

Social Justice

CASE STUDIES





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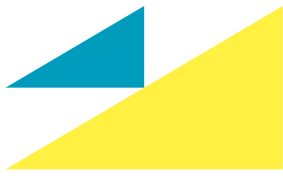
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- The students from all seven universities who participated in the Simulations, whose feedback and comments helped shape our final products. It is to improve the quality of our students' university experiences that we have dedicated our time.



Social Justice Case Studies

Thank you for your interest in *Social Justice Simulations*. Simulations provide a meaningful and innovative way to help higher education students develop analytical and practical skills in a safe learning environment. They enliven the classroom experience and offer concrete ways to encourage students to apply a range of theoretical principles to practical situations.

For teachers who teach social justice-related courses in different disciplines such as political science, sociology, environmental studies, and law, the information included in *Social Justice Simulations* (*Social Justice Exercise Manual* and *Social Justice Case Studies*) serves as a starting point to design and implement simulations in the university classroom.

Social Justice Simulations posit specific social justice problems, such as the detention of a political dissident or the introduction of regressive media laws. Students are divided into groups and assigned to different stakeholders, after which they undergo a series of exercises trying to resolve or respond to the social justice problem.

Social Justice Case Studies include topic information and background, role materials, student learning exercises, and specifically designed assessments for seven Case Studies based around specific social justice topics. The seven Case Studies included in *Social Justice Case Studies* are:

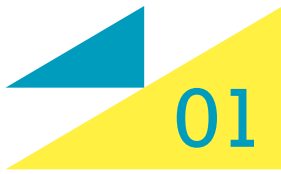
- *Peacemakers and warriors: Self-determination in West Papua, Indonesia*; developed by Social Justice Simulations Project Leader Dr Susan Banki, the University of Sydney
- *Is justice blind? Vision-impaired voting in South Australia*; developed by Associate Professor Matthew Stubbs, the University of Adelaide
- *Human rights law and the 'Northern Territory Emergency Response'*; developed by Professor Simon Rice OAM, the Australian National University (ANU)
- *Women's rights in Australia: A United Nations' treaty body simulation*; developed by Dr Lisa Hartley and Ms Fiona McGaughey, Curtin University
- *Bridging the gap: Teaching about the impact of dog-whistle politics on the implementation of law and the effect on asylum seekers and immigrants*; developed by Ms Paghona Peggy Kerdo, La Trobe University
- *Responding to mass atrocities: The role of the United Nations Security Council*; developed by Dr Phil Orchard, the University of Queensland
- *Offshore processing of asylum seekers: A multilateral human rights negotiation*; developed by Dr Laurie Berg, University of Technology, Sydney

These Case Studies are intended to serve two functions. First, they have been developed as resources for teachers to run these simulations in their own classes. Second, we hope that these Case Studies will also serve as exemplars for teachers and curriculum designers to adapt the exercises presented in the *Social Justice Exercise Manual* to develop their own new simulations that leverage their expertise on other social justice topics or themes.

The seven university partners developed the materials in this book as part of an inter-university teaching project funded by the Australian Government's Office for Learning and Teaching. While *Social Justice Case Studies* provide detailed explanations of the seven simulation Case Studies we designed ourselves and the *Social Justice Exercise Manual* provides teachers with a step-by-step guide to carrying out some of the simulation exercises we found most effective. The Introduction to *Social Justice Exercise Manual* outlines key concepts and terms used throughout both parts of *Social Justice Simulations* and introduces two sets of principles that undergird the teaching of social justice issues through simulations. The first set of principles is about the nature of social justice problems. The second set of principles is about pedagogical principles that inform teaching simulations. This Introduction introduces key concepts and language used throughout our work and we recommend reading this Introduction alongside Social Justice Case Studies.

We encourage you to adapt these simulations and design your own, using these as a guide. You may also find our teaching video, '*Social Justice Simulations*' (7:47), helpful which you can find on the Filling the Social Justice Gap web page at: http://sydney.edu.au/arts/research/global_social_justice_network/simulation/index.shtml.

We hope you enjoy the materials that follow.



Peacemakers and Warriors:

Self-determination in West Papua, Indonesia

General social justice / human rights topic	Self-determination for indigenous population
Location simulation is set	West Papua and Jakarta, Indonesia
Student demographic	Postgraduate
Number of students	30
Delivery format	1 x 3 hour lecture 1 x 3 hour tutorial 1 full day (9am-5pm)
Discipline	Human Rights
Institution	University of Sydney
Faculty/School	Faculty of Arts and Social Sciences, School of Social and Political Science
Author	Dr Susan Banki

'I found the simulation to be an amazing learning opportunity, which has greatly contributed to my understanding of the complexity of not just the West Papuan issue itself but the levels of tactics and strategies that can actually be used. Also the very real constraints that exist.'

'New innovative way of learning. Finally an academic approach that prepares you for the real world. It also definitely improves your teamwork skills that you'll definitely need.'

'It was the most rewarding/enjoyable assessment I've undertaken in all university subjects.'

Summary

This simulation about self-determination in West Papua, Indonesia used the real situation of a Papuan university student killed by the Indonesian military as a Trigger to elicit responses from local, national, regional, and international activists and advocates. Students, playing the roles of these stakeholders, prepared for and formulated responses at a simulated meeting of the Association of Southeast Asian Nations (ASEAN) Intergovernmental Commission on Human Rights (AICHR).

Through several exercises including Tactical Mapping, Fishbowl Interviews, and Lobbying, students came away from the simulation with an extensive knowledge of the current situation in West Papua and a firm grasp of social movement principles.

Setting up the Simulation

Groups

Students were assigned to the following roles during the simulation:

Name of group	Type of group	Regional reach (on this issue)	Goal of group
Human Rights Watch	NGO	International	Report on human rights violations
Papua Land of Peace	NGO	Domestic	Reconciliation
Papuans Behind Bars	NGO	Diaspora	Release of Papuan political prisoners
KNPB, West Papua National Committee	Community-based.	Local	Independence of indigenous population
Diaspora Group	NGO	Diaspora and International	Raise awareness about WP human rights violations, initiate another referendum
Lemasa, local indigenous group	Community-based	Local	Equitable distribution of natural resources

Allocating Students

Six groups of 4-5 people in each group

Case Study

This simulation drew on the current situation in West Papua, Indonesia, where the indigenous population desires self-determination, either through autonomy or independence. This struggle is complicated by ethnic-religious divisions, an entrenched Indonesian military, and the presence of international corporations who want to continue resource extraction of the region's abundant natural resources.

Trigger

In the simulation, a crisis was triggered by a real event that occurred in 2013: a university student was shot dead by the Indonesian military. It was in fact alleged, although never proven, that the perpetrators may have been members of a Special Forces team that was trained by the Australian military.

Role Play

The simulation posited that, following the shooting, advocacy groups decided to converge on a regional ASEAN meeting of AICHR to promote the rights of West Papuans. Thus it was stipulated that all six groups were able to attend the 'Consultation of AICHR with Civil Society Organisations,' abbreviated as CACSO for the simulation. (While the meeting did in fact occur, it is not in reality abbreviated as 'CACSO' and local advocacy groups such as Lemasa, a local indigenous group, did not attend.)

Running the Simulation

Introduction to the Topic

Students were introduced to the topic of West Papua through academic and policy readings and a 1 ½ hour lecture delivered by the teacher. (A list of suggested readings, films, and internet resources can be found in Appendix 1A.)

Simulation Exercises

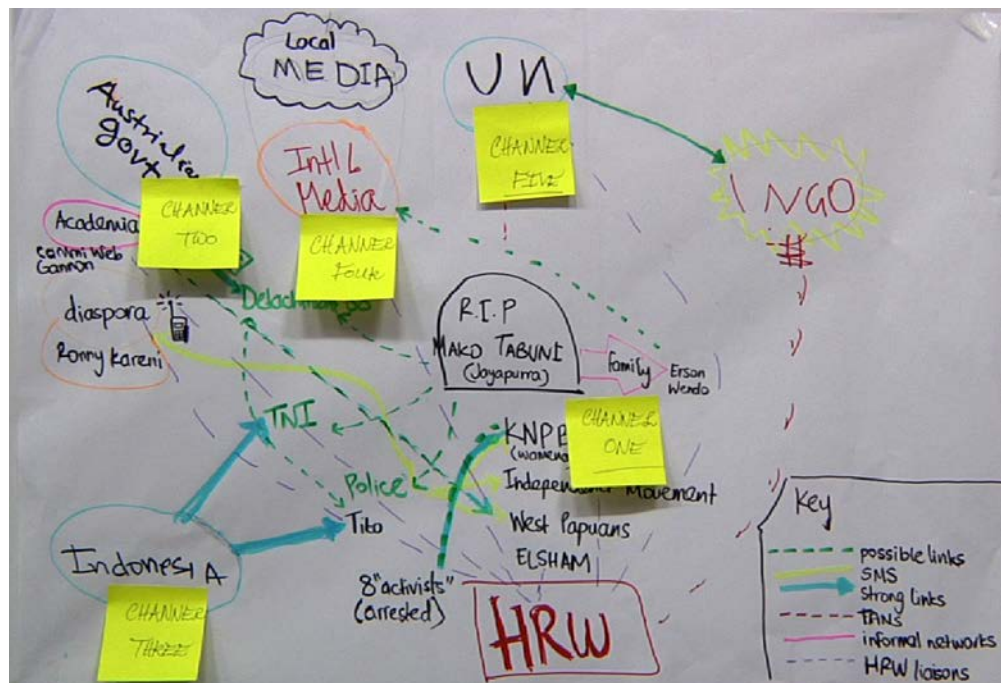
Exercise 1: Tactical Mapping

(Please see Social Justice Exercise Manual, pages 8 to 11 for detailed information about Tactical Mapping)

The goal of Tactical Mapping was to encourage students to think about the multi-spatial dynamics of human rights violations, and to consider the complex and often under-explored relationships between actors at the local, national, regional, and international level.

After being divided into their groups, students were given a real and relatively current news article about a West Papuan university student who was allegedly killed by the military (<http://www.thejakartaglobe.com/home/riots-in-papua-after-police-gun-down-independence-activist/524361>).

In the subsequent 1 ½ hours, the students used Tactical Mapping to (a) identify the important actors on local, domestic, regional, and international levels (b) discuss the nature of these actors' relationships with one another, and then (c) come up with a series of targeted tactics that the group would try on particular actors. For an introduction to Tactical Mapping, students were directed to the video: 'Mapping for Human Rights and Social Justice Violations' (5:05) which can be found on the Filling the Social Justice Gap web page at: http://sydney.edu.au/arts/research/global_social_justice_network/simulation/index.shtml



A tactical map drawn by students. Photo by authors.

For an introduction to Tactical Mapping, students were directed to the video: 'Mapping for Human Rights and Social Justice Violations' (5:05) which can be found on the Filling the Social Justice Gap web page at: http://sydney.edu.au/arts/research/global_social_justice_network/simulation/index.shtml

Each of the groups used a large posterboard and markers to illustrate the actors and relationships they identified, and added sticky notes to their maps to indicate targeted tactics. These maps were then posted around the room for other groups to view.

A half-hour debrief discussion ensued, where students reviewed important actors

they had overlooked and applied this exercise to the sociological concept of boundary framing. Each group was then given a Tactical Worksheet to complete (See *Assessments Assigned* below for more details).

Exercise 2: Fishbowl Interviews

(Please see *Social Justice Exercise Manual*, pages 12 to 15 for detailed information about Fishbowl Interviews.)

The goals of the Fishbowl Interviews were threefold: (1) developing students’ thinking about different kinds of data that they could collect from interviews (2) facilitating thoughtful responses when students were faced with unexpected circumstances in the interview space, and (3) encouraging students to consider issues of duty of care and self-care.

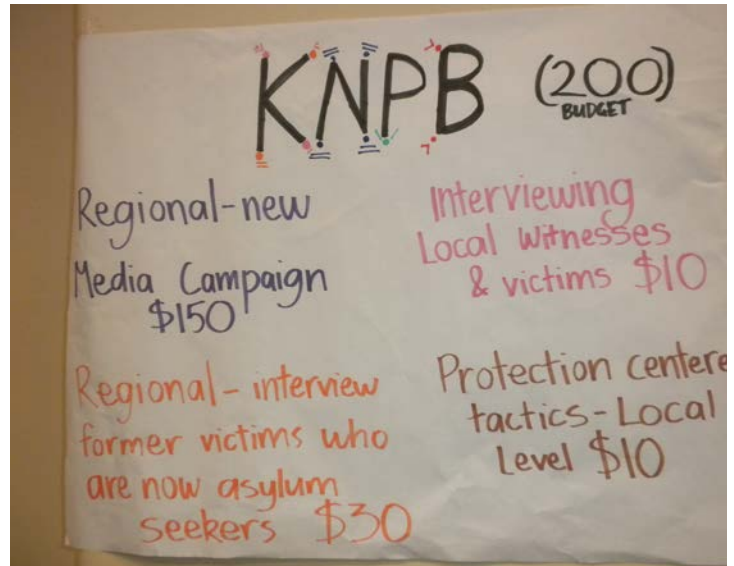
Each group was told that their members would have an opportunity to hold a 10-minute interview with a pre-assigned individual for the purpose of collecting information and data about human rights violations in West Papua. Over the course of two weeks, each group had to prepare for the interview by selecting one or two members of their group to conduct the interview and prepare a list of questions. For an introduction to interviewing techniques, students were directed to the video: ‘Conducting Interviews for Human Rights and Social Justice’ (6:24) which can be found on the Filling the Social Justice Gap web page at: http://sydney.edu.au/arts/research/global_social_justice_network/simulation/index.shtml

The six pre-assigned interviewees were as follows:

Interviewee	Information not available to interviewer in advance	Specific challenge for the interviewer
Witness to a shooting	Very traumatised about what she witnessed	Obtain information in a sensitive manner, assuring confidentiality
Victim of police brutality	Unclear on the details of what happened to him	Determine a way, if possible to triangulate the information provided
Former army officer	Only interested in sharing information if he can get something in return	Balance need for information against requests from interviewee for money or support
Local trader	Nervous about revealing information for which she might be punished later	Prepare questions that help to uncover structural problems in society, such as lack of purchasing power among indigenous population
High profile activist	Liable to speak in hyperbole	Consider how to collect accurate information from highly biased source
Local doctor	Likely to use technical language and act defensively	Prepare non-confrontational questions that may reveal patterns of abuse

These profiles were played by former students and volunteers. Each volunteer was given a short brief that included the following information:

- Interview role: Name and basic information of interviewee
- Your attitude toward the interviewer



A tactics budget prepared by one of the student groups. Photo by authors.

- Information that the interviewer wants to get out of you
- Information that you may share with the interviewer

(See Appendix 1B for an example of an Interviewee Profile)

On the assigned day, each group conducted a 10-minute interview fishbowl style, with the entire class watching silently. After all six interviews were conducted, a half-hour debrief was undertaken for the entire class.

Exercise 3: Role Play of CACSO Meeting

(Please see Social Justice Exercise Manual, pages 22 to 25 for detailed information about Lobbying and Role Plays.)

The goal of the CACSO Role Play was to help students to understand (a) the role of regional institutions in the international system (b) the rules and norms that govern bureaucracies' and (c) the importance and challenges of collaboration, even among like-minded parties.

