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## **PUBLIC-PRIVATE PARTNERSHIP: OPPORTUNITIES FOR UKRAINE**

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**Abstract.** *The urgent necessity to reform the state sector of economy, to recover infrastructural objects, to attract foreign investments to Ukrainian economy, and to establish socially focused economy substantiates the great importance of development of the partnership relations between the public and private individuals (public-private partnership). Efficiency of such relations mainly depends on efficiency of legal regulation and development of organizational-economic structure. According to the law of Ukraine "About state-private partnership", which principally regulates that kind of cooperation, the appropriate mechanism expects cooperation between the public, territorial (state partners) and legal (except for the state and communal enterprises) or private individuals, i.e. entrepreneurs (private partners). Focus of the mechanism on cooperation with territorial communities actualizes it because of a fast move of the power decentralization reform in Ukraine. At the level of a separate territorial community, practical application of any form of PPP requires from the representatives of local power to master legal, economic, social-communicative skills for initiation of the partnership (introduction of proposals and analysis of efficiency of the proposed projects), choice of private partners (one or several) and making agreements with them. Within such partnership, bodies of the state power or local self-government transfer a share of their authorities to a private partner (single or a group of them). Thus, private partnership (an individual or an enterprise) is responsible for implementation of the project, which aims at solution of some social-economic or ecological problems of the territorial community.*

**Key words:** *economic mechanism; point of development stagnation; public-private partnership; rural territories; synergetic effect*

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### ***Problem statement***

The search for new forms of state management, which are more adequate to modern requirements, forces appearance of new economic theories. The main features of the theories include a focus on a human being, security of its rights and freedoms, and attraction of a wide range of interested people to development and implementation of the state policy. Such form of power performance is called "public management". Within the public management, the state delegates a share of its powers to local self-government and public communities. Nowadays, Ukraine uses the model of management, which is close to the concept of "public administrating".

In relations with the private sector of economy, the state performs the functions of the main organizer, coordinator and controller.

Introduction of PPP in Ukraine is accompanied by a set of problems of legal character (lack of necessary regulatory base of PPP performance), economic (underdevelopment of market and partnership relations) and managerial (lack of professional competences of officials, representatives of publicity and business for development of the corresponding projects in that field).

Currently, Ukraine makes first steps in development of public-private partnership (PPP) and they not always correspond to the essence of the notion and possibilities of application of the

appropriate mechanisms for fulfillment of socially important projects, particularly within the amalgamated territorial communities.

### ***Analysis of the latest scientific research and publications***

The concept of “partnership” is considered in many aspects, referring to its organization, subject, object, field of application, functions, etc. Most scientists refer the concept to such notions as co-operation, participation, integration. It is also associated with performance of definite roles and tasks [1]. Nowadays, in Ukraine and in the world, the concept of public-private partnership does not have the only definition, but most interpretations have some common features [2]. Particularly, all of them expect voluntary or agreed cooperation of parties; partnership is always formalized by long-term liabilities [3]; partners can jointly employ the available resources, take risks, etc. In the relation, common property and responsibility are mentioned in the agreements [4].

The idea of PPP suggests that public sector alone is incapable to secure effective economic growth and sustainable development. Thus, it is an actual task to look for different forms of support for the public by other sectors of the society. It means that the public and private sectors can sufficiently increase efficiency of their resources use by combination of innovations, finance, skills and abilities [5].

At the national levels, PPP is often represented as an alternative to multinational corporations (MNCs) and total globalization [6; 7]. Thus, PPP is more often used in such fields of economy, as environmental protection, power engineering, infrastructure [8] at different

levels. At the level of a territory, PPP has become the instrument of its economic growth, improvement of the living standards of people, and in case of rural area – agreement of the strategy of its development with the goal of natural resources protection [9]. In the domestic scientific and practical literature, it is a form of relations, which is interchangeable with the state-private partnership (SPP) [10]. Applying the approach, which is based on definition of the state as an administrative-legal institution, the concept of “state-private partnership” is more often used. In that case, the state is considered from the position of a senior partner, who allows, basing on his/her authorities, for another partner from the private sector to perform according to his/her competence [10].

Nowadays, in Ukraine the actual issue is to develop PPP on rural territories. Basing on the system approach [11], rural territories should be considered as relatively isolated space, remote from the centres of decision making, economically and socially homogeneous, which sufficiently depends on natural resources (first for agro-focused production), sensitive to external changes due to close relations with urban territories [12].

