

REPRESENTATIONS OF BOUNDARIES IN THE CONTEXT OF PRIVATE AND PUBLIC RELATIONSHIPS: LATVIAN EXAMPLE

Armands Puzulis¹

Peteris Skinkis²

Riga planning region¹, University of Latvia²

Abstract

In social practice boundaries often have been perceived and used as a tool of structuring of the space. Spatial structures appear as representations of different activities and patterns as public and private relationships. Formal regulations, public attitudes forming on the basis of values system, acceptance and rejection of norms create different forms of individual adaptation cases which are representing in planning practise and landscape as a contradictory public and private relationships. Baltic coastal areas, Riga agglomeration, settlements structure, local suburban land transformation processes are some of the areas have been explored. What are public and private in using of space, where and how we can see results of that relation, how it is represented by boundaries, what are the roles of state and local government in that interplay - are questions explored in this research. The research is based on analysis of policy documents, interviews, landscape studies and GIS analysis.

Key words: public private relation, planning, boundaries, land use.

Introduction

Over the last few decades, Latvia and other Eastern European countries has experienced conflict between individual decisions and overall public interests. This was most clearly seen in new suburban territories where development was connected with widespread land and housing speculation. Under market conditions, land value is not assessed according to sustainability criteria. Latvian land policy considers value on the basis of cadastral and market value (land policy frameworks), which is created as a result of both territorial planning and real estate speculation. This has up to now deeply affected the development planning process, especially the creation and implementation of land-use plans (territorial plans).

Public life and territorial planning revolve largely around the balancing of public and private relations, where community interests and values are realised in individual practices. Individual practices may be ego/private-centric or dualistic, balancing individual and public interests and thereby strengthening both. This is generally reflected in situations of political transformation, especially in territorial development planning.

Over the last decade, public and private relations issues most visibly affected territories which have become spaces for new building interests. Changes in land use particularly became the subject of discussions and the focus of decision making near waterways (especially the seashore) as well as in the vicinity of valuable (including protected) nature territories. The implementation of private rights dominates in planning practice.

The aim of this research is to study the role of balance and opportunities of new balancing of private and public relations in sensitive spatial contexts. Main objectives are to work out methodology and to examine public and private interest representations in different Riga suburban cases.

The research is based on analysis of policy documents, interviews, landscape studies and GIS analysis.

Private and public relations

The concept of the public interest is open to debate and interpretation. In contrast to the private, the public does not have a clearly defined representation body of its interests, although it may be state administration, a social group or a community. These bodies of public interests are imputed with rights to represent value which transcend the individual (Keleş, R., 2011). In the planning process, often public and private interests are aligned using the concept of sustainability, which has a political context. Sustainability balances between what is and what is desired and is affected by location and economic and cultural considerations, which are primarily subjective (Dixon-Gough, R. and al., 2011).

From the aspect of public interests, decisions about development mainly touch on ethical questions. Land use ethics are based on values which cannot be considered to be absolute and are subject to various interpretations (Beatley, T., 1994). If territories are transformed through building, the quality of the new land use/ living environment is important, creating a requirement not only for new but also for a new type of building. The public and private also join and intertwine in the identity of place and people. This may be variously translated, but the essence is understanding the surroundings and finding the self in these surroundings (Keleş, M., 2009).

In both our contemporary liberal political culture and in practice, private property does not have an absolute character. The public trust doctrine, a principal which stipulates that certain resources are preserved for public use and the government is required to maintain them for the public's reasonable use, has been in existence for 1500 years. (Public trust...) Today, this doctrine has both supporters who urge the expansion of the range of regulations covered by it, as well as critics defending private rights in the age of globalisation. Environmental rights are connected with the public trust doctrine, which form the basis for general human rights to environmental quality (Takacs, D., 2008).