The Role Play simulated a real meeting that actually took place the week before the simulation ran: the ASEAN Intergovernmental Commission on Human Rights' (AICHR) held consultations with civil society organisations in Jakarta to assess the work of AICHR during its first five years (<http://aichr.org/report/the-aichr-consultation-with-asean-sectoral-bodiesorgansentities-and-civil-society-organizations-csos-on-the-review-of-the-terms-of-reference-tor-of-the-aichr-in-jakarta-on-28-29-april-2014/>). These Consultations between AICHR and Civil Society Organisations were abbreviated 'CACSO' for the purposes of the simulation (though this was not the official acronym used in reality) to make instructions and assessments easier to explain to students in class.

The simulation stipulated that all the groups were funded to attend CACSO (even though, in reality, it would be extremely unlikely for local groups from West Papua to have the opportunity to travel to Jakarta for such a meeting).

Four events occurred during the CACSO Role Play:

Symbolic Protest: Thinking critically about the role of messages and images

Prior to the CACSO meeting, the government officials from AICHR (played by volunteers) staged a photograph standing together outside the meeting. Students, working in their groups, had prepared for this eventuality and planned protest activities to promote the cause of human rights in West Papua according to their advocacy organisations, including creating and holding signs, writing and singing songs, and penning and practising protest chants and effective brief statements for the media coverage that followed the AICHR delegation. Journalists (played by volunteers) 'filmed' the protests and asked tough questions of the protesters, challenging their positions and seeking short, easy answers to complex questions.

In this exercise, students viewed and evaluated each other's protests, practised delivering sound-bites to journalists, and reflected on how collaboration between



One of the groups in the Symbolic Protest activity. Photo by authors.

advocacy organisations might have strengthened or weakened their messages.

Opening Statements: Understanding official meeting dynamics and bureaucracies

With the AICHR government delegation (played by volunteers) seated prominently at the front of the room, each advocacy organisation elected one of its group members to read aloud a prepared opening speech reflecting the positions of their organisation. While the students read their opening speeches, the AICHR members reacted as appropriate, by countering unsubstantiated information or seeking to silence speakers if they were critical of governments or strayed too far from the topic of the CACSO meeting.

The preparation and delivery format of this speech posed a three-prong challenge for the students. First, they had to understand the brief of the AICHR and the CACSO meeting specifically. Second, they had to consider how civil society organisations were expected to behave and communicate at official meetings like CACSO, and whether their group wanted to conform to these expectations. Third, they had to write their opening speech in a manner that reflected the goals and mandates of their assigned organisation.

After the CACSO opening statements, groups were told that they had one hour to prepare for two upcoming events: lobbying and a press conference, both described below.

Lobbying: Defining and refining strategies and tactics

Each group was told that they had been granted a 10-minute meeting with a power holder (one who realistically might have attended CACSO or was based in/visiting Jakarta). Each group was assigned a different power holder. Students used previously prepared strategic materials to determine how to approach the meeting, either to make requests of the power holders or to share information about specific rights violations in the hopes of raising awareness. Each lobbying meeting was held 'fishbowl style' so that the entire class could observe the decisions made and the techniques used. The power holders (played by volunteers) responded appropriately to the advocacy organisations, sometimes reacting with hostility to accusations, sometimes seeking clarification on vague facts, sometimes posing questions in response about next steps.

The six power holders who were lobbied were:

- Head of Indonesian delegation to AICHR
- Vice Chair of Komnas HAM, the Indonesian National Human Rights Commission
- Special Aide for regional development and autonomy in Indonesia
- Australian Foreign Minister
- Executive Vice President of Freeport Mines
- Rapporteur of UN Working Group on Arbitrary Detention



One of the groups lobbies the Myanmar Representative at the CACSO meeting. Photo by authors.

Each volunteer playing the role of a power holder was given a short brief that included the following information:

- Lobbying role: Name and basic information of power holder
- Group doing the lobbying
- Primary goal of group
- Your attitude
- What the group would like you to do
- Responses you can offer, and tough questions you can ask

(See Appendix 1C for an example of a Lobbying Profile)

The Lobbying exercise encouraged students to think about how one takes advantage of a sudden and brief opportunity to convey a message and/or make specific requests to those who are in positions of power.

Press Conference: Negotiating positions and collaborating among actors

The AICHR delegation members (played by volunteers) concluded CACSO by delivering a short statement delivered in ‘diplomacy speak’, saying very little and promising even less. Students from all groups had one hour to collaborate to draft a comprehensive NGO response to be read aloud after the official CACSO press statement. Following the NGO response, journalists (played by volunteers) asked a series of difficult questions to particular student groups.

The press conference challenged students to subsume their particular agendas in their advocacy roles and develop a common and unified message to communicate to the public, and further gave students the opportunity to practice negotiating with relatively like-minded actors.



Different groups come together to negotiate and plan collaboration on advocacy tactics. Photo by authors.

Exercise 4: Debrief

(Please see *Social Justice Exercise Manual*, pages 26 to 29 for detailed information about Debriefs.)

The purpose of the Debrief was to allow students to reorient to thinking as students, rather than characters in a role play, and cement their theoretical learning.

At the end of the final day of the simulation, an hour was designated for students to discuss their learning as an entire group. The discussion, facilitated by the teacher, included three elements: the substance of the simulation (content on West Papua, information about human rights institutions, for example), the process of the simulation (the challenges of group work, the pressures of working in a time-poor environment, for example), and the application of these elements to theoretical principles (what scholars say about the impact of resource scarcity on social movements, for example).

Assessments Assigned

Tactical Worksheet (group assessment)

After students had completed the Tactical Mapping exercise in their groups each group was given a Tactical Worksheet to complete, which required students to think about strategies, targets, and data collection. The Tactical Worksheet can be found in *Appendix 1D*.

Advocacy Material: Opinion Piece or Video (group assessment)

Each group was responsible for producing advocacy material reflecting the goals of the organisation, either in the form of a 700-word opinion piece targeting a particular newspaper or a short three-minute video with an associated dissemination strategy.

Reflective Essay (individual assessment)

Students reflected on the entire simulation and were asked to apply theoretical principles they had learned throughout the semester to the practice of the simulation.

Note: Students were assessed on the three items listed above. With the exception of these assignments, students were not assessed on their preparation leading up to and performance during the simulation. Instead, Assessment 3 provided the opportunity for students to reflect on the simulation thereafter. Thus, public speaking, media readiness, and networking skills were not assessed, rather students were assessed in terms of their ability to explain conceptually how these skills (and others) provided levers for change. For an example of a simulation where students are assessed in terms of demonstrating particular skills during the Role Plays, see Case Study 5: Bridging the gap: Teaching about the impact of dog-whistle politics on the implementation of law and the effect on asylum seekers and immigrants.

Appendix 1A: Useful Resources

Readings about West Papua:

- An excellent literature review can be found at the University of Sydney's West Papua Project at the Centre for Peace and Conflict Studies, at http://sydney.edu.au/arts/peace_conflict/practice/west_papua_project.shtml#west_papua_literature_survey
- Braithwaite, J., Braithwaite, V., Cookson, M., and Dunn, L. (2010). Papua. In *Anomie and Violence: Non-truth and Reconciliation in Indonesian Peacebuilding*. ANU E Press.
- King, P., Elmslie, J., and Webb-Gannon, C. (Eds.) (2011). *Comprehending West Papua*. Centre for Peace and Conflict Studies, University of Sydney.
- Kirksey, E. (2012). *Freedom in Entangled Worlds: West Papua and the Architecture of Global Power*. Duke University Press.

Films about West Papua:

These films and more can be accessed at <http://freewestpapua.org/resources/films/>

- 'Forgotten Bird of Paradise' (2009) – Undercover footage from West Papua that details the indigenous struggle for freedom and democracy in West Papua, Indonesia
- 'Pride of Warriors' (2010) – Filmed by West Papuans, this film tells four personal stories about West Papuan resistance
- 'The Road To Home' (2015) – Story of the West Papuan independence leader Benny Wenda, nominated for a Nobel Peace Prize.

Websites about West Papua:

- Australia West Papua Association: <http://www.freewestpapua.com.au/FWP/introduction>
 - Free West Papua Campaign: <http://freewestpapua.org/>
 - Papuans Behind Bars: <http://www.papuansbehindbars.org/>
 - Rize of the Morning Star: <http://www.rizeofthemorningstar.com/>
 - West Papua Media Alerts: <http://westpapuamedia.info/>
-

Appendix 1B: Interviewee Profile Example

Example Interviewee Profile given to a volunteer who played the role of someone to be interviewed by the students:

Interview role

Victor Yeimo, General Secretary of the KNPB (pro independence Papuan group)

There is a great deal of information about Victor Yeimo at this website: http://www.papuansbehindbars.org/?prisoner_profile=victor-yeimo

Your attitude toward the interviewer

You are very happy to meet this group. You are overly enthusiastic, if anything. You have spent a significant amount of time in prison (this latest time since 2013) and you may be a bit prone to hyperbole as a result. The challenge for the Diaspora Group is to try to get accurate data from you, rather than broad and sweeping angry statements. Also, there is a prison guard that is watching you, so you have to decide how much you want to say.

Information the group wants to get out of you

(from Tactical Worksheet that each group has already prepared)

'Testimonials from the people who have suffered persecution and hardship at the hands of the Indonesian forces because they have spoken out in favour of a referendum. These victims are not advocating change, merely freedom of choice and self-determination for the West Papuan people.'

Information that you can share with the group

(if the questions get too specific, about things you don't know, you can hedge, or say you only want to speak about general matters, or play up your role so that you don't have to answer.)

You speak in a very conspiratorial tone, which makes it difficult for the group to gain objective information.

Intimidation of KNPB is constant and entrenched by the military. You know your life is always in danger.

If asked about specific numbers or the names of people you can speak in broad terms – hundreds were beaten, many of my friends are in prison.

If you are pushed on specifics you can look at the guard and indicate that you can't answer.

When the guard leaves the room, you should ask if your interviewers will sneak out a manuscript you are working on.

Appendix 1C: Lobbying Profile Example

Example Lobbying Profile given to a volunteer who played the role of someone to be lobbied by the students:

<p>Lobbying role</p> <p>Jeff Monteith, a former director and executive Vice President of Freeport Mines.</p>	
<p>Group doing the lobbying</p> <p>Lemasa, The Association of the Amungme Tribal People</p>	<p>Primary goal of group</p> <p>'to establish a self-determining government through the UN's model of de-colonization, the de-militarization of West Papua, and to hold Freeport-McMoRan accountable for the mine's impact on the Amungme people and their land (to gain fair profit and to address environmental impact issues).'</p>
<p>Your attitude</p> <p>In reality it's extremely unlikely that a man of your position would meet with a local group, but you have inside information that Lemasa is trying to plan some boycotts of Freeport products, and strike at the mines in West Papua. You would like to avoid both of these so you want to be conciliatory, but of course you don't want to give anything away.</p>	
<p>What the group would like you to do (from Tactical Worksheet that each group has already prepared)</p> <p>'We would like to meet with Mr. Monteith in order to discuss both environmental and human rights violations occurring at the mine's excavation site as well as an increase in profit sharing for future excavations and reparations for past excavations.'</p> <p>(Other parts of the Tactical Worksheet indicate that Lemasa is planning boycotts and strikes, but you don't want to let on that you know this, at least not at the beginning of the interview)</p>	
<p>Responses you can offer, and tough questions you can ask</p> <p>Apologize that you only have 10 minutes and keep checking your watch</p> <p>Freeport takes very seriously the safety of its workers</p> <p>Freeport tries to minimize the impact to the environment. Freeport uses the latest technology to ensure that the least possible environmental damage is done.</p> <p>If Freeport were to exit Indonesia, another company would come in and take its place. Rio Tinto for example treats its workers terribly. Does Lemasa want to have to start over with a new mining company?</p> <p>On past reparations: local tribes were so excited to have Freeport come in the 1970s and Freeport has offered so much in terms of development – education and health programs, for example.</p> <p>Freeport enriches the Indonesian government's coffers – some years by as much as one billion. It's the government's fault if they don't distribute to Papuan people. (i.e., Lemasa is barking up the wrong tree).</p>	

There was a sincere effort to employ a Papuan security force (instead of the Indonesian military) but there was severe infighting and Papuans killed each other. (In truth, this did happen, with BP).

The Grasberg Mine in WP employs 22,000 people. What would happen to all those people if the mine closes?

You move between Indonesia and Peru as Freeport Gen Manager of both, and you see that when local groups cooperate with management (as they do in Peru) there are much better results. Try to encourage Lemasa to agree to form a committee.

Of course, don't promise to increase any profit sharing.

For more info:

<http://www.thejakartapost.com/news/2014/02/21/nine-miners-get-export-permits-not-freeport.html>

<http://www.fcx.com/operations/grascomplex.htm>

Appendix 1D: Tactical Worksheet

Tactical Worksheet

(Please type your answers into a Word document copy of this form)

1. Name of Organisation

Insert answer here

2. Group members

Insert answer here

3. Identify the MOST IMPORTANT goal that your organisation has in relation to West Papua. This should be a far-reaching, but specific aim, related to the mission of your organisation. (For example, for a women's rights organisation, the goal might be 'to equalize pay in the workplace' or 'to double the number of female Members of Parliament'. The goal of 'advancing women's equality' is too broad.)

Insert answer here

Please refer back to this goal as you answer the rest of this worksheet.

4. Tactics: Having considered your organisation's primary goal, what tactics would you suggest to change minds and policies at multi-spatial levels (local, national, regional, international)?

(a) Identify three tactics that you can carry out at the local level to help you achieve your goal. (For all groups, this is West Papua.)

Insert answer here

(b) Identify three tactics that you can carry out at the national level to help you achieve your goal. (If your organisation is based not in West Papua, the national level for you is the country where your organisation is based.)

Insert answer here

(c) Identify three tactics that you can carry out at the regional level to help you achieve your goal. (For all groups this is Southeast Asia.)

Insert answer here

(d) Identify three tactics that you can carry out at the international level to help you achieve your goal. (For all groups, this includes: the various organs of the United Nations and related organisations, and international corporations.)

Insert answer here

5. Targets: Having considered tactics at each of the spatial levels, what power holders (allies, potential allies, or opponents to your cause) would you target at each of these levels? The more specific your target, the better (i.e., rather than suggesting ‘a UN official who cares about business’, it’s better to suggest ‘Special Representative of the United Nations Secretary-General on business and human rights, John Ruggie’).

(a) Identify three possible regional power holders (i.e., from Indonesia or Southeast Asia) that you would like to meet with in person to lobby directly if given the chance.

Insert answer here

(b) Identify three possible international power holders (i.e.: from the UN or affiliated organisations; country representatives that represent various bodies of the UN; or officials from international corporations) that you would like to meet with in person to lobby directly if given the chance.

Insert answer here

(c) In order to raise public awareness about your goal, who is it most important that you target, and what news source do you think would be most useful in placing an opinion piece? Identify the newspaper or blog where you believe YOUR organisation could have the most impact.

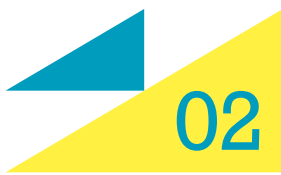
Insert answer here

6. Primary Data: What primary data would be of use to help you in any tactics you have planned, now that you have an idea about your tactics and targets?
- (a) If you could interview some primary sources, what kind of information would you like to obtain from them? (for example: testimonials about the treatment of certain people casually related to some event, numbers of killed/injured, etc.) Please be specific about the kinds of information you would like to collect.

