COLLECTIVE GOVERNANCE OF THE URBAN COMMONS

THE CASE OF PARKOVY OZERA RESIDENTIAL COMPLEX IN KYIV, UKRAINE

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The problem of governing resources used by many individuals in common has been long discussed in economics and environmental studies literature. Depending on the type of common resource, attributes of the group of users and property regime, collective action can either preserve the commons or deplete it. The condition of common resources in urban areas is currently affected by privatization and deregulation of public services, as well as by dismantlement of the traditional residential community due to rapid urbanization. As cities get densified by large-scale urban development projects, the urban commons is either privatized or left in open access. While the latter put the commons at risk of wasteful usage, the former limits access to shared resources to a group of privileged users at a cost of excluding others.

This paper investigates the condition of urban commons in urban residential areas. The specific context brought for analysis is conceptualized through the residential enclosure phenomenon, which typically finds it manifestation in gated communities. The study also focuses on areas where local governmental control over the urban commons significantly declined. The research is based on the empirical case of Parkovy Ozera residential complex in Kyiv, Ukraine. The studied area is explored with methods of spatial analysis, urban ethnography and institutional analysis.

A specific attention in the paper is devoted to the emerging institutions for collective action in the case study. The research analyzes socio-economic and institutional challenges to collective action in the residential complex. The empirical modeling of collective action challenges in the case study is presented through three real-life situations that describe governing the urban commons as a dynamic process.

The research also critically explores property right as a mechanism for governing the commons, with reference to the concept of bundle of rights. Describing limitations to privatization of the commons, the study offers a broader and more complex definition of urban enclosure. It also discusses limitations to collective action embedded in a local resource system, particularly the issues of scale and self-sufficiency. The study concludes with policy recommendations to local and national stakeholders in regards to fostering collective action in residential enclosures and avoiding exclusion of weaker social groups from the urban commons.

Key words: collective action, residential complexes, urban commons, urban enclosures.
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LIST OF ABBREVIATIONS

4P  public-private-people partnership
BID  business improvement district
CPR  common-pool resource
GIS  geographic information system
NGO  non-governmental organisation
UAH  Ukrainian hryvnya (national currency)
USD  United States dollar

ЖБК  -Ukr., housing and construction cooperative
КП УЗН  -Ukr., communal enterprise in charge of greenery maintenance
ОСББ  -Ukr., house owner union in multi-dwelling apartment building
ОСН  -Ukr., body of self-organisation of population
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INTRODUCTION

Background

Living in a city is a living surrounded by people. Friends, colleagues, neighbors or complete strangers, people are filling our urban routine with a complex web of interactions, relationships and hierarchies. Some elements of this web are regulated by rational economic reason, some – by law, some – by human psychology or ethics. What is most peculiar about cities is the constant need to judge’s one’s deeds and intentions against other people’s thoughts and actions, established through social norms. These norms, both formal and informal, take generations to evolve in the heart of what we call urban communities, and are used for various daily interactions in cities. However, these fundamental social constructions are far from being static and are vulnerable to changes in the urban environment.

Being prosperous and more important than ever, our cities now bear consequences of numerous fundamental paradigm shifts: decay of traditional community, aftertaste of industrial order, quick digitalization, controversial globalization and systemic crisis of world’s financial institutions. These are lengthy and complex processes, and some of the outcomes they produce lead to great challenges to established urban communities. Currently, we observe increasing inequality and fragmentation in cities, decay of traditional democratic institutions, commercialization of public life and concentration of land and housing ownership in the hands of powerful consortiums. These challenges are non-trivial and unanticipated by traditional governance instruments and institutions.

This new urban world is driven by a market mechanism, which is believed to empower individuals to make the most appropriate and rational use of urban resources. However, what is rational for an individual may appear odd or even catastrophic for the society as a whole. An easy target of such individualistic behavior is urban commons, public or common resource collectively produced and consumed by generations of urban dwellers. The extension of private property regime upon these resources becomes a widespread practice that provokes exclusion of general public from amenities perceived as collective. Such exclusionary practices, labeled as urban enclosures, can affect either traditional public spaces, such as public assembly squares or city parks, or shared and common spaces located in residential areas. In the latter case residential communities use property rights to alienate themselves in socially homogeneous settlements.

Thus, we let our cities get fragmented by local communities who reside in them – the recent popularity of gated communities of various kinds clearly reflects this process. However, what may be lost between the lines of this urban disintegration is the issue of local governance. As centralized top-down governance models fall into decline, collective action becomes the key tool for managing common resources. In such circumstances, establishing local regulations on the use of commons may require clear borders to a resource system and limited size of group of users in it. Hence, adopting the local governance perspective allows for a more complex vision of urban enclosures. In particular, they can be viewed as symbols of social disintegration in cities and, at the same time, emancipation of local communities through collective action.

Aim and objectives

This paper offers a research perspective on the urban enclosure phenomenon, based on the theory of collective action. The aim of the research is to study the condition of urban commons in urban enclosures through the analysis of local self-regulating collective action initiatives. Doing so, this study will pursue the following objectives:
1) to review the concept of urban commons through ongoing debates in urban studies and institutional economics;
2) to analyze the role of local residential communities in governing urban commons, based on a case study;
3) to explore the potential for policy-making in an environment governed by collective action initiatives, particularly in regards to overcoming social inequality in cities.

Relevance of the study

The activities of local communities in regards to regulating the use of commons in cities are generally a blind spot for decision-makers and academia alike, due to informal and often undocumented nature of such regulation. Yet, the interest in collective action is high, with numerous participatory models, such as 4P (public-private-people partnerships), being introduced in urban development projects globally. There had been however little empirical evidence of collective action initiated and run by urban residential communities themselves. At the same time, this research refers to a long-time theoretical debate on the potential of collective action to regulate the use of commons, which received its fundamental formulation in the works of Garrett Hardin, Mancur Olson and Elinor Ostrom. Hardly adding a new perspective to this debate, this research brings it to the settings of contemporary city and its residential areas.

The use of a case study based in Kyiv, Ukraine, allows for a detailed empirical analysis of the local collective action institutions. The research is also highly relevant in the Ukrainian context, due to emergence of the residential complex phenomenon. The latter stands for a residential development model, which produces extremely dense urban environment with lack of public space and social infrastructure, and is prone to collective action problems on many levels. The residential complex model is currently becoming mainstream in residential development in Kyiv and will define its urban environment in the future.

Outline of the research

The study will depart from literature review that conceptualizes the notion of urban commons. It will further review academic debates on socio-technological transition and neoliberal city from the commons perspective, and introduce the concept of regulatory slippage as a consequence of deregulation policies. A separate section will be devoted to property relations as a tool for governing the commons. The literature review will be supplemented with a theoretical framework based on the core concepts of the collective action theory, featuring the notion of self-regulating institution for collective action developed by Elinor Ostrom.

The remaining part of the research will be built around an empirical case study of a residential complex in Kyiv, Ukraine, featuring the attempts of local governance of commons in the context of urban enclosure. The case study will explore local collective action both in its institutional dimension and through three selected real-life situations that showcased challenges to governing the commons. The study will conclude with theoretical implications for the commons research and policy recommendations to local and national stakeholders.
LITERATURE REVIEW

Urban commons

Reviewing the problems of collective action in regards to managing the commons, it is important to highlight the fact that the notion of commons emerged on the edge of economics and environmental sciences. Most of empirical studies that utilize this concept are embedded in rural settings or describe collective action problems related to collective management of natural resources (McIntosh 2010, Marschke et al. 2012, Berge & Haugset 2015 to name a few). At the same time, recent scholar works extend definition of commons into the World Wide Web, exploring a specific domain of digital commons (for example, Ros-Galvez 2015). The concept of urban commons, which is central to this research, is another non-trivial type of commons that is now becoming increasingly important for researchers who study problems of organizing collective action of shared resources in cities (Borch & Kornberger 2015). Reasons for that vary, but it is important to highlight some features of urban commons that make them highly relevant for this research.

Firstly, we should take into account the recent massive trend towards global urbanization. As mentioned in Habitat III Issue Paper 10 - ‘Urban-Rural Linkages’ (2015), the urbanization processes of the XX-th century created numerous developmental challenges for small and intermediate cities since provision of services and opportunities generally favored large agglomerations. The same paper also mentions that urban areas now accommodate more than 50 percent of world’s population while occupying 3 percent of Earth’s surface and generating 80 percent of global wealth. They are also believed to consume up to 76 percent of the Earth’s natural resources and more than half of its waste and emissions (UN Habitat 2015). These figures suggest that cities now possess most of global commons produced by human labor, while their natural commons are quickly becoming rare and luxurious.

Secondly, it is important to mention the current rural-urban transition of global wealth, which is sucking life out of many established rural communities, so that their population is rapidly migrating to cities. This community shift puts the new urban areas at risk of collective action problems as it dismantles traditional communities (already weakened by modernity), stripping them off their informal rules and behavioral patterns developed by many generations. On the other hand, such migration pattern questions relevance of those successful collective action cases that describe predominantly events taking place in rural settings, and also raises the issue of scale, which is one of the key predictors of success of collective action. As we know, urban density is higher than rural by definition, so the issue of scale must be critical for managing urban commons. As mentioned by Harvey (2012) in regards to collective action, ‘what looks like a good way to resolve problems at one scale does not hold at another scale’.

Thirdly, the nature of urban commons might appear different from traditional understanding of commons as a physical resource. Instead, the city is often viewed as a melting pot of minds, energies and activities that can be synergistically combined. ‘Garden Cities of Tomorrow’, a classical work by Ebenezer Howard, confirms that the value of property in urban settings is actually produced by density of activities and proximity of another property e.g. buildings and spaces between them (as cited in Borch & Kornberger 2015). Hence, the urban vibe is potentially capable of creating an environment in which commons are not depleted by density of users and users, but on the contrary strengthened.

For instance, the value of a busy square might be higher than of the one that is empty. As mentioned by Borch and Kornberger (2015), ‘consuming the city is nothing but the most subtle
form of its production’. Some types of commons that emerge from cities, such as knowledge commons, social commons, intellectual and cultural commons (Bruun 2015) are hard to grasp, while some of the urban commons ‘do not look as a property to us’ at all (Blomley 2008), which might create injustice in their appropriation.

**Socio-technical transition & neoliberal (post-capitalist) city**

As we see, the concept of urban commons now stands in the middle of two debates: the one on global urbanization and rural-urban migration, and the one on the nature of production and consumption processes in cities. The latter, for instance, finds its manifestation in several disconnected streams in geographical research agenda (Chatterton 2016), namely socio-technical transition studies and radical geography works on neoliberal city and post-capitalism.

Speaking of socio-technical transition, it does not only deal with technical progress as such, but also explores governance issues in an increasingly chaotic and unplanned urban environment. In particular, Rittel and Webber (1973) mentioned the challenges of planning in open societal systems where ‘wicked problems’ reproduce themselves regardless of policy solutions proposed. Unlikely to ‘tame problems’, wicked problems do not have a solution by definition since understanding of what makes public good is not the same for different social groups.

Hence, planners can no longer borrow methodologies from natural sciences and engineering or use the criterion of efficiency for measuring success of their planning efforts. Planning in a diverse, complex and open societal system is defined by somehow artificial scope and scale suggested by the planner. In this case, definition of a problem itself automatically defines the solution, so it is barely possible to split the planning process into distinct phases. Under such conditions today’s urban planning, together with urban commons, often falls a victim to solutions that favor the needs of global capital, such as neoliberal urban development projects described by Swyngedouw et al. (2002). The latter emerged as an outcome of failure and partial dismantlement of welfare state policies in many countries, along with deregulation, privatization of public infrastructure, flexibilization of labor market, spatial decentralization (ibid.). One outcome of deregulation processes is rapid development of public-private partnerships that allow to attract necessary investment into projects initiated by public actors and share project risks with private companies, but also could lead to luring public funds into large-scale urban development projects that serve private interests (Swyngedouw et al. 2002, Flyvbjerg 2014).

Given the decay of welfare state and centralized state regulation on the one hand, and limitations of management practices based on private property rights on the other hand, organized collective action becomes the hope for curing ‘wicked problems’ of urban development, with such concepts as participatory planning acknowledging legitimacy crisis in both public and private sectors. At the same time, the new urban communities are facing numerous challenges caused by rapid urbanization, socio-technical transition and crisis of the global financial system.

In such conditions, urban complexity becomes a constraint to collective action due to the lack of social bonding in local territorial communities and difficulties of establishing clear borders and excluding users in shared urban settings. On the other hand, intense urban interactions, combined with the emergence of digital commons, enable new types of social movements that aim to re-think and re-appropriate the existing urban spaces and produce a new commons. Hence, the decay of traditional urban planning produces twofold outcomes, some of which offer new types of cooperation (e.g. communal gardens or co-working spaces), while others embrace security and isolation (e.g. gated communities). Labeling these two phenomena as openings and closures respectively, we shall further analyze how they affect urban commons.
Opening and closures in urban fabric as a context for governing urban commons

The current situation in regards to institutional governance of urban commons could be best summarized by the following passage in Boydell & Searle (2014):

‘First, public spaces have become increasingly contested in a ‘compact cities’ sustainability paradigm, and they are increasingly important for encountering and negotiating difference in a paradigm of globalisation and cosmopolitanism. Second, the concept of the commons is increasingly mobile, expanding beyond its original meaning of a physical resource to find application in sociology and political economy. Third […] the institutional alignments of government, market and community are increasingly fluid.’

In many liberal societies property rights currently serve as the only coherent social, legal and economic framework for managing commons, however they are frequently misunderstood and misinterpreted due to overlapping stakeholders and lack of space in the contemporary metropolis (ibid.). As a result, we are facing an increased injustice in regards to privatization (of use) of commons in cities based exclusively on the power of capital, which excludes social, cultural and moral claims of those who are dispossessed of resources. Despite the global financial crisis of 2008, the overall global development remains focused on urban industrialization, corporate expansion, commodification, marketization and individualization of resources and spaces (Chatterton 2016). Such condition allows neo-Marxist scholars like David Harvey describe the current stage of capitalism as ‘accumulation by dispossession’ (as cited in Hodkinson 2012).

