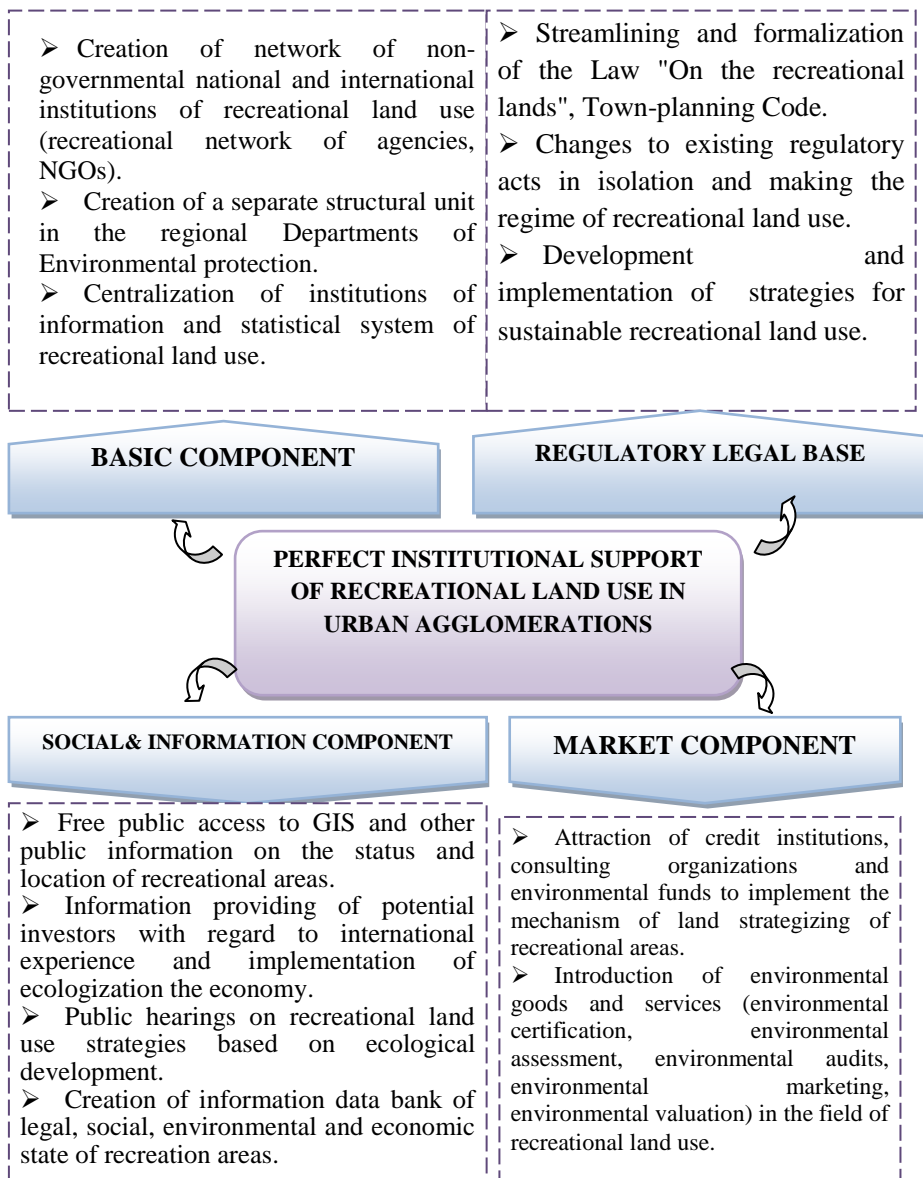


Figure 2. Institutional support of recreational land use of urban agglomerations

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The developed market of innovations can accelerate this process. So institutional transformations should focus on formation of innovative structures, which will provide the opportunity for development of ecologically oriented projects. Institutional environment of recreational land use should be the mutually agreed activities of government, business and public institutions on transactional operations and other land relations. This is the most important condition for sustainable recreational land use.

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