During the years of independence, territorial planning has frequently not been based on justified public interests or

values. The argumentation for values-based public interests in the formal planning procedure tends to be weak. Values are not clearly defined and are things we keep in mind when making decisions moving towards the ideal, such as *equality, autonomy, dignity, honouring your mother and your father, self-reliance, honesty, security, being content with your lot, ownership, freedom, solidarity, personal responsibility, not placing a stepping stone before the blind, and self-preservation*. Values are realised through objectives (priorities), which are political and which should be commensurate. Principles establish a transition from values which may be not concrete and changeable to concrete action. Interests are connected with persons and institutions which are value-defined (Shiffirin, D.B., 2006).

Methodology: analysis of boundaries as a representation of private and public relations

Space can be viewed as an arena for private and public relations, where the players are various participants interested in land-use – state and municipal institutions, private land owners and tenants, social organisations, territorial communities, property developers and speculators. The most significant context is the boundary between the private and public, which is often decisive in land use decisions. Public and private boundaries are reflected in space, despite the fact that at the same time the very concept of private and public is often the subject of discussion. In the spatial context, private and public relations are starkly represented in the case of boundaries. Boundaries are spatially expressed as the spatial actions of our thoughts, both in the practically observable working environment and in formalised working documents, stipulating the boundaries and rules of land use. Boundaries are used as representations to describe territorial processes.

Boundaries are viewed as tools and reflections of territorial policies. Boundaries have a number of functions: as a spatial orientation system for people, for organising the structure of individual and public territories, and emphasising the heterogeneous nature of space (Šķiņķis, P., 1999). In this sense, boundaries bring order to space in the manner required by the individual and society. In anthropology, boundaries are conceptualised as having little connection to land, at least not as being restricted by land, rather they are imaginary yet at the same time possessing real influence and consequences. (Houtum, H. Van, 1999).

Territorial boundaries are used as strategies for setting spatial usage rules for both public and private objectives, including administrative territories, state borders, seashores, border areas, agglomerations and land ownership boundaries. Some boundaries, such as natural boundaries and personal intuitive boundaries, cannot be evaluated functionally, even though people assign them some functional meaning. The demarcation of territorial differences ensures geographical order in the management of space.

Many authors emphasise the influence of boundaries through processes such as connection, belonging, inclusion and exclusion. Paasi stresses the creation of boundaries as part of territorial formation. Through the institutionalisation (place formalisation) process they obtain boundaries and symbols differentiating them from other territories (Paasi, A., 1999). The concept of place is not clearly defined and everyone understands it differently (Massey, D., 1994). Private spaces

are restricted and protected to combine power and space (Sack, R., 1986), which may be expressed formally, through legal confirmation, or physically by naturally restricting the territory.

There are on-going discussions about the role of boundaries in the era of globalisation. The role of boundaries in determining place is stressed (Harvey, D., 1989, Anderson, D., 2001) – the greater the level of disintegration, the more people become attached to places. Boundaries become a tool for discussing the identity of places. The classification of places and their spatial categorisation permits the cartographic comparison of differences in spatial institutionalisation, identification and expression (Sassen, S., 1999).

Border cases

We examine public and private interest representations in three different spatial situations. Firstly, the shore of the Baltic Sea, where there is greater relativity in both boundaries and values. The specifics of the seashore are largely influenced by natural processes, and here the human presence is represented in the landscape forms from both the individual and public standpoint in a comparatively weak physical reflection of interests. Secondly, the spaces on city outskirts, which are characterised by the presence of greater individual interests, less clearly defined public interests and complex private-public relations. Thirdly, territories in which special environmental protections created over a longer period, therefore also public space usage requirements, play an important role.

The coastal area

While the Baltic coastal area is a Latvian territory of national interest (LIAS), its boundaries have not been clearly established. This is a naturally and functionally distinct public space where large areas mostly untouched by human impact have been preserved. Almost half of the seashore space is covered by some form of natural protected territory status. Roughly one third of the seashore space is uninhabited. At the same time, there is high demand here for building plots. Large village and city territorial areas are reserved in planning documents, covering around half of the territory. However, these territories also have large areas of natural landscapes, including forests and protected biotopes (Pužulis, A., 2010).