Insert answer here

- (b) Identify ONE individual you would like to interview from whom you could collect primary data who is based in West Papua. Please be as specific as possible in suggesting someone.

Insert answer here



Is Justice Blind? Vision-Impaired Voting in South Australia

'propelled my understanding on how I could make a difference'

'engaging, brought to light many important Human Rights issues that I had previously not considered or been aware of'

'gain a deeper understanding of various actors in human rights and their motives and relationship with other actors'

'engaging, exciting, practical and slightly competitive which made it all the more fun'

General social justice / human rights topic	Disability rights
Location simulation is set	South Australia
Student demographic	Undergraduate 1 st year Law (compulsory Principles of Public Law course)
Number of students	389
Delivery format	1 x 2-hour lecture 1 x 50 minute tutorial
Discipline	Law
Institution	University of Adelaide
Faculty/School	Adelaide Law School
Author	Associate Professor Matthew Stubbs

Summary

This simulation about disability rights used a dramatisation of the real situation of a blind person in South Australia being denied a secret ballot as a Trigger to elicit responses from government and NGO actors at international, national, and state levels. Students, playing the roles of Human Rights Watch, the Australian Human Rights Commission, Blind Citizens Australia and the Government of South Australia, prepared for and formulated responses at a simulated voting accessibility forum.

Through several exercises including Tactical Mapping and the Role Play, students came away from the simulation with a richer understanding of human rights law and social justice issues in the real world, through:

- Developing an increased awareness of the difference between understanding human rights law in theory and achieving social justice outcomes in practice, and a critical perspective on the law’s ability to address social justice issues
- Receiving an introduction to some of the practical considerations and advocacy skills that are necessary in order to translate human rights law into an ability to achieve social justice outcomes

Setting up the Simulation

Groups

Students were assigned to the following roles during the simulation:

Name of group	Type of group	Regional reach (on this issue)	Goal of group
Human Rights Watch	NGO	International	As an international organisation of considerable standing, HRW is particularly interested in determining independently whether international standards are being met within domestic legal systems.
Blind Citizens Australia	NGO/ community-based	Domestic	As an Australian non-legal organisation, BCA is particularly interested in demonstrating the social context of issues affecting its members, and drawing attention to what can be learned from approaches taken across Australia.
Australian Human Rights Commission	Government	Domestic	As the Australian Government’s peak human rights organisation, the AHRC is particularly interested in compliance with Commonwealth laws and international legal standards.
Government of South Australia	Government	Domestic	The Government of South Australia is open to suggestions for change, but its officers must defend and support the existing law until such time as there is legislative change.

Allocating Students

120 groups of 3-4 people in each group

Case Study

Under the *Electoral Act 1985 (SA)* s 76(2), each voter at an election is required to:

Mark his or her vote on the ballot paper by placing the number 1 in the square opposite the name of the candidate for whom he or she votes as his or her first preference, and consecutive numbers in the squares opposite the names of the remaining candidates so as to indicate the order of preference for all candidates.

A vision-impaired person may be unable to comply with this requirement if they cannot visually identify the names of candidates on the ballot paper, or the location of the corresponding squares, or if they are unable to mark the ballot paper within the squares as required.

A vision-impaired person who is unable to complete an ordinary ballot paper may either seek registration as a postal voter (and have a third person complete their postal vote) or attend a polling place. Under s 80 of the Act, they can either bring along an assistant or be assisted by an electoral official to mark their ballot paper. Ballot papers are not made available in Braille, and there are no other relevant voting alternatives.

Trigger

Students were given the following information on the Trigger:

June Smith is blind. At the South Australian parliamentary election in 2014, she walked to her local polling place to cast her vote. June is unable to herself complete her ballot paper. June lives alone and, although she has in the past asked friends or family to accompany her to the polling place, on this occasion she attended alone. She spoke with an electoral official who identified himself as Simon. Upon identifying herself and explaining her situation to Simon, there was a period of time during which June was aware of numerous people being involved in discussions regarding her vote, none of whom identified themselves to June or spoke directly to her. Eventually, Simon said 'come with me, I will help you to vote.'

June accompanied Simon, who proceeded to ask June what her preferences were for the House of Assembly ballot paper. June had obtained information about the candidates in advance, so was able to quickly tell Simon her order of preferences. For the Legislative Council election, June had already decided to vote 'above the line' because she felt that voting 'below the line' would take up too much time for the official assisting her. When June told Simon her preference for her Legislative Council vote, Simon said 'are you really going to waste your vote on that nutcase?'. June said 'yes, that is the vote I wish to cast.' Simon then said to June 'I'll put these papers into the ballot box for you' and escorted June to the door.

June approaches the students' organisation and indicates that she was unhappy with this experience. First, June tells the group that she was denied a secret ballot. None of the options available to June permit her to vote without telling another person her vote; and, as it turns out, she had to read aloud her preferences to Simon in the middle of a busy polling place where not only Simon but many other people voting could hear June's vote. Second, June says that she has no way of knowing what Simon actually wrote on the ballot paper. This is particularly concerning given June's choice was publicly ridiculed by Simon, and June can't help but wonder whether Simon in fact voted for his own choice of party in the Legislative Council. Third, June regrets feeling pressured into not voting 'below the line' for the Legislative Council.

(For the purposes of this simulation, students were told they should disregard any time limits that might apply to any action June might wish to take.)

Role Play

Students were given the following instructions:

The South Australian Electoral Commissioner has arranged a Voting Accessibility Forum (VAF). Invitations have been extended to a wide range of interested parties, including Human Rights Watch, the Australian Human Rights Commission, the Government of South Australia, and Blind Citizens Australia.

The VAF will be attended by politicians from both major parties and most minor parties, so it is an important opportunity for students to convey their message to those who

have direct capacity to change the law. The VAF will also be attended by electoral officials, academics, and other interested parties who may have the capacity to influence change.

Students have the opportunity to address the VAF to put their argument in favour of change. Students are expected to prepare an A4 size poster and a presentation of no more than four minutes. Students should be prepared to answer questions either at the end of their presentation or towards the end of the VAF, as it is highly likely that members of the media will attend this event.

Running the Simulation

Introduction to the Topic

Students were provided with the following information:

- Textbook reading and video lectures on human rights law, including an interview on disability rights with Professor Ron McCallum AO (normal substantive course instructional material)
- Specific instructions for each simulation exercise (as set out in this chapter)
- Basic information about each actor in the simulation (see above)
- The video 'Mapping for Human Rights and Social Justice Violations' (5:05) which can be found on the Filling the Social Justice Gap web page at: http://sydney.edu.au/arts/research/global_social_justice_network/simulation/index.shtml
- Relevant extracts from:
 - *Convention on the Rights of Persons with Disabilities*
 - *Committee on the Rights of Persons with Disabilities, General comment No. 1 (2014) on Article 12: Equal recognition before the law*
 - *Disability Discrimination Act 1992 (Cth)*
 - *Electoral Act 1985 (SA)*
 - *Electoral Regulations 2009 (SA) sch 1*
 - *Equal Opportunity Act 1984 (SA)*.
- Blind Citizens Australia, Submission to the Select Committee on Electoral Matters in South Australia
- Financial information regarding trials of computer-aided voting at the 2007 federal election and telephone voting at the 2011 New South Wales election
- Also see *Appendix 2A* for additional detailed relevant legal information



The teacher answers a student's question about the simulation and Tactical Mapping. Photo by authors.

Simulation Exercises

Exercise 1: Tactical Mapping

(Please see Social Justice Exercise Manual, pages 8 to 11 or detailed information about Tactical Mapping.)

Ongoing human rights violations are not the result of one rogue actor. Usually, a complex set of relationships is needed to sustain human rights violations. Understanding this set of relationships can be critical to being able to achieve a social justice outcome in practice.

Tactical Mapping is an exercise in which students:

- Identify relevant actors
- Chart important relationships amongst those actors
- Use this to plan which actors to target and what tactics might be effective

The instructions given to students on the process to be followed in developing a tactical map were:

1. Actors

- In the centre of the map will be the one-on-one relationship that involves the human rights violation – in this case, June and Simon.
- Moving out from the centre of the map, you should list actors first who have the closest connection to June and Simon, then gradually add actors whose connection is more distant until you have covered local, state, national, and international actors. (Obviously, your map will need to be indicative rather than comprehensive.)

2. Relationships

- Identify where there are relationships between the actors you have identified. Which actors are likely to be able to influence the behaviour of other actors, and how?

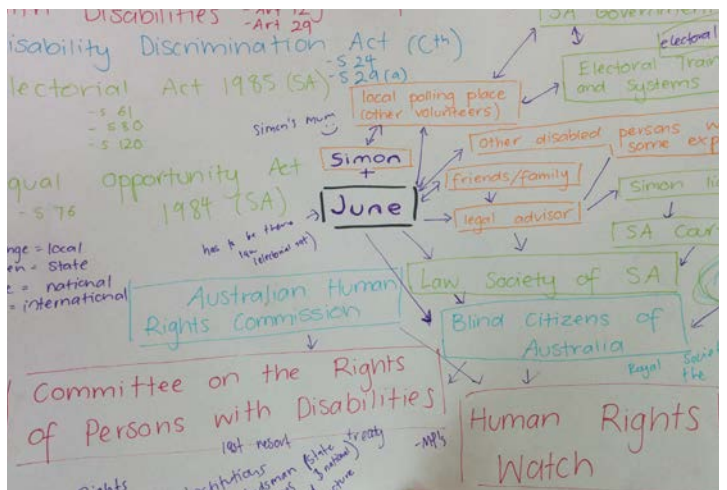
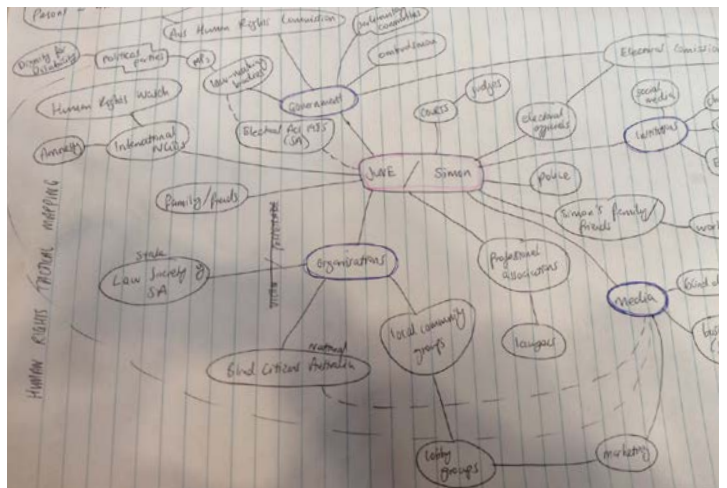
3. Target Actors

- Once you have a map showing both actors and relationships, identify those actors you would like to target (on the basis that you think they are likely to be able to positively influence the human rights situation you are interested in).

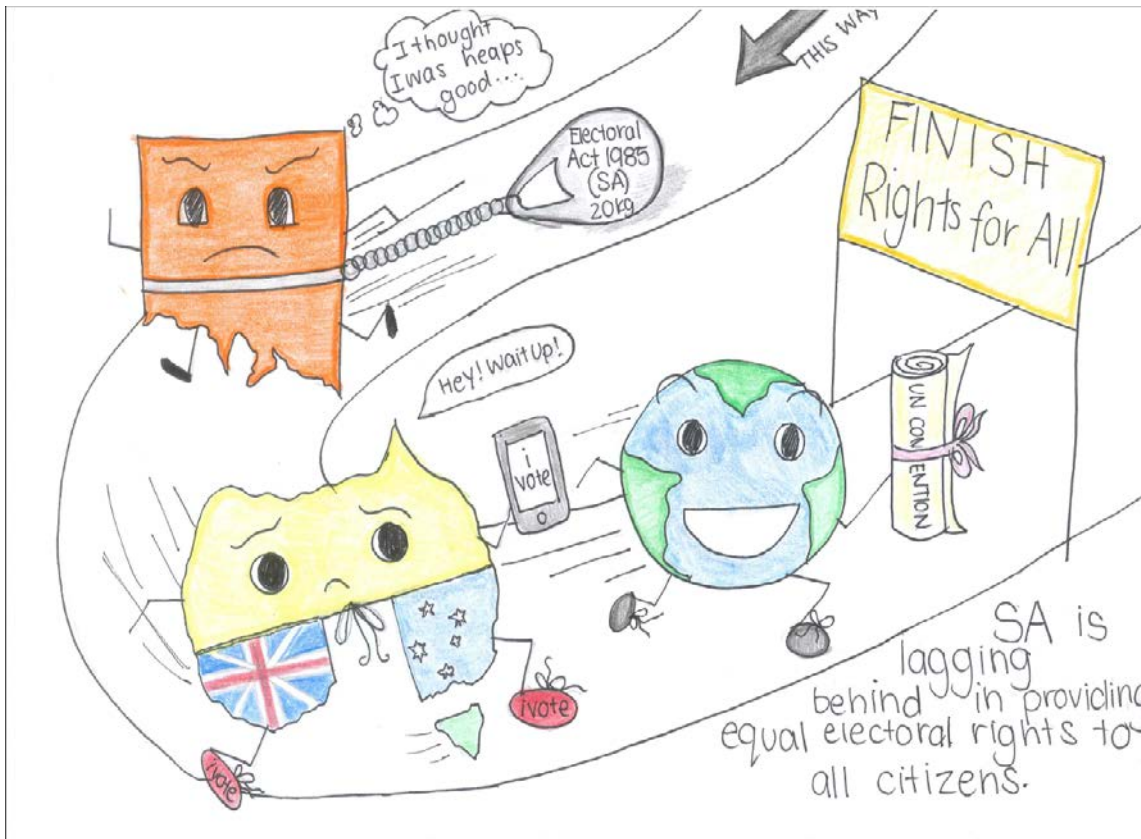
4. Tactics

- Once you have a map showing actors, relationships and targets, identify what tactics you might use to influence your target actors.

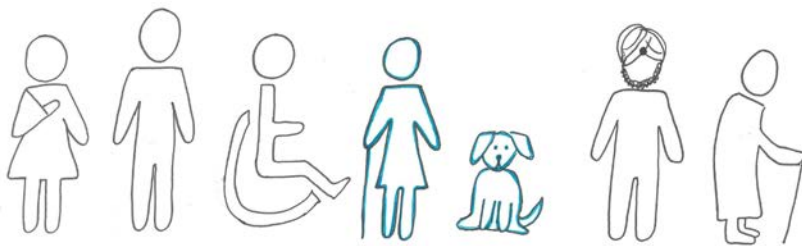
Students were told they should start to prepare a draft tactical map before the lecture, and then come along ready to work with other students to do the Tactical Mapping exercise collectively.



Two examples of tactical maps prepared by students. Photo by authors.



THE LAW SOCIETY
OF SOUTH AUSTRALIA



Don't we all deserve the **RIGHT** to a **PRIVATE VOTE?**

Would you feel comfortable announcing your vote to everyone?

Let's give the visually impaired a secret ballot in South Australia.

Authorised by the Australian Human Rights Commission, 175 Pitt Street Sydney.