Evolution and intensity of transformations inside the system (which is a rural area) depend on its initial stage, conditions of performance and an aggregate of external factors, i.e. on general situation and course of previous development [13].

Conditions of rural territory are improved (or stay permanent) when the aggregate positive effect from interaction between separate elements is getting essential and keeps the features of sustainability. However, the effect is repetitive and more intensive (the mechanism of positive reverse relations) [14].

In spite of the close connection between social and ecological subsystems, deterioration of conditions of the last does not automatically cause loss of stability of the system in general or its social component [15]. However, some of them can be more sensitive to ecological stresses, particularly those, which depend on one natural resource or ecosystem [16]. It is particularly true for rural territories.

### ***Materials and methods of scientific research***

The methodology for the study of the mechanism and forms of implementation of PPP for the development of the Ukrainian economy «is based on a systematic approach» [11], taking into account the synergistic effect of using the mechanism and the interconnection of its fields of application. An interdisciplinary approach is applied to the theoretical substantiation of PPPs and a systematic one - to the study of rural areas. This is due to the fact that the complexity of this research object, it is not possible to fully capture and account for all the factors that affect the sustainability and development of the territory through a monodisciplinary approach. Such factors most often include social, institutional, economic conditions, as well as their interplay.

The study was preceded by the definition of methodological principles of rural development based on the theory of complex systems. In order to analyse the multidimensional objects to which rural areas belong, the multidisciplinary approach also does not allow a comprehensive assessment of their current status and development prospects. Therefore, the basis for their analysis is the theory of systems within the systematic

paradigm [11; 17; 18; 19; 20; 21]. The advantages of this approach are that it focuses on the complex interactions between the parts and the whole, the relationships and feedback mechanisms. According to the theory of complex systems [22] feedback and unpredictability are the main characteristics of the functioning of any socio-ecological system [23] to which we refer to rural areas.

Complex systems theory denies a clear and unambiguous cause-and-effect relationship between system elements. Instead, these elements are characterized by complex, non-linear interactions that determine the features of the system and its subsequent states. The interconnections between the elements can be non-linear, multidirectional, multiple, in the form of nonlinear feedback, short and long term. The evolution and intensity of changes within a system (rural area) depend on its initial state, conditions of operation, and a combination of external factors. In other words, the future of a rural area depends on its condition and the trajectory of its “path dependency” [13; 20].

The synergistic effect of a set of non-linear interactions within a system produces a result that far exceeds simply the sum of the actions of the individual elements of the system. Thereby qualitatively new structures are generated models that correspond to the internal logic of system development and reflect the process of self-organization [24]. The state of rural areas improves (or remains constant) if the aggregate positive effect of interactions between individual elements becomes significant, and retains signs of sustainability if such effect is repeated and intensified [14; 25]. The behaviour of the system shows a clear sequence (continuum) of states of its dynamic stability, which as a re-



sult can lead to different configurations (states of self-organization of the system or “points of gravity” – the optimal state of the system in a certain period of time) [23]. In the end, such a situation is more likely to lead to the destruction of the system: the rural territories are more vulnerable if there are no economic activities within it, there are no natural recreational or industrial resources, social infrastructure is destroyed, and there are no young people and so on. The need to solve these problems leads to search for innovative ways of organizing economic activity within the territories.

The statistical approach is used to analyse the number of public-private partnership agreements; institutional – to determine the forms of partnership, functions and authority of the entities and the relationships between them. The points of stagnation of the introduction of public-private business in Ukraine are determined on the basis of a historical analysis, which made it possible to formulate practical problems and current conditions for adherence to the principles of partnership.

The results of a comparative (cross-cultural) study of best practices in public administration and the implementation of a public-private partnership mechanism have developed practical recommendations for local governments.