Usage of the seashore space is regulated by the Protection Zone Law, which stipulates internal technical structural and formal guideline planning requirements (Protection Zone Law). It also stipulates the boundaries of coastal territories and provides for their definition in municipal territorial planning (Pužulis, A., 2010). The law technically stipulates property rights and restrictions, building, fencing, sea access, forest usage, risk territories, recreational use of the sea, use of subterranean resources, rules for behaviour by tourists and visitors and references to action in addition to alignment by state institutions. The main criteria for determining coastal protective zones are formal location within the boundaries of an inhabited area and the existence of a protected biotope. The result is that the boundaries of a specific zone often depend on interpretations by public institutions, which in turn affects private owners' rights to land usage.

Access to the sea and natural objects such as dunes, lakes and rivers is an issue of accommodating public and private interests. Many private land blocks block access to the sea or free movement along rivers. Access is ensured by rights of way and planning tools, however at present there are

no legal instruments for realising planning requirements. Municipalities do not own property with which they could implement requirements for accessibility and parking areas.

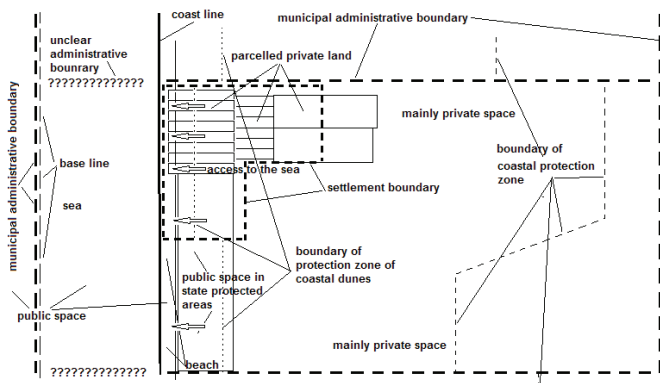


Figure 1. Coastal area between private and public

The seashore is subject to extensive erosion (around 120 km in Latvia). Because the shore has not been surveyed, the beach, which is located between the sea and the part of the dry land covered with continuous vegetation and which according to the Civil Law belongs to the state, does not have a clear area. Usually the beach is state property, but as the shoreline is washed away there are places where private land impinges on the beach or even the sea. In such cases the Civil Law stipulates that the land becomes state property, but the order in which this happens is not regulated. The result is a formal conflict between unclearly defined state (public) interests in relation to beach ownership rights and the private person’s land ownership rights. This is a unique situation wherein there is a natural transformation from one management form to beach, resulting in a change in the public character (accessibility) of the land from public to private. Beach management is another problem arising from the shifting coastline.

City outskirts space

The Riga suburban area or the Riga agglomeration is the second of Latvia’s defined national interest spaces. After World War II, Riga developed rapidly and its suburbs expanded. In the Soviet era territorial development was compact, typified by separated inhabited sites established either on the basis of old manors or in new places as economic centres, garden cooperatives or as continuations of the outflow of urban Riga beyond the city limits. For the first decade after the restoration of independence, growth in the existing compact structures continued. But over the last ten years, new areas were rapidly planned and built up. So-called “meadows’ villages” sprang up. The plans did not fulfil spatial organisational functions. Bank lending created a new value system, and private houses in new developments outside Riga followed the developers’ wishes rather than planning principals for inhabited sites.

In the immediate vicinity of Riga, agricultural land was divided into formal villages, which were in essence single addressing and record keeping territories. The developers’ detailed plans and land improvement projects almost completely covered the territories of these “villages,” but they were not mutually aligned. The village territory included historic structures, new projects, garden cooperatives and free, unutilised agricultural land (LIZ...,2010). In one of the territories studied in detail, Katlakalns and Rāmava villages

in Ķekava Parish, almost all of the land belongs to private owners, except for the main roads, which are state owned, and small parcels of land near public, municipal-owned buildings (Ķekavas pagasta teritorijas plānojums). This ownership structure was created during the land restitution period and today completely limits opportunities for developing the public space.