Appendix 2A: Useful Resources:

Links to more detailed relevant legal information:

- Mercurio, B (2003). Discrimination in Electoral Law. *Alternative Law Journal*, 28(6), 272-276. Retrieved from <http://www.austlii.edu.au/au/journals/AltLawJl/2003/85.html>
- *Bujdosó v Hungary*, Committee on the Rights of Persons with Disabilities, Communication No. 4/2011, CRPD/C/10/D/4/2011. Retrieved from http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2f10%2fD%2f4%2f2011&Lang=en
- *Fittler v New South Wales Electoral Commission & Randwick City Council* (No 2) [2008] NSWADT 116. Retrieved from <http://www.austlii.edu.au/au/cases/nsw/NSWADT/2008/116.html>
- *Rankin v State Electoral Commissioner* [2010] SAEOT 3. Retrieved from <http://www.austlii.edu.au/au/cases/sa/SAEOT/2010/3.html>



Human Rights Law

and the 'Northern Territory Emergency Response' (NTER)

General social justice / human rights topic	Human rights law in Australia and the 'Northern Territory Emergency Response' (NTER)
Location of violations and responses	The Northern Territory, Australia
Student demographic	Undergraduate 4 th and 5 th year Law
Number of students	30
Delivery format	1 to 1 ½ hour activity a week for 8 weeks (within a broader weekly 3 hour seminar)
Discipline	Law
Institution	Australian National University (ANU)
Faculty/School	ANU College of Law
Author	Professor Simon Rice

'I liked the simulation and how it allowed students to understand the practical implementation of human rights in Australia.'

'The NTER stimulation was great. Really enjoyed the panel and learned a lot'

'It has helped me to find an interest in human rights as well as introspection regarding personal morals and what I am lucky to take for granted. It has also helped increase my goal for future advocacy when entering the professional sphere.'

Summary

This simulation analysed the human rights implications of the various measures of social control that were introduced in the Northern Territory by the Commonwealth Government as the 'Northern Territory Emergency Response' (NTER). It used the real situation of various indigenous groups as a Trigger to elicit responses from students playing the roles of those affected groups. Students prepared for and formulated submissions to a simulated independent panel of review.

Through several exercises, including Tactical Mapping, Mobilising, and Litigation Tactics, students came away from the simulation with:

- Greater awareness of the nature of human rights and the problems associated with their embodiment in law
- Understanding of the interaction – favourable and adverse – between law and human rights

- Knowledge of the legal, procedural, and institutional means available for protecting and promoting human rights in Australia
- Appreciation of the comparative merits of protecting human rights by constitutional, statutory, common law, and administrative means
- Knowledge of the ways in which Australia interacts with the United Nations human rights machinery
- Understanding of the human rights protection available to particular groups of people in Australian society
- Awareness of the challenges in Australia of ensuring people's enjoyment of human rights

Setting up the Simulation

Groups

Students were assigned to the following roles during the simulation, each group representing a certain interest group. These groups were identified by students in the Tactical Mapping and Interests exercises (see below). *Appendix 3B* lists profiles for each of these groups.

Note: Students could have identified and selected many other groups, at both national and international levels, as relevant groups that they may have role-played. Below is just the list of groups that students identified during the Tactical Mapping and Interests exercises.

Allocating Students

Groups of up to five people for each identified interest

Name of group	Type of Group (NGO, community-based, government, business)	Interest (all groups focus on the community and national level but within different interest areas)	Goal of group
Aboriginal Community Police Officers (ACPO)	Government	Policing	Protect and promote human rights of the community
Central Australian Aboriginal Strong Women's Alliance (CAASWA)	Community-based	Women	Defend human rights of women and children
North Australian Aboriginal Justice Agency (NAAJA)	Community-based (legal)	Defendants	Defend human rights of accused persons
North Australian Aboriginal Family Violence Legal Service (NAAFVLS)	Community-based	Families	Defend human rights of families
Tangentyere Council	Community-based	Community	Defend the collective human rights of the community
Victoria Daly Regional Council (CDEP Workers)	Community-based	Workers	Defend human rights of workers

Case Study

The simulation was based on the situation of Australia's indigenous people in the Northern Territory. Through the enactment of, first, the *Northern Territory National Emergency Response Act 2007* (Cth), and then the *Stronger Futures In The Northern Territory Act 2012*, the indigenous people have been subjected to discriminatory policies and practices that are said to be for their benefit, but that have the effect of limiting or denying their enjoyment of a number of human rights.

Trigger

In the simulation, growing resentment at the denial of rights, coupled with the demonstrable ineffectiveness of the discriminatory measures, led to a (simulated) public inquiry, focussed specifically on human rights violations.

Role Play

The public Inquiry Hearing convened as a panel of three experts who received oral submissions from interest groups. Each student group had previously prepared both a Position Statement and a legal research paper as the basis for their submission. After making their submissions, the groups then conducted a Press Conference, conveying the same message but to a different audience and in a different manner.

Running the Simulation

Introduction to the Topic

1. Students were briefed on the situation in the Northern Territory, with specific focus in the human rights violations that were to be addressed in the simulation. This was done by way of a background paper, supported by a wide range of other materials: books, articles, reports, and audio and visual documentaries. A suggested list is in *Appendix 3A*.

Simulation Exercises

Exercise 1: Tactical Mapping

(Please see Social Justice Exercise Manual, pages 8 to 11 for detailed information about Tactical Mapping.)

The exercise assumed students had been thoroughly briefed on the situation in the Northern Territory (NT). The students were divided into small, randomly assigned groups of not more than five, to discuss and identify the many interests and relationships engaged by the human rights violations described in the Case Study. Drawing on their knowledge from the briefing materials, students were required to identify and map areas of activity, interest and concern (for example, 'criminal accused', 'children', 'community store owners' etc.), as well as specific people and entities (for example, 'NAAAJA', 'the NT Chief Minister' etc.) within those areas of activity, interest and concern.

Exercise 2: Interests

This exercise followed from the Tactical Mapping exercise. The tactical maps were displayed in the class, and from this the students identified six diverse interest groups that would become the basis of the roles to be assigned. Each group was then assigned to one of these interest groups. Subsequently and in their own time, students researched their own interest group and identified specific entities that were representative of those interests (for example, North Australian Aboriginal Family Violence Legal Service to represent the interests of women and children). Each student group then took on that identity for the simulation, and advocated for a response to human rights issues that met the needs of that group or entity.

Exercise 3: Mobilising

(This is an adaptation of the Adding Tactics step of the Tactical Mapping exercise on pages 10 of the Social Justice Exercise Manual.)

This exercise necessarily followed students' completion of Assessment 1: Position Statement (see below), as that assessment gave students, in role, the goal towards which they would discuss and adopt tactics. From the perspectives of their group roles, and with their Position Statement in mind, students developed tactics for mobilising support for their position, canvassing options such as negotiating alliances, using news media, parliamentary lobbying, public education, and raising funds. For each of these possible tactics the students, in role, assessed strengths and weaknesses and opportunities and threats to decide what tactics to pursue to meet the goal/s set out in their Position Statements.



A group carries out their press conference. Photo by authors.

Exercise 4: Litigation Tactics

(Please see Social Justice Exercise Manual, pages 19 to 21 for detailed information about Litigation Tactics.)

An outline of the exercise specifically for the NTER is in **Appendix 3C**. In the context of a law course, students drew on their understanding of legal causes of action and remedies to discuss the feasibility and likely effectiveness of their group's litigating, to claim and enforce human rights, in a jurisdiction (Australia) that has no national human rights legislation.

Exercise 5: International Remedies

(This exercise was an extension of the Litigation Tactics exercise on pages 19 to 21 of the Social Justice Exercise Manual.)

An outline of the exercise focused on the NTER is in **Appendix 3D**. Students drew on their understanding of international human rights law to discuss the feasibility and likely effectiveness of their group's use of the available international mechanisms (for example, communication, state reporting, special rapporteur) to claim human rights.

Exercise 6: Inquiry Hearing and Press Conference

(Please see *Social Justice Exercise Manual*, pages 22 to 25 for detailed information about Role Plays.)

The culmination of the simulation required each group, relying on their Position Statement (see *Assessments*, below), to make an oral submission to the Inquiry Hearing, followed by a media conference outside the Inquiry Hearing room. Students shared the responsibility for speaking – to the panel and at the Press Conference – within the group. An example of documentation for a hearing for the NTER is in **Appendix 3E**. Performance at the Inquiry Hearing and Press Conference was not graded.

Note: While presentations at the Inquiry Hearing and Press Conference were not graded, they could be if delivering effective presentations at public hearings is a desired learning outcome for a course using this Case Study.



A student makes an oral submission to the Inquiry Hearing. Photo by authors.

Assessment Assigned

Position Statement (group assessment)

Each group, in role, researched and wrote an advocacy statement (see **Appendix 3F** for the template students used) that set out their position under the following headings:

- One or some principal human rights (from international treaties) that the student's organisation is concerned with protecting or promoting
- How that/those human rights are affected (positively or negatively) by the NTER
- One or some of the principal human rights of others that may compete with those human rights
- The consequent changes that students think should be made to the NTER

Appendix 3A: Useful Resources

The background briefing paper for the NTER Case Study is long and detailed. It also will become dated as the policies and laws change over time. A copy is available on request from simon.rice@anu.edu.au, but a similar Case Study can be designed from the following resources:

Readings about the Northern Territory Emergency Response

- Australian Government (October 2008). *Northern Territory Emergency Response: Report of the NTER Review Board*. Retrieved from <http://nterreview.gov.au/report.htm>, <http://catalogue.nla.gov.au/Record/4515426>
- Australian Government Department of Families, Housing, Community Services and Indigenous Affairs (Ed.) (November 2011). *Northern Territory Emergency Response Evaluation Report 2011*. Retrieved from <http://trove.nla.gov.au/version/173139960>, https://web.archive.org/web/20120317094024/http://www.facs.gov.au/sa/indigenous/pubs/nter_reports/Pages/nter_evaluation_rpt_2011.aspx
- Gilbert + Tobin Centre for Public Law (March 2008). *Fact Sheet on Community Stores* http://www.gtcentre.unsw.edu.au/sites/gtcentre.unsw.edu.au/files/Fact_Sheet_Community_Stores.pdf
- *Northern Territory National Emergency Response Act 2007* (repealed). Retrieved from <http://www.comlaw.gov.au/Details/C2007A00129>
- *Stronger Futures in the Northern Territory Act 2012*. Retrieved from <http://www.comlaw.gov.au/Details/C2014C00114>
- [UN Special Rapporteur James Anaya \(1 June 2010\)](#). *Report by the Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People, James Anaya: Addendum: Situation of Indigenous Peoples in Australia*, A/HRC/15/37/Add.4. Retrieved from <http://unsr.jamesanaya.org/country-reports/report-on-the-situatio-of-indigenous-peoples-in-australia-2010>

Films about the Northern Territory Emergency Response

- 'Intervention, Katherine, N.T.' (2008)

Features the lives of ordinary community residents as they experience the Intervention first hand, as well as the various government and business workers who all come together to implement it. Retrieved from <http://www.roninfilms.com.au/feature/1087/intervention-katherine.html>

- 'Our Generation' (2010)

Looks at the current state of Indigenous relations in Australia, home to the oldest living culture in the world. Retrieved from <https://www.youtube.com/watch?v=Tcq4oGL0wI>

Appendix 3B: Simulation Group Profiles

- Aboriginal Community Police Officers (ACPO): <http://www.pfes.nt.gov.au/Police/Careers-in-policing/Aboriginal-community-police-officer.aspx>
 - Central Australian Aboriginal Strong Women's Alliance (CAASWA): <http://www.caaswa.org.au/>
 - North Australian Aboriginal Family Violence Legal Service (NAAFVLS): <http://www.naafvls.com.au/>
 - North Australian Aboriginal Justice Agency (NAAJA): <http://www.naaja.org.au/>
 - Tangentyere Council: <http://www.tangentyere.org.au/about/>
 - Victoria Daly Regional Council: <http://victoriadaly.nt.gov.au/our-services>
-

Appendix 3C: NTER application of the Litigation Tactics exercise

(Please see *Social Justice Exercise Manual*, pages 19 to 21 for detailed information about this exercise)

Consider possible causes of action:

- Constitutional challenge
- Judicial review
- Merits review
- Discrimination claim under the *Racial Discrimination Act*
- Challenge to 'special measure' status under the *Racial Discrimination Act*
- CERD/ICCPR communication

Evaluate pursuit of a cause of action in light of:

Cost to the litigant

Risk of an adverse costs order

Time and delay in pursuing the case

Demands on the litigant in pursuing the case


Tactical reasons for pursuing the case

Ethical duties (for example, client's best interests, abuse of process, reasonable prospects of success)

Appendix 3D: NTER/ International remedy application of the Litigation Tactics exercise

(Please see Social Justice Exercise Manual, pages 19 to 21 for detailed information about this exercise)

In role, draft a shadow report to the Human Rights Committee, responding to the Committee’s request:

	United Nations	CCPR/C/AUS/Q/6
	International Covenant on Civil and Political Rights	Distr.: General 9 November 2012 Original: English

Human Rights Committee

List of issues prior to the submission of the sixth periodic report of Australia (CCPR/C/AUS/6), adopted by the Committee at its 106th session (15 October–2 November 2012)*

24. Please respond to concerns expressed by, among others, the Australian Human Rights Commission, that the Stronger Futures in the Northern Territory Act 2012 was adopted without adequate consultation with the affected communities, and that it continues or strengthens restrictive features of the former Northern Territory Emergency Response that are discriminatory on their face or in effect, and that cannot be justified as temporary special measures.

Appendix 3E: NTER Inquiry Hearing

Hearing Schedule [date]

[venue]

Before: [panel members]

12:05	North Australian Aboriginal Justice Agency (NAAJA)
12:30	North Australian Aboriginal Family Violence Legal Service (NAAFVLS)
12:55	Aboriginal Community Police Officers (ACPO)
1:20	Central Australian Aboriginal Strong Women's Alliance (CAASWA)
1:45	Victoria Daly Regional Council (CDEP Workers)
2:10	Tangentyere Council

Appendix 3F: NTER Position Statement Assignment Instructions

NTER / human rights position statement for:
(organisation/entity) _____

Required headings (your own sub-headings are optional):

1. Some human rights* that our organisation is concerned with protecting or promoting
2. How those human rights are affected (positively or negatively) by the NTER
3. The human rights of others that may compete with those human rights
4. The consequent changes we think should be made to the NTER

* reference to human rights is to rights identified in the UDHR, ICCPR, ICESCR, CERD, CAT, CEDAW Convention, CRC CRPD and DRIP.



Women's Rights in Australia: A United Nations' Treaty Body Simulation

General social justice / human rights topic	Women's rights in Australia, specifically, violence against women and Indigenous women's rights
Location simulation is setw	Geneva, United Nations Committee on the Elimination of Discrimination Against Women (CEDAW Committee), Switzerland
Student demographic	Postgraduate
Number of students	9 in-class students and 26 online students
Delivery format	3 x 1 hour seminar for both in-class and online students for simulation preparation Different Role Play activities for in-class versus online students: In-class students: 3 hours Online students: 1 hour 15 minute online Role Play, session. Each session had approximately eight students. Four sessions were run, each session with different online students.
Discipline	Human Rights
Institution	Curtin University
Faculty/School	Faculty of Humanities, Centre for Human Rights Education (CHRE)
Author	Dr Lisa Hartley and Ms Fiona McGaughey

'...[the online simulation] has been extremely rewarding as it makes the connection between learning and the practical implementation of human rights. I particularly enjoyed learning how international institutions operate. The online simulation was a unique means to apply our learning.'