The neoliberal restructuring of city space then takes a form of ‘the explosion of gated and securitized zones’ (Hodkinson 2012) that can be referred to as ‘the new urban enclosures’, as a reference to the classical Marx’s story of enclosures in rural England. As mentioned by Hodkinson (ibid.), many historians describe those events of the past as ruination of an established way of managing commons in village communities. Similarly, the new urban enclosures imply redevelopment of urban private property by landowners and developers in a way that neglects social needs of other citizens. As mentioned by Blomley (2008), redevelopment often takes place in areas that are perceived by local community as commons (community park, neighbourhood, play area or local shop), thus dispossessing locals from what they view as their common property.

The new urban enclosures find their manifestation in gated communities, which represent a particular type of walled residential developments that appeal to certain lifestyle and emphasize benefits of security and social homogeneity (Low 2008). The idea of a gated community dates back to medieval fortifications as a natural response to a social order where the protection of property was a private matter (Strange 1999). On the other hand, gated communities also express a nostalgia related to simplicity of the rural community of the past in comparison to complex contemporary city. As stated by Strange (ibid.), some inhabitants of the American gated communities believe that building a good fence can recreate ‘the lost small town America’. The intention to live in imagined community of good neighbors could probably explain the fact that in many cases gated communities fail to provide the main benefit of their existence – security from crime.

As outlined by Strange, physical barriers, such as gates and fences, can rarely stop criminals from entering and require constant monitoring, while much crime is associated with bored teenagers who can reside inside the walls (ibid.). While gating makes no answer to the problems of crime, social inequality and lack of collective efficacy, it appears to be useful for addressing the fear of crime, building an illusionary close-knit and trustworthy residential community opposed to seemingly dangerous and turbulent environment. Gated communities, similarly to other types of urban enclosures, are also instruments of exclusion that limit access to urban commons to a group of privileged residents.
While gated communities represent the case of privatization of public space of suburbia, the cases of enclosure can also be found in downtowns, e.g. erection of shopping malls or entertainment centers with public plazas (Low 2008) and development of Business Improvement Districts (BIDs) (Briffault 1999). In such cases privatization of commons is not proudly proclaimed, as in gated communities, but rather stays invisible up to the moment when the rules of behavior set by its owners are broken.

The opponent to such enclosures exists in the form of ‘urban openings’ that utilize the idea of shared communal urban space. Sometimes such spaces come as a result of effort of grassroots initiatives that utilize a particular set of concepts, such as social ecology, anarchism, climate justice, right to the city etc. (Chatterton 2016). An example of such space could be a co-housing community based on the ideals of communal property and social equity (Han & Imamasa 2015, Chatterton 2016). Another prominent example of a new urban communal initiative is urban gardening, which is believed to serve as a mean of bringing together residents of urban neighborhoods.

However, the current scale of such initiatives, especially in comparison to urban enclosures, might seem marginal. As mentioned in The Guardian article on urban commons, ‘Why is it, then, that every time the urban commons is mentioned it is in reference to a community garden? How is it that the pioneers of a new urban politics are always planting kale and rhubarb?’ (McGuirk 2015). One could of course argue that the new open-source urban commons, which combines physical and digital presence, could spread much further than community gardens. However, while the new urban commoners are managing a handful of collective resource of a city, it would be fruitful to look at the rest of commonly shared resources and spaces, especially those acquired by the urban enclosures.

*Privatization of commons & regulatory slippage*

As we already know, urban commons is an important dimension of property in cities. Depending on external conditions, urban commons could lean toward private, public or mixed (public by definition but private by title) regulation, or represent an element of sharing culture that finds its manifestation in spaces that are run by a community but remain open and accessible to everyone.

Cases of mismanagement of urban commons are not uncommon, in particular due to different understanding of the concept of property, which leads to overlaps in regulation of commons, or absence of regulation as such. For instance, in the case of Vancouver’s Woodward described by Blomley (2008) ownership of the area by the local community is opposed to formal ownership of land titles by business conglomerates. The planned erection of 350 condominium units on this site would not just create a new residential community, but would also re-appropriate those parts of urban commons that lie within the development project’s area.

Reviewing this case from the governance perspective, it is possible to assume that property relations and challenges related to managing common resources in the newly created condominium owners association in Woodward would be comparable to the most basic problems of collective action, described in the cases featuring grasslands and cattle, unlikely to complexity of traditional urban commons. Hence, we can assume that one possible outcome (and intention) of urban enclosures is normalization, or simplification of property relations. One important outcome of such projects is their exclusionary character in regards to users and uses that do not contribute to creating value for the owners (Parker & Schmidt 2016). In many cases this implies exclusion of weaker social groups, which then leads to increasing inequality in cities.
The opposite to such private appropriation of urban commons is the situation of public regulatory slippage that occurs when the level of local government control over resource significantly declines, as described by Sheila Foster (2011). Periods of regulatory slippage create temptation for different users to employ rivalrous uses that could lead to depletion of commons (Foster 2011). In particular, some users might try to use the resource in a way that degrades its value or attractiveness. The concept of regulatory slippage is closely connected to the idea of commons in open access criticized by Ostrom (2003). Accordingly, confusion between common property and open access is rampant, since in the latter case commons is owned by everyone and no one at the same time.

Continuing the thought on transformation of urban commons in urban enclosures, caused by the condition of regulatory slippage, it is possible to identify the following elements of such transformation:

a) overcoming urban complexity through simplification of property relations, in most cases based on private property rights;

b) the emergence of empowered but immature and disorganized urban communities that are partially abandoned by the state and are facing the necessity of self-regulating their internal life, relying exclusively on internal resources and competence;

c) the increased fear and distrust between communities inside and outside the new urban enclosures that result in exclusionary practices.

Discussing privatization of commons in the context of deregulation that leads to regulatory slippage, we will need to describe how exactly such privatization works in the case of fluid and complex urban commons. For that, we will need to go one step further in analyzing limitations of property right as a mechanism for governing the commons.

Property right as a bundle of rights

Starting the discussion on property rights, we should adopt a comprehensive vision of what property is and how the property right emerges. The latter is problematic since there is no unified theoretical concept of property. For instance, Locke’s labor theory of property, according to which property comes as an extension of labor upon natural resource with no regards to possible finite nature of this resource, treats property as pre-political concept. Meanwhile, Marx’s story of privatization of commons insists on multiple violations of property rights taking place before the capitalist system was established and class arrangement took place (Blomley 2005).

While origins of property remain unclear and disputed, the existing status quo on this issue seems to be reached in many liberal societies – property rights are accepted and protected by legal authorities and the power of tradition. Nicholas Blomley (2005) mentioned five particular features of property in a contemporary liberal society, among them:

a) owner identification based on formal title rather than informal or moral claim;

b) freedom of owner to use the property in any preferred way, transfer property rights and exclude others;

c) owner’s rights superiority over regulatory power of the state (not always, but in many cases);

d) owner’s orientation on self-interested behavior, often related to securing a higher re-sale price;

e) denial of property other than private.
Within such model, any other type of property than private becomes marginalized, and the access to resources under private property regime becomes restricted. Meanwhile, private property is seen as a good thing since it denotes standing, responsibility and self-control (Blomley 2005). For instance, urban territories that are perceived as marginal are often ‘revitalized’ by influx of private owners who are entitled to restore the social mix (ibid.).

While such condition allows to regulate the use of natural resources, it tends to prioritize individual good over public. Without social pressure, we can not be sure whether the private property regime described by Blomley can be capable of preventing depletion of commons. For instance, the fact that an apartment building is privately owned and single-handedly managed by the private owner is not a guarantee that it will not be overcrowded, run down and overpriced.

Secondly, property relations often look far more complex in practice than in theory. As mentioned by Alchian and Demsetz in their article ‘The Property Right Paradigm’ (1973), what an owner of a certain resource really owns is a set of socially recognized rights of action in regards to this resource, which implies certain limitations for owner’s will. For instance, even full ownership of a house does not imply the right to set it on fire without a social charge expressed in a fine or even arrest. Hence, what is owned is not really a resource itself, but a bundle of rights to use the resource (ibid.). In such case, however, it would not be fully correct to say that conversion from public to private control over a certain resource would immediately imply a change of the ownership of the bundle of rights from public to private (ibid.).

The notion of bundle of rights is also useful for understanding state-owned and communal property. Alchian and Demsetz express concern regarding communal property regimes, since ‘communal rights mean that the working arrangement for the use of a resource is such that neither state nor individual citizens can exclude others from using the resource except by prior and continuing use of the resource’ (ibid.). In such case, even the communal ownership that is associated with the state (or local government structure) becomes vulnerable to overexploitation in an open-access regime if the formal right to exclude individuals from using this property is not exercised by the state frequently (ibid.). However, it is also necessary to mention though that the notion of ‘bundle of rights’ finds a lot of criticism in legal scholarship (Fennell 2011). Similarly, the statement that stable governance rather than formal possibility of exclusion is required within a commons should not necessarily lead to a thought that property rights in commons are missing (ibid.).

What we should take for further analysis in this research is that property that looks like common often represents a mix of ownership types, so in most cases commons represent a part of the resource system where communally owned property is combined with individually owned property or labor (Fennell 2011). With this in mind, we must state that what we call privatization of commons in many cases means re-arranging a mix of ownership types through increase of individual (private) control, while some elements of a resource would remain communal, so propertization would remain partial (ibid.).

Thinking of a common property through this hybrid system of property rights would allow us to look for private-communal arrangements strengthened by social institutions that would build a system of incentives and sanctions that help to adapt the use of a common resource to changing environment. In order to understand the internal structure of such arrangement, we would need to refer to a life-long work of the Nobel Prize laureate Elinor Ostrom devoted to analyzing self-regulation practices of local communities.
THEORETICAL FRAMEWORK

Ostrom’s theory of collective action

Elinor Ostrom is known as a strong advocate of the ability of local communities to self-regulate the use of commons. Her perspective on collective action offered a fresh and novel view of solving the issue of wasteful use of commons. The departure point of her book ‘Governing of the Commons and The Evolution of Institutions for Collective Action’ was the discussion of what she mentioned as ‘the three influential models’: 1) Hardin’s tragedy of the commons; 2) Olson’s logic of collective action; 3) the prisoner’s dilemma game (Ostrom 1990, p. 2).

The first model is referring to the famous article written by Garrett Hardin and published in Science journal in 1968. The latter has become a major reference for the problem currently known as ‘the tragedy of the commons’. In his article on the consequences of overpopulation problem, Hardin came up with a metaphor of an open (common) pasture that suffers from overgrazing caused by individualistic behavior of herdsmen who seek to maximize their gain by increasing their herd:

‘Therein is the tragedy. Each man [sic] is locked into a system that compels him to increase his herd without limit – in a world that is limited. Ruin is the destination toward which all men rush, each pursuing his own best interest in a society that believes in the freedom of the commons. [...] Freedom in a commons brings a ruin to all.’ (Hardin 1968, as cited by Borch & Kornberger 2015)

This phrasing presented perhaps the most concise yet convincing argument against open access to commons. More importantly, this metaphor was later utilized to express disbelief in collective action in general.

The second model is built on the ideas outlined in Mancur Olson’s famous work ‘The Logic of Collective Action’ (1965). Reviewing an imagined situation on the perfectly competitive market, Olson proves that individual’s own efforts will not have a noticeable effect on the situation of his organization, and ‘he can enjoy any improvements brought about by others whether or not he has worked in support of his organisation’ (Olson 1965, p. 7). In the latter case non-contributing individuals are referred to as ‘free-riders’. Olson’s analysis was based on the assumption that any single firm would not able to influence the market price, since the quantity of products it can produce is insignificant to the market as a whole. At the same time, in a situation where market price is falling due to the increased general production output, it is unlikely that a rationally functioning firm would avoid increasing its production at a cost of market price, which would lead to decrease in profits for all market players. Putting an equal mark between a firm operating in a perfectly competitive environment and an individual member of large group or organization, Olson confirms Hardin’s tragedy of the commons, given that individuals in the group act as rational egoists and the group size is large (as cited by Udhehn 1993).

Hence, both Olson and Hardin are discussing the risk of free-riding in a large group that leads to individual overconsumption of a common resource at a cost of general loss to the whole community of its users, which is however not immediately reflected on individual level in terms of sanctions.

The third model is based on the prisoner’s dilemma game, which illustrates unlikeliness of cooperation between two suspects of crime, which leads to heavy sentence for both. The prisoner’s dilemma is also often used for demonstrating unlikeliness of cooperation between rationally acting creatures. The game allows building quantitative models that analyze different strategies available to the suspects, thus opening quantitative dimension to the problem of
collective action. As mentioned by Ostrom (1990, p.5), more than 2000 papers had been devoted to the prisoner’s dilemma game, many of them utilizing methods of the game theory.

As pointed out by Ostrom, all three models illustrate how rational individuals can produce outcomes that are not rational, from the perspective of common interests of all those involved (1990, p. 6). Describing limitations of such approach, Ostrom is emphasizing dangers of use of those abstract theories as foundations for policy-making, since fixed constraints of these models are then superimposed on local actors, who are not incapable of changing them. Arguing that ‘new institutional arrangements do not work in the field as they do in abstract models unless the models are well-specified and empirically valid and the participants in a field setting understand how to make the new rules work’ (Ostrom 1990, p. 14), Ostrom attempted to escape abstract models and instead look for empirical evidence of successful practices of governing the commons.