The street is one of the functional public spaces, creating access and serving as a meeting point for people. The few state and municipal streets do not provide access to land blocks. During subdividing, in many places streets were not provided for or, based on the Civil Law, were allocated the minimum width of 4.5 m, which is insufficient. Many places presently face the situation where streets are formed after houses are built. Rights of way and common property are used to this end.

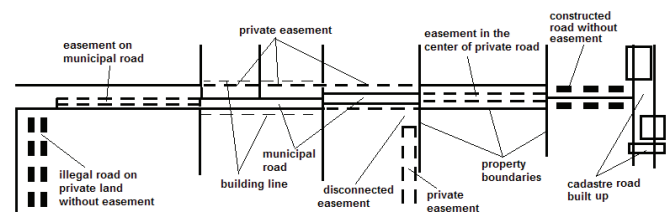


Figure 2. Boundaries structure in the new “planned” suburban settlement Ramava

Another problem is real life compliance with the cadastre, because in some places streets provided for in the cadastre have been built over. This has had an effect on street management, with streets that are uncompleted and/or not cleaned in winter found in many places. The fact that the streets formally have private owners hampers the development of public infrastructure because the approval of all owners must be received (The Civil Law).

The territorial plan is a promise of the future land use. Almost all of the territory of the formally planned villages is intended for private use, for residential or commercial building. A few public territories are planned in existing public territory.



Figure 3. Settlement structure in Riga suburban area

The dominance of private property severely limits the potential for developing public places. Only a few public function sites are concentrated in old centres – schools, kindergartens, sports fields, playgrounds, public halls, libraries, post offices, bus stops, information stands and shops. The new villages only have houses.

Here, the various developer projects were created with no regard for public space, utility connections or communications.

This has also left its mark on the social space, with a lack of integration between the residents of new and old villages. According to survey data (Iedzīvotāju aptauja, 2011), inhabitants of old centres do not regard new arrivals as “their people,” even when the new structures form a single compact village. In the case of the “meadows’ villages” residents identify themselves as part of a larger territory with no reference to the nearest place names. Some identify themselves as residents of Riga. The result is a socially, mentally and spatially fragmented local society mainly using the services of Riga. Conflicts between landowners are resolved through court practice, while the ordering of territorial status is the primary everyday function of municipal governments. The solution here can be sought in local land policy and the creation of joint infrastructure. Another equally serious challenge is to create a spirit of collective responsibility and partnership in communities with regard to territorial management (Intervija..., 2011).

Environmental protection territories

Environmental protection territories represent public interests via the state using specially protected territory status. They are specially planned (nature protection plans), with differing land uses anticipated for various. Other territories may be used for other purposes, including building. In Latvia, land use in protected nature territories is regulated by environmental protection laws and the Protection Zone Law, resulting in territorial planning requirements. Environmental protection practice is realised in two ways – through the state representing the overall public interest and playing the role of development restrictor – which tend to differ from municipal community public as well as private interests. Spatially varied territorial interests are realised functionally and from an administrative and management aspect in the overlapping of various territories. To a large extent this is reflected in the overlapping of various spatial belonging and usage regime boundaries.

One of the most typical such spaces is the contiguous and overlapping area formed by the City of Jūrmala, its adjacent municipal territory, the seashore and Ķemeru National Park. The territory of Lapmežciems municipality consists almost entirely of the Ķemeru National Park and part of the Baltic seashore zone (Ķemeru nacionālā parka...); just 8% of its territory is not covered by special environmental protection restrictions, but even these areas are subject to special city outskirts forestry management conditions. Large private landholdings have historically developed in Lapmežciems, which are currently in restricted areas with strict management rules. However, as is the case with other city outskirts and seaside municipalities, here there are also ambitious plans for building (Lapmežciema novada teritorijas plānojums). In a situation where territorial planning and the building process must be aligned with the national park administration and various other national territorial management institutions,

interpretations of regulations of public and private relations acquire great significance.