### ***Research results and discussion***

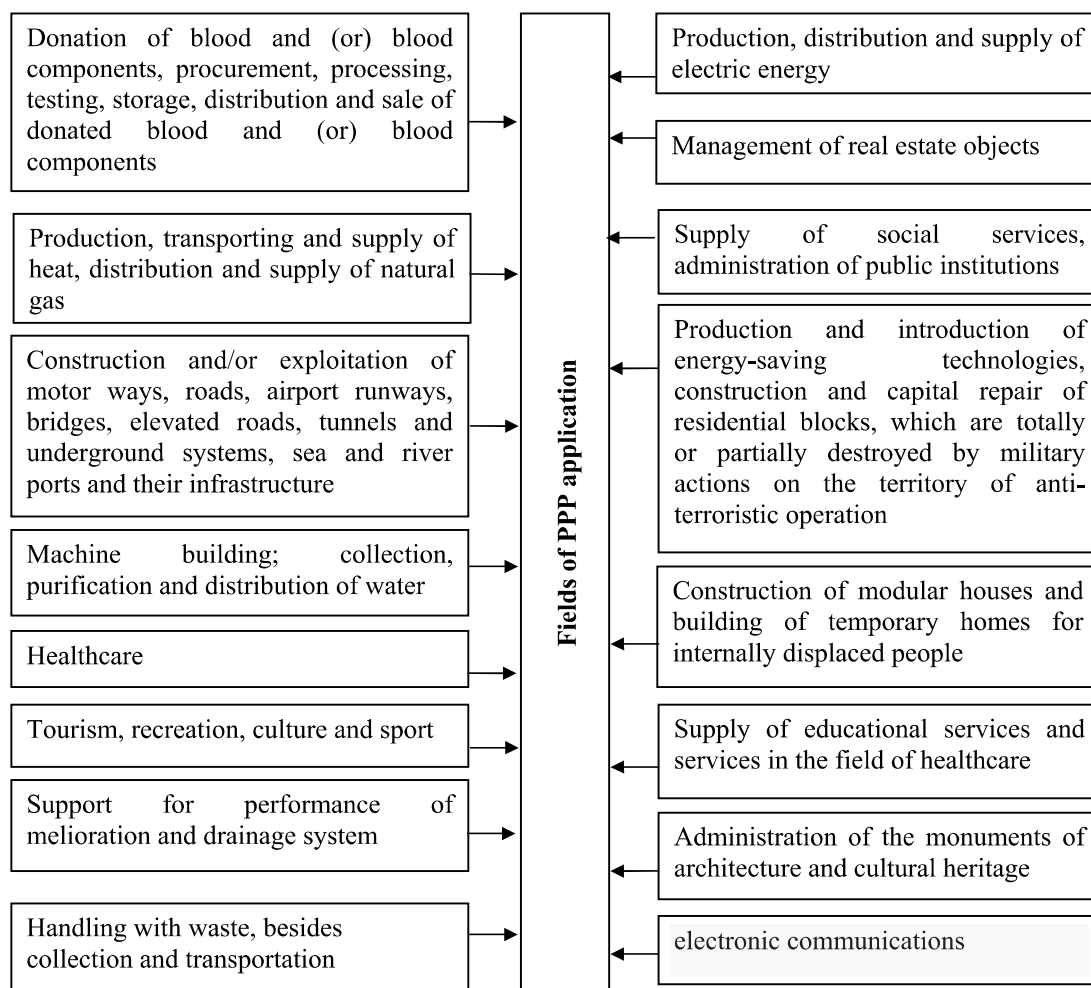
Implementation of PPP results in obtaining of a synergetic effect, which will support increase of state and business efficiency. However, the effect of partnership is manifested in increase of the total of results of activity of each subject separately. One can distinguish three components of the synergetic effect, i.e. economic, social and ecological.

Components of the economic effect include growth of reliability of state investments and increase of probability of obtaining of the expected economic result; improvement of investment climate; increase of the quality of supplied services; efficiency of state funds application; reduction of the degree of risk; access to innovative and modern informational-communicational technologies, etc.

Components of social effect include activation of development of business initiative and raise of social responsibility; improvement of living standards of population by means of territory development; creation and keeping of the number of job positions.

Elements of the ecological component are the following, particularly minimization of the impact on environment by introduction of innovative technologies in the field of environmental economics; energy saving and energy efficiency; utilization and managing of industrial and household wastes; reduction of ecological load on the territory and increase of the level of ecological safety on the principle of introduction of ecologically clean innovative technologies.

It is no question that the mechanism of PPP will provide new opportunities for development and will stimulate demand for innovations in business. However, one should point drawbacks of implementation of the PPP mechanism in Ukraine. Particularly, the state actively penetrates into each of the stages of partnership projects. However, according to the laws, performance of them is the exclusive responsibility of private partners. Besides, trying to stimulate innovative activity of business, it takes excessive financial liabilities. In other words, principal problems of development of the mechanism of PPP include



**Figure 1. Scheme of PPP application in Ukraine [26]**

unequal rights in the relations between the public and private partners. It contradicts with the main principle of PPP, i.e. the principle of equal rights, liabilities, responsibilities and distribution of risks between all partners. It is the way and ground for formalization of partnership relations between the state and business.