(Online student)

'... I really enjoyed how practical this unit was and I learnt so much because I really had no idea about the United Nations system beforehand. I particularly enjoyed the simulation – this was well-run, provided some interaction for online students and really helped me understand the process involved for treaty bodies'

(Online student)

'...I found the lectures to be interesting and the practical exercises were a welcome way to help practice what we were learning.'

(In-class student)

Summary

This simulation about women's rights in Australia focused on issues of violence against women and Indigenous women's rights and used the review of Australia by the United Nations Committee on the Elimination of Discrimination Against Women (CEDAW Committee) as a Trigger to elicit responses from NGOs and Australian Government delegations. Students, playing the roles of these stakeholders, prepared for and formulated responses at a simulated session of the UN Committee on CEDAW in Geneva.

Exercises were run both in-class (for students attending face-to-face classes) and online (for external/distance students). Four primary simulation exercises were used: Tactical Mapping, Analysing Data Sources, Press Release and Reflection Paper, and the Role Play. Each of the simulation exercises were designed to produce specific learning outcomes:

- The Role Play: Apply the international human rights system and national human rights framework to promote human rights
- Press Release and Reflection Paper: Describe and critique the human rights framework including the role of NGOs in promoting and protecting human rights
- Press Release and Reflection, and Tactical Mapping: Analyse and communicate the role of the international human rights system and national human rights framework in defining and promoting human rights
- Analysing Data Sources: Use appropriate technologies to locate and critically appraise relevant human rights literature

Setting up the Simulation

Groups

In-class students were allocated into their delegation (the Australian Government delegation or the NGO delegation) and role during class in week two of the course. Online students were given a list of different timeslots in which the Role Play would be undertaken, via the *Blackboard Learn* learning management system platform. Online students nominated a preferred timeslot and on the basis of this, were allocated into a delegation and a specific role within that delegation. Students were encouraged to 'meet' their group in an allocated group work timeslot in *Blackboard Learn* based on their Role Play timeslot and their group – government or NGO. Students communicated with other group members by using *Group Discussion Board*, and some shared other contact details, including email and Skype, so they could work as a group. In-class students communicated in class in their delegated groups in the weeks leading up to the Role Play.

Name of group	Type of group	Regional reach (on this issue)	Goal of the group
Senior Official, Department of the Prime Minister and Cabinet, Office for Women	Government	Domestic	Present progress on women's rights through policy, legislation, funding etc.
Minister for Indigenous Affairs	Government	Domestic	Present progress on Indigenous women's rights through policy, legislation, funding etc.
Australia's Permanent Representative to the United Nations in Geneva	Government	International	Lead diplomat, presenting Australian Government progress on women's rights
YWCA Australia	NGO	Domestic	Raise issues of concern related to violence against women
Women's Legal Services	NGO	State and Domestic	Raise issues of concern related to violence against women
Koori Women Mean Business and Indigenous Law Centre UNSW with YWCA Australia	NGO/ community-based	State and Domestic	Raise issues of concern related to Indigenous women
Women With Disabilities Australia	NGO	Domestic	Raise issues of concern related to women with disabilities, particularly violence against women with disabilities

Allocating Students

Each student was allocated to one of two groups: the Australian Government delegation or the NGO delegation. Within these groups, each student was allocated to a specific role.

Case Study

In the last review before the CEDAW Committee, the Committee showed a particular interest in:

- Violence against women
- Indigenous women's rights

These are the topics of a review by the CEDAW Committee which formed the basis of the Case Study and the simulation exercises.

Trigger

Australia was due to submit its report to the UN CEDAW Committee in the coming year (2014 for this Case Study).

Role Play

The Role Play simulated a session of the CEDAW Committee in which Australia's report was considered. It also simulated an Australian NGO delegation presentation to the Committee. (Although NGOs and Government would not have presented to the Committee in session in this way in reality, for the purposes of the Role Play, the presentations took place one after the other.)

This simulation was based on real information and scenarios, but students were required to research the latest position on the issues under discussion. One Role Play was run on campus for in-class students and four online Role Plays were run online at various dates and times for distance students, who logged onto the Role Play using the software *gotomeeting*. If students had a web cam, they were visible on-screen, and if not they were able to use the microphone on their computer, or dial in by telephone.



Screenshot of an online Role Play using the software gotomeeting. Photo by authors.

Running the Simulation

Introduction to the Topic

Students were introduced to the topic through details in the course outline, as well as during the online and in-class lectures, and were informed that Australia was due to submit its report to the United Nations (UN) Committee on the Elimination of Discrimination against Women (CEDAW Committee) in 2014. The Committee's reviews of Australia in the past have shown a particular interest in violence against women and indigenous women's rights. Students were informed at the start of the course and in the course outline that these topics were to be the focus of the Role Play

and of the associated two assessments outlined below.

Students were allocated to one of the following delegations:

- Delegation 1: The Government delegation from Australia
- Delegation 2: The NGO delegation.

They worked in their groups on campus (in-class students) or online (distance students) from week three until the end of semester.

Students were informed that each delegation would make an oral presentation to the UN CEDAW Committee. To research the content of their presentation, students were encouraged to review documentary materials such as:

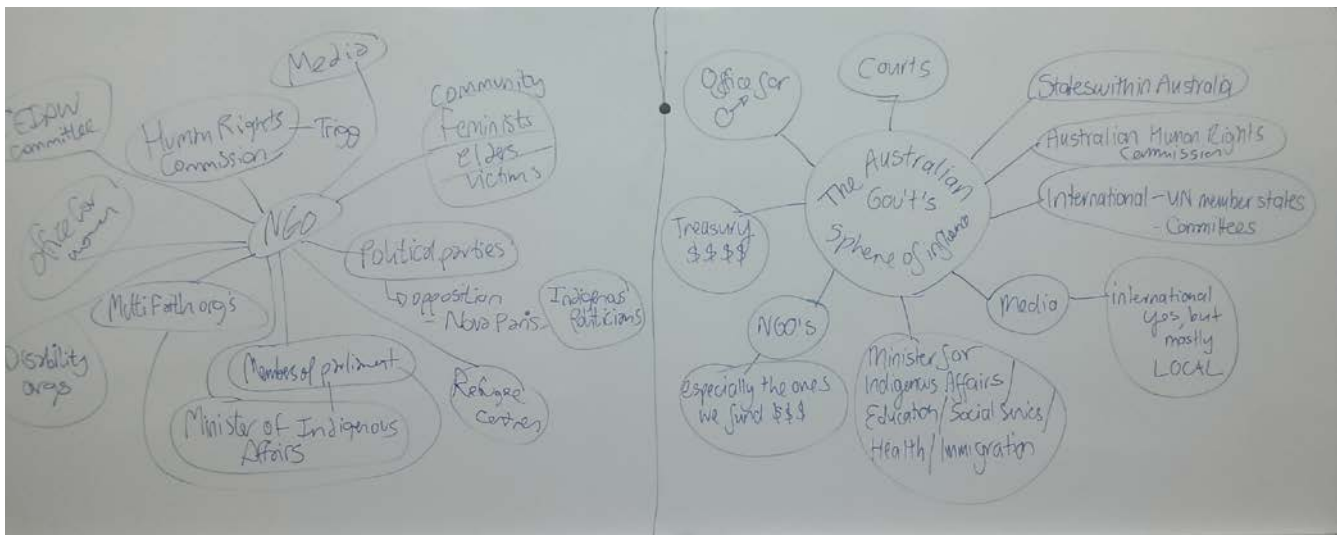
- Documents from the previous review before the Committee, including the concluding observations, government report, and NGO reports. These were accessed using the following link and searching by Australia: http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx
- Recent information from Australian governments (federal and state) on the issues, particularly searching for any legislative, policy or funding changes since the last review, and what NGOs have reported about these changes.
- Any general relevant recommendations from the Committee . These were available at: <http://www.ohchr.org/EN/HRBodies/CEDAW/Pages/Recommendations.aspx>
- Appendix 4A also includes a list of resources for understanding UN treaty bodies.

Simulation Exercises

Exercise 1: Tactical Mapping

(Please see Social Justice Exercise Manual, pages 8 to 11 for detailed information about Tactical Mapping.)

- Having been allocated their roles as either part of the government or NGO delegation, students worked in their groups to identify the range of stakeholders relevant to their work. Specifically, they were told to focus on stakeholders of relevance to the upcoming CEDAW Committee review Role Play. See Appendix 4A for a useful resource on Tactical Mapping.



Tactical Mapping diagrams used for in-class students. Photo by authors.

- In-class students undertook the Tactical Mapping exercise in class using a white board while online students communicated within their allocated group on the *Blackboard Learn* platform.

Exercise 2: Analysing Data Sources

(This is an adaptation of the Brainstorming Data exercise on pages 6 to 7 of the Social Justice Exercise Manual.)

- Two weeks after the Tactical Mapping exercise, students in their NGO or government groups worked on Analysing Data Sources. They identified what specific topics the group planned to cover in their report to the CEDAW Committee, what type of information they should include on these topics, and where they could find this information.
- In-class students undertook the Analysing Data Sources activity in class while online students communicated within their allocated group on the *Blackboard Learn* platform.

Exercise 3: Press Release and Reflection Paper

(This is an adaptation of two exercises in the Social Justice Exercise Manual: Media and Communication Exercises on pages 16 to 18 , and Student Reflection and Debrief Exercises on pages 26 to 29.)

In the role that students were allocated, they individually wrote a Press Release for the Australian media and a Reflection Paper. The Press Release was expected to explain what the upcoming CEDAW Committee review is and highlight a few key points from their upcoming presentation (Role Play). The Reflection Paper encouraged students to reflect on the practice of issuing the Press Release. It included a brief discussion of the reasons for issuing a Press Release and the role of media in promoting the international human rights framework. See *Appendix 4A* for a useful resource on preparing a Press Release.



In-class students presenting to the CEDAW Committee as part of the government delegation from Australia. Photo by authors.

Exercise 4: Role Play

(Please see *Social Justice Exercise Manual*, pages 22 to 25 for detailed information about Role Plays.)

- Each delegation made an oral presentation to the UN CEDAW Committee. Staff at the Centre for Human Rights Education and from other partner universities played the role of the Committee members and asked questions based on the presentation and relevant materials.
- Following both the in-class and online Role Plays there was a Debrief with students to discuss the experience of the Role Play. Staff also followed up individually with each student to give them feedback on the content they presented, and this content was then further developed for the final assignment.



Staff at the Centre for Human Rights Education and from other partner universities playing the role of the UN CEDAW Committee members. Photo by authors.

Assessments Assigned

Press Release and Reflection Paper (individual assessment)

Students were asked to write a Press Release and Reflection Paper, as outlined above. Assessments were marked on the following criteria:

- Press Release sets the context, identifies relevant issues and is well expressed
- Press Release links human rights issues with national and/or state level legislation, policy and practice and relevant international instruments and processes
- Reflection demonstrates understanding and critique of the international human rights framework including the role of governments and NGOs

Written Submission (individual assessment)

Students wrote a 3,000 word Written Submission to the CEDAW Committee for its review of Australia, developed based on the content of the students' presentation as either an NGO or a government department and further developed in response to feedback from the teachers on students' presentations. This was assessed according to the following criteria:

- Research
 - Researches and explains international legal material and sources
 - Presents arguments supported by relevant academic literature
 - Uses appropriate and clear referencing
- Analysis
 - Clearly identifies and discusses particular issues raised by the topic
 - Links human rights issues to domestic policies, practices and legislation and identifies how this relates to the CEDAW Convention
 - Clearly and accurately analyses the CEDAW Convention and associated materials (for example general recommendations, concluding observations and jurisprudence)
- Structure and expression
 - Develops a structured overall argument in the essay and in each paragraph
 - Presents arguments clearly and logically and is well-expressed in terms of grammar and sentence flow

Appendix 4A: Useful Resources

Press Releases

- Work Group for Community Health and Development. *Community Tool Box: Chapter 6, Section 3: Preparing Press Releases*. Retrieved from <http://ctb.ku.edu/en/table-of-contents/participation/promoting-interest/press-releases/main>

Tactical Mapping

- Video: 'Mapping for Human Rights and Social Justice Violations' (5:05) which can be found on the Filling the Social Justice Gap web page at: http://sydney.edu.au/arts/research/global_social_justice_network/simulation/index.shtml. The Center for Victims of Torture – New Tactics in Human Rights Project. *Map the Terrain*. Retrieved from <https://www.newtactics.org/toolkit/map-terrain>

Practical Tools for Understanding Treaty Bodies:

- UN Treaty Body Webcast: <http://www.treatybodywebcast.org/>

Other Useful Readings:

- McGaughey, F. (10 November 2014). Explainer: Why is the UN Reviewing Australia's Record on Torture? *The Conversation*. Retrieved from <https://theconversation.com/explainer-why-is-the-un-reviewing-australias-record-on-torture-34015>
- Office of the United Nations High Commissioner for Human Rights (2008). *Working with the United Nations Human Rights Programme: A Handbook for Civil Society*, HR/PUB/06/10/Rev.1. Retrieved from http://www.ohchr.org/EN/AboutUs/CivilSociety/Documents/Handbook_en.pdf



Bridging the Gap

Teaching about the Impact of Dog-Whistle Politics on the Implementation of Law and the Effect on Asylum Seekers and Immigrants

General social justice / human rights topic	Clinical Legal Education: Immigration
Location simulation is set	Victoria, Australia
Student demographic	Undergraduate final year Law (Clinical Legal Education double elective course)
Number of students	18
Delivery format	1 ½ hours a week for 12 weeks 2 x 4 hour sessions
Discipline	Law
Institution	La Trobe University
Faculty/School	La Trobe Law School
Author	Ms Paghona Peggy Kerdo

'...helped me connect previous study in international relations and politics to the law and migration law in particular and showed me how everything ties together'

'...taught me a lot and helped me understand more about the processes and procedures in government/politics'

'...I really enjoyed finding out about the different stakeholders – was interesting and extremely useful'

'...a valuable learning experience and a highlight of my degree'

'Awesome.'

Summary

This simulation was run alongside a clinical legal education subject that assists disadvantaged people with their immigration issues. The clinical legal education subject studied immigration law in depth in the classroom and ran immigration cases in the clinic. The purpose of the simulation was to give students a deeper understanding of the issues and influences involved in a complex policy situation, namely the formulation and implementation of immigration law. The simulation focused on a current amendment before the Federal Senate Committee for Legal and Constitutional Affairs, namely the abolition of the complementary protection system, proposed by the *Migration Amendment (Regaining Control Over Australia's Protection Obligations) Bill 2013* (referred to in this Case Study as the Bill).

At the start of the semester, all students, in groups of two or three, were randomly allocated an organisation known to be involved in the area of immigration law and policy, namely the Department of Immigration and Border Protection (DIBP), Amnesty International (AI), the Refugee and Immigration Legal Centre (RILC), Asylum Seeker Resource Centre (ASRC), the Law Institute of Victoria (LIV), Australian Churches Refugee Taskforce, United Nations High Commissioner for Refugees (UNHCR), or the Refugee Action Collective (RAC).

Participation in a clinical subject brings the law to life for students as they work with real people with real problems. Often, however, students don't make the connection between the vulnerable people sitting in front of them and the formulation of contentious government policies. This simulation 'bridged' this gap with exercises like Tactical Mapping and Role Play.

