

Reconciling Privatization with Human Rights

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Reconciling Privatization with Human Rights

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This book has been a long time in coming. When I started the research for this book in November 2001, I was quite confident I would be able to finish it in the allotted time. Ten years later, it is finally over. In the beginning, I decided to approach the issue of privatization and human rights by using five case studies that illustrated the problems related to the topic. It did not take too long before realizing that the research would be better off by focusing on two case studies: the privatization of the water utility in Buenos Aires, Argentina, and the use of private military and security companies in Iraq (before the Blackwater incident). At that point in time the financial crisis in Argentina had just reached its zenith and casted an uncertain future on the continuity of *Aguas Argentinas*, the object of study of the Argentine case study. No long thereafter, the scandal at Abu Ghraib and the involvement of private military contractors was making the news and I felt I was on the right path. A number of years passed by, however, and in 2006 I switched jobs from Maastricht University to the School of Law of Bristol University. At Bristol I joined Prof. Rachel Murray and Prof. Malcolm Evans to assist in a cutting edge research project on the Optional Protocol to the Convention Against Torture (OPCAT), which had just entered into force. Needless to say, this very intensive research project made it difficult to focus on finishing the dissertation (I always maintained that it was almost done, which was true, but I just could not find the time to properly put an end to it). In the meantime, the privatization of the water utility in Argentina ended up abruptly, and a year later in 2007, everybody sank their teeth into the Blackwater incident. Suddenly my research topic was 'hot'. In 2009 I moved back to the Netherlands, this time to Groningen University. At Groningen, Prof. Marcel Brus gave me the opportunity to finally conclude the dissertation. This (overly) long book would not have been possible without the help and support of various individuals and friends. Hence, I would like to extend my heartfelt gratitude to Prof. Richard Young at Bristol University for reading an earlier version of the manuscript and for providing great feedback and commentary, as well as boosting my confidence on what I was doing. Equally, I would like to thank Professors Murray and Evans at Bristol for giving me the opportunity to work with them and for their patience. I would like to thank Mr. Kenneth Schindler at the ILO in Geneva, Prof. Koen De Feyter at Antwerp University, and Prof. Alfred Aman, Jr. at Indiana University for the help they provided me during this research. Lots of inspiration and tons of fun came from my former colleagues and PhD fellows at Maastricht University: Jona Israël, Carol Nighiollarnath, Eva Rieter (who also provided some comments for one of the chapters), Joakim Zander, Michał Gondek, Mariolina Eliantonio, Mieke Olaerts, and Ida Wendt. At Groningen University, Prof. Brus, dr. André de Hoogh, Ms. Marlies Hesselman, Ms. Esther Knot, and dr. Gerhard Hoogers also deserve my appreciation. In addition, a number of student assistants made this work possible:

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LIST OF ABBREVIATIONS

ACHR	American Convention on Human Rights
ACHPR	African Charter on Human and Peoples' Rights
ATCA	Alien Torts Claims Act
CAT	Committee Against Torture
CEACR	Committee of Experts on the Application of Conventions and Recommendations
CEDAW	UN Committee on the Elimination of Discrimination Against Women
CERD	UN Committee on the Elimination of All forms of Racial Discrimination
CESCR	UN Committee on Economic, Social and Cultural Rights
CPT	European Committee for the Prevention of Torture
CRC	UN Committee on the Rights of Children
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
ECJ	European Court of Justice
ESC	European Social Charter (Revised)
EU	European Union
GATS	General Agreement on Trade in Services
HRA	Human Rights Act
HRC	UN Human Rights Committee
IADB	Inter-American Development Bank
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICSID	International Center for the Settlement of Investment Disputes
ICJ	International Court of Justice
ILC	International Law Commission
ILO	International Labour Organization
IMF	International Monetary Fund
NAFTA	North American Free Trade Agreement
OPCAT	Optional Protocol to the Convention Against Torture
SPT	UN Subcommittee for the Prevention of Torture
OECD	Organization for Economic Co-operation and Development
PMSC	Private Military and Security Company
UN	United Nations
UNDP	United Nations Development Programme
UNCITRAL	United Nations Commission on International Trade Law
VCLT	Vienna Convention on the Law of Treaties
WHO	World Health Organization
WTO	World Trade Organization