The Riga suburban forest belt is another example of a complex boundary space. Here there are also large protected nature territories restricting commercial infrastructure development projects. Riga Forests and Latvian State Forests are monopolists in the environmental protection and commercial usage spheres in large territories in the Riga Area. Soviet-era protected forest zones are no longer in effect in the outskirts of Riga. Pursuant to the Protection Zone Law, these are stipulated by municipalities agreeing on restricted forestry zones, but in reality only small areas are covered. Other forests are being subjected to commercial use or transformation. Dune forests surrounding Riga are being felled for timber, which was not permitted for at least 150 years previously. Some are transformed for building or recreational functions. Two forestry management organisations, Riga Forests and Latvian State Forests, institutionally represent the public interest, however their commercially motivated activities not infrequently lead to doubts about the extent of public benefit gained from comparatively intensive forestry activities versus sustainable solutions. A very special case in this space which is virtually closed to commercial activity is the City of Riga underground water protection zone territory. In this space, the planning process is almost entirely implemented through institutional alignment between the state and large enterprises, a formality based on the *a priori* assumption that their competence and activities represent the overall public interest.

Conclusion

The public space is not only linked to public sector land ownership or land use for public functions. Rather, it is a much broader concept, since the public space is a component of the cultural environment encompassing access, social life and community-forming factors. The boundaries between various legally and spatially morphologically or mentally differing spatial segments cannot always be clearly identified as representations of the character of social relations. Under Latvian conditions, they indirectly characterise the structural differences in public-private relations.

In almost all of the aforementioned cases there is a lack of practices for balancing public and private interests. In the case of the city outskirts, the dominant private interests do not create obvious contradictions with overall public interests as such; rather, they create an ignorant situation in relation to community interests. This has happened due to a lack of values transcending the individual and a vision of their benefits and to alignment as a social communication process. In social practice, private and public relations involve balancing, in which rights and responsibilities play an important role. This is even more significant in situations where individual interests are more clearly represented (agency) than public ones. Here the individual/private is connected with efficiency and rationality. Participatory responsibility is essential for achieving publically significant actions. The responsibility of each individual in the community context is important. Individual relations must be formed as socially comparable co-responsibilities (Lenk, H., 2009).

The present situation, which stands out most clearly in the Riga suburban forest space, also creates a lack of balance

from the aspect of interest representation due to the non-existence of private and community interest representation. This deficiency leads to a deficit of balancing practices as a component of social control mechanisms. In both extreme cases, there is a lack of socially meaningful discussion about public and private values and relations. It is reduced to merely formal legal interpretation, therefore an interpretive legal practice and legal culture is not created.