Her research is rich with cases of rural communities that managed to create the rules of access to and use of common resources and to establish local self-regulating institutions for collective action. The geography of empirical data collected by Ostrom stretches from grazing rules of valley communities in Alpine region to irrigation systems management in rural Nepal, which allows for a discussion of universal principles of local collective action institutions conceptualized by Ostrom (1990, p. 90) as ‘design principles illustrated by long-enduring CPR institutions’ (see Annex 1). The CPR abbreviation stands for common-pool resource, defined by Ostrom (2003) as the type of economic good with high exclusion costs and vulnerability to subtraction (one person's consumption subtracts from the total and thus gradually depletes the resource). The notion of common-pool resource brings us to Ostrom’s contribution to the analysis of the nature of different types of goods and property regimes.

**Commons as common-pool resources**

As mentioned, apart from the collecting the empirical materials Ostrom attempted to develop a comprehensive theoretical understanding of commons and different property regimes. Doing so, she managed to overcome an overly simplistic formulation of the tragedy of the commons, instead pointing out how exactly attributes of common resources and different property regimes influence collective action.

In particular, Ostrom critically evaluated the general classification of goods produced by Olson, which was based on Richard Musgrave’s claim of universality of the exclusion principle for dividing goods between public and private (Ostrom 2003). Instead, she built a two-dimensional model based both on Musgrave’s principle of exclusion and the principle of indivisibility and jointness of consumption developed by Paul Samuelson. Although Ostrom finally denied possibility of creating a universal classification of goods, her classification of goods allows to extract some important ideas for this research.

For instance, Ostrom is mentioning feasibility of exclusion as the main theoretical difference between public goods (where exclusion is not feasible) and common-pool resources (where exclusion is costly but not impossible). Accordingly, in the case of common-pool resources the two most important variables are a) the costs of exclusion; b) subtractibility of consumption. This is a very important idea for the discussion on commons and collective action. On the one hand, the high cost of exclusion would create a collective action problem, as defined by Olson. On the other hand, in cases where consumption of the common resource is subtractive, there is a risk of common-pool resource type of collective action problem, as formulated by Hardin (Ostrom 2003).
Hence, operating these two variables (exclusion cost and subtractibility of consumption) enables us to point out cases where collective action is bound to fail.

Another important aspect that defines the use of commons is property regime adopted for their regulation. In particular, common-pool resources (CPR) may be owned by governments, by communal groups or by private individuals or businesses, and thus shall not be automatically associated with any particular property regime (ibid.). The choice of property regime for regulating the use of CPR then depends on attributes of the resource and attributes of the participants. For instance, Netting (1981, as quoted in Ostrom 2003) and Schlager and Ostrom (1992) provide a list of attributes that would be conducive to the development of communal property rights (see Annex 2).

Seeing property rights as an enforceable authority, capable of excluding users from CPR, brings us back to the notion of bundle of rights. In particular, it is possible to put together a list of property rights that are most relevant for the use of CPR and then develop composite user positions that combine one or more rights, as illustrated in Table 1.

Table 1. Bundle of rights for CPR regulation

<table>
<thead>
<tr>
<th>Position / Property right</th>
<th>Full owner</th>
<th>Proprietor</th>
<th>Authorized claimant</th>
<th>Authorized user</th>
<th>Authorized entrant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Access</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Withdrawal</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Management</td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Exclusion</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alienation</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


This classification is useful for understanding real-life property regimes that are often complex and do not necessarily imply full ownership that includes the right of exclusion or the right of alienation. It is also often the case that the same users employ different positions within a resource system. For instance, a form of housing tenure may include full ownership of an apartment but proprietorship of common areas of an apartment building. Again, it is important to emphasize that even the rights of full owners are not absolute, as had been mentioned earlier in this research.

Hence, we can summarize the main takeaways of Ostrom’s theory of collective action for this research as follows:

1) resources should be classified by their attributes rather than by property regime imposed on them;

2) commons can be viewed as a common-pool resource, provided that exclusion of users is costly but not impossible, and one person’s consumption subtracts from total available to the others;
3) behavior of users in relation to commons depends on their position in a resource system with a particular property regime.

These factors define basic conditions for collective regulation of commons. However, another important predictor of success of collective action not to be missed lies in the field of human psychology.

**Irrational commons**

In her empirical research of collective action in local communities, Ostrom is opposing the idea of rational egoist, which is central to Hardin's skeptical position on collective action and makes a basis of the prisoner's dilemma game. This opposition to the rational economic thinking perspective is conceptualized as the phenomenon of 'irrational commons'. For instance, the case of Scottish fishermen community outlined by Nightingale (2011) serves as an example of irrational commons, where common fisheries are managed in a context where relationships, tradition and emotions play the primary role. The same can be said about hunting or gathering practices of many indigenous tribes.

Empirical data on irrational commons suggests that many decisions that influence the use of commons depend on social, cultural and also psychological context in which these decisions take place. The social dilemmas related to misuse and wasteful exploitation of commons are often psychological by their nature (Bieniok 2015). For instance, the problem of free-riding could be explained either through the lens of intrinsic moral values, self-concept or pleasure, or extrinsically motivated by money, short-term gain and other incentives (ibid.). In this regard, such factors as group size and homogeneity can serve as important predictor of success of collective action (Ostrom 2003); and many interactions within the group are affected by psychological traits rooted in group dynamics, as illustrated in Table 2.

Table 2. The complexity of collective action from a psychological perspective

<table>
<thead>
<tr>
<th>Description</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>In groups up to 150 people, it is still possible for all participants to know each other’s faces personally, maintain stable relationships, and build a cohesive group to reach common goals;</td>
<td></td>
</tr>
<tr>
<td>Increase in group size decreases cooperation and discourages a sense of belonging and self-efficacy;</td>
<td></td>
</tr>
<tr>
<td>The anticipation of immediate (personal) consequences and the benefits of acting egoistically both increase with group size and with the expectation or occurrence of single (one-time) contacts between group members [...];</td>
<td></td>
</tr>
<tr>
<td>Group norms of behavior [...] change with group size, e.g. with an increasing group size, the development of trust and the sense of family get lost, giving rise to the development of more self-oriented exchange relationships [...];</td>
<td></td>
</tr>
<tr>
<td>Making the choice in public and not in anonymous setting of a larger group of people increases the amount of cooperative (compared with defecting) activities;</td>
<td></td>
</tr>
<tr>
<td>Social loafing, diffusion of responsibility, groupthink, and problems in communication or information-transfer into and within the group increase as the group size increases.</td>
<td></td>
</tr>
</tbody>
</table>

Source: Bieniok (2015)

Summarizing this chapter, we can state that Ostrom’s perspective on governing the commons is useful for analyzing collective action. For instance, defining the commons through subtractibility and possibility and cost of exclusion, we can predict its basic features prone to collective action problem or to the tragedy of the commons. Defining the key economic, social and psychological attributes of the group of users of the common resource, we can evaluate the collective action potential of this user community. Finally, exploring the local property regime would enable us to develop user roles in a resource system based on bundle of rights that will help to predict user behavior in relation to the commons.
We shall now proceed with practical application of these principles in the research on governance of the urban commons in residential communities. Doing so, we will also refer to the context of urban commons located in urban enclosures and affected by the regulatory slippage, described in the literature review. Recognizing the need to study lived-in experience of residential communities rather than just looking at available data, it was decided by the author to base the research on the empirical case study of Parkovy Ozera residential complex in Kyiv, Ukraine.
RESEARCH METHODOLOGY

Methods

This research is making use of several groups of methods that emerged from different disciplines active within urban studies. The primary method of this research is a single case study analysis based on Parkovy Ozera residential complex in Kyiv, Ukraine.

The first group of methods is related to spatial analysis of the residential complex in the context of a wider city region. Spatial analysis is based on the review of documentation issued by Kyiv City Hall and other authorities, including construction permits, building inspection reports, as well as more general policy documents, such as the General Plan of Kyiv 2020. The overview of Parkovy Ozera’s external and internal environment yields methods related to use of GIS software, such as Google Earth. The case study also includes analysis of consecutive general plans of Parkovy Ozera residential complex published by the developer on different stages of the project. The spatial analysis methods thus describe basic features of the residential complex that define collective action potential of its community e.g. socio-economic background of the residents, density of users and uses of shared property and spaces, psychological perception of space between buildings. The spatial analysis also yields from local real estate market data (see ‘Market data sources’ section) and interviews with experts involved in research on the residential complex urban development model (see ‘Involvement of expert informants’ section).

The second group of methods is based on ethnographic exploration of the selected residential complex. Some of initial assumptions in the research are based on the author’s own experience as a resident at Parkovy Ozera complex in 2012-2015. Further research took a form of field observation with usage of photographic methods, which took place on the site in Kyiv on March 21-27, 2017, as well as a number of semi-structured interviews with residents of the complex and representatives of local businesses that occupy ground floors of residential buildings in the complex. A substantial part of ethnographic research was content analysis, based on posts, opinion polls and comments in two Facebook groups, one of them for residents of Parkovy Ozera complex¹ (1768 members) and another one devoted to Peremoha Park®, also featured in the case study (1397 members). Some of the findings of content analysis were clarified during interviews with residents and in the interview with Igor Havin, who is a founder and moderator of both online groups, as well as a board member of one of house owner unions in the complex. Ethnographic exploration of the area allows to extract evidence of local collective action challenges and informal practices of governance of urban commons, otherwise undocumented.

The third group of methods is related to institutional analysis, based on the principles suggested by Elinor Ostrom for studying local institutions of collective action. Institutional analysis is useful for investigating practical application of property relations at Parkovy Ozera residential complex in regards to urban commons. It also showcases limitations for local collective action embedded in the design of self-regulating institutions, such as house owner unions. This study is based on earlier attempts to bring the language of commons research into the settings of urban residential areas (for instance, see Rabinowitz 2012). The use of this group of methods applied to the new residential complexes in Kyiv requires analyzing legislation on the housing system in Ukraine (see ‘Legal context for institutional analysis’ section). Also, it was intended to address the dynamic nature of collective action by describing residents’ behavior in situations that require collective governance and decision-making (see ‘Empirical modeling’ section).

¹ ЖК Паркові Озера https://www.facebook.com/groups/ParkovyOzera/
² Парк “Перемога” / Парк “Победа” https://www.facebook.com/groups/ParkPeremoga/
**Market data sources**

The description of the residential complex phenomenon in Ukraine is based on the review of online resources that cater local real estate market. The primary source here is LUN.ua, a real estate aggregator which is believed to attract over 10% of all housing- and real estate-related online searches in the Ukrainian segment of Internet (Yuryy Granovsky, personal communication, 23.03.2017). LUN.ua is also particularly specialized on recently built residential complexes and provides possibility to monitor the construction process, compare prices, look for an apartment or room rental etc. LUN.ua also is a partner of Kyiv Standard initiative, a research project aimed to enhance quality of urban design solutions in the new residential complexes of Kyiv. There are also other online sources that post news and analytical pieces on the new residential complexes, such as 3m2 project.

**Legal context for institutional analysis**

The institutions taken into the focus in this research are mostly of various types of community organisations, formal or informal, that are aimed to help organize collective action and regulate property relations in residential complexes. The focus on local institutions and communities, rather than on city or region-wide urban planning policies and municipal agents, is motivated by the announced shift of state policies in Ukraine towards decentralization and empowerment of territorial communities.


**Empirical modelling**

The purpose of empirical modeling is to showcase real-life behavior of local self-regulating institutions that exist in the study area. The attempt of modeling behavior of institutions and local communities in the case study is built around three situations observed during author’s fieldwork at Parkovy Ozera residential complex: 1) the overview of a conflict between private housing company and house owner unions at Parkovy Ozera; 2) the situation with car parking regulations and car crime; 3) the situation with community’s response to changing zoning of Peremoha park. The first and second of the situations are internal to the complex, while the third one is located in a municipal park that is adjacent to the residential complex. All situations feature activities of self-
regulating bottom up initiatives and their interaction with external actors. Otherwise not connected or even seemingly insignificant, these situations help to catch fluid and complex notion of urban commons. The situation with the park enables analyzing community’s behavior in relation to externally located commons, while the situation with car parking regulations and car crime is dealing with internal space of the complex.

Meanwhile, the situation describing the conflict between private service provider and house owner union effectively summarizes some of the local governance challenges in the residential complex. The choice of situations was also determined by content analysis of recurring discussions in the mentioned social media groups. It was also decided by the author to group together issues related to car parking regulations and crime and security, since they are closely related and interdependent, with cars being primary and most easily accessible target of crime.

Involvement of expert informants

Due to limited scope of this research and short period of time available for fieldwork it was also decided by the author to approach several expert informants who have different background and possess sufficient local knowledge and experience of working in the field. Given a lack of similar interdisciplinary studies on residential complexes in Ukraine and their governance issues, interviews with the expert informants help to provide a broader image of a residential complex as a social, economic and architectural phenomenon, and thus make an essential contribution to this research.

List of expert informants:

Igor Tyshchenko, Maria Gryshchenko, Varvara Podnos, Ivan Verbytskiy; all – analysts at urban studies section of CEDOS think tank\(^\text{14}\). The colleagues from CEDOS maintain an analytical platform Mistasite about Ukrainian cities. In 2016 they conducted a sociological research on residents of the new residential complexes in Kyiv using focus group discussion method.

Yuryy Granovskyy, interaction designer at Agenty Zmin\(^\text{15}\), Kyiv-based non-profit organization that is working on implementing of research-based design solutions for public spaces and public transport in Kyiv, e.g. navigation and announcement systems in Kyiv subway. Yuryy is now on the team behind Kyiv Standard, a research project aimed to improve urban design practices in Kyiv’s new residential areas, as well as analyze and tackle most widespread issues related to use of common space in residential complexes. The project methodology included online surveys and offline interviews with residents of 54 residential complexes, as well as with local real estate market representatives, NGO activists and architects. The project utilizes the current reality tree method\(^\text{16}\) for grouping problems and working out design solutions.

