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978-1-107-02656-8 - Public Services and International Trade Liberalization: Human Rights and Gender Implications

Barnali Choudhury

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PUBLIC SERVICES AND INTERNATIONAL TRADE LIBERALIZATION

Does public service liberalization pose a threat to gender and human rights? Traditionally considered essential services provided by a state to its citizens, public services are often viewed as public goods which embody social values. Subjecting them to market ideology thus raises concerns that the intrinsic social nature of these services will be negated. Moreover, public service liberalization may also further marginalize women, as those most likely to be reliant on public services. Nevertheless, states continue to increasingly liberalize public services.

Barnali Choudhury explores the implications of public service liberalization. Using primarily a legal approach, but drawing from case studies, empirical research and gender theories, she examines whether liberalization under the General Agreement on Trade in Services, and other liberalization vehicles such as preferential trade and investment agreements, compromises human rights and gender objectives.

BARNALI CHOUDHURY teaches at Queen Mary, University of London. She previously practiced corporate law and international investment arbitration.

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ABBREVIATIONS

AB	Appellate Body
APEC	Asia-Pacific Economic Cooperation
BIT	Bilateral Investment Treaty
BOT	Build, Operate, Transfer
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CPC	United Nations Provisional Central Product Classification
CRC	Convention on the Rights of the Child
DSU	Understanding on Rules and Procedures Governing the Settlement of Disputes
ESM	Emergency Safeguard Mechanism
FCN	Friendship, Commerce and Navigation Treaties
FDI	Foreign Direct Investment
FIPA	Foreign Investment Protection Agreement
FTA	Free Trade Agreement
FTC	Free Trade Commission
GATS	General Agreement on Trade in Services
GATT	General Agreement on Tariffs and Trade
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICSID	International Centre for Settlement of Investment Disputes
ICT	Information and Communications Technology
IDA	International Development Association
IEL	International Economic Law
IFC	International Finance Corporation
IIA	International Investment Agreement
ITO	International Trade Organization
IMF	International Monetary Fund
MAI	Multilateral Agreement on Investment
MDGs	Millennium Development Goals
MFN	Most Favored Nation
MNC	Multinational Corporation

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LIST OF ABBREVIATIONS

NAFTA	North American Free Trade Agreement
NGO	Non-governmental Organization
NIEO Declaration	Declaration on the Establishment of a New Economic Order
OBA	Output-based Subsidies
ODA	Official Development Assistance
OECD	Organisation for Economic Co-operation and Development
PPIAF	Public-Private Infrastructure Advisory Facility
PRGF	Poverty Reduction and Growth Facility
PRSPs	Poverty Reduction Strategy Papers
PTA	Preferential Trade Agreements
S&D	Special and Differential Treatment
SAPs	Structural Adjustment Programs
SPS	Agreement on the Application of Sanitary and Phytosanitary Measures
TBT	Agreement on Technical Barriers to Trade
TRIMs	Agreement on Trade-Related Investment Measures
TRIPs	Agreement on Trade-Related Aspects of Intellectual Property Rights
UDHR	Universal Declaration of Human Rights
UNCITRAL	United Nations Commission on International Trade Law
UNCTAD	United Nations Conference on Trade and Development
UNDP	United Nations Development Programme
UNESCO	United Nations Education, Scientific and Cultural Organization
UNHCHR	United Nations High Commissioner on Human Rights
VCLT	Vienna Convention on the Law of Treaties
WHO	World Health Organization
WTO	World Trade Organization