

# PUBLIC PROCUREMENT, HUMAN RIGHTS & DEVELOPMENT

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“it is vital that we introduce a fresh ethic on how we make space for the ever-growing underclass of the unemployed and poor to gain access to productive resources. Should the state not devise models in which homeless people, appropriately supported with public resources, build their own homes, clinics, roads and public facilities? Why can't the model be extended to planting their own trees and producing their own food? Why can't we have, with appropriate and patient training and financial support, villagers building their own boreholes, dams, piped water, sewerage, roads and irrigation facilities? Why is it necessary always to call for state tenders on areas of development well suited to be executed by the people who are otherwise jobless and dependent on social grants? When we do this, are we not, in effect, directing resources to the already productive class and only deepening the hopelessness of those on social margins?

... We must think hard about how we free our marginalised people from only waiting and waiting for the delivery of something by the state. Let the tender moguls step aside and let the people develop their countryside and informal urban settlements. Why not? It would surely go some way to restoring their personal and public agency.”

(D Moseneke *My Own Liberator* (2016) p. 358)

## Linking public procurement and development

- UN 2030 Agenda for Sustainable Development & Sustainable Development Goals
- Addis Ababa Action Agenda, 2015: “establish transparent public procurement frameworks as a strategic tool to reinforce sustainable development”
- UN Forum on Business and Human Rights, 2016
- UN Committee on Economic, Social and Cultural Rights: General comment No. 24 of 2017

## Linking public procurement and development

The logic:

1. role of business in promoting human rights
2. public procurement represents a significant portion of market activity
3. governments control public procurement

## Linking public procurement and development

Gian Luigi Albano: “we are in the historically most favourable conditions to use public procurement for social objectives.”

(GL Albano “Promoting sustainable public procurement through demand aggregation” in UNOPS High Impact Procurement: Supporting sustainable development. Thematic Supplement to the 2016 Annual Statistical Report on United Nations Procurement (2017) p. 14)

## Linking public procurement and development

It is not a debate about policy neutral procurement vs policy laden procurement. It is a debate about what type of policy should be pursued in procurement, to what extent and in what manner.

## Three perspectives

### 1. Downstream perspective:

Public procurement serves to facilitate public programmes

### 2. Mid-stream perspective:

Human rights norms within a developmental framework incorporated as relevant considerations in the procurement process itself

### 3. Upstream perspective:

Design of the procurement process



## Mainstreaming public procurement for development

### Differentiation on various axes

- Different rights
- Different existing linkages
- Different national needs
- Different sectors

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THANK YOU

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