References

- Anderson, J., 2001. Theorizing State Borders: “Politics/Economics” and Democracy in Capitalism. CIBR Electronic Working Paper Series WP01-1.
- Beatley, T. (1994) *Ethical Land Use Principles Of Policy And Planning*. The Johns Hopkins University Press
- Dixon-Gough, R., Hernik, J., Dixon-Gough, J. (2011) *Sustainability and the Cultural Landscape*. Core-Themes of Land Use Politics, Erwin Hepperle et al. (Hrsg.), vdf Hochschulverlag AG an der ETH Zürich
- Harvey, D. 1989. *The Condition of Postmodernity*. Oxford: Basil Blackwell.
- Houtum, H. van (1999) Internationalisation and mental borders, *Tijdschrift voor Economische en Sociale Geografie*, 90, pp. 329–335. Citēts: Henk Van Houtum and Anke Struver. *Borders, Strangers, Doors and Bridges*. *Space & Polity*, Vol. 6, No. 2, 141–146, 2002; Taylor & Francis Ltd
- Iedzīvotāju aptauja Ķekavas pagasta Rāmavas un Katlakalna ciemos, 2011 (not published)
- Intervija ar Ķekavas pašvaldības darbiniekiem 2011.g. februāris.
- Keleş, R. (2011) How to Reconcile Private Interests with the Public Interest? Conceptual Ideas in the Light of the Turkish Court Decisions Regarding Orderly Urbanization and Environment. *Core-Themes of Land Use Politics*, Erwin Hepperle et al. (Hrsg.), vdf Hochschulverlag AG an der ETH Zürich
- Ķekavas pagasta teritorijas plānojums 2009. – 2021. gadam, *Grafiskā daļa*, Ķekavas pagasta pašvaldība, 2009
- Ķemeru nacionālā parka dabas aizsardzības plāns 2002-2010.g. Carl Bro AS.
- Lapmežciema novada teritorijas plānojums 2009-2020.g., *Grafiskā daļa*, Lapmežciema novada dome, 2009.
- Lenk, H. (2009) Regarding Responsibility for Land Use and Eco-systems, Some Problems of Social Traps. *Land Development Strategies*, Hepperle, Erwin; Lenk, Hans (Hrsg.) © vdf Hochschulverlag
- LIAS – Latvijas ilgtspējīgas attīstības stratēģija, LATVIJA-2030, Saeima, 2010
- LIZ apsekojums. (2010) Lauku atbalsta dienests www.lad.gov.lv (viewed 10.04.2011.)
- Massey, D., 1994, *Space, Place and Gender*, Cambridge: Polity.
- Paasi, A. 1999. Boundaries as social processes: territoriality in the world of flows. In D. Newman. ed. *Boundaries, Territory and Postmodernity*. Frank Cass. London. Pp. 69-89.
- Protection Zone Law (with amendments), Saeima, www.likumi.lv (viewed 10.04.2011)
- Pužulis, A., 2010. Rīgas jūras līča piekrastes teritorijas noteikšana, RPR
- Public trust doctrine, Wikipedijs http://en.wikipedia.org/wiki/Public_trust_doctrine (viewed 10.04.2011.)
- Shiffrin, J.B. (2006) A Practical Jurisprudence of Values: Re-Writing *Lechmere, Inc v. NLRB*. *Harvard Civil Rights - Civil Liberties Law Review*, Vol.41, , pp.188-218; <http://www.law.harvard.edu/> (viewed 10.04.2011.)
- Sack, R., 1986. *Human Territoriality: Its Theory and History*. Cambridge: Cambridge University Press.
- Sassen, S. (1999), *Globalisering: Over mobiliteit van geld, mensen en informatie*. Amsterdam: VanGennip Citēts: Henk Van Houtum & Ton Van Naerssen. *Bordering, Ordering And Othering*. *Tijdschrift voor Economische en Sociale Geografie* – 2002, Vol. 93, No. 2, pp. 125–136. #2002 by the Royal Dutch Geographical Society KNAG Published by Blackwell Publishers, 108 Cowley Road, Oxford OX4 1JF, UK and 350 Main Street, Malden MA 02148, USA
- Šķiņķis, P. (1999). *Promocijas darbs. Teritorijas un teritoriālās stratēģijas Latvijā*. LU, Rīga
- Takacs, D. (2008) The Public Trust Doctrine, Environmental Human Rights, and the Future of Private Property. *New York University Environmental Law Journal*; <http://www.ielrc.org/content/a0804.pdf> (viewed 10.04.2011.)
- The Civil Law (with amendments) Saeima, 1937, Translation © 2007, Tulkošanas un terminoloģijas centrs (Translation and Terminology Centre)
- Yilma, M., Keleş, R., (2009) Sustainable Urban Development and the Patterns of the Right to Ownership With Special Reference to Architecture and Urban Planning Land Development Strategies, Hepperle, Erwin; Lenk, Hans (Hrsg.) © vdf Hochschulverlag

The article has been reviewed.

Received in April, 2011; accepted in June, 2011.