



<b>MODULE</b>	Emerging Issues in Procurement
<b>LECTURER</b>	Chris McCrudden
<b>LECTURE TITLE</b>	<i>Sustainable Public Procurement</i>
<b>OBJECTIVES</b>	<p>The objective of the lecture is to discuss with students three different ways of viewing the relationship between sustainable development (focussing particularly on human rights and environmental concerns) and public procurement (i.e. where the public sector buys goods and services from the private sector through a contractual relationship). First, to what extent do human rights and environmental instruments prohibit or limit the state from engaging in public procurement? Second, to what extent is there an obligation to use public procurement as a tool to deliver human rights and environmental justice? Third, do international and regional economic law obligations permit the use of public procurement to deliver human rights and environmental justice, and if so in what circumstances and under what constraints?</p>
<b>DESCRIPTION</b>	<p>The discussion will focus on addressing several pressing questions. Do you think that the choice of whether to use procurement, rather than some other tool by which to acquire goods and services, has important human rights and environmental implications? Which human rights and environmental concerns may be engaged? Labour rights? Socio-economic rights? Do human rights and environmental obligations place limits on commodification of goods and services? How might possible downsides of procurement be mitigated? What alternatives to procurement are there, and are they likely to be any more human rights or environmentally 'friendly'? How might a legal obligation to use public procurement be said to arise out of existing international and domestic human rights and environmental treaties, or customary international law? Are businesses that operate under public procurement contracts different from other businesses in terms of their human rights obligations? Are the actions of firms that have government contracts attributable to the public authority that lets the contract, and therefore subject to human rights and environmental requirements? What are the mechanisms by which public authorities might try to ensure that firms with procurement contracts are human rights compliant? In considering these and other questions, we shall consider the main sources of potential international economic law constraints on the use of public procurement to achieve human rights and environmental goals, in particular the WTO and the EU. How do legal obligations arising from these sources constrain the use of procurement, if at all? Are these constraints consistent with each other, or is one regime more restrictive than others? How does the concept of 'value for money' interrelate with human rights values? Is there a necessary conflict between them?</p>
<b>CLASS MATERIAL</b>	We shall be using a mixture of slides and interactive exercises