

Cambridge University Press 978-1-108-40201-9 — Procurement by International Organizations Elisabetta Morlino Table of Contents More Information

## **CONTENTS**

	List of Figures	page viii
	List of Tables	ix
	Acknowledgements	X
	List of Cases	xiii
	List of Instruments	xvi
	List of Abbreviations	xxxviii
1	Introduction	1
	1.1 Setting the Questions	1
	1.2 Research Design	7
	1.3 Theoretical Framework	8
	1.4 Structure of the Book	13
2	Procurement and International Organizations: A	
	Conceptual Map	16
	2.1 A Problem of Definition	16
	2.2 Types of Organizations and Implications for	
	Procurement	35
3	The Institutional Roots of Change: From Private	
	Negotiations to Public Tenders	47
	3.1 Introduction	47
	3.2 The Institutionalization Phase: Contracts	47
	3.3 The Emergence of Procurement Procedure and Its	
	Problems (the 1960s and 1970s)	51
	3.4 A System in Transition (the 1980s)	62



vi

Cambridge University Press 978-1-108-40201-9 — Procurement by International Organizations Elisabetta Morlino Table of Contents More Information

> CONTENTS 3.5 Administrative Reforms and Procurement Regulation (the 1990s) 70 3.6 Codification, Proceduralization and Publicization: Scope and Limits 95 4 The Regulatory Architecture: Principles and Practices 96 4.1 Introduction 96 4.2 The Law Applicable to Procurement 97 4.3 The Phases of the Procurement Procedure 109 4.4 Principles in Practice: Competition Through Indicators and Ladders of Transparency 121 4.5 Integrity: Rules of Conduct and Practices 194 4.6 Conclusions 202 5 Procurement Contracts and Limits to the Contractual Freedom of Private Parties and States 204 5.1 Introduction 204 5.2 Contracts and Limits to the Contractual Freedom of Private Parties in Direct Procurement 205 5.3 Contracts in Indirect Procurement and Limits to the Contractual Freedom of States 252 5.4 Conclusions 258 6 Contracts and Applicable Law: Blurring the Lines between Public and Private Law 261 6.1 Introduction 261 6.2 Theories and Practices in the History of International Organizations 262 6.3 The Current Approaches 270 6.4 Conclusions 286 7 Accountability in Procurement 288 7.1 Introduction 288



Cambridge University Press 978-1-108-40201-9 — Procurement by International Organizations Elisabetta Morlino Table of Contents More Information

		CONTENTS	vii
	7.2	Operational Definitions and Components of International Organizations' Accountability	290
	7.3	External Controls	295
	7.4	Internal Controls on Direct Procurement	304
	7.5	Inter-Institutional Controls On Indirect Procurement	319
	7.6	Private Subjects' Rights vis-à-vis International Organizations	322
	7.7	Conclusions	371
8	Ho	w the Interplay of Interests Shapes Procurement	376
	8.1	Introduction	376
	8.2	National Roots of Procurement Regulation and the Anomalous Legal Transplant	377
	8.3	Interests and Principles: Dynamics in National Public Procurement	383
	8.4	Interests and Principles: Dynamics in International Organizations' Procurement	389
9	Pro	nclusions: Global Administrative Law for curement of International Organizations: velopment and Limits	410
		The Questions	410
		Between Past and Future: Multipolarity as the Source of Global Administrative Law for Procurement	411
	9.3	Proceduralization and New Rights: The Functionalization of Conflicting Interests and Its Limits	414
	9.4	Contracts for Organizations: Privileges and Public– Private Regulatory Hybridization	414
	9.5	Implications for the Legitimacy of International Organizations	423
		Bibliography Index	429 457