Human Rights Elephants in an Era of Globalisation

Human Rights Elephants in an Era of Globalisation

Commodification, Crimmigration, and Human Rights in Confinement

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List of abbreviations

ABF	Australian Border Force
ACHR	Inter-American Convention on Human Rights
ADF	Australian Defence Force
AFP	Australian Federal Police
AHRC	Australian Human Rights Commission
AMES	Adult Multicultural Education Service
ASRC	Asylum Seekers Resource Centre
ATS	Alien Tort Statute (United States)
CAP	Claims Assistance Provider
CAT	Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CATee	Committee Against Torture
CCA	Corporate Corrections of America
CDA	Critical Discourse Analysis
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CEO	Chief Executive Officer
CESCR	United Nations Committee on Economic, Social and Cultural Rights
CFREU	Charter of Fundamental Rights of the European Union
CIA	Central Intelligence Agency (United States)
CJEU	Court of Justice of the European Union
CPED	International Convention for the Protection of All Persons from Enforced Disappearance
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CSR	Corporate Social Responsibility
DCMF	Design, Construction, Management, and Financing model
DHA	Department of Home Affairs (Australia)
DHS	Department of Homeland Security (United States)
DIAC	Department of Immigration and Citizenship (Australia)
DIBP	Department of Immigration and Border Protection (Australia)
DJI	Dienst Justitiële Inrichtingen (Dutch Custodial Institutions Agency)
DOJ	Department of Justice (United States)
DV&O	Dienst Vervoer en Ondersteuning (Dutch Transportation and Support Service)
ECHR	European Convention on Human Rights

ECommHR	European Commission of Human Rights
ECtHR	European Court of Human Rights
EU	European Union
FNP	Foreign National Prisoner
FRY	Federal Republic of Yugoslavia
G4S	Group 4 Securicor
HCA	High Court of Australia
HCJ	High Court of Justice (Israel)
HIV	Human Immunodeficiency Virus
HRC	United Nations Human Rights Council
HRCee	United Nations Human Rights Committee
HRLC	Human Rights Law Centre
HRW	Human Rights Watch
HU	Hermeneutic Unit
IACommHR	Inter-American Commission on Human Rights
IACtHR	Inter-American Court of Human Rights
IBM	International Business Machines Corporation
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICJ	International Court of Justice
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
ICTY	International Criminal Tribunal for the former Yugoslavia
IHMS	International Health and Medical Services
IHRL	International Human Rights Law
ILC	International Law Commission
ILO	International Labor Organization
IMA	Irregular Maritime Arrival
INS	Immigration and Naturalization Service (United States)
IOM	International Organization for Migration
IRC	Immigration Removal Centre (United Kingdom)
KDI	Kriminalomsorgensdirektoratet (Norwegian Correctional Service)
KPI	Key Performance Indicator
KRUS	Kriminalomsorgens høgskole og utdanningssenter (Training Institute of the Norwegian Prison System)
MDA	Multicultural Development Association
MNF	Multi-National Force
MOC	Migrants Operation Centre (at Guantánamo Bay)
MoU	Memorandum of Understanding
MP	Member of Parliament
MRT	Moldovan Republic of Transnistria
NATO	North Atlantic Treaty Organization
NCP	National Contact Point
NGO	Non-Governmental Organisation
NHRI	National Human Rights Institution

NKR	Nagorno-Karabakh Republic
NPF	Nauru Police Force
NPFR	Nauru Police Force Reserve
OAS	Organization of American States
OECD	Organization of Economic Cooperation and Development
OHCHR	Office of the High Commissioner for Human Rights
OSB	Operation Sovereign Borders (Australia)
OSSTT	Overseas Services to Survivors of Torture and Trauma
PI	Penitentiaire Inrichting (Dutch Penitentiary Institution)
PNG	Papua New Guinea
PPP	Public-Private Partnership
PTSD	Post-Traumatic Stress Disorder
QC	Queen's Counsel
RAID	Rights and Accountability in Development
RCOA	Refugee Council of Australia
RPC	Regional Processing Centre
SCA	Save the Children Australia
SFIR	Stabilization Force Iraq
TNC	Transnational Corporation
Trb.	Tractatenblad (Dutch Treaty Series)
TRNC	Turkish Republic of Northern Cyprus
TWA	Trans World Airlines
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNFICYP	United Nations Peacekeeping Force in Cyprus
UNGA	United Nations General Assembly
UNGP	United Nations Guiding Principles on Business and Human Rights
UNHCR	United Nations High Commissioner for Refugees
USP	University of the South Pacific
USSR	Union of Soviet Socialist Republics
VCLT	Vienna Convention on the Law of Treaties

1 Introduction
Human rights elephants in a globalising world

1.1 INTRODUCTION

An elephant that is deprived by poachers of its tusks, dies. "The only practical way of removing ivory from an elephant is by killing it", as Harland observed.[1] Even in rare occasions where one succeeds in removing a wild elephant's tusks without killing it, which requires the highest standards of clinical and chirurgical care, wild elephants ultimately need their tusks for their survival.[2] Tuskless elephants, therefore, are generally dead elephants.[3] In what can be labelled an immensely saddening development at best, recent decades have consequently witnessed the drastic decline of elephant populations as a result of increasing poaching activities driven by demands for ivory. Such demands are, on many accounts, spurred by globalisation: the demand for ivory, most prominently in parts of Asia, grew particularly in the 1970s and 1980s and led to the steadfast export of African tusks.[4] *Inter alia* as a result of the poaching of one of their most valuable assets, elephants, being the largest and one of the most majestic land animals on this planet, have consequently become an endangered species.

This research, however, is not about animal rights but, somewhat ironically, about *human* rights. Like elephants, human rights have for a long time been considered to be amongst the most impressive and majestic entities of their kind. Like elephants, they may be regarded as somewhat larger than life. Like elephants, however, they also have potentially become endangered as a result of contemporary globalisation developments. The rise of neo-liberal ideologies, transnational stakeholders, and novel categories of belonging have, as this book will argue, indeed potentially forced the domain of human rights into a precarious position. Whereas the poaching threats to elephants have raised alarming prospects for the future, with the potential extinction of the species altogether, in the context of human rights the impact of globalisation is less obvious. Are human rights poached of their most valuable assets under the

1 Harland, 1994, p. 21.
2 Heimert, 1995, p. 1474.
3 Whenever this book speaks about 'tuskless elephants', it refers to elephants that were *deprived* of their tusks through poaching, not to elephants that were naturally born without tusks. See also Raubenheimer & Miniggio, 2016.
4 Stiles, 2004, pp. 309–310.