Fields of application of PPP are defined by the article 4 of the Law of Ukraine “About State-Private Partnership” (2010) (Figure 1). According to the decision of a public partner, PPP can be applied in other fields of activity, except for those, which are defined by the law for state enterprises, institutions and organizations only.

Among the priorities, which require attraction of the mechanisms of public-private partnership in Ukraine, the authors of the article define development of the infrastructure (first, the system of motor ways, railway, systems of electric, gas, heat, water supply and sewage system, utilization of household and industrial waste) and delegation of the responsibility for performance of public services to the private sector. They include the services with the unsatisfactory quality (making of different certificates, subsidiaries, management of the establishments of healthcare, education, culture and sport, etc.). One should note the extremely important role of private sectors in the field of

implementation of infrastructural projects, because the degree of depreciation of the fixed assets in the system of heat, water supply, and sewage system exceeds 60%, and conditions of motor ways are unsatisfactory.

In Ukraine, public-private partnership is possible in the field of education and health care. An agreement with private operators concerning repair, maintenance and administration of schools is the example of application of the partnership mechanism in the field of education. The medical reform, autonomation of public and communal establishments of healthcare, and transition to financing of the establishments of healthcare by paying for medical services create preconditions for intensification of the cooperation between public and private sectors. Specific peculiarities of PPP projects in that field are the following, particularly prohibition to reduce the number of public and communal establishments of healthcare; the public partner should be represented at the level of the Ministry of Health of Ukraine or bodies of local self-government. It is also necessary to balance social and commercial constituents of the project (recovery of private partner's investments is normally done by means of paid services). There are restrictions concerning determination of paid services at public and communal establishments. The most available forms of PPP in the field of healthcare are an agreement of concession, management of common property and establishment of a joint enterprise.

International experience confirms efficiency of application of the mechanism of PPP in the sphere of tourism. A concession agreement, made by national or regional parks, located on rural territories, is a prospective direction. Thus,

the objects, which are on the territory of those parks (food outlets, shops, recreation zones), can be also submitted to administration by the private party. Private sector will be able to organize exhibitions, to introduce educational programs and new technologies, to perform reconstruction of the objects.

Production of agricultural products is the fundamental for food safety of the country, and the key field, which influences development of rural territories. The important problem in agriculture is underdevelopment of the agrarian market infrastructure, preventing move of agricultural products. The situation can be improved by completing of contracts on the principle of public-private partnership for the market infrastructure development. Development of wholesale markets within village amalgamated territorial communities (ATC), creation of logistic centres for simplification of relations of a wholesale market with a chain of supermarkets. Concession agreements can make a form of PPP for development of the agrarian market infrastructure.

Lately, in Ukraine, one can observe increase of the number of agreements, made within effect of the Law "About State-Private Partnership". Thus, in 2017, «the number of such agreements constituted 191, including 182, which implemented their projects (157 agreements of concession, 24 agreements on joint activity, one agreement of state-private partnership), and 9 agreements were not fulfilled (for 4 of them, the agreement term is out, 3 - are terminated, 2 - are suspended). The greatest number of implemented projects concerned the field of collection and processing of waste (116 projects), purification and distribution of water (39 projects). Concession is the most wide-

ly used form of PPP (86% of the total number of agreement). However, the number of agreements in the field of waste processing has greatly reduced, i.e. from 116 projects in 2017 to 7 for the half of 2018. Thus, according to the data of the Ministry of Economic Development and Trade of Ukraine, as of July 1, 2018, there were 192 of agreement, made within the PPP program. Among them, only 66 projects are fulfilled (including 41 agreements of concession and 24 agreements of joint activity). Those projects are fulfilled in the fields of collection, purification and distribution of water (31 contracts or 47%); production, transportation and supply of heat (8 contracts or 8%); waste processing (7 contracts or 11%); construction and/or exploitation of motor ways, roads, railway, ports, and their infrastructure (7 contract or 11%); administration of real estate objects (4 contract or 6%); production, distribution and supply of electric energy (3 contracts or 5%); search, investigation of the deposits of mineral resources and their excavation (1 contract or 2%); healthcare (1 contract or 2%); other (4 contract or 6%)» [27].

Subjects of PPP on rural territory include bodies of local self-government (village, settlement councils (including councils of ATC), their heads, executive committees, as well as authorities, representing common interests of territorial communities), individual businessmen, and legal enterprises of different organizational-legal forms. In Ukraine, legally regulated forms of application of the mechanism of PPP include concession, property management, joint activity and other agreements. However, in a wider sense, forms of partnership cooperation with business can include contract, organizational-legal, and fiscal. A contract

form regulates the laws about concession, about distribution of products, about lease of public and communal property, about sale of an object of privatization with investment liabilities of a buyer, etc.

The authors of the research have specified three forms of interaction of the bodies of public and private sector:

- traditional (the state attracts business to joined solution of the problems of servicing of the needs of society on the principle of partnership);
  - investment (means joined investments mainly in the infrastructural projects. That form of interaction has a strategic focus and its goal is to stimulate economic growth);
  - scientific and educative (new directions of development under conditions of production globalization and internationalization of capital).
- At the current stage, the investment form of partnership is specific for Ukraine. Analysis of the experience of PPP enables structuring of the interaction between the state and business according to three vectors:
- functional (development of partnership in the branches, which determine access of enterprises to the factors of production and markets);
  - industrial (partnership occurs in some spheres on the basis of mixed forms of ownership, cooperation of public and private companies, making branch contracts);
  - municipal (partnership is also the feature of some territorial productive segments, labour markets, territorial and communal infrastructure).

Considering the world practice, the main features of PPP include duration of partnership relations; practice of transfer of a share of risks in the process of the project implementation to the



private partner; making investments in the objects of partnership by the private partner. Nowadays, in Ukraine those essential conditions of PPP are not secured because of lack of the funds of state, local budgets and private participants.

Under the current Ukrainian realities, it is difficult to keep to another principle of PPP performance: concerning unchanged conditions during the whole period of the contract about target partnership and forms of ownership for the objects, which are in public or communal ownership and supplied to the private partner. Besides, successful implementation of PPP project often causes appearance of joint ownership of public or private partners for created or purchased objects. However, the procedure of determination of those shares in the right of ownership, conditions and order of their assignment were hardly regulated by the active contracts until nowadays and they often became a subject of trials.

Another problem of private sector is land resources use for running of public-private partnership. According to the acting legislature, in case of land parcel use for implementation of the project of PPP, expenditures for development and approval of the projects of land organization concerning setting of a land parcel and preparation of other appropriate documents are developed on the order of the public partner, but recovered by the private partner. Such requirement is an additional financial load for the private investor and reduces his/her economic interest in the project. Under conditions of institutional transformations, it can become a field of abuses by the state.

Lack of staff supply for implementation of the mechanism of PPP is of particular effect at the start of the project fulfillment during the competition, as

well as at the end, while making analysis of its implementation efficiency. Such analysis concerning the objects of communal ownership is performed by the appropriate local authority, a person or executive committee. Other problems can include the practice of permitted participation of a person, who organizes and supplies financing within the PPP, on the side of a private partner. While implementing the project, such person is authorized to apply to the state authority with the proposal about substitution of the private partner. The authors of the work consider that such practice creates potential opportunities for abuses. It is also confirmed by the norm, which says that the state support for performance of public-private partnership is provided without state registration of investment projects and proposals. However, nowadays, definite mechanisms of the state support for implementation of PPP projects are still undeveloped.

Thus, the main problems of implementation of PPP mechanism are the following:

- complexity of the conditions of long-term cooperation under current conditions;
- low level of institutional capability of the bodies of local self-government and private sector to introduce partnership;
- low level of people's confidence to the bodies of state power and lack of knowledge concerning advantages of implementation of the projects on the fundamentals of public-private partnership, insufficient level of information for population about advantages and risks of application of partnership mechanisms, inadequate staff assistance for the bodies of local self-government with the specialists in the field of PPP;
- insufficient investment capa-

bility of the budgets of ATC and private enterprises;

- complexity of the procedures of conciliation, conditions of running of business activity while implementing the PPP projects;
- no practical mechanism of the state support for implementation of long-term investment projects with participation of private partners.

The key problem of PPP implementation in Ukraine is the deficiency of funds of local budgets for assistance of private partners and lack of investment costs of the last, as well as no programs of regular financing of long-term projects under transparent conditions and uncomplicated procedures. Implementation of the projects of public-private partnership at a local level should be based on financial resources of ATC, possibility for the bodies of local self-government to make independent decisions about consistency of implementation of definite projects, to obtain advisory and methodical assistance from the state and foreign organizations, as well as cooperation with public communities in order to create institutional environment and implementation of PPP projects.

Improvement of the mechanism of financing for PPP projects at ATC with the limited economic capabilities, including most rural territories in Ukraine, needs wider participation of the state in implementation of the projects on the fundamentals of medium and long-term program-target financing. On rural territories, the state financial support for public-private partnership should expect direct financial assistance, state guarantees for security of execution of debt liabilities by business entities and even, in some cases, reimbursement from the state budget for the private

partner to recover the costs of supplied services for consumers and introduction of motivating tariff regulation. The situation is intensified by political instability, which has set Ukraine in the list of the countries with the increased level of economic risks and unfavourable investment climate.

### ***Conclusion***

Public-private partnership is an actual form for providing of social-economic development of Ukraine. Transition to public administration and the following public-private partnership can support social stability and improve efficiency of economy management. In the context of power decentralization in Ukraine, particular attention should be paid to creation of appropriate conditions for development of the fields of education, healthcare, social sphere, and performance of the institutions of public society on the fundamentals on PPP, including at the level of a separate territorial community. At the stage of introduction of different forms of public-private partnership, the state performs different functions, i.e. from a co-organizer, participant, intermediary, to a controlling body for security of the interests of different groups, organizations and citizens.

The performed investigation suggests the conclusion that successful implementation of the mechanism of public-private partnership in Ukraine should be based on:

- democratization of the system of management: security of transparency of decision making at all levels, spreading of the principles of representative democracy;
- completing of the process of amalgamation of territorial communi-

ties: making election, completing of the plants of development, budgets, implementation of the projects of local development;

- more intensive participation of citizens in implementation of the local policy: initiation of compulsory attraction of the representatives of communities to discussion of actual issues, public expert estimates of the projects, monitoring of public ideas;

- development of non-governmental organizations, first local ones: it will supply the opportunity for citizens to amalgamate, take consolidated part in life of the community, to influence the decisions; to improve the structure of organization management; it will support their independence from city centres, governmental structures and external sources of financing;

- support for efficient cooperation between the state and non-state sectors, including those on the basis of a wide application of the conception of public-private partnership.

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**ПУБЛІЧНО-ПРИВАТНЕ ПАРТНЕРСТВО: МОЖЛИВОСТІ ДЛЯ УКРАЇНИ**

**ЗЕМЛЕУСТРІЙ, КАДАСТР І МОНІТОРИНГ ЗЕМЕЛЬ 4'24: 17-29**

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**Анотація.** У зв'язку з нагальною необхідністю реформування державного сектору економіки, відновлення інфраструктурних об'єктів, залучення до української економіки іноземних інвестицій, формування соціально спрямованої економіки великого значення набуває розвиток партнерських взаємовідносин між державою та приватними особами (публічно-приватне партнерство). Ефективність таких відносин залежить передусім від ефективності правового регулювання та розвиненості організаційно-економічної



структури. Згідно із Законом України «Про державно-приватне партнерство», що головним чином регулює цей вид співпраці, відповідний механізм передбачає співробітництво між державою, територіальними (державними партнерами) та юридичними (крім державних та комунальних підприємств) або фізичними особами – підприємцями (приватними партнерами). Орієнтація механізму на співпрацю з територіальними громадами актуалізує його з огляду на швидкий перебіг реформи децентралізації влади в Україні. На рівні окремої територіальної громади практичне застосування будь-яких форм ППП потребує, аби представники місцевої влади володіли навиками правового, економічного, соціально-комунікативного характеру для ініціювання партнерства (внесення пропозицій та аналіз ефективності запропонованих проектів), вибору приватних партнерів (одного або декількох) та укладання з ними договорів. В рамках такого партнерства органи державної влади або місцевого самоврядування передають частину своїх повноважень приватному партнеру (одному або декільком). Відповідно на приватного партнера (особу або підприємство) покладається обов'язок реалізації проекту, покликаною вирішити частину соціально-економічних чи екологічних проблем територіальної громади.

**Ключові слова:** економічний механізм, точка стагнації, державно-приватне партнерство, сільські території, синергетичний ефект.

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