

European Public Procurement and Sustainability

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European public procurement is designed at the European Union (EU) level and implemented in different national, regional and local contexts in Europe. Hence, public procurement has formally a similar design across the EU. The EU has a population of about 500 million people and one of the largest per capita ecological footprints in the world. Consequently, as public procurement stands for a sizable proportion of the consumption in the EU, its relevance for sustainable development, and the goal of sustainability, is significant.

Keywords: sustainability ; sustainable development ; public procurement ; construction ; European Union

1. Introduction

Sustainability and sustainable development—the latter being the process of reaching the former—are normative and political constructs and essentially contested social phenomena lacking consensus on their basic meaning ^{[1][2][3][4]}. Hence, they are social constructions that can be characterized as political phenomena. Despite this ambiguity, they continue to hold a central position as unequivocal and apolitical concepts in much of social science and policy making.

Studies have shown that ‘weak’ forms of sustainable development dominate mainstream politics, policy and practice. ‘Weak’ sustainable development is grounded in the idea that economic growth takes precedence over the social and ecological dimensions of sustainability and that the unsustainable predicament can be solved with growth-oriented technological innovations ^[5]. ‘Weak’ sustainable development through technological processes and market mechanisms is often labeled as market environmentalism ^[6], ecological modernization ^{[7][8]} or ecomodernism ^[9], respectively. Market inspired reforms and organizing models, such as public procurement, dominate public administration and environmental policy in many democracies and this has enabled ‘weak’ sustainable development perspectives that now have a prominent position ^{[10][11]}. Research also shows that such approaches can be associated with processes of de-politicization ^{[4][12][13][14][15]}.

‘Weak’ sustainability is related to the production perspective of sustainability is closely connected to market rationalities. A number of limitations have been connected to the production perspective ^{[16][17][18]}. Some of this critique focuses on the tendency to depict sustainable development as a technical process that neglects political issues, such as issues related to environmental (in)justice ^{[16][19]}. This critique is often made from the so-called consumption perspective on sustainability that also highlights possible pathways to reach a strong sustainable development, which entails a problematization of the current economic order and its focus on perpetual economic growth and technological innovation-driven pathways to sustainability ^[16].

Indeed, one consequence of using public procurement in order to reach ‘soft’ and politized targets, such as sustainability, is the inherent tension between politically charged objectives, on the one hand, and technological processes and market logics, on the other. Here we investigate this tension in sustainability policies relating to public procurement of the built environment in the EU. We argue that governing any policy domain entails the construction and representation of particular policy problems. Hence, we focus on how the ‘problems’ of sustainable public procurement are represented ^{[20][21]} in EU policy guidance and best practice documents. Specifically, we utilize the critical policy analysis approach, ‘What’s the problem represented to be’ (WPR) of Carol Lee Bacchi ^[22], to study how unsustainability is problematized in such ‘soft’ policies for sustainable public procurement of the built environment and the potential effects of these problem representations.

2. Problematizations of Unsustainable Public Procurement

Several problematizations of unsustainable public procurement were represented in the prescriptions of the studied policy documents. The most salient of these was based on the notion that markets can solve most issues, as long as markets can be made to function better and that there are adequate conditions for sustainable technological innovations. However,

some documents represented problematizations based in the assumption that unsustainability is rooted in systemic flaws such as escalating inequities and injustices, as well as a deepening environmental crisis. These two groups of problematizations creates two markedly different ways to frame sustainability and sustainable development. The market perspective is clearly more salient and structures, more or less, all of the analyzed policy documents. Thus, to make sense of what the problem of unsustainability was represented to be and why the member states should engage with sustainable public procurement in the first place, it was necessary to interpret it, at least to some degree, as unsustainability as a technical design flaw. That being said, we found it important to also show the forms of resistance that we found lodged in various articulations in our material. We labeled these peripheral, but potentially important, counter representations, unsustainability as unjust politics.

2.1. Unsustainability as a Result of Technical Design Flaws

The problem representations falling under this category were produced through guides to practice that offer technical solutions presumed to create favorable conditions for sustainable innovations. At the center of these were numerous guidelines explicitly focused on facilitating the conditions that promote market competition between tenderers. However, they also included suggestions on how to improve knowledge sharing of innovative technical solutions for sustainability, as well as proposals for how sustainability can be better mainstreamed in the procuring organization. Despite their different focus on procurement the documents all shared the assumption that unsustainability can be managed with technical solutions.

2.2 Unsustainability as a Result of Unjust Politics

A few of the policy recommendations for sustainable public procurement did, however, break with this technocratic and market-oriented problem representation. They represented the 'problem' as unjust politics, which could create an opening for ideas that reflect 'strong' versions of sustainability and sustainable development. This problem representation was, for example, produced through prescriptions centered on ways of engaging the wider community in procurement processes, including the most disadvantaged and vulnerable people.