Volodymyr Vakhitov, assistant professor at Kyiv School of Economics (KSE). Volodymyr now teaches a course in Urban Economics at KSE and is an expert in the fields of agglomeration economies, behavioral economics and game theory. He was also on the project team of CITIES: An Analysis of the Post-Communist Experience\(^\text{17}\).

\(^\text{14}\) CEDOS \tiny{http://cedos.org.ua/en/}

\(^\text{15}\) \text{Агенти Змін} (‘agents of change’) \tiny{http://a3.kyiv.ua}

\(^\text{16}\) this method emerges from the Theory of Constraints (TOC)

\(^\text{17}\) see \tiny{http://www.kse.org.ua/en/research-policy/projects/?portfolioId=13}
Limitations of the research

An important limitation of this research is the lack of use of quantitative methods that would allow comparing research hypotheses against data sets. In particular, it would be of interest to make a quantitative content analysis of online discussions taking place in Facebook communities featured in the case study. Another useful implication of quantitative methods would be through the game theory toolkit. For instance, the research would benefit from quantitative modeling of residential community’s behavior in relation to commons under different external and internal circumstances.

Another important limitation related to the case study is the lack of systematic field research with application of various methods of interviewing. There is also a risk of biased interpretation of real-life situations in the case study, since they only provide perspective of the residents, whereas the position of the housing company is missing. Finally, it is important to mention several stakeholders who went out of the spotlight of this research, for example local businesses at Parkovy Ozera residential complex.
THE CASE OF PARKOVOY OZERA RESIDENTIAL COMPLEX IN KYIV, UKRAINE

Preface – understanding the housing system of Ukraine through the history of house privatization

Since the massive housing privatization launched in 1992, Ukraine’s housing and real estate market has become a venue for one of the largest housing market liberalization experiments of the XX century, with astonishing 96 percents of the overall housing stock in the country currently in private hands (see Vlasenko 2016). Most of the privatized housing stock is now located in multi dwelling apartment buildings and is fragmented among millions of households. In the present Ukrainian housing system apartments are either owner occupied or rented out through informal grey or black-market arrangements with no large housing rental companies operating on the market. The population mobility in most territories of the country is very low (see Gentile 2015), with a slight exception made for Kyiv as a capital city and a major administrative, business and student centre of the country.

The free of charge housing privatization and closure of state-led housing projects created a very specific equilibrium on the market in which private property rights help to capitalize apartments value but leave the market stripped off liquidity, since the majority of households find purchasing an apartment less and less affordable (Vlasenko 2016). In the same time, the housing sector was almost completely deinstitutionalized and fragmented, with the remains of state owned housing companies gradually lowering their work standards due to shrinking funding, inefficient management and lack of proper system of sanctions and incentives.

Massive housing privatization led to deterioration of property that used to be state owned. This had been the case with common areas and property in most of apartment houses. As mentioned by Chen (2009), in a situation when no property rights effectively define who can use the common-pool resources in multiple apartment dwellings and regulate this use, a common-pool resource is under an open-access regime, which often causes wasteful usage of this resource.

Although the state has never formally abandoned its responsibility for housing the Ukrainians, there is currently no real institutional basis and long-term planning that would allow the state to regulate the housing system. As pointed out by Ostrom (2000), ‘the worst of all worlds may be one where external authorities impose rules but are only able to achieve weak monitoring and sanctioning’. Despite major changes in its housing paradigm, the country is still using the Housing Code composed for a centrally planned economic system in 1983 (with some more recent amendments added). Meanwhile, its profile Ministry in charge of housing is currently functioning without any strategic vision that would replace the National Program of Reformation and Development of Housing and Communal Economy for 2009-2014. The current housing system of Ukraine is characterized by:

a) large-scale deregulation, through planned and massive housing privatization of state owned housing stock, decline of centralised and state-led urban planning and development policy, dismantlement of Soviet-era construction industry complex and transfer of responsibility over condition of housing stock directly to its inhabitants;

b) housing market liberalization, which implies that housing prices are formed through purely market arrangements with little influence of regulatory measures;

c) dominant role of private property that protects inhabitants of privatized housing stock in central areas from eviction through gentrification, but in the same time marginalizes those who rent.

18 Ministry of Regional Development, Construction and Housing and Communal Services of Ukraine.
**Parkovy Ozera residential complex – background information**

Parkovy Ozera is a name of a multi dwelling residential complex situated on the left bank of Dnipro river which runs through the old Kyiv metropolis, separating its CBD from sleeping districts. The area is currently occupied by the residential complex is known as Voskresenka and used to be a small village on the city margin until urban expansion of 1933 officially included its land to Kyiv’s jurisdiction. Voskresenka now officially belongs to Dniprovskyi rayon (city district) and its built environment reflects the Soviet high modernist planning approach that combines high-speed motorways network and compact residential microrayons consisting of 5-6 storeys freestanding apartment buildings.

Parkovy Ozera residential complex lies on 9 hectares of land between the mentioned Soviet-time residential microrayon and a large city park (Peremoha park). The former use of this area was industrial, with a vehicles repairing enterprise Agromash located on the same site where Parkovy Ozera complex is now standing. After the collapse of Soviet economy the enterprise soon went bankrupt and the piece of land remained vacant until land-use was changed to residential, or more specifically to ‘a perspective area for high storey residential building construction’ (Kyiv General Plan 2020). Subsequently, the land was rented out to the private developer Intergalbud in 2006, following the decision of Kyiv city council. However, the initial project timeline was interrupted by the economic downturn in 2008-2009, so the developer had to prolong the initial land rental agreement and building permission certificate. The new residential complex Parkovy Ozera became a real market offer only in 2011.

By 2017, the complex has grown into ‘a separate district with its own infrastructure’, as described by Intergalbud property developer on their website. The name ‘Parkovy Ozera’ (Ukrainian “Паркові” – the ones belonging to a park”; “Озера” – lakes) reflects its close proximity to Peremoha park and its ‘lake’, a former industrial water reservoir converted into a natural pond. Such territorial branding is typical for the new residential development projects in Ukraine, however the link to the park is an important idea to save for the further parts of this study.

Today, the residential complex consists of 15 residential buildings, two of which were recently completed and another three still under construction. The typology of complex’s built environment clearly refers to modernist idea of ‘towers in the park’, since the height of each building varies from 17 to 25 storeys (see figure 1). The two additional buildings completed by Intergalbud are a 8-storey car parking and a kindergarten. The complex is located almost entirely within the margins of the former industrial site, except one house that stands on three pieces of land that were purchased for complex extension in 2013. Such positioning allows the complex to utilize the old wall in the western part and a strip of land occupied by Soviet-time garage owners cooperative in the south as its natural borders.
Reviewing the urban planning conditions and limitations, a document issued for Parkovy Ozera by the Department for Urban Planning and Architecture of Kyiv City State Administration in 2013 (see Table 3), the complex will become home for 6080 residents, with a maximum allowed residential density level set at 400-500 persons per hectare. As we see from other indicators presented in the same document, the complex is an extremely dense urban environment, in contrast to nearby Soviet-time microrayons and the remains of single-family rural architecture in the area.

Table 3. Key figures on Parkovy Ozera residential complex

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Total area of the complex, ha</td>
<td>9.96</td>
</tr>
<tr>
<td>Building height, storeys</td>
<td>16-25 (+ ground floor for non-residential use)</td>
</tr>
<tr>
<td>Share of built area in the overall area, %</td>
<td>22</td>
</tr>
<tr>
<td>Living space of all apartments, 1000 sq. m</td>
<td>209.68</td>
</tr>
<tr>
<td>Population, (thousands)</td>
<td>6.08</td>
</tr>
<tr>
<td>Number of required parking spots</td>
<td>1450</td>
</tr>
</tbody>
</table>

Source: Department for Urban Planning and Architecture, Kyiv City State Administration

According to LUN.ua, the complex will, once complete, have 3365 apartments split into four main categories: studios and 1-room apartments\(^9\) (35-49 sq. m), 2-room apartments (62-87 sq. m), 3-room apartments (78-96 sq. m). Most of apartments are owner occupied and none of the buildings of the complex are for rent only, which is routine for Ukraine’s housing market. As of February 2017, there were 79 apartments in Parkovy Ozera available on LUN.ua database; more

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\(^9\) In the Ukrainian system a 1-room apartment means an apartment with at least one room apart from kitchen, bathroom/WC, corridor etc. ‘A room’ should not necessarily serve as a bedroom.
detailed information on rental apartments in the complex is not publicly available and not collected systematically.

The social infrastructure of the complex consists of private kindergarten for 140 children, a 8-storeyed parking facility for 382 cars, several playgrounds for children, several sports grounds equipped for playing football, basketball and volleyball, outdoor workout facilities, a Japanese garden with a small pond, multiple spaces for recreation equipped with urban furniture and a 1600 sq. m of Novus supermarket. There are also a number of small businesses in the ground floors, among them grocery stores, furniture shops, several cafes, a large gym located on top of the supermarket, pharmacies, beauty salons, private dentist, notary and lawyer practice offices, a pet shop etc. In general, it is true to say that the complex has much better infrastructure for living and recreation than its surroundings.

Parkovy Ozera complex is believed to have middle class residents, with its main target audience being young families in their 30-s with pre-school or school age children. Such market positioning is mostly defined by close proximity of a vast green area, remoteness of CBD and a prominent role of a family in the Ukrainian society, which makes it look as credible and desired clientele for property developers. The real estate market agents classify the complex as a ‘comfort class’ residence, an intermediate between so-called ‘economy’ and ‘business’ classes of housing estate. Comfort class is believed to offer a good value for money in terms of quality of construction, available infrastructure and more or less good transport connections with the city centre.

Currently, the price of a square meter in the complex starts from 17,521 UAH (Ukrainian hryvnya), which is a significant increase in comparison to roughly 7,000 UAH per sq. m at the start of construction in 2011. However, this price increase is not perceived as such by the market due to its dependence to calculations in US dollars.20 Hence, if calculated in USD, the price actually decreased from roughly 875 USD per sq. m in 2011 to 648 USD in 2017. Given such discrepancies between price fluctuations in UAH and USD equivalents, it is important to treat market information on housing prices with caution since the seller and the buyer party would most likely refer to different equivalents. While for the property developer Parkovy Ozera is still a middle class residence, the actual buyers capable of purchasing an apartment there in 2017 would either belong to upper middle class or bear a burden of mortgage (or both).

With all mentioned in mind, it is possible to imagine the place of Parkovy Ozera and its inhabitants on a physical, social and economic map of Kyiv. Being a typical Kyiv left bank development reminiscent of Soviet housing area but equipped with modern leisure infrastructure, overpacked with cars and divided from the rest of neighborhood by the former industrial zone border, Parkovy Ozera complex is attempting to combine benefits of working in central Kyiv and living in a quiet neighborhood. As the Ukrainian economy is falling into recession, Parkovy Ozera actually become less affordable for those who would be imagined as their ‘target audience’ – 30+ aged young families with small kids. Hence, moving in here in 2017 would imply further socio-economic distance from the rest of Voskresenka neighborhood. All these facts and assumptions are important to remember as we approach the analysis of situations that describe collective action challenges at Parkovy Ozera.

20 Following the economic recession in Ukraine, the USD:UAH exchange rate shifted from 1:8 in 2013 to 1:27 in 2017.
Situation 1. Conflict between house owner unions and private housing company

Since its inception, Parkovy Ozera residential complex has been managed by the private housing company affiliated with Intergalbud property developer. The housing company made contracts with household utilities providers, provided basic services to the residents and managed the common areas. In the case of a residential complex it is convenient to have the same service provider for all apartment buildings. At the moment, such provider could only be a company affiliated with Intergalbud. This is explained by the fact that while the complex construction is on, Intergalbud's housing company is managing recently completed buildings by default.

At the same time, changing the service provider in an apartment building requires a recognized collective decisions of its residents who own the apartment. In order to execute legitimate decision-making, a house owner union (ОСББ 21) should be established. Hence, if the establishment of ОСББ-s goes building-by-building (if takes place at all), it would not be possible to reach consensus on the service provider issue until all buildings are completed and an ОСББ is established in each of them. Currently, ОСББ-s are registered in six apartment buildings at Parkovy Ozera. Interestingly, all of them have now either abandoned services of the housing company affiliated with Intergalbud or are on the way to this. As mentioned by Igor Havin 22 who was one of the activists who started the ОСББ movement at Parkovy Ozera, at first the housing company tolerated bottom up initiatives of the residents and welcomed their suggestions and expertise. However, as the plans to establish co-owners unions became real, the housing company changed its strategy and started viewing these new institutions as competitors, which hindered cooperation potential.

The early conflicts involved disputes over maintenance practices of the housing company and misuse of funds transferred by Parkovy Ozera residents. For instance, Havin mentioned a recent example of painting a fence that separates Parkovy Ozera and garage cooperative with a colorful pattern. According to Havin’s sources, the cost of a square meter of the painting was too high, and Intergalbud presented it as ‘a present to Parkovy Ozera residents’ without consulting with them on the use of their common money. At the same time, some activists label the housing company as too passive, in particular pointing out that minor repairs of lamps, pavement elements or street furniture are not taking place unless the residents continuously remind on those.

A more serious accusation addressed to the housing company is a believed misspending of common maintenance funds for works that ought to be completed by the construction company in the first place. As revealed in an anonymous interview with residents, some of them believe that the housing company consciously failed to check the condition of the newly finished buildings in hope to complete some technical flaws in them using the money collected from residents for building maintenance, thus charging them twice for the same work.

Meanwhile, the housing company representatives believe that a small group of people who are running for ОСББ boards are attempting to take over the profits that Intergalbud and its affiliated company make as a service provider for Parkovy Ozera. Consequently, their strategy implies personal accusation of activists and antagonizing them to the rest of residential community. Doing so, Intergalbud particularly takes an advantage of the residential complex’s scale, since not too many residents know the activists personally, and also plays a card of integrity of the residential community.