Allocating Students

Six groups of 4-5 people in each group

Setting up the Simulation

Groups

Students were assigned to the following roles during the simulation:

Name of group	Type of group	Regional reach (on this issue)	Goal of group
Amnesty International	NGO	International	Amnesty International is a worldwide movement of people campaigning to protect human rights. Amnesty does not support this Bill and has urged the Committee to reject the Bill.
United Nations High Commissioner for Refugees (UNHCR)	NGO	International	The UNHCR provides vital assistance to refugees and other persons of concern in 116 countries around the world. The UNHCR gently opposes the complete abolition of the complementary protection system, suggesting that amendments may serve the Government in restricting the system.
Asylum Seeker Resource Centre (ASRC)	NGO	Domestic	The ASRC assists all asylum seekers regardless of race, religion, gender, health or sexuality by providing direct aid, welfare, and medical care, strengthening families and communities through community development, and campaigning for social change. The ASRC is against the abolition of the complementary protection system.
Refugee and Immigration Legal Centre (RILC)	Community-based organisation (legal)	Domestic	RILC is an independent community legal centre specialising in all aspects of refugee and immigration law, policy and practice. It is concerned about the removal of the statutory process of complementary protection, and suggests a wider definition of complementary protection, with more definition. It is also concerned about the move towards sole reliance on ministerial discretion for these sorts of matters.

Refugee Action Collective (RAC)	NGO	Domestic	The RAC is a democratic, grassroots activist collective, representing a broad cross section of the community. It opposes offshore processing of refugees and asylum seekers and states that detention is cruel and violates human rights. Its position is that the Bill is misleading, unconvincing, contradictory, and lacking in any details, and that ministerial discretion is wholly inadequate to ensure adequate protection to asylum seekers. The current complementary protection process must be retained.
The Australian Churches Refugee Taskforce	NGO/Church body	Domestic	Drawing on core Christian values and traditions, the Taskforce is committed to offering a strong Christian moral voice into what has become a heated and hostile public debate fuelled by divisive political rhetoric and constantly changing policies. Taskforce members object to the Bill because it is inconsistent with current international obligations, ministerial discretion lacks transparency, accountability and procedural fairness and is costly, and say that it is misleading to say that criminals will benefit from the existing complementary protection scheme.
The Law Institute of Victoria (LIV)	Peak professional body	State and Domestic	The LIV is the peak body for the Victorian legal profession. It is against the abolition of the Bill, warning that the amendments proposed may breach international obligations and weaken the rule of law.
Department of Immigration and Border Protection (DIBP)	Government	Domestic	The DIBP are committed to building Australia's future through the well-managed movement of people. The current system is costly and ineffective, goes far beyond the requirements of the Refugee Convention and has extended Australia's international obligations, and has been open to misinterpretation and even abuse. The proposed changes will restore the use of administrative processes and ministerial intervention. The aim is to stop the boats and restore the sovereignty of Australian borders.

Case Study

After years of lobbying, the complementary protection system was introduced by the then Labor Government in 2009. It allowed for applications for protection to be assessed according to a broader definition of harm than the Refugee Convention and its Protocol.

When the new more conservative government came into power in 2013, it immediately tried to dismantle some of the systems brought in by the previous government as well as introduce more severe measures aimed at asylum seekers. It did this under the guise of 'border protection' and 'saving lives at sea' (referring to the many asylum seekers that drowned while attempting to reach Australia by boat).

Trigger

The introduction of the *Migration Amendment (Regaining Control Over Australia's Protection Obligations) Bill 2013*, which abolished the complementary protection system, vesting power solely in the Minister through a non-compellable, non-reviewable power.

Role Play

All students, in groups of two or three, were allocated an organisation known to be active in the formulation of immigration law and policy. The students had to research their organisations from the beginning of semester and embody this role in weekly workshops and then in two main simulations throughout the semester.

Weekly workshops focused on exploring each particular organisation with the whole class, who were also in role. The focus was on a particular organisation's interest in and opinion of Australian immigration law. Students had to know and talk about their organisation's vision and principles and apply these to what stance they – through the organisation – would take in an immigration issue.

The first simulation involved all groups attending a simulated meeting held by the UNHCR to discuss the concerns over the abolition of the complementary protection scheme and work on other initiatives. Students had to work out which group they could form alliances with and how to approach groups with differing views.

After this, groups presented a Written Submission to the (simulated) Senate Committee for Legal and Constitutional Affairs, voicing the concerns of their organisation on the abolition of the complementary protection scheme.

The second simulation involved all organisations speaking to their Written Submission before the simulated Senate Committee.

Running the Simulation

Introduction to the Topic

Students were given with the following instructions:

In this subject, the purpose of the simulation is to give you, as law students participating in a clinical subject, a deeper understanding of the issues and influences involved in a complex policy situation, namely the formulation and implementation of immigration law. The simulation this semester is focused on the abolition of complementary protection proposed by the Migration Amendment (Regaining Control Over Australia's Protection Obligations) Bill 2013.

You will all be given specific characters, personas that you will research and then take on from the beginning of semester. These personas are real people from real organisations currently formulating or concerned about the evolution of Australian immigration policy and law. There will be two or three students working as colleagues in the same organisation. This will make up seven teams. Simulations and written assessments will be worked on and submitted in these teams. You will have to get to know your character and organisation and embody this role in two simulations

throughout the semester.

A part of Monday seminars will focus on exploring your particular character and organisation with the whole class. Starting from the second Monday of semester, one group a week will give a summary of their character and organisation (the Weekly Workshop Presentation). Students, teachers, and volunteers will all be in role. The focus will be on this organisation's interest in and opinion of Australian immigration law. You should know and talk about your organisation's vision and principles and apply these to what stance you think they will take in an immigration issue.

In this first simulation you will attend a meeting held by the UNHCR to discuss the concerns over the abolition of the complementary protection scheme and work on other initiatives.

You will have to present a Written Submission to the Senate Committee for Legal and Constitutional Affairs, voicing the concerns of your character/organisation on the abolition of the complementary protection scheme.

In the second simulation you will appear before the Senate Committee to speak to your submission. These simulations will be filmed. [Note that the submission will be marked by me and then given to the volunteers who will play members of the Senate Committee for the second simulation].

Participation in the simulations together with the Written Submissions is assessable at 30% of the overall subject.

Simulation Exercises

Exercise 1: Tactical Mapping

(Please see *Social Justice Exercise Manual*, pages 8 to 11 for detailed information about Tactical Mapping.)

This exercise is an important one to help identify relevant actors, important relationships, and effective tactics. It takes some planning and preparation, but students generally take away a lot from the exercise. The exercise takes approximately one hour.

Preparation:

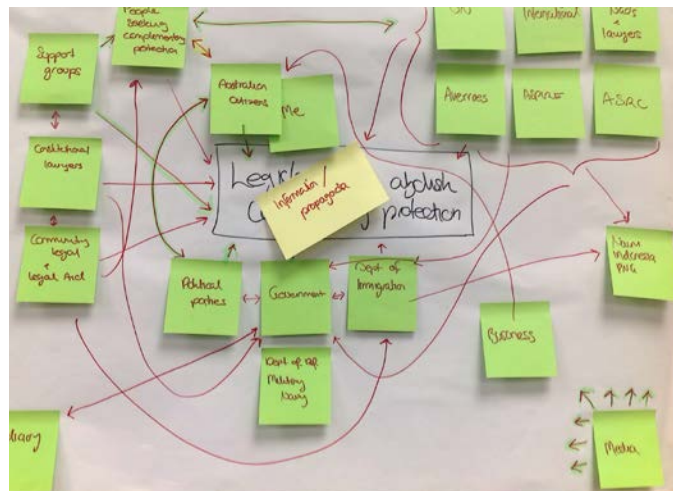
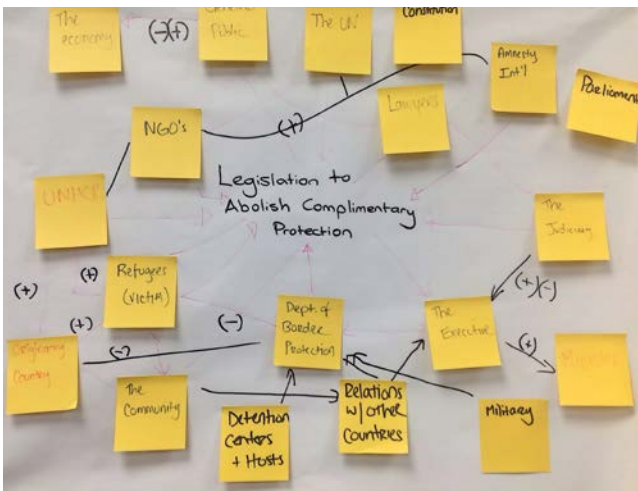
- Students received this reading on Tactical Mapping a few weeks before the exercise: Johnson, D. A. and Pearson, N. L. (2009). Tactical Mapping: How Nonprofits Can Identify the Levers of Change. *The Nonprofit Quarterly*, 16 (2), 92-99.
- Students also viewed the video: 'Mapping for Human Rights and Social Justice Violations' (5:05) at which can find be found on the Filling the Social Justice Gap web page at: http://sydney.edu.au/arts/research/global_social_justice_network/simulation/index.shtml
- Students had already read about the Bill and watched Immigration Nation – a Secret History of Us, a three-part documentary on the development of the Australian immigration system

Stages of the Exercise:

- Presenting the Trigger: Students were told that the Government has tabled a Bill

to abolish complementary protection, and that it is currently before the Senate Committee for Constitutional and Legislative Affairs.

- Reviewing the Concept of Tactical Mapping: Class reviewed the article on tactical mapping (see *Preparation* above)
- Creating the Tactical Maps: Students then created the Tactical Maps in groups, with the instruction 'What are the influences on the formation of policy in this area?'
- Adding Target Actors and Tactics: Students added these to the maps with texters and butchers' paper
- Assigning Roles: Each group was randomly assigned to an organisation and was able to modify their maps accordingly
- Group Presentations on Tactical Mapping: Each group then presented their map to the class.



Two examples of tactical maps prepared by students. Photo by authors.



Students prepare and then present their tactical maps. Photo by authors.

- Debriefing and Student Reflections: This was carried out through an in-class discussion. *Note: If there isn't time for an in-class discussion, a written individual reflection of the exercise can be assigned as an assessment, or if students are*

keeping a journal as part of the course, the reflection can form the basis of a journal entry written at the end of the day or at the end of the session.

Exercise 2: Role Plays

(Please see Social Justice Exercise Manual, pages 22 to 25 for detailed information about Role Plays.)

Students carried out three Role Play activities: the Weekly Workshop Presentation; Simulation 1; and Simulation 2.

Weekly Workshop Presentation

One group a week presented information about their organisation to the whole group, who were also in role. The whole group asked a relevant question to the organisation that was presenting (for example, 'what is your stance on the abolition of complementary protection?'). Each presentation plus questions and debrief took half an hour.

Simulation 1

Half way through the semester, students attended the first of the two long simulations: a simulated meeting that the UNHCR called to discuss pressing developments in Australian immigration law and policy. They were presented with an agenda and following introductions, had to visit each of four tables where specific issues were discussed with other groups (for example, the death of asylum seekers in detention centres; children in detention; complementary protection; temporary protection visas). Students, in their group personas, had to have a strategy in knowing how they would lobby and make alliances to pursue their organisation's goals in these areas. This exercise including introductions, lobbying and debrief took three hours.

Simulation 2

This was a simulated Senate Committee of Legal and Constitutional Affairs, held at the end of the semester. Volunteers played members of Committee. Each member of the panel was briefed on their character and had a script to assist them with questioning each student group, who had previously submitted a submission. The panel was also given a summary of the particular groups, their *raison d'être*, and their stance on the Bill (see above). This activity, including the questioning by the Senate and the debrief, took three hours.



Room set up for the simulated meeting of the UNHCR.



Students discuss the children in detention issue during the simulated UNHCR meeting. Photo by authors.



Volunteers playing the role of the simulated Senate Committee of Legal and Constitutional Affairs listen to student groups present their submissions. Photo by authors.

Assessments Assigned

The entire simulation process, from Tactical Mapping through to the Weekly Workshops, the Written Submissions, and the two major simulations comprised 30% of the mark for the course.

Simulation 1 (individual assessment)

Students were assessed in their performance in Simulation 1 according to the following criteria:

- A good understanding of Australian immigration law
- A comprehensive understanding of the organisation represented and the student's role within it
- A comprehensive understanding of the differing interests of other stakeholder organisations
- A comprehensive understanding of the policy direction taken by the Australian Government
- An understanding of relations between actors
- Teamwork to formulate tactics that may be used

Written Submission (individual assessment)

Each group submitted a Written Submission before Simulation 2, but each student was individually assessed on their contribution. Students were provided the following assessment criteria:

- A good understanding of Australian immigration law
- A comprehensive understanding of the organisation and the student's role within it
- A comprehensive understanding of the policy direction taken by the Australian Government
- Collaboration work with their group-mates while writing the submission
- Thorough research of the Bill and the submission

Simulation 2 (individual assessment)

Students were assessed in their performance in Simulation 2 according to the following criteria:

- A comprehensive understanding of Australian immigration law
- A comprehensive understanding of their organisation and the student's role within it
- A comprehensive understanding of the policy direction taken by the Australian Government
- Thoroughly researched specific legislation that is the focus for the submission
- Clear, thoughtful, and appropriate wording for any oral submissions
- Well-researched and well-structured speeches and briefing notes
- Teamwork to formulate tactics

"The Simulation exercises gave students a terrific understanding of the intersection of politics and law: initial wedge politics tactics; the formulation of a Bill embodying the politics; the actual law constructed in response to government direction; and the implementation of policies that enliven the legislation. It also gave them the chance to experience the savage embodiment of these tactics, by face-to-face contact with their desperate client, sitting across a table."

Ms. Paghona Peggy Kerdo,
case study author and teacher



Responding to Mass Atrocities

The Role of the UN Security Council

General social justice / human rights topic	Response to mass atrocities
Location simulation is set	New York, United States of America
Student demographic	Undergraduate (International Relations / Peace and Conflict Studies)
Number of students	20 per tutorial group (103 students in total)
Delivery format	3 x 50 minute tutorial
Discipline	Political Science
Institution	University of Queensland
Faculty/School	Faculty of Humanities and Social Sciences, School of Political Science and International Studies
Author	Dr Phil Orchard

'The simulation provided a unique perspective on human rights issues not commonly seen at the undergraduate level.'

'This exercise was extremely effective in developing my understanding of Human Security issues and helped me to apply the knowledge I have gained this semester.'

'The whole exercise helped build my negotiation and collaboration skill'

Summary

This simulation concerned the international community's response to allegations of mass atrocities. It used the fictional Case Study of a fictional country – Zanda – emerging from civil war. The government was accused of engaging in mass atrocities, and the United Nations Security Council (UNSC) placed Zanda on its agenda. The Council debate served as a Trigger to elicit responses from four groups: the Zandian Government, the Zandian opposition and local civil society, international NGOs, and member states on the UN Security Council itself. Students, playing roles in each of these four groups, prepared strategies and negotiated with other groups to influence the Council on whether it should proceed with a resolution on Zanda and, if so, the language to be included.

Through a Tactical Mapping exercise followed by two rounds of group-based negotiations, students came away from the simulation with:

- Greater awareness of the issue of mass atrocities and the mechanisms through which the international community can respond to them
- An understanding of how international institutions, particularly the UN Security Council, function
- An appreciation for the complexity of decision making processes at the international level
- An introduction to negotiation and advocacy skills and group-based decision making processes

Setting up the Simulation

Groups

Students were assigned to the following roles during the simulation:

Name of group	Type of group	Regional reach (on this issue)	Goal of group
The Government of Zanda	Government	International	Defend Zanda's sovereignty
Zanda's Opposition and Domestic Civil Society	NGO/ community-based	International	Hold the Zandian Government to account
International Civil Society	NGO	International	Investigate and defend human rights
The United Nations Security Council	Government	International	Investigate and deliberate

Allocating Students

Each student was allocated to one of four groups: the Government of Zanda, Zanda's Opposition and Domestic Civil Society, International Civil Society, or the United Nations Security Council. Within these groups, each student was allocated to a specific role.

Case Study

The fictional country of Zanda, emerged from civil war, and the government was accused of widespread abuses of the ethnic Majel population towards the end of the conflict.

Trigger

The United Nations Security Council met to discuss the situation in Zanda and potentially draft a resolution on the situation.

Role Play

The simulation ran for three rounds (and represents an example of a rounds-based simulation as outlined on 3 of the *Social Justice Exercise Manual*.) Each student was a member of a group (for example The Government of Zanda, or Zanda's Opposition and Domestic Civil Society), and also had an assigned individual role within that group (for example, Zanda's President within the The Government of Zanda group or Editor of the Zanda Daily Times within the Zanda's Opposition and Domestic Civil Society group). See *Appendix 6B* for a list of these simulation roles. During the first round,

each individual group met as a group to decide on their aims, goals, and negotiating strategies. In rounds two and three, the groups negotiated with other groups. At the end of round two, the Security Council had three minutes to deliberate and decide on whether they wished to proceed with a resolution on Zanda. At the end of round three, the Council provided the text of the resolution (or an alternative outcome such as a presidential statement) following negotiations with the other groups.

Running the Simulation

Introduction to the Topic

Students were briefed on the situation in Zanda by means of a Case Study handout, provided two weeks ahead of time, which explained the rules of the simulation (see Exercise 2: Role Play of Considering the Possibility of a Security Council Resolution, below), the background on Zanda, the individual students and groups in the simulation, and background on the UN Security Council's decision making process. As this simulation was based on a fictional invented setting, and not compiled from existing resources, the fictional briefing for students on the country of Zanda has been included in Appendix 6C. Students were also assigned to their roles and groups at this time. Appendix 6D contains a brief primer for students on the structure, function and mandate of the United Nations Security Council as these relate to the simulation. A list of references and additional resources for the simulation can be found in Appendix 6A.



Students meet together in their groups. These students are members of the International Civil Society group. Photo by authors.

Simulation Exercises

Students were assigned an individual role in one of four groups: The Government of Zanda; Zanda's Opposition and Domestic Civil Society; International Civil Society; and members of the United Nations Security Council. See *Appendix 6B* for further information on the roles students were assigned.

The simulation ran for three tutorials. Students were given the following instructions on how the simulation would run:

During the tutorial 1, you will meet and discuss with your assigned group only. In tutorials 2 and 3 you will meet and negotiate with other groups. Given the limited time, you may want to plan out your strategy first, then send individual members of your group to negotiate with several other groups simultaneously. Your tutor will be the simulation 'control' and will adjudicate any disputes. They may also introduce 'wild cards' – unexpected events – into the simulation.

Please prepare for the first simulation tutorial by thinking about your character. In particular:

- *What do you think are the principal human security issues in Zanda (if any)?*
- *What strategy or strategies could you pursue to deal with them?*

See Appendix 6E for four different wild card events that were available for use in the simulation.

Exercise 1: Tactical Mapping

(Please see Social Justice Exercise Manual, pages 8 to 11 for detailed information about Tactical Mapping.)

In the first round of the simulation, students met in their groups for the first time. Students were given the following instructions:

You will have already been assigned a role and a group (for example, you may be the President of Zanda, and therefore you are in Zanda's Government). In preparation for this tutorial, you need to decide what your aims and goals would be. For example, do you support the Security Council passing a resolution? If so, what would you like to see included within it? You as an individual student and individual actor need to think about what your own aims and goals will be. You can then discuss with other members of your group what your aims are and what strategies are open to you as an individual actor and as a group, for example, are you all seeking the same outcome or is there conflict? You need to make a plan of what strategies you will take up and why you think this is the best approach. It will also be useful to develop secondary options and approaches should your first strategy fail. You should also use this time to think about what other actors and groups may seek to achieve, and the means they might use to do this. In doing so, you need to think about whether you need to talk to the other actors in other groups, and think about which actors specifically you need to talk to. Remember to also think through what sort of strategy you should use, both to approach the other groups, and also when you are speaking/negotiating with them. Your plan should consider these questions and themes:

- *What are you seeking to achieve? What are your concerns?*
- *How would you go about doing this? What strategies would you adopt? What fall-back strategies do you have if these don't work?*
- *What will others want? How would you respond to the demands and tactics of other actors?*
- *Are there particular actors you would like to talk to (and will they be open to talking to you)?*
- *How will you gain access to other actors? Will you need to ask for a meeting? Who will you need to ask to get access?*
- *When speaking to other actors, what position should you adopt to most clearly communicate your position? Will this be different when you speak to different actors?*

Write a plan addressing these questions and themes.

Exercise 2: Role Play of Considering the Possibility of a Security Council Resolution

(Please see Social Justice Exercise Manual, pages 22 to 25 for detailed information about Role Plays.)

In tutorial 2 students met in their roles to discuss and negotiate with other groups on developing a possible resolution or other response to the situation in Zanda. Students were given the following instructions:

UN Security Council-level debates are happening in New York, and the Council is

working towards developing a possible resolution or response to the situation in Zanda. Prepare to respond to these sorts of questions:

- What would you like to achieve?
- Who can you talk to / who will listen sympathetically to your cause? What reaction will you receive from other actors?
- What sort of influence do you have?
- What would a final resolution look like? What would its focus be?
- What do you realistically think you can achieve?

At the end of tutorial 2, the Security Council members group will announce if they have decided to proceed with a resolution on Zanda. Remember that deciding to proceed with a resolution does not imply that you have decided on language, or even how they would vote on a possible resolution.



Students from different groups negotiate on the wording of the potential Security Council resolution. Photo by authors.

Exercise 3: Role Play of Developing the Resolution or Other Response

(This is an extension of the Role Play of Exercise 2, above. See Social Justice Exercise Manual, pages 22 to 25 for detailed information about Role Plays.)

In the third tutorial, debates at the Security Council continued towards developing a possible resolution or other response to the situation in Zanda. The following questions and themes were posited to students for their consideration and discussion:

- If a resolution is being debated:
 - What would you like the resolution to achieve? What is your best possible outcome? What do you think the likely outcome will be?
 - Do you want a resolution to be with the consent of Zanda under Chapter VI of the Charter? Or would you support a resolution being passed without their consent under Chapter VII?
 - What actions do you think need to be included within the resolution? Do you want to see a fact-finding mission? A referral to the International Criminal Court? Sanctions? A peacekeeping mission deployed? Or would you like the Council to take little or no action?
 - Who can you talk to on the Security Council, or which other members will listen sympathetically to your position?
 - What sort of influence do you have?
 - What would a final resolution look like? What would its focus be? Can you suggest wording?
 - What do you realistically think you can achieve?
- If no action or other actions are being debated:
 - Do you support the Council's actions? What would you like them to do? What do you hope to achieve without a resolution?
 - Who can you talk to? Who will listen sympathetically to your cause? What reaction will you receive from other actors?

- What sort of influence do you have?
- What would a positive final outcome look like for you?
- What do you realistically think you can achieve?



Students meet in their groups to discuss shaping the United Nations Security Council resolution on Zanda. Photo by authors.

Assessment Assigned

Reflexive Essay (individual assessment)

Following the simulation, students were required to submit a brief two page commentary reflecting on what two main lessons they drew from their participation in the exercise. In the commentary, students were expected to draw upon the particular role they took on and to also include more general reflections on the simulation.

Appendix 6A:

References and Useful Resources

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Appendix 6B: Simulation Roles

Note: All references below refer to the resources in Appendix 6A: References and Useful Resources.

The Government of Zanda

President

Zanda's President is also the leader of the Zandian Independence Party, which has been the dominant political force in Zanda since independence in 1958. The current President has been leader of the country since 1986. A former pro-independence activist, he rose through grassroots movements into politics, and is himself a former foreign minister, notorious for his 1982 speech to the UN General Assembly. The President is known to have ties to Zanda's largest resource extraction company, Stelisto, with some voices in the country suggesting corruption. There are rumours that the President is diverting mineral wealth out of Zanda and into his son's bank accounts in Switzerland and the Cayman Islands.

Chief of the Defence Forces

The Chief of the Defence Forces nominally shares responsibility for Zanda's armed forces with the Defence Minister. In reality, however, the Chief is known to have full control of the Army, Navy, and Air Force. The forces are extremely loyal to the current Chief, a hero of the civil conflicts that followed independence. More recently, the Chief led the 2011 'decisive victory' over the Majelian rebel movement (the UMLF). The loyalty of the forces to their leader makes the Chief a potential threat not only to the current government, but to the current democratic system. Nonetheless, the Chief has been careful to publicly stress the political neutrality of the position.

Foreign Minister

A long-time ally of the President, the Minister has been touted in some media outlets (and by the Minister in a video leaked to media) as a possible future Vice-President, although this has not been confirmed and no official discussions have taken place. The Foreign Minister, a former Ambassador and Permanent Representative to the United Nations, has been concerned with maintaining external ties and the reputation of Zanda internationally.

Supreme Court Chief Justice

Appointed soon after independence by the former President, the Chief Justice of the Zandian Supreme Court has spoken out against some of the recent political developments in Zanda. Occupying a high profile position, however, has not increased the political influence of the Chief Justice, who leads a court dominated by more recent appointees. There are rumours that the oft-cited 'source close to the current administration' in the *Zanda Daily Times* newspaper may be the Chief Justice or an ally informed by the Chief Justice.

Minister of Internal Affairs

The Ministry of Internal Affairs is concerned with the maintenance of public security and law and order within Zanda. The purview of the Ministry has recently been expanded to address 'domestic terrorism' and monitor the work of domestic NGOs and civil society. The Minister, a former Chief of Police and ally to the President, was appointed to the role only recently, following the assassination of the previous Minister. Responsibility for this assassination has not been officially claimed, although a UMLF splinter group is suspected to have been involved.

Zanda's Opposition and Domestic Civil Society

Leader of the Opposition

The Zandian Democratic Party (ZDP) was established as a civil rights activist group affiliated with the Zandian

Independence Party (ZIP). The ZDP split from the ZIP in 1960 following a 'personality clash' between the current President and the then-Defence Minister, who became the ZDP's first leader. The ZDP is not untainted by the recent civil violence in Zanda. It is rumoured that some view the Party as the political representative wing of the Majelian rebel movement (the UMLF). The leader of the Party denies this, and the ZDP has sought to distance itself from the violence; the leader has recently referred to techniques employed by the rebel movement as 'unhelpful.' The Party is attempting to present itself, both domestically and internationally, as a viable political option for Zanda that could bring peace and stability to the state, in contrast, they assert, to the current governing ZIP.

Editor of the Zanda Daily Times

The *Zanda Daily Times* is the largest and most widely circulated newspaper in Zanda. It maintains an active online presence, operating the most frequented online news website in Zanda. It is central to a vibrant Twitter and Facebook current affairs conversation, and is affiliated with the most popular radio station. The Editor, a former youth political leader, is known to have ties to both the government and opposition parties. Her current personal political leanings are unclear, with both parties looking to gain the endorsement of the most powerful media megaphone in the country.

Leader and Spokesperson of the Majelian Rebel Group, the UMLF

The largest rebel group in Zanda, the United Mejelian Liberation Front (UMLF) was defeated in the civil war by the Zandian armed forces. Nonetheless, as the demands for a political settlement, including increased representation, have yet to be met, the UMLF continues to wage a low-level guerilla campaign against the Zandian Government.

The treatment of suspected affiliates, supporters, and former supporters of the UMLF by the Zandian Government following the cessation of open hostilities in 2011 is tantamount to crimes against humanity. The UMLF has thus no choice but to engage forcefully with the illegitimate state government' (Statement submitted by the UMLF).

Little concrete information is known about the background of the current UMLF leader, who has avoided arrest despite concerted efforts made on the part of the Zandian Government.

Bishop of Zanda's Capital City, Bimbi and Peace Activist

The Bishop is a renowned spiritual leader in Zanda in addition to being an outspoken peace and human rights activist. He was awarded the Nobel Peace Prize in 1975 for his work during Zanda's transition to democracy in addition to his efforts to improve education and healthcare. The Bishop has formerly demonstrated political allegiances to Majelian causes. A former youth agitator, the Bishop is known to have links to rebel groups and civil society organisations within the state. In recent years, he is famous for renouncing violent political action and instead advocates for non-violent change in Zanda. He is Honorary President of the largest human rights NGO in Bimbi, with links to the NGO community across Zanda.

President of the National Council of Trade Unions

The National Council of Trade Unions (NCTU) is Zanda's largest body representing workers. Many of the member organisations that comprise the Council are unions representing employees of the resource extraction industry, the service and tourism industries, and the textile and manufacturing industries. The Council is recognised to be left-leaning, and it seeks to ensure fair wages and human rights for workers in Zanda. These aims have put it at odds with various members of the current government. The President is forced to negotiate in an unfriendly political climate in an attempt to achieve the goals sought by its members.

International Civil Society

Human Rights Watch

Human Rights Watch (HRW) is an international NGO based in New York, U.S. HRW works to 'investigate abuses, expose the facts widely, and pressure those with power to respect rights and secure justice' (Human Rights Watch

2014). Human Rights Watch is guided by Core Values, which stress that HRW is:

*Committed to our mission of defending human rights worldwide,
Independent,
Factual, accurate, and ethical in our fact-finding,
Actively focused on impact,
Supportive of a diverse and vibrant international human rights movement and mutually beneficial partnerships
(Human Rights Watch 2014)*

The Global Centre for the Responsibility to Protect

The Global Centre was established in 2008 and is based in New York, U.S. it seeks to:

promote universal acceptance and effective operational implementation of the norm of the “Responsibility to Protect” populations from genocide, war crimes, ethnic cleansing and crimes against humanity (Global Centre for the Responsibility to Protect 2014a).

The Global Centre sees engagement with the United Nations as central to its work. This engagement includes ‘educating policy makers, addressing misconceptions and advancing conceptual clarity and guidance for states about the norm and its implementation’ (Global Centre for the Responsibility to Protect 2014b). The Global Centre works with the UN, along with various other actors, to encourage ‘states to affirm their support for R2P during the opening session of the General Assembly, in the Security Council, and in the Human Rights Council’ (Global Centre for the Responsibility to Protect 2014b).

International Crisis Group

The International Crisis Group was established in 1995, and is ‘an independent, non-profit, non-governmental organisation committed to preventing and resolving deadly conflict’ (International Crisis Group 2014). The Crisis Group employs ‘field-based analysis, practical policy prescriptions and high-level advocacy’ (International Crisis Group 2014), providing both ‘analysis and advice’ not only to states, but also ‘intergovernmental bodies like the United Nations, European Union and World Bank’ (International Crisis Group 2014).

Médecins Sans Frontières

Médecins Sans Frontières (MSF) is ‘an independent, medical humanitarian organisation that delivers emergency aid to people affected by armed conflict, epidemics, natural disasters and exclusion from healthcare’ (Médecins Sans Frontières 2014). MSF was founded in 1971 and is based in Switzerland. Its work is underpinned by ‘medical ethics and the principles of neutrality and impartiality’ (Médecins Sans Frontières 2014). Awarded the Nobel Peace Prize in 1999, MSF asserts that, at times, the organisation may ‘speak out publicly in an effort to bring a forgotten crisis to public attention, to alert the public to abuses occurring beyond the headlines, to criticize the inadequacies of the aid system, or to challenge the diversion of humanitarian aid for political interests’ (Médecins Sans Frontières 2014).

The International Committee of the Red Cross

The International Committee of the Red Cross (ICRC) was founded in 1863 and is based in Geneva, Switzerland. The ICRC’s humanitarian mission seeks to ‘protect the lives and dignity of victims of armed conflict and other situations of violence and to provide them with assistance’ (ICRC 2010a). Additionally, the ICRC is considered to be ‘the “guardian” of the Geneva Conventions and the various other treaties that constitute international humanitarian law’ (ICRC 2010b). In this capacity, the ICRC works to ‘prevent suffering by promoting and strengthening humanitarian law and universal humanitarian principles.’ The ICRC’s Mission Statement stresses the impartiality, neutrality, and independence of the organisation (ICRC 2014).

The United Nations Security Council

China

China is one of the five permanent members of the UN Security Council (the P5). The People's Republic of China gained a Security Council seat in 1971 (replacing the Republic of China). The Chinese Permanent Representative and Ambassador to the United Nations, Liu Jieyi, states:

China firmly supports the United Nations in playing a leadership role in world affairs, and will work with all other countries in the world for the lofty cause of promoting peace and development of mankind (Permanent Mission of the People's Republic of China to the UN 2014).

As of July 2014, China has used its veto power on nine occasions (including once already in 2014) (Dag Hammarskjöld Library 2014a).

Rwanda

Rwanda is one of the 10 non-permanent members elected to the UN Security Council by the General Assembly. It is currently serving a two-year term that will end in 2014. Rwanda was previously on the Security Council in 1994-1995. The Rwandan Permanent Mission states that they aim to focus on the following during their time on the UNSC:

To Enhance partnership between the African Union, other regional and sub-regional organisations and the UN National in the maintenance of international peace and security...

To Work towards a more responsible Security Council including through the implementation of the Responsibility to Protect doctrine.

To End sexual violence and impunity .

To Advance the role of women in conflict resolution and peacebuilding.

To Ensure sustainable transition from peacekeeping to national building in countries emerging from conflict (Permanent Mission of Rwanda to the United Nations 2014).

The United Kingdom

The United Kingdom, in addition to being the former colonial power in Zanda, is one of the five permanent members of the UN Security Council. The UK's Permanent Mission to the UN focuses on preventing and resolving conflict, improving the UN, promoting and effective humanitarian response at the UN, countering weapons proliferation, promoting human rights, and supporting conflict resolution in fragile states (United Kingdom Foreign & Commonwealth Office 2014). As of July 2014, the United Kingdom has used its veto power on 29 occasions (most recently in December 1989) (Dag Hammarskjöld Library 2014a).

Chile

Chile is one of the 10 non-permanent members elected to the UN Security Council by the General Assembly. It is currently serving a two-year term that will end in 2015. The objectives of Chile's Permanent Mission to the United Nations include:

Enhancing the central importance of a strong and effective organisation for collective action faced with today's global challenges, most of which require multilateral action, while supporting the Secretary-General's dealings.

Highlighting the commitment to democracy, human rights and gender perspective, as essential foundations of multilateral action.

Supporting high-level global efforts to offset climate change and ensure sustainable development globally...

Ratifying the work of the United Nations in the promotion of peace and international security. (Misión Permanente de Chile ante las Naciones Unidas 2014).

The United States

The United States is one of the five permanent members of the UN Security Council. Like China and the United Kingdom, the United States is a Charter member of the UN. The United States Permanent Mission to the UN, led by Ambassador Samantha Power, explicitly focuses on six main issues: peace and security, poverty and development, human rights and democracy, nonproliferation and disarmament, climate change, and UN reform (United States Mission to the United Nations 2014). As of July 2014, the United States has used its veto power on 79 occasions (most recently in February 2011) (Dag Hammarskjöld Library 2014a).

Appendix 6C: U.S. Department of State Bureau of Democracy, Human Rights and Labor Country Reports on Human Rights Practices- ‘Zanda’

Introduction

Zanda (officially the Democratic People’s Republic of Zanda) gained independence from the United Kingdom in 1958. The Zandian Independence Party (ZIP) drove the struggle for independence. Since independence, the ZIP has been the dominant political force, favouring links with the West. During the Cold War, Zanda was considered a valuable ally of the United States in an otherwise volatile region, a regional political alliance that continues to be valuable to both parties.

Zanda is a democracy with universal suffrage and operates under a presidential system. Since independence, Zanda has occupied a seat at the United Nations (UN) General Assembly, where it has been vocal on the rights of post-colonial states. It is also a member of the Commonwealth of Nations.

Civil War

Zanda is emerging from a violent civil war. The conflict began in 1980, ending in 2011 with a decisive military victory over the largest rebel group (the United Majelian Liberation Front or UMLF).

Following independence, perceived failures to address ethnic minority representation, particularly concerning Zanda’s Majel population, caused low levels of unrest in Zanda. This escalated into civil war following the state-sponsored (although this is denied by the current administration) assassination of the leader of the Majel rebel movement in 1980. The UMLF, seeking to form an independent Majelian state, waged a consistent insurgency campaign against the state from 1980 to 2011.

Peace talks between the government and the UMLF failed in 1986 and again in 1995, although both parties signed a cease-fire agreement in 1999. The agreement, brokered with the efforts of members of the international community, failed in 2004, however, when the UMLF resumed hostilities. The government responded with several prolonged and destructive military offensives. The largest of these began in late 2010 and it led to the final defeat of the UMLF rebel movement in August 2011. The UMLF are thought to have been appeased by the offer of a political settlement and thus have officially abandoned their quest for an independent state. The government, as yet, has not fulfilled these political agreements. With payments from the international diaspora effectively blocked, rumours suggest that the UMLF could no longer afford to continue in any capacity beyond that of a guerrilla force.

During the civil war, the government struggled to maintain its rule over the whole state, with some areas falling to insurgent control. Although the government now asserts that it has full political control over all areas of the country, some resource extraction companies dispute these claims. There have been recent reports of land-grabbing being undertaken by government-affiliated forces.

Some areas of the south of the country remain highly dangerous owing to the approximately two million landmines that have yet to be cleared. The armed forces are using specialist de-miners, although their progress is slow.

In addition to damaging the domestic economy and environment, the civil conflict had severe consequences for much of Zanda’s population. The civil war resulted in the deaths of an estimated 100,000-120,000 people between 1980 and 2011. The UN Human Rights Council recently expressed concern at the estimated 15,000 individuals who disappeared following detention and interrogation by the security forces. Whilst the government has recently

acknowledged that 2000 of these are dead, the whereabouts of the rest remain unknown.

The government campaigns against the UMLF's final few years of the war caused hundreds of thousands of civilians to flee their homes, leading to a significant jump in the number of internally displaced persons (IDPs). Many of these IDPs were then trapped in rebel-held zones that were targeted by the armed forces resulting in high civilian casualties. The government armed forces later claimed that they were targeting UMLF rebel fighters. The number of IDPs in Zanda is currently estimated to be 250,000. The majority of these remain in IDP camps that receive humanitarian assistance from the international community.

The UMLF's tactics and strategies during the civil war led to its classification as a terrorist organisation by 50 other states (including the members of the European Union and the United States). This classification remains in place, although the UMLF, in addition to its affiliated diaspora community, continues to campaign for this to be removed.

Reports of torture committed by either the police force or the state defence forces continue to emerge, with 200 referrals to international NGOs being documented in the last six months. The majority of these cases are believed to be of individuals with assumed links to the UMLF rebel movement, although the nature of these links remains unclear. Some of these reports cite rape and sexual violence, and others suggest that prisoners have been branded with cigarettes or beaten with pipes. Along with claims of torture, there continue to be reports of intimidation and violence perpetrated by the government and forces loyal to the government.

Press freedom remains restricted, with access to some areas of the country denied to all but those under state employ. Four journalists have been killed since the end of the conflict in 2011. Human rights advocates have also faced intimidation in recent months, with an indeterminate number currently being held in police custody.

At the international level, both the rebel movement and the Zandian Government have been accused of war crimes and human rights abuses.

The government has been accused of: attacks targeting civilians and civilian buildings; executions of combatants; extra-judicial executions of prisoners; enforced disappearances and abductions; arbitrary detention; causing deliberate shortages of food and water for civilians; widespread sexual assault and the use of other forms of torture.

The Majelian rebel movement (the UMLF) has been accused of: attacks targeting civilians and civilian buildings, including suicide bombings; executions of combatants; executions of prisoners; recruitment of child soldiers; widespread sexual assault and the use of other forms of torture.

The government denies that war crimes were committed by forces under its control, and has been resistant to international investigation. Whilst some of these crimes have been independently verified by the United Nations, no charges have been brought. The Secretary General of the UN and the Security Council established a panel of experts in 2011 to advise on the human rights violations and possible war crimes and crimes against humanity. The Zandian Government opposes this investigation and has refused to cooperate. The panel's first report, published in early 2014, was damning. It cited human rights violations committed by both the government and the UMLF. The UN is currently attempting to arrive at a response to the report and the recommendations it suggests. The report also criticised the UN for failing to protect civilians.

Geography and Resources

Zanda has a geographic area of approximately 750,000 sq km. Its capital city, Bimbi, is home not only to the government, but also to the central barracks of the armed forces, and to the state's largest trading port.

Traditionally an agrarian society, most of the people of Zanda were reliant on rubber plantations and farming. The civil instability of recent years has facilitated the rapid expansion of other industries, which has led to the region's highest levels of income inequality (World Bank and UN). A resource rich state, Zanda's economy is now reliant on the extractive industry. The north of the country is known not only for its rich coal seams but also for the wide range of minerals mined in the region. The largest mining firm in the state, Stelisto, controls vast swathes of the north of the country. Owing to the civil war, the mineral rich forests have become increasingly dangerous. In order to sustain smooth operations, and owing to previous failures of the state to maintain the security of the region, Stelisto relies

on private military and security contractors.

In addition to resources, the economy is reliant on manufacturing and the textile industry. Since the end of the civil war, the tourism sector has experienced significant growth. The government is hopeful that the state will become a regional hub, its beaches and rainforest drawing Western tourists.

Appendix 6D: The United Nations Security Council Backgrounder

Note: All references below refer to the resources in Appendix 6A: References and Useful Resources.

Introduction

The UN Security Council (UNSC) is comprised of 15 members. These include five permanent member states (the P5: China, Russian Federation, France, the United Kingdom, and the United States) and 10 non-permanent members. These non-permanent member states are elected by the General Assembly for a two-year term. Each member has one vote.

To be successfully adopted, a draft resolution in the Security Council requires 'the affirmative vote of nine members of the Council' (Dag Hammarskjöld Library 2014b). This vote must include the 'concurring votes of the five permanent members' of the Security Council (Dag Hammarskjöld Library 2014b). If a member of the P5 'casts a negative vote (veto) on a draft resolution, the draft is not adopted' (Dag Hammarskjöld Library 2014b).

The Security Council must meet at least every 14 days (United Nations Security Council 2014b), and as such, a representative of each of the UNSC member states must be at the UN Headquarters 'at all times so that the Security Council can meet at any time as the need arises' (United Nations Security Council 2014d).

The Security Council, under Article 24 of the United Nations Charter, has the 'primary responsibility for the maintenance of international peace and security' (UN Web Services Section Department of Public Information 2014; United Nations Security Council 2014a). Among its functions and powers, the Security Council is mandated:

- *To investigate any dispute or situation which might lead to international friction*
- *To recommend methods of adjusting such disputes or the terms of settlement*
- *To determine the existence of a threat to the peace or act of aggression and to recommend what action should be taken*
- *To call on Members to apply economic sanctions and other measures not involving the use of force to prevent or stop aggression*
- *To take military action against an aggressor (United Nations Security Council 2014c)*

Under Chapter V, Article 25 of the Charter, UN member states 'agree to accept and carry out the decisions of the Security Council' (United Nations 2014). Articles 31 and 32 of the Charter state that member states that are not members of the Security Council may be invited to participate, without a vote in discussions or disputes at the Security Council level. This participation is allowed when the Security Council considers a matter of concern to the member state or when the particular state is invited to participate. In addition, under Chapter VI, Articles 33-35 of the Charter, any member state is allowed to bring a dispute to the attention of the Security Council when 'the continuance of which [dispute] is likely to endanger the maintenance of international peace and security' (United Nations 2014).

Chapter VI and Chapter VII

Chapter VI, Article 33 of the UN Charter states:

1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.
2. The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means

Chapter VII, Article 39 of the UN Charter states:

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 [that sets out measures that do not use armed force] and 42 [that details action by land, sea, or air forces], to maintain or restore international peace and security

The Responsibility to Protect

The Office of the UN Special Adviser on the Prevention of Genocide states, of R2P, that '[s]overeignty no longer exclusively protects States from foreign interference; it is a charge of responsibility that holds States accountable for the welfare of their people' (2014). R2P is divided into 'three pillars', these are:

3. The state carries the primary responsibility for protecting populations from genocide, war crimes, crimes against humanity and ethnic cleansing, and their incitement
4. The international community has a responsibility to encourage and assist States in fulfilling this responsibility
5. The international community has a responsibility to use appropriate diplomatic, humanitarian and other means to protect populations from these crimes. If a state is manifestly failing to protect its populations, the international community must be prepared to take collective action to protect populations, in accordance with the Charter of the United Nations (United Nations Office of the Special Adviser on the Prevention of Genocide 2014).

Appendix 6E: Four different Wild Card Events

Wild Card Event 1

the guardian

Friday July 25th, 2014.

Evidence of hidden massacre: government implicated

Thousands of civilians killed in final 2011 assault on UMLF

Overnight, new evidence has been presented to the Guardian that appears to confirm the large-scale slaughter of Zandian civilians during the final weeks of the bloody civil war. The civil war, wherein the United Majelian Liberation Front (UMLF) waged an insurgent campaign against the government, led to the deaths of at least 100,000 people.

A Guardian investigation, undertaken in conjunction with reporters and humanitarian actors on the ground in Zanda, has unearthed evidence of a mass burial site that has previously been hidden by the government. The UN-sponsored investigation that has focused on Zanda in recent months has renewed attention to the atrocities of the war. It is thought that this renewed international attention caused the current administration to seek to hide evidence of the slaughter.

Reports at this stage suggests that there may be as many as 3,000 bodies buried at the site, which is close to the country's largest camp for internally displaced persons. It is not known whether those killed had links to members of the UMLF, but it does appear that they were all civilians. Initial investigations suggest that over half of those identified are women and children.

Human Rights organisations working in Zanda have expressed their dismay at the discovery and have called for transparency from the government. The spokesperson for the UMLF has released a statement condemning the President and the Zandian government and armed forces, calling the cover up 'abhorrent' and suggesting that 'there must be some form of justice for the people of Zanda.' The UMLF continues to wage a low-level guerrilla campaign against the government.

The United Nations Security Council are expected to address these new claims when they meet early next week. The Guardian reached out to the Zandian government for comment, but they have not