Reconciling Privatization with Human Rights
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Reconciling Privatization with Human Rights

Antenor Hallo de Wolf
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Reconciling Privatization with Human Rights

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ACKNOWLEDGEMENTS

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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My love and gratitude go to Nathalie for her support and assistance, and love of rock ‘n roll!

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