DEVELOPMENT OF RECREATIONAL TERRITORIES OF AGROSPHERE: LEGAL REGULATION

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Abstract

The legal regulation of the recreational sector and agrotourism of Ukraine are analyzed in this article. It is established that there is a need for distinguishing between the concepts "rural tourism", "green tourism", "eco-tourism" and conducting passportization of subjects of rural tourism.

Keywords: recreational activities, regulation, recreational territory of agrosphere, rural tourism, green tourism, eco-tourism, legislative acts and recreational resources.

Statement of the problem in the general form

Today extremely large information burden on the individuals, the high intensity of conversion compared with the past decade as a result of the concentration and growth of population density in metropolitan areas become very typical. A human is doing to organize his rest close to nature for the most effective recovery of strength and increase of productivity of professional, household activities. By the experts of Universe tourist organization the rural tourism is determined as essential, the most rapidly growing sector of the global tourism industry. The volume of rendering agrotourism services in European countries is now almost in 2-4 times higher than volume of growth of hotel facilities and spa services. In Ukraine, green tourism, as a branch of domestic economy, is only on the initial stages of development, so it is extremely important to improve the legal system of regulation of recreational areas of agrosphere to ensure minimal human impacts on valuable natural and agricultural landscapes, promoting competitive agrotourism as a kind of business activity.

An overview of recent research and publications

The aim of the research - an analysis of the legal regulation of the recreational industry and agrotourism in Ukraine.

The main material

Natural and recreational resources of Ukraine are concentrated rather unevenly. The greatest productivity is observed in Zakarpattya region and Crimea (201-360 UAH/ha) in Kyiv, Ivano-Frankivsk, Kharkiv and Donetsk regions - 101-200 UAH/ha. Productivity of resources of other areas is quite small [15].

Legal regulation of recreational areas is made to preserve the unique natural landscape, to ensure the constitutional rights of citizens on safe and health environment, the proper rest and recuperation. The basic laws of Ukraine in the field of recreation and rural green tourism include: "On Environmental Protection" [6], "On the Nature Reserve Fund of Ukraine" [7], "On the resorts" [14], "On Tourism" [8], "On a personal farm"[10]. Drafted Laws of Ukraine "On the rural and rural green tourism" [9], "On tourism resources" [11], "On the Unified State database in tourism sphere" [12]. The current environmental legislation contains the concept of resort, medical and sanitary and recreational natural resources. For example, in the article (the c.) 63 of the Law of Ukraine "On Environmental Protection" it is noted that recreational areas are areas of land and water space designated for organized mass recreation and tourism, to restore vitality and working capacity, providing environmental security [6]. In the Land Code of Ukraine it is determined the composition of the recreational value of land, which is the basis for the establishment of such zones; been described issues of the protection and use of the legal and regulatory regime. Forest and water recreation resources are also governed by the relevant codes. Some peculiarities of legal regulation of recreational areas are in the Law of Ukraine "On the Nature Reserve Fund of Ukraine." For example, in Art. 9 it is noted that areas and objects of natural reserve fund may be used including in health and recreational purposes [7]. The use of natural areas resorts, natural medical resources for treatment and rehabilitation of people, the question of monitoring and Cadastre of Natural areas of the resorts is coordinated by the Law of Ukraine "On the resorts" [14]. The general legal, institutional, social and economic principles of implementation of the state policy of Ukraine in the field of tourism governs by the law of Ukraine "On Tourism". In Art. 4 of the normative document it is indicated the list of tourism types based on its goals, objects used or visited, the categories of persons who make tourist trips or other characteristics. In particular, the following types of tourism are highlighted: environmental (green) and rural. One of the priorities of the state policy in the field of tourism is the development of these types of tourism, which is indicated in Art. 6 of the Law of Ukraine [8]. The document notes that certain types of tourism should be established and governed by a separate law. However, the legislative act that would regulate the legal relation subjects of agrotourism doesn’t occur in our country. Even in 2003, the Verkhovna Rada of Ukraine has been submitted draft law "On rural and rural green tourism" by MP V. Kafarsky. This document is delimited the concept of rural tourism and rural green tourism, proposed general organizational, legal and socio-economic bases of realization of state policy in the field of agrotourism in Ukraine. According to the project:

− rural tourism is a recreational type of tourism, involving a temporary stay of tourists in rural areas (village);
− rural green tourism is a recreational type of rural tourism associated with the stay of tourists in the apartment building of farmer, separated guest building or in the individual peasant (farmer's) economy territory;
− ecotourism is the kind of rural tourism that involves visiting areas with natural, cultural, ethnographic value by tourists [9].
In contrast to the law "On Tourism", this draft law was proposing the exemption from licensing activities of farmers and their families who are the subjects of tourist activity in the area of rural and rural green tourism and provide services of temporary accommodation (living) tourists in their farmers apartments, separated guest building or in the individual peasant (farmer's) economy territory; catering services for tourists and other services related to the stay of tourists in this sector (rural green tourism) or the area (rural tourism), where such activities do not fall under the category of agent or operator activity of the tourism [9]. During implementing these standards into action, we believe, will increase the number of farmers who invite tourists to their country estates, leading to attracting funds to improve the economic situation of rural areas and the development of rural tourism industry in particular. Therefore, the adoption of the normative document could eliminate some existing gaps in the legal regulation of agrotourism and recreational potential of the territory of agrosphere. But it took more than ten years of project registration, the document has not yet been revising.

In 2011, the State Agency of Ukraine for Tourism and Resorts drafted the Law of Ukraine "On tourism resources." The aim of adoption of this document is to ensure the preservation, restoration and sustainable development of tourism resources of Ukraine, stimulate the improvement of economy in areas that can be recognized as priority regions for tourism development, improving the safety of tourists at the sites of tourist visits, the formation of a competitive national tourism product by improving the quality and safety of all its components [11]. The adoption of this draft law would develop the sustainable nature management in tourism and agrotourism, among others. Article. 11 of the legislative document regulates the passportization of tourism resources, attention is drawn to the list of information to be contained in these documents. Also, in the draft law is proposed quite effective and transparent system of accounting of recreational tourism resources, creating a single state framework in the field of tourism, whose work is governed by separate Law of Ukraine "On Unified State database in tourism sphere" [12]. Creating such a framework would consolidate and organize information about the tourism resources of Ukraine and the subjects of tourism.

Property relations in the field of recreation and agrotourism governed by the Civil, Commercial Code of Ukraine, the Law of Ukraine "On private farm" and other laws taking into account features of type of relationship. Private farm - is an economic activity that is carried out without forming legal entities by a physical person individually or by persons are in the family or kinship relations and live together, in order to satisfy personal needs through the production, processing and consumption of agricultural products, selling its surpluses and providing services with the use of the subsidiary farm estate, including in the field of rural green tourism, according to Art. 1 of the Law of Ukraine "On private farm." Also activities associated with operating a farm, do not apply to business activities [10].

This analysis of legal regulation in the field of recreation and Agrotourism is necessary to develop new systems of monitoring of recreational areas of agosphere and predicting the development of rural tourism in Ukraine. Other regulations and legal framework is needed to improve existing and develop new teaching methods to prepare students with environmental disciplines such as: "Landscape Ecology", "Wildness protection", "Rural Green Tourism", "Sustainable Environmental Management (recreational resources of Ukraine)" and others.

Conclusions

So, the further development of tourism and recreation in the agosphere is impossible without improvement of the system of legal regulation of of these issues. There is a need to clarify the distinction and concepts rural, green and eco-tourism. It is necessary to simplify licensing system for private farms that develop rural green tourism. It is important to consolidate and organize the
information about the tourism resources of Ukraine and the subjects of tourism activities, provide their pasportization in agrosphere.

References

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