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21 ОСББ -Ukr., local abbreviation for house owner unions in multidwelling apartment buildings.
22 personal communication, 21.03.17
complex which Intergalbud designed, built and now manages, so that handing over the complex ‘to amateur activists with unclear personal motives’ would seem a non-reliable option.

Both parties of the conflict are making use of different public platforms for communicating their position. ОСББ activists mostly use a closed Facebook group for monitoring activities of the housing company, highlighting poor management cases and reporting on their own work. It is important to highlight the while the Facebook group is indeed popular amongst the residents and is actively used for various purposes, the position in favor of ОСББ-s appears to be much more solid there than it is offline. This could be explained by domination of several active group members’ opinions in online discussions of the matter, as well as by absence of coordinated opposition leaded by the housing company in online realm. Offline interviews in the complex show that while some residents indeed think that Intergalbud’s maintenance practices are unacceptable, the others find newly created ОСББ-s similarly inefficient or untrustworthy.

Meanwhile, the housing company is making use of common areas in apartment buildings, such as ground floor entrances and hallways, for spreading printed announcements and leaflets in which anonymous ‘administration’ highlights benefits of the housing company and reveals untrustworthiness of ОСББ activists. In some cases leaflets were put directly into post boxes in the residential buildings. It is important to mention that in those buildings where house owner unions are active the common spaces are being gradually taken over with leaflets published by ОСББ, the latter however being rather information brochures possessing no direct reference to the housing company. The housing company is also making use of public gatherings held on the small square with a decorative fountain within the complex. Some of the residents reported presence of suspicious people, who are not residing in the complex, during one of these meetings happening in summer 2016, while some other meetings failed to attract attendants at all.

Another tactics adopted by the parties of the conflict implies appealing to municipal or state authorities. The examples of the latter method include a complain of Intergalbud’s housing company to the State Emergency Service of Ukraine about missing night lightning in the fire exits and common corridor areas of the house run by ОСББ. The ОСББ replied by highlighting the construction flaws in their apartment buildings that they found during inspections or in the blueprints and technical documentation received from Intergalbud.

However, the most outrageous case in this conflict is a criminal investigation that followed the appeal to the National Police of Ukraine about violation of procedural norms of establishing an ОСББ in one of the houses and further illegal ‘attempt to seize the common property of the apartment building’. In particular, it was accused that protocols of general assemblies that formed ОСББ-s were forged. The investigation has now being run for 6 months and, according to information posted by one of the members of the Facebook group, the initial appeal to police was submitted by the housing company employee. In the same group one can find claims that politicians affiliated with Intergalbud had attempted to influence the investigation.

Currently, both parties expressed their unwillingness to cooperate with each other, which resulted in a number of arguments and misunderstandings related to routine maintenance works. The downside of having multiple property managers in the residential complex had been showcased by misunderstandings with garbage containers in the complex, since some of them were provided by a company hired by ОСББ of one of the houses, while the others were provided by Intergalbud’s housing company. As a result, both parties claimed that ‘their’ containers were overused on purpose due to bad positioning of container areas and insufficient quantity of Intergalbud’s containers.
Given this atmosphere of mutual mistrust, the conflict between the housing company and ОСББ-s has become a strong line of division in the complex. As mentioned by ОСББ activists, it would be ideal to eventually form an association of house owner unions and establish a revolver fund that would allow to use common budget for improvements in the residential complex, thus making the Intergalbud’s housing company services unnecessary. However, this vision now seems distant.

**Situation 2: Community-led regulation of car parking & cars as incentives to crime**

Availability of well-functioning and diverse mobility options is one of the key needs of a classical sleeping district whose residents tend to leave it for work every morning on weekdays or for leisure on weekends. Parkovy Ozera complex is located within a 2 km radius from two metro stations on the red line, Darnytsia and Livoberezha, and within 5-10 minute walking distance from 3 bus stops and 1 tram stop that provide access to different parts of the city.

However, there are several important factors that undermine usability of these public transport connections. Firstly, the area is very mixed in terms of built environment and numerous physical barriers (old fences and garages around the complex) and it is not always easy to navigate there. Secondly, Voskresenka is situated to the south from Troyeshchina district, a part of Desnyanskyi rayon with population over 360,000 people. This district is notorious for its transport problems since none of the three line of Kyiv metro is going there, so there is a big pressure on public transport routes that go southward. Hence, congestion in the morning and evening hours can be very high and make public transport options, including the metro, not pleasant and unreliable.

Combined with common appraisal of private car as a recommended mobility option for families, all mentioned makes Parkovy Ozera a car-dependent community. The issue here, despite the growing traffic congestion on the way to the city centre, is the lack of affordable common space for car parking. As mentioned previously, the complex general plan includes a separate car parking facility constructed in accordance with planning regulations. In particular, the amended land rental agreement of 2012 mentions that the developer is required to construct a parking facility that would provide one parking space per two apartments in the complex (0.5 per household). Interestingly, the earlier legal documentation on the complex mentions ‘an underground parking facility’, while in the later documents the ‘underground’ part is dropped. The parking facility currently offers a variety of options between 14.33 and 21.40 sq. m currently priced from 169,900 UAH\(^\text{23}\).

However, the most affordable and most common parking option is outdoor parking, which simply utilizes the space of internal asphalted roads within the complex. This space is free, since there are no parking charges in particular and no specified parking regulations for this land in general, except for the pedestrian zone road sign near the entrance to the complex. Given such unequally priced parking options, the majority of residents tend to leave their cars outdoors, which makes sidewalks in the complex very contested, especially in the evening hours. It should be mentioned that design of internal pathways and recreational zones in the complex resembles a system of elevated pedestrian islands that are clearly opposed to internal asphalted roads (see Figure 2). Such inner yard design, as well as the outdoor parking issue, is a common feature of new residential complexes in Kyiv.

\(^{23}\) A rough equivalent of 6,292 USD as of April 2017 currency exchange rate. The average monthly income in Kyiv is about 300 USD.
Given a limited amount of outdoor parking space and lack of formal regulations concerning its use, access to outdoor parking is provided through silent consensus of the residents based on their daily practice. For instance, parking spaces are allocated on a first come first serve basis and there are no attempts to put a claim on a particular space for permanent use. It is also commonly believed that residents of the complex should have priority access to outdoor car parking, however it is hardly possible to differentiate resident’s cars from the cars of other users due to a high number of residents in the complex.

On the other hand, fully parked sidewalks leave a very narrow space (sometime less than one lane) for movement of vehicles. This problem became evident when new residents moved into completed houses and started using parking spaces in front of their buildings, which were previously shared by residents of the buildings completed earlier.

The private housing company affiliated with Intergalbud (property developer) made an attempt to formalize local parking regulations. In consultation with several residents, they developed a plan of outdoor parking lots and put clear painted delineations on the asphalt. They also added navigation arrows designed to direct cars to different entrances to the complex and thus help avoiding face-to-face meeting of vehicles on a narrow road with occupied sidewalks. However, these measures are not always recognized and accepted by the drivers and obviously lack enforcement power. Among the painted signs added were also pedestrian zebras and unloading spaces in front of ground floor shops.

Residents also participated in formalizing parking spots, for instance by suggesting installing anti-parking facilities near the main car entrance to the complex adjacent to Novus supermarket. The residents are also the ones who actually monitor the correct use of delineations, since the housing company is quite reluctant to the issue. Currently, the condition and use of outdoor parking spaces has become a matter of heated debate and community policing.
One of the targets of such policing is looking for cars incorrectly parked cars. Pictures of such cars regularly appear on Parkovy Ozera closed Facebook group, usually accompanied with a message to the owner (and to the whole community of members in the same time) to take some action and remove the vehicle. Since there is no single authority entitled to decide whether a car is parked legitimately, some of the residents can exchange their opinions on that in the comments to the Facebook post. Offline communication with car owners is hardly happening in person and is usually limited to leaving hand written notes or stickers on the vehicle. The harshest cases reported in the same Facebook group also involved letting the air out of the tyres.

There are also parking enforcement measures that combine several types of information channels and enforcement strategies. For instance, once a picture with the incorrectly parked vehicle is posted in the Facebook group, other users make a quick survey on how long the vehicle is standing on this spot and whom it might belong to. One of the possible reactions to the post could be approaching the car and, if the driver is inside, engaging into a conversation. As reported by the residents, calling a police to evacuate a wrongly parked car never works without someone of the residents staying at the site and monitoring the process closely. In many cases people from the house owner union (ОСББ) boards are most likely to be the ones who call the police or engage in conversation with the driver.

It should be mentioned that enforcement and sanctions measures here mostly use soft regulations and informal law, so that the cars parked ‘illegally’ only for a short time or those that are parked like this only at night time, when all the cars of the complex are packed into the yard, are more likely to be tolerated. At the same time, those cars that block pandus entrances to elevated sidewalks of sportsgrounds or recreational spaces or block the spots marked for unloading trucks are more likely to be report in the group. A summarized mechanism of local car parking regulation could be imagined through the graphical representation in Annex 3.

Another very important aspect of outdoor parking practices is car crime, since unattended cars are the most precious openly accessible assets. While car thefts or car arsons are treated by the police, such crimes as theft of goods and devices left in a car through a broken glass window very rarely lead to proper investigation, leaving the victim almost defenseless. The housing company responded to this issue by hiring several guards but they turned out to be reluctant to guarding the cars and other private property of residents, instead focusing on common property operated by the housing company.

Meanwhile, car crimes continued, provoking a heated debate in the Facebook group of the complex. A number of posts were devoted to criticizing the existing security system in the complex, while another part reported the crimes (most often with pictures of broken car windows) or about suspicious persons or vehicles noticed in the yard. Finally, in July 2016 one of the group activists (who is also a member of ОСББ board in one of the buildings) summarized the car crime problem in his post and suggested a solution – to close the territory of the complex. Along with the post came an open opinion poll with different options of improving security system at Parkovy Ozera, which attracted several hundreds group members. The initial post also attracted over 90 comments, with numerous sub-comments. The opinions split, although the majority of commentators called for the additional security measures to be introduced. The same person who initiated the poll then called for creation of a working group that would develop possible security solutions for the complex, and regularly provided new information to the discussion, such as outcomes of meetings with security firms or local security practices in gated communities in Kyiv.

The number of crime reports in the Facebook group reached its peak in the end of 2016 and early 2017, which provoked some of the activists to give a start to two initiatives for improving security.
One implied creating a neighborhood watch, the other suggested a full-scale plan of CCTV cameras installation in the complex. Meanwhile, the initial discussion about gating was postponed mostly because of governance issues and financial reasons. It appeared to be difficult to coordinate the gating process due to the lack of recognized decision making instruments within the complex, so some people appealed to property developer Intergalbud and affiliated housing company to assist with the gating process. It is likely now that the process will be postponed at least to the end of the complex construction.

Neighborhood watch is one of the few initiatives that came to life. While it is hard to make an evaluation of how effective the initiative is for fighting crime, it is a common belief amongst residents that the watch had managed to prevent several crimes and that the nights on which there is a night shift are generally safer. As mentioned by Igor Havin, a board member of one of ОСББ in the complex and the founder of Parkovy Ozera Facebook group, the watch is also a good way of socializing and finding like-thinkers: ‘If these people volunteer to do this [volunteer for the neighborhood watch during night shifts], there are possibly many more initiatives they would be eager to participate in’\textsuperscript{24}. Despite these benefits of the initiative, neighborhood watch is currently facing lack of volunteers. One of the activists even suggested registering an NGO that would make it possible to pay to those who volunteer for patrol, but the suggestion failed to attract enough support.

While most of the discussions of crime and security situation take place online, it is still possible to say that residents of those buildings where house owner unions (ОСББ) were formed take a more active stance on security measures and are more likely to experiment with different organisational and technical solutions. These could include installation of video surveillance in hallways and outside or replacement of female concierges with male security guards after 6 PM each evening.

Meanwhile, the housing company affiliated with Intergalbud has recently joined the gating debate by spreading leaflets with public opinion survey featuring questions on the gating as such and on various funding possibilities of this task. However, this move should rather be treated as a response to numerous inquiries of the residents. Since ОСББ activists in many cases are the ones who deal with car parking and car crime issue (through the neighborhood watch) and participate in Facebook conversations much more frequently than an average resident, it seems legit that they happen to be in the avantgard of the gating movement, while the housing company is taking a much more cautious and passive stance. At the same time, many of the residents now report a higher fear of crime and new photo evidences of car crimes in the group arrive frequently enough to make both ОСББ-s and the housing company take action.

\textit{Situation 3: Successes and failures of collective action at Peremoha Park}

Peremoha Park was founded in 1965 and devoted to the victory in World War II. Peremoha Park is one of the largest public parks on the left bank of Dnipro part of Kyiv (82.61 ha). The entrance to central alley of the park faces Darnitsya metro station, while the alley itself goes through the park up to artificial lake and is crowned by an obelisk devoted to fallen soldiers. The central alley trunk with a numerous branch-like pedestrian alleys along with skating rink and attraction park with a Ferris wheel represent the recreational part of the park, while the areas to the east and north-east from the central valley are known as more wild.

Parkovy Ozera complex, situated north of the park, has built a strong connection to the park since its inception, marketing itself as a quiet housing area in a close proximity to the vast green area.

\textsuperscript{24}Igor Havin, personal communication, 21.03.17
Over the years, the park has become a primary option for talking a walk for residents of the complex, as well as for enjoying summer days in the green and organising picnics. However, one can notice how inflow of the new residents is gradually changing the established zoning of the park.

The initial division of the park into recreational and wild zones was primarily related to visitor experience that would most likely start from a metro station area and continue along the central alley of the park towards the obelisk. However, nowadays a substantial share of frequent park visitors enters it from the other side of the central valley from Parkovy Ozera through a small bridge over the lake. This daily walking route has turned the park’s central alley into a transit ‘street’. Subsequently, this has attracted a greater number of permanent and seasonal businesses, such as street food huts, mobile coffee stations and toy cars rental for children (see Figure 3).