2.3 Effects

The overall dominant and, perhaps, most important effect is the discursive effect produced by the prominent position of the market and technological innovations as ways to reach sustainability and facilitate sustainable development. That is, by largely naturalizing the production perspective on sustainability, making it appear as neutral and apolitical, competing understandings of sustainable development, sustainability and the causes of unsustainability are silenced. Accordingly, the space left for politics is to decide the level of ambition concerning environmental and social sustainability, produced as an optional 'addon' to market incentives. While this discursive effect could be expected given that what we are studying is, after all, a market device—public procurement—we argue that beyond just promoting market solutions, it also naturalizes them, thereby severely limiting the scope for democratic politics.

3. Concluding Discussion

The guidelines and examples of 'best practice' of sustainable public procurement of construction are dominated by problem representations presenting unsustainability as a result of technical design flaws. These problematizations produce several constitutive effects, which limit the possibility for different ideological notions of sustainable development and sustainability to be pursued, as it demarcates them within the production perspective on sustainability and associated 'weak' forms of sustainable development. In doing so, this problematization constructs a specific perspective on sustainability and sustainable development as 'neutral' and 'common sense'. This conceals that this specific construction rests on a particular and contested ideological position that sidelines other competing ideological visions of sustainability and sustainable development.

Our analysis of the effects of this problematization illustrates the particular operations of power and the de-politization of sustainability and sustainable development. One of these effects is that technocrats are constituted as the central agents of change. By implication, sustainability and sustainable development become reduced to a problem that can be handled by employing instrumental knowledge and design technical solutions. At the core of this problematization is also the notion that market competition between self-interested individuals is the way to incite and facilitate sustainable development. An interrelated assumption is that sustainability can be reached with technological innovations and defined by the marketplace and homo economicus. As a result, homo politicus, or the political subject and political agency, is largely absent, as the assumption is that sustainability should be defined and attained through the market. There is no room for political struggles over competing meanings of sustainability and sustainable development.

This also means that the 'best practice' examples and guidelines for sustainable public procurement that represent unsustainability as a result of technical design flaws, also reproduce power relations inherent in the production perspective and 'weak' sustainability and sustainable development. Taken together, we argue that this problematization, and its premise on market-oriented apolitical technological fixes, silences alternative perspectives on sustainability and sustainable development. It sustains the notion that ecological and social sustainability, along with continued economic growth, can and should be realized through the innovations of free markets, its actors and capitalism. The problematization is silent about the relations of power that supports ecologically unequal exchange, as well as unequal ecological footprints, and their consequences in terms of justice and development chances. As a result, we argue that this problem representation also legitimizes, and perhaps even reinforces, a continuation of the high-emitting consumption that characterizes much of the public and individual consumption in the EU.

The dominant problematization produced through the examples of 'best practice' and guidelines to sustainable public procurement for the built environment indicates that the potential to realize different ideological visions of sustainability and sustainable development is, indeed, very limited. We argue that this finding provides reasons to seriously question the potential for using public procurement in ways that facilitates the realization of different ideological visions of sustainable development and sustainability, an argument also supported by findings in a study of sustainable public procurement in one of the member states, Sweden ^[15].

Nevertheless, there are also problem representations that point to the possibility of increased political agency in public procurement processes for the built environment. That is, a glimpse of this possibility comes from the few prescriptions that, in different ways, represent unsustainability as unjust politics, which provide perspectives on ways in which political agency could be promoted through public procurement. For instance, the suggestion to use pilot projects to promote community trust and engagement in infrastructure projects represents a 'problem' that constitutes political subjects. Accordingly, it produces a condition that could facilitate political agency at the early stages of public procurement processes. Another example is the problematization of overconsumption which, at least partially, emerges through the prescription "... to assess your actual needs" ^[23] (p. 29). This form of assessment could possibly create an opening for political struggles over competing ideological visions of sustainability and sustainable development, specifically struggles between potential proponents of the consumption perspective and advocates of the production perspective. These problem representations, nevertheless, only provide a glimpse of how sustainability and sustainable development could be approached beyond the 'weak' versions of sustainability and sustainable development expressed through the production perspective. However, as such, they do provide examples of alternative perspectives that could be mobilized through democratic means to create new conditions for more pluralistic politics and policies of sustainable development. That is, our study provides insights that can be used to formulate calls for political agency in public procurement processes, as well as to start advocating different ideological positions and perspectives on sustainability and sustainable development in such processes and beyond.

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