Some of these businesses function fully or partially illegally, although the majority have permission from the park administration. Some of the trees around the central valley now host trolley constructions for climbing installed by Trolland company, while the park administration revealed the plan for a new workout space in the park funded by the mayor’s initiative. Meanwhile, the wild part of the park is also getting formalized. For instance, in summer 2016 the park administration decided to install wooden cabins that can be rented by park visitors who wish to host their picnic there. Overall, it seems that zoning of the park is gradually changing towards expansion of recreational area. This effect is explained by inflow of new residents into nearby areas, as well as the new municipal strategy for parks management that implies entrepreneurialism.

![Figure 3. Evidence of commercialization in Peremoha Park](image-url)
Analyzing the effect of Parkovy Ozera residential complex on Peremoha Park, one should not fail to mention that the new complex also reinforced the local community that cares about the park. For instance, a new Facebook group was created as an open platform for communication between park administration, representatives of the communal enterprise that takes care of this green area (КП УЗН) and those citizens who either live nearby or just care about the park. It is important to mention that the group moderator, as well as many of its activists, is the same as in the case with Parkovy Ozera Facebook group.

According to the group founder Igor Havin\textsuperscript{25}, the group members managed to collect more than 50 thousands UAH through crowd funding; a substantial part of this sum was used for installing anti-parking barriers that prevent visitors from entering the park in their cars and for the information boards in the park with suggested rules of garbage collection and organizing picnics without open fire. Since 2015, the group members organized at least 6 public actions aimed to clean green areas of the park from garbage in coordination the communal organization КП УЗН. The early events were organized within nationwide ‘Let’s Do It, Ukraine’ action that involves thousands of citizens who make nearby green areas free from garbage. The local community also organized several cleaning actions independently, with the most recent one taking place on March 25, 2017 and involving planting new trees in the park.

Another recent initiative undertaken by the activists was the successful application for the Community Projects initiative, which is a part of participatory budget initiative of Kyiv City Administration. The overall funding for the first-ever participatory budget in 2017 is 50 million UAH. All citizens were invited to submit their project proposals with budget up to 1 million UAH to the project web portal\textsuperscript{26} where the community voting took place. The project submitted by Park Peremoha group activists was aiming to install night lighting in the wild part of the park in order to make it safer at night. The overall suggested project budget was 998,719 UAH. The project was actively promoted in the Facebook group and also offline, with volunteers giving away leaflets in the park itself and in the shops inside Parkovy Ozera complex. As mentioned in the project bid, the project is for ‘all visitors of the park, both Kyivers and guests of our city’.

While the new zoning of the park is being completely overlooked by the park administration, the community, which provoked spatial changes and inflow of commercial initiatives, happens to be the one who is attempting to at least formalize use of the park so that visitors and businesses do not deplete its condition. Residents of Parkovy Ozera are the ones who frequently oppose cars entering the park, fill out complaints about the expansion of the trolley park into the wild area, engage in arguments with visitors who leave garbage after picnics etc.

The coordination mechanisms they use for these purposes are the same as in the case of internal affairs of the complex, such as car parking. Expansion of these mechanisms outside Parkovy Ozera also helps to involve members of other territorial communities, who also care about the park. However, sanction mechanisms developed within Parkovy Ozera are less likely to work in the case of the park. As reported in the Facebook group of Peremoha Park, it is quite problematic to prevent people from starting open fire during picnics even if it is forbidden by law. While property right justifies claims of residents inside the complex, their status in the park is equal to those visitors whose behavior they are attempting to regulate.

All in all, it seems that the informal steering group of Peremoha Park, dominated by Parkovy Ozera residents but also inclusive to external activists, is doing well in terms of communicating and coordinating work of communal enterprises that look after the green area, and organizing

\textsuperscript{25} personal communication, 21.03.17
\textsuperscript{26} https://gb.kievcity.gov.ua
public events for leisure and public actions for cleaning the park and planting new trees. At the same time, it fails to provide mechanisms for sanctioning vandalizing behavior of visitors and restricting unregulated expansion of new businesses. It also remains unclear whether such community initiatives can carry out strategic development projects in the park, given the recent success with the park lightning bid.
RESEARCH FINDINGS

While some early analysis of the case study has already been presented, this chapter serves as a connection between the empirical case study outcomes and the overall aim and objectives of this research, in particular the objective to analyze the role of local residential communities in governing urban commons. The following sections will analyze and interpret the key findings received as a result of application of various research methods listed in the methodology chapter. Here, we will depart with outlining the research results obtained from spatial analysis of the residential complex and local real estate market analysis.

Socio-economic challenges to collective action at residential complexes in Kyiv, Ukraine

As mentioned earlier, the residential complex model has now become very popular on the local housing market, with apartments in 606 complexes in Kyiv region put on sale on LUN.ua real estate aggregator as of April 4, 2017. Essentially, residential complexes emerged as a result of commercial-run densification of housing microrayon\(^{27}\) model of the Soviet time\(^{28}\), which implied erection of numerous freestanding buildings. The phenomenon of conversion of high modernist planning practice into a market-driven product is not exclusive to Ukraine and is reported in other countries (see Indonesian ‘market modernism’ in Leaf 2015). Many of the Soviet-time building regulations are also still at place. As a result, developers tend to create some problems in their projects unconsciously, following old-fashioned building regulations without understanding of their actual purpose. For instance, many high-rise complexes have wide asphalted roads around them because of fire security regulation. However, it is not necessary to use asphalt to enable a fire brigade to come in – a grass lawn would work, too\(^{29}\).

Residential complexes in Ukraine mostly take the form of a set of multi-dwelling, often tower-like apartment buildings with small common areas, mostly allocated to playgrounds and parking lots. As the buildings in the residential complexes get higher, their effective area decreases, while the use of adjacent public infrastructure intensifies. In many cases the new residential complexes tend to overexploit the existing local public roads, parks, schools, or hospitals, providing almost nothing in return. The result of such urban planning projects is steady degradation of urban environment.

While the construction technique used for residential complexes is mostly based on cheap cast-in-place construction, the exterior elements often make use of various architectural styles and are vividly and colorfully decorated. Even those complexes labeled as ‘elite housing’ often boast slightly better building or design quality rather than infrastructure benefits\(^{30}\). Hence, at the end of the day all of the new residential complexes are facing more or less same problems, so the issues of car parking and car crime at Parkovy Ozera are not unique. Also, they bear some challenges for collective action incorporated in their fabric, such as lack of meeting points and very high population density. At the same time, the communities living in residential complexes are faced with a necessity to solve a number of complicated issues that require collective action, among them:

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\(^{27}\) Microrayon – a micro district, most common urban planning element of the Soviet age with free standing, mass produced multiple dwelling buildings.

\(^{28}\) Igor Tyshchenko, personal communication, 21.03.2017. Igor Tyshchenko is an analyst at CEDOS research centre. Find more information under ‘Involvement of expert informants’ section in the Research Methodology chapter.

\(^{29}\) Yuryy Granovsky, personal communication, 23.03.2017. Yuryy Granovsky is a designer at Agenty Zmin and one of the authors of Kyiv Standard Project. Find more information under ‘Involvement of expert informants’ section in the Research Methodology chapter.

\(^{30}\) Volodymyr Vakhitov, personal communication, 23.03.2017. Volodymyr Vakhitov is an Assistant Professor at Kyiv School of Economics. Find more information under ‘Involvement of expert informants’ section in the Research Methodology chapter.
a) energy efficiency measures, e.g. installation of counters and other equipment – in the light of recent utilities prices liberalization;

b) safety measures, including installation of security systems, gating etc. – given the increased crime rates and fear of crime in Kyiv in the past few years;

d) provision of public infrastructure on all levels ranging from properly asphalted public motorways to availability of public schools and kindergartens within walking distance.

Although not all of these challenges can be treated by the community itself, we can see from the Parkovy Ozera case how collective action helped to formalize car parking and enhance security. However, we also see how these measures transformed into a full-scale discussion on gating the residential complex. If implemented, gating would mean exclusion of residents of neighboring areas from using commercial and leisure infrastructure of the complex. Since the gating process at Parkovy Ozera is not unique, we can state that residential complexes in Kyiv are gradually alienating their common resources, while their use of public infrastructure intensifies.

We shall now proceed to analyzing main findings of ethnographic exploration of the local community.

Digital infrastructure for collective action at Parkovy Ozera

While the community at Parkovy Ozera is rich with material for ethnographic research, it was decided by the author to highlight here only the findings related to digital dimension of community life. While the ongoing conflict between the housing company and house owner unions (ОСББ) hinders normal functioning of local self-regulating institutions, collective action is taking place through informal arrangements.

Igor Havin, a moderator and founder of Parkovy Ozera Facebook group (1768 members), believes that this online platform has appeared to be useful to majority of its members and is an important part of community life. He utilized his past experience of managing an Internet forum for Kyiv salsa community for establishing a group with diverse, engaging and entertaining content where each member could find something matching his or her interest. For instance, while some members use it as a platform for discussing governance issues, other use it for asking neighbors for help or advice. According to Havin, the group helped to empower at least several dozens of people in the complex to come up with new initiatives and projects for community life, such as recycling initiatives or charity actions, even given that not all of them proved to be useful or feasible.

Although Facebook group is not designed for decision-making, Havin states that it is still very useful for studying public opinion on different matters, starting working groups, finding support for new ideas etc. The presence of representatives of the old Voskresenka housing area in the group and their occasional participation in forum discussions also provides an opportunity for at least informal contact with the rest of the neighborhood. Local businesses that operate in the complex are also present in this online community and sometimes announce their special offers and discounts for Parkovy Ozera residents. There are also several smaller sub-groups for cyclists, football players and even one for fictional stories about Parkovy Ozera community life.

This online ecosystem finds continuations in offline gatherings, events and interaction, so studying re-current discussions in online groups can tell us a lot about daily life of residential community.

31 Volodymyr Vakhitov, personal communication, 23.03.2017
32 Igor Havin, personal communication, 21.03.17
and topics which its members find important. The group also served as a testbed for many discussions that went offline much later, as had been the case with community-based security measures in the residential complex. Important to mention that the Facebook group for Peremoha Park replicated the experience of the one for the residential complex, which suggests that such format is useful for organizing collective action. There are some limitations to such format of local self-organisation that will be further reviewed in the discussion chapter.

The closing section of this chapter will be devoted to research outcomes obtained through application of institutional analysis methods.

**Institutional challenges to collective action at Parkovy Ozera**

In Ukraine, there are several ways to institutionalize collective action in residential areas, ranging from establishing an NGO or charitable organization to establishing a house committee or house owner union. There are three legal institutional arrangement that are used most frequently by urban communities who reside in apartment buildings: 1) ОСББ, or union of co-owners of an apartment building (referred to as house owner union in the case study); 2) ЖБК, or housing and construction cooperative; 3) ОЧН, or body of self-organisation of population. A brief comparison between these three forms is presented in the Table 4.

**Table 4. Legal status of institutions of collective action in Ukraine**

<table>
<thead>
<tr>
<th></th>
<th>ОСББ (union of co-owners of an apartment building)</th>
<th>ЖБК (housing and construction cooperative)</th>
<th>ОЧН (body of self-organisation of population)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Sphere of regulation</strong></td>
<td>property relations</td>
<td>property relations</td>
<td>local governance</td>
</tr>
<tr>
<td><strong>Main aim</strong></td>
<td>representation of interests of co-owners, management of common property</td>
<td>representation of interests of co-operative members, management of common property</td>
<td>participation in local policy-making, representation of interests of local community</td>
</tr>
<tr>
<td><strong>Membership</strong></td>
<td>owners of apartments in multi-dwelling building</td>
<td>members of housing cooperative</td>
<td>everyone who is registered in a particular area</td>
</tr>
</tbody>
</table>


While ОСББ and ЖБК help to regulate property relations, most typically within a single apartment building, ОЧН can cover either building or block, street and even city district, and is rather designed as a local policy-making tool that serves as an addendum to such democratic institutions as local council. In fact, ОЧН is the only institution from the list that needs permission from the city council for its establishment, and also the only one that can seek funding for its activities from the municipal budget.

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33 Find a review of pros and contras of different organizational forms in ‘Community Based Approach: Conditions and Obstacles’ manual issued by UNDP and Kyiv-based International Centre for Policy Studies in 2011.
34 According to data published by the Ministry of Regional Development, Construction and Housing and Communal Services of Ukraine, in Kyiv the ratio between the number of buildings operated by ЖБК / ОСББ and number of ЖБК / ОСББ is respectively 1.05 and 1.02.
Below we can find recent statistics on registered institutions of collective action on a national, city and district levels (see Table 5). Dniprovskiy rayon is a district in Kyiv where Parkovy Ozera residential complex is located.

Table 5. Registered institutions of collective action in residential areas

<table>
<thead>
<tr>
<th></th>
<th>ОСББ</th>
<th>ЖБК</th>
<th>ОСН</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ukraine</td>
<td>18424</td>
<td>5157</td>
<td>n/a</td>
</tr>
<tr>
<td>Kyiv (total)</td>
<td>1036</td>
<td>870</td>
<td>145</td>
</tr>
<tr>
<td>Dniprovskiy rayon</td>
<td>77</td>
<td>152</td>
<td>11</td>
</tr>
</tbody>
</table>

Sources: Kyiv City Hall, Ministry of Regional Development, Construction and Housing and Communal Services of Ukraine. The figures on ОСББ and ЖБК are true as of 01.01.2017; the figures on ОСН are true as of 03.04.17. The overall indicators for Ukraine are true as of 01.07.2016

As we see, house owner union (ОСББ) is the most popular type of collective action institution on a national level, while in Kyiv there is also a substantial number of housing cooperatives (ЖБК). In fact, in Dniprovskiy rayon there are almost twice as many housing cooperatives as house owner unions. However, this statistics does not appear to be accurate for residential complexes. While housing cooperatives were more common in the past, recent residential development projects are mostly utilizing the ОСББ model, as we know from the case study. As for the ОСН, it seems to be quite popular in older residential areas, but almost not used in residential complexes. A possible explanation for that could be that residents of the new residential complexes are less likely to associate themselves with municipality and its resources. All in all, while there is an array of instruments and institutional arrangements for formalising property relations and organising collective action, the new residential complexes tend to utilize ОСББ as a key instrument for both tasks. The main reasons for that are:

1) dual nature of ОСББ as both a union of apartment owners and co-owners of common areas and a housing company that can take responsibility over house maintenance function itself or hire a service provider. In the case of Parkovy Ozera the newly created ОСББ-s abandoned services of the housing company affiliated with Intergalbud and now manage their houses themselves, occasionally hiring external providers for specialized works;

2) legal incentives provided by the state. Reviewing recent legislation on housing policy, such as The State Law of Ukraine on Peculiarities of Executing Property Right in a Multi Apartment House of 2015, one can notice that ОСББ is always mentioned as a preferable institutional arrangement. There is also a mechanism of conversion of housing cooperatives (ЖБК) into ОСББ.

3) structure of the local housing market. Due to a very high share of privately owned and owner occupied houses, ОСББ seems an optimal legal form for regulating property relations between equal owners of apartments in multi-dwelling buildings.

At the same time, it is also important to mention that the scope of house owner unions in the housing system is quite marginal, if compared to the overall housing stock (see Table 6).
Hence, we see that all mentioned legal forms of collective action institutions are currently not very widespread and the majority of apartment buildings are managed either by public housing companies (in the case of older housing stock) or by private housing companies affiliated with property developers (in the case of the new residential complexes). So what are the institutional barriers to establishing a house owner union in apartment house?

Firstly, one should mention that until recently legislation on ОСББ possessed many flaws that prevented handing over technical documentation and blueprints kept at local public or private housing companies to newly created house owner unions. Only in 2015 the amended Law of Ukraine on Associations of Apartment Housing Owners and the Law of Ukraine on Peculiarities of Apartment Ownership in a Multiple Dwelling House provided a more or less solid legal basis for transferring management rights to ОСББ, allowing residents to choose a housing company for housing maintenance and for monitoring its activities. It also became easier to establish an ОСББ due to the amended procedure.

Secondly, it is important to mention that establishment of house owner unions is still a voluntary measure in Ukraine, so they are not there by default. Neither property developers nor housing companies take any measures to establish one, fearing that organised community might abandon their services in favor of other providers, or even take a decision to run their property on their own. It may also be not economically viable for residents to establish house owner unions, since this implies taking full responsibility over costly building renovations.

Thirdly, it is necessary to mention that the old Soviet-time practice of housing maintenance meant a choice without a choice, since people could not influence functioning of their housing company. Since the recent unities price liberalization housing maintenance business has become profitable and attractive for private companies. In such conditions many property developers chose to establish their own private housing company and take measures to make sure that residents of a new complex would not choose another service provider, thus re-creating the Soviet practice. One of such measures is preventing residents from establishing an ОСББ, as had been the case with Parkovy Ozera.

There is a widespread opinion among the residents of both old and new housing units that the choice is between housing company and ОСББ, although the former represents a hired service provider and the latter refers to a legal form of management of collective property. Since ОСББ in some cases takes over routine building maintenance without hiring an external provider, this very obvious and substantial difference puts them on the same level with housing companies in public opinion, and the debate becomes limited to the discussion on who will issue the utilities bills. In such situation of direct comparison ОСББ boards are often seen as ‘amateur’, and motives of those activists who volunteer to be on the board are treated as suspicious.

Fourthly, a very important reason for recent failures of establishing ОСББ-s in many apartment houses is the issue of scale. The mentioned legislation on ОСББ treats a single housing unit as a
basis for establishing co-owners union, neglecting the amplitude of size of modern apartment buildings. According to reports issued by the National Building Expertise Bureau, apartment buildings at Parkovy Ozera consist of 111-400 apartments, with several 300+ apartment buildings added after the recent change of the general plan. According to the same report, the building number 12 would consist of 365 apartments that would house 1009 persons.

On the one hand, such concentration of people allows to collect enough money for regular housing maintenance, since the majority of residents are also apartment owners and come from a more or less homogeneous social group. Meanwhile, in older residential areas 5-10 percent of residents routinely postpone payments for communal utilities for 3-6 months (Gaevska 2007). On the other hand, it is clear that finding a consensus amongst 365 households is a great challenge and makes no comparison to establishing a co-owners union in an old 8-apartment house.

Finally, there is another barrier to establishment of house owner unions, which is specific to residential complexes. In the case of Parkovy Ozera establishment of an ОСББ in one of the apartment buildings would allow apartment owners to take over management of a territory around their single building, which would not necessarily have the same number of parking spaces, sportsgrounds or other amenities as the tiles of other buildings in the complex. So, when it comes to paying for common infrastructure, it is crucially important to split costs equally and have a coordination structure for all ОСББ-s of the same residential complex in order to preserve its functional and territorial integrity. The legislation allows to create an umbrella association of ОСББ-s for these purposes, but, as we know from the case study, this is not an easy task.

We have now listed the main socio-economic, institutional and urban planning challenges to collective action in residential complexes in Kyiv, Ukraine. We have also confirmed that the residential complex model has become mainstream in local residential development projects, while institutionalization of collective action in the Ukrainian housing system overall remains low. House owner unions were mentioned extensively in the case study as the most common and most active type of local collective action institutions. We have also emphasized the role of online communications in organising collective action of residents. In the next chapter we will analyse the condition of urban commons in residential complexes, basing on the concepts outlined in the theoretical framework and real-life situations featured in the case study.

35 Укрбудекспертиза – Ukr.
DISCUSSION

In this chapter we will attempt to define the type of urban commons featured in the case study, basing on the principles outlined in the theoretical framework. We will also further explore the local property regime in line with the research findings. The chapter will conclude with practical recommendations to policy-makers in the case study and beyond, thus fulfilling one of the objectives of this research – to explore the potential for policy-making in the environment governed by collective action initiatives, particularly in regards to overcoming social inequality in cities.

Research hypothesis formulation

Reviewing the research outcomes, it is important to start with a hypothesis that Parkovy Ozera residential complex makes an example of urban enclosure, formed in the area previously affected by the regulatory slippage. The arguments in favor of the first part of the hypothesis are outlined in the general description of the new residential complexes in Ukraine. This model of private developer-led residential development projects is characterized by physical disattachment from adjacent residential areas by means of urban planning, design, and architecture. Residential complexes densify the existing built environment in line with the compact city paradigm, replacing old brownfields. For instance, Parkovy Ozera residential complex stands out from its surroundings in terms of scale, style of exterior decoration, color, and is placed on the area of a former industrial enterprise, still keeping some of the walls that separate it from the residential microrayon. Residential complexes also keep socio-economic distance from the surroundings through the real estate market. The study found that population of the complex is quite homogeneous and belongs to middle or upper middle class, thus substantial resources are required to enter this community.

While these facts alone do not confirm the hypothesis, they define the circumstances that enable the residents at Parkovy Ozera to perceive their residential complex as a separate settlement with clear borders. Combined with prominent role of ownership rights in property relations, this empowers them to make independent decisions without considering the surroundings, as in the situation with car crime. The current debate on security measures in the complex also illustrates the second part of the hypothesis regarding regulatory slippage. While the initial conditions for regulatory slippage in the housing system of Ukraine were provided during the housing privatization, the current stage of this process is defined by non-participation of public actors in residential development projects. Collective security measures at Parkovy Ozera, such as the neighborhood watch and video surveillance, also illustrate the outcomes of regulatory slippage, since the state monopoly on violence is being transferred to holders of property rights. Hence, while Parkovy Ozera is not a gated community, at least for the time being, it fits well into a broad definition of urban enclosure.

Managing the urban commons in the Parkovy Ozera case

Having defined the environment in which governance of commons takes place, we should now define the types of urban commons in the case study. Firstly, we should acknowledge a distinction between urban commons that lies both within the residential complex and outside of it. The municipal park in the Situation 3 lies outside the residential community and is not part of its internal resource system. Applying the principle of exclusion, we can see that Peremoha Park belongs to the public good type of urban commons, as it is not feasible to exclude users from leisure activities in the park.
On the other hand, in the case with internal areas of the residential complex we see that exclusion is costly but not impossible (through gating the area). This creates a collective action problem, since those users who do not contribute to maintaining the common areas, such as playgrounds, can use them as free-riders. Some of the common resources within the complex are also subtractable, such as limited car parking spaces. This leads us to the common-pool resource type of collective action problem similar to Hardin’s tragedy of the commons. Consequently, the attempts to regulate car parking in the residential complex and enhance security measures can be interpreted as residents’ intention to establish governance principles for local common-pool resources (CRP) and exclude the free-riders. Hence, it is possible to analyze the Situation 2 (parking regulation and car crime) using Ostrom’s design principles (see Table 7).

Table 7. Interpreting car parking and security regulations at Parkovy Ozera through Ostrom’s design principles

<table>
<thead>
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<tbody>
<tr>
<td>1. Clearly defined boundaries</td>
<td>There is currently no effective regulation of access to parking spots; establishment of physical borders for exclusion of free-riders is one of the goals of the gating initiative.</td>
<td>Currently, everyone can access and use outdoor areas e.g. sportsgrounds and playgrounds, however in case of rivalrous uses the priority would be given to the residents of the complex.</td>
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<tr>
<td>2. Congruence between appropriation and provision rules and local conditions</td>
<td>There is a set of informal use on the correct usage of parking spots. However, there is no regulation as for the number of vehicles per household or the maximum duration of parking time.</td>
<td>Residents can invent rules regarding the use of common areas, such as booking rules for the football pitch. There are also informal rules of behavior in common areas, indoor and outdoor ones.</td>
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<tr>
<td>3. Collective choice arrangements</td>
<td>Residents can suggest and invent rules, and also participate in interpreting them through discussions in the Facebook group. House owner unions also can suggest additional rules that regulate parking in the complex.</td>
<td>Residents can invent rules regarding the use of common areas, such as booking rules for the football pitch. There are also informal rules of behavior in common areas, indoor and outdoor ones.</td>
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<td>4. Monitoring</td>
<td>Auditing takes place through informal channels, such as the Facebook group. However, no one is particularly responsible for monitoring activities or has responsibility to monitor others’ behavior.</td>
<td>There is a security patrol arranged by the housing company, as well as an informal neighborhood watch. Apart from that, residents highlight cases of inappropriate behavior or use of the commons in the Facebook group.</td>
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<tr>
<td>5. Graduated sanctions</td>
<td>Sanction mechanisms are developed informally and on a case-by-case basis. More serious sanctions require involvement of external actors (city police). Representatives of house owner unions generally have more authority when it comes to sanctioning users.</td>
<td>Sanctions regarding inappropriate use of commons can be introduced by the housing company (and potentially by house owner unions). However, in case of crimes only the police can impose sanctions. Residents also occasionally take action using the rule of force.</td>
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<td>6. Conflict resolution mechanisms</td>
<td>There are no effective conflict resolutions mechanisms and no higher authority to appeal to.</td>
<td>Conflict settlement can take place with involvement of the housing company, police, house owner unions or through Facebook discussions. However, there is a lack of effective conflict resolution mechanisms</td>
<td></td>
<td></td>
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<tr>
<td>7. Minimal recognition of rights to organise</td>
<td>Residents are not officially authorized to impose car parking regulations; the activities of house owner unions in this respect are hindered by their conflict with the private housing company, which is a property caretaker in the complex.</td>
<td>Security patrol hired by the housing company is entitled to guard the common property (but not private cars, for example). The neighborhood watch is not a recognized organization and does not have any formal authority.</td>
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</table>
8. Nested enterprises

It is likely that establishment of an association of house owner unions would help to centralize and formalize car parking regulation and assign monitors, as well as enhance cooperation with the police.

It is likely that comprehensive security solutions, such as installation of gates or outdoor CCTV, can be possible only upon the establishment an association of house owner unions.

As we see, local collective action institutions are currently underperforming in regards to more or less all principles, and there is a lack of established governance practices. It is also possible to notice the community's gradual progress towards developing ones. While many of the governance rules are still informal and vague, they are being constantly discussed, amended and improved by the residents during their offline and online interactions. This is a slow trial and error process, so it is important for the researcher to analyze root causes and long-term goals of residents' behavior. For instance, the discussion on fencing the area, which could be narrowed down to an attempt to form a gated community, also reflects the basic need for clearly defined borders to a resource system.

The analysis based on Ostrom’s design principles also suggests that establishing a nested enterprise (association of house owner unions in the case) is crucial, since it would make local collective action much more efficient and promote the formation of conflict resolution mechanisms that are currently missing. The establishment of a nested enterprise is also needed to make sure that the scope of collective action is equivalent to the scale of the residential complex. If house owner unions fail to form a nested enterprise, their activities can lead to disintegration within the complex. For instance, if residents of a single apartment building will formalize their common property right on parking lots adjacent to their building area, they might wish to exclude other residents of the complex as free-riders.

Meanwhile, the ongoing conflict with the housing company described in the Situation 1 does not only prevent recognition of the community’s right to organise (see principle 7), but also limits residents’ property rights to a status of authorized user. In such case establishment of a house owner union in the apartment building automatically promotes its residents to authorized claimants by adding management rights to their bundle of rights. Meanwhile, establishment of a community-wide association of house owner unions would also add the right of alienation, which leads to proprietorship. However, it is necessary to remember that gaining these rights over common areas of the complex by its residents may result into stripping the residents of neighboring areas off their rights of authorized access or use. For instance, an association of house owner unions can limit their access to the sports grounds and the residential complex area as a whole.

Meanwhile, Situation 3 with Peremoha park is essentially different from the perspective of governing the urban commons. While local community may attempt to regulate use of the park (by placing informational placards or installing street lights) and even attempt to exclude some users (by restricting entrance of cars to the park area or attempting to stop business expansion), neither of these actions would affect the bundle of rights of other users.

Hence, the issue of commercialization of the park ought to be addressed by municipal intervention rather than by collective action. At the same time, such intervention may follow the example of BID model, utilizing resources of the newly established community of Peremoha Park by re-organising it into a trust. However, doing so would be problematic, since a) the Park Peremoha community is less organized and more fluid than the one of Parkovy Ozera, as it includes members outside the residential complex; b) unlikely to BIDs, the status of park trustee would require investment of money and resources without direct economic gain.
These factors showcase difficulties of involving collective action institutions in residential areas, such as house owner unions, into any activities outside the area of their common property. Being entitled to operate common resources obtained from the residents, these institutions are thus very limited in their decision-making. Their spending of resources on any external actions is restricted, unless given full support of all residents.

Finally, an important implication of the case study is the connection between online and offline platforms for decision-making. Both Facebook groups mentioned in the case study, one of them for Parkovy Ozera residents and another one for Peremoha Park activists, serve as discussion fora for real-life communities. While the notion of digital community usually implies geographical remoteness of its members, these communities are distinctively place-based.

It also seems that these social media tools are actually well adapted to serving needs of the residents, allowing them to partially overcome the issue of extreme residential density, which otherwise prevents them from knowing most of their neighbors well enough. At the same time, digital communities are bound to utilizing a limited interface, which creates a number of factors that hinder their performance:

a) complete exclusion of social media non-users;

b) distortion of perceived public opinion caused by active involvement of handful users who post frequently and the majority that is passively following group discussions;

c) lack of actual decision-making mechanisms;

d) difficulties in tracking and storing information due to a news feed mechanism, which brings up discussions on the same matters over and over again.

Analyzing the effect of the mentioned limitations on real-life decision-making in residential communities in general, and those that use it for regulating CPR in particular, would enhance our knowledge of pros and contras of digital communications platforms and is strongly recommended by the author for further research.

**Implications for urban commons research**

The first outcome of Parkovy Ozera case analysis is a more complex definition of urban enclosure, compared to a simplified notion of gated community. As we see from the case, residents in urban enclosures can combine intention to protect their property from outsiders with interest in external collaboration for the causes they find important. Hence, it would be incorrect to automatically deny possibility of participation of such communities in local governance, even if they chose to exclude themselves from their surroundings by fencing.

It is also necessary not to underestimate difficulties of establishing local institutions for collective action. Given the condition of regulatory slippage, many urban communities face the necessity to regulate the use of commons that were previously governed with much greater involvement of the municipality or the state. In such cases, communities tend to strengthen their control over more valuable and more easily accessible resources (thus privatizing them), while leaving the remaining commons in open access, which causes their quick depletion.

With this in mind, we can formulate the second outcome of the analysis – given the priority of collective action over other modes of governance, property rights define the scale on which governance takes place. Since collective action helps to establish a relatively independent and closed resource system, it is logical that governance principles developed within this system are primarily designed for its internal regulation. While this gives hope for self-sufficiency of such
resource systems, it is unlikely that their governance principles can be utilized outside the system in which they were developed.

The idea of self-sufficiency of local collective action institutions also leads to the third outcome of the analysis. As we know from the case, the scale of Parkovy Ozera residential complex is not optimal for collective action due to high population density and urban planning and design flaws. Nevertheless, common areas of the residential complex are well suited for establishment of communal property regime, since they meet the majority of prerequisites mentioned in Annex 2. Considering all mentioned collective action challenges, Parkovy Ozera residential complex is still generating enough financial and social capital to be an active force in its part of the city. In the Situation 3 with Peremoha Park, it was residents of Parkovy Ozera who managed to bring together a community of park activists and collect enough resources for regular park maintenance and improvement. Hence, while considering limitations to collective action imposed by very high population density of today’s metropolis, it is also important not to miss out self-sufficiency of a resource system as another important predictor of successful collective action.

Having outlined the key outcomes of the analysis, it is necessary to further clarify their implications in the practical realm.

**Policy implications**

In the case of urban enclosures created by the condition of regulatory slippage, municipal actors should be very cautious in their attempts to regulate such areas. On the one hand, active intervention may hinder local collective action (see design principle 7). On the other hand, the exclusionary nature of collective action might lead to creation of a stigma among more vulnerable social groups, excluded from the use of urban commons. The basic recommendation for municipal actors here would be to limit direct intervention in cases where commons belongs to the common-pool resource type, while attempting to restore full control over public goods, such as municipal parks.

It should also be municipality’s goal to make sure that unnecessary exclusion does not take place. For instance, in the Ukrainian case it is important for the municipality to recognize residents’ rights to manage their common property. However, it is as much important to secure the status of authorized entrants (authorized users in some cases) for non-residents. The community’s right to agree on the use of limited car parking spaces should be respected, however it should also be municipality’s priority to make sure that the residents of neighboring areas have the right to enter the residential complex and use some of its facilities, such as sports grounds and playgrounds for kids. It is also absolutely crucial to make sure that such activities as the neighborhood watch are authorized and closely monitored by the police, in order to maintain the state’s monopoly of the legitimate use of force. Since property rights define collective action in urban enclosures, it is important for municipality to remain not just a regulator, but also a resource owner. In the case of almost complete house privatization in Ukraine, the only possible resource that can be utilized is municipal land allocated for residential development. Allocating the land, municipality should make sure that the future residential development is associated with a certain governance model, such as a house owner union (ОСББ) referred to in the case, which should be established there by default. Municipality should also include safeguards that prevent private housing companies from usurpation of residents’ rights to self-organize. There is also a need for physical infrastructure for collective action in the new residential complexes, such as indoor and outdoor venues for public assemblies and design solutions that foster interactions between the residents.
It is also possible to address the issue of scale of collective action by introducing instruments that allow tying institutions for collective action to local democratic institutions. This would imply harmonizing the activities of bodies designed to regulate property relations and those designed to foster local policy-making. In a long run, such policy would gradually include urban enclosures back into the system of local governance and representative democracy. In absence of such links collective action institutions are far less efficient in addressing external challenges.

In the case of Parkovy Ozera it would be possible to combine mechanisms of house owner unions (ОСББ) with those of bodies of self-organisation of population (ОЧ) (see Figure 4). This would allow to utilize municipal resources, training and funding through OCH mechanisms and to empower the community at Parkovy Ozera and neighboring areas to have a more powerful influence on local planning policies. In particular, establishment of OCH based on association of house owner unions of Parkovy Ozera would enable to more effectively address the issue of commercialization of Peremoha Park.

![Figure 4. Institutional governance model for territorial communities in residential complexes](image)

Finally, addressing the issue of self-sufficiency of local collective action systems, state and municipal actors should provide a variety of models for collective action tailored to community’s resources. With this in mind, the intention of Ukrainian government to promote the house owner union (ОСББ) model as a single solution to challenges of common property governance is not only discriminatory in relation to those who rent, but also insensible to community’s abilities to self-organize. It is often the case with older privatized housing stock that its residents find themselves unable to take full responsibility for their common property, which would imply costly investment into housing renovation. Hence, there is a need for multiple rather than unified forms of collective action, as well as financial mechanisms that would secure inflow of needed capital into local collective action institutions through subsidies.
CONCLUSION

This study reviewed the present challenges of governing the urban commons, publicly or collectively owned, in the context of urban residential communities, with a specific attention to urban enclosures. The outcomes of the research showed that form of ownership alone makes no effective predictor of the success of governing the commons. In most cases urban commons represents a mix of ownership types, where individually owned property or labor are combined with communally owned. The exact alignment of ownership types is determined by context-based limitations of each property regime, although general guidelines can be drawn from those empirical cases where successful governance practices have existed for a long time.

The research is utilizes the concept of bundle of rights to reflect the complexity of commons (urban commons in particular) from an ownership perspective. The notions of public good and common-pool resource are applied to study different models of access to and use of commons. However, the author acknowledges incomplete character of such analysis due to absence of universally accepted and comprehensive classification of goods.

The model of a self-regulating institution for collective action, which is central to this research, was adopted from the works of Elinor Ostrom. Application of this body of knowledge in relation to urban commons resonates with similar studies that review the problem of governance of commons outside its traditional domain, associated with collective governance of natural resources in rural regions.

Describing the urban context of governance of commons, this research primarily refers to the concepts of neoliberal city and socio-technical transition. The specific implication of these concepts is represented by the idea of urban openings and closures, as well as by the notion of regulatory slippage. An important outcome of this study is the idea that urban enclosures, especially those that emerged in locations affected by regulatory slippage, are particularly vulnerable to collective action problems. Hence, establishing effective self-regulating collective action institutions is of crucial importance for local communities that reside in them. This study analyzes downsides of the community organizing process, such as increased risks of gating and exclusion of vulnerable groups. A number of policy recommendations are developed within this study to prevent further fragmentation of urban areas where enclosures are located. This study takes a conservative stance on the urban enclosure phenomenon, rather attempting to steer them towards more active participation in local democratic institutions than reorganizing them completely.

As showcased by the case study of Parkovy Ozera residential complex, organizing local collective action in a dense urban environment can be challenging from economic, social and psychological perspectives. The case also reveals the effects of urban planning regulations and design solutions on the local potential for collective action. The author calls for adopting a community-based approach in regulation of urban enclosures, based on informal practices developed by communities themselves. At the same time, municipal or state intervention is needed to address the exclusionary character of collective action. The author expresses a belief that the right of access to urban commons (withdrawal in some cases) should be secured for all urban dwellers.
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ANNEX 1. Design principles illustrated by long-enduring CPR institutions

1. Clearly defined boundaries
Individuals/households who have rights to withdraw resource units must be clearly defined, as must the boundaries of the CPR.

2. Congruence between appropriation and provision rules and local conditions
Appropriation rules restricting time, place, technology and/or quantity of resources units are related to local conditions and provision rules requiring labour, material and/or money.

3. Collective choice arrangements
Those effected by operational rules can participate in modifying them.

4. Monitoring
Active auditing of CPR conditions by monitors accountable to appropriators or are appropriators.

5. Graduated sanctions
Dependent on the seriousness and context set by officials accountable to appropriators or are the appropriators.

6. Conflict resolution mechanisms
Rapid access to low cost local arenas to resolve conflicts.

7. Minimal recognition of rights to organise
Rights to organise institutions are not challenged by external government authorities.
For CPRs that are part of larger systems.

8. Nested enterprises
Appropriation, provision, monitoring, enforcement, conflict resolution and governance activities are organised in multiple layers of nested enterprises.

Source: Ostrom (1990, p.90)
ANNEX 2. Prerequisites for establishment of communal property regime

Attributes of the resource that enable establishment of communal property system

| low value of production per unit of area, |
| high variance in the availability of resource units on any one parcel, |
| low returns from intensification of investment, |
| substantial economies of scale by utilizing a large area and |
| substantial economies of scale in building infrastructures to utilize the large area. |

Attributes of the participants that enable establishment of communal property system

- Accurate information about the condition of the resource and expected flow of benefits and costs are available at low cost to the participants.
- Participants share a common understanding about the potential benefits and risks associated with the continuance of the status quo as contrasted with changes in norms and rules that they could feasibly adopt.
- Participants share generalized norms of reciprocity and trust that can be used as initial social capital.
- The group using the resource is relatively stable.
- Participants plan to live and work in the same area for a long time (and in some cases, expect their offspring to live there as well) and, thus, do not heavily discount the future.
- Participants use collective-choice rules that fall between the extremes of unanimity or control by a few (or even bare majority) and, thus, avoid high transaction or high deprivation costs.
- Participants can develop relatively accurate and low-cost monitoring and sanctioning arrangements.

Sources: Netting (1981, as quoted in Ostrom 2003), Schlager and Ostrom (1992)
ANNEX 3. Car parking regulations at Parkovy Ozera

general informal rules

- any driver can take any free parking spot within the complex, no permanent claims on a particular parking spot are recognized;
- it is suggested to stick to painted delineations when parking a car; it is also strongly recommended to avoid parking on entrance to elevated playgrounds and spaces allocated to unloading of trucks or garbage removal;
- if all delineated parking spots are taken (in case of late arrival to the complex) it is generally allowed to park a car on other free spots given that the driver will remove it early in the morning;
- following the painted navigation arrows while moving through the complex is welcomed but not compulsory;
- it is not permitted to park a car in a way that blocks other cars;
- it is recommended to keep the shortest possible distance between the parked cars in order to allow more vehicles to park;
- it is not recommended to park a car near the entrance to residential buildings for a long time;
- it is not allowed to park cars on pedestrian zones, on the grass, playground etc. In the same time, having a front wheel (wheels) on the pedestrian pavement is generally tolerated.

enforcement strategies

- incorrectly parked vehicles are highlighted in the Parkovy Ozera Facebook group. A usual post of this type would include a picture, possible the time of arrival and, in some cases, reference to general parking habits of the driver or experience of personal communication with him/her. Other users might complement this information using comments section under the post;
- in case where a vehicle is being consistently parked in a way that is recognized as ‘wrong’ other driver might leave a short written note under the front window of the car;
- personal communication with the driver can take place when parking/unparking. It is also possible to ‘call’ the driver by touching the car and waiting for alarm to turn on.

sanctions

- it is possible to call the police and ask to evacuate the illegally parked vehicle, however it has been proven that the sanction will not work unless residents will be assisting the police and supervising the whole sanctioning process;
- other sanction strategies imply conflict with the driver, either open or indirect. The latter can take a more soft form, e.g. leaving a special sticker on the front window of the car, or imply more harsh and often illegal measures, e.g. leaving a scratch or leaving the air out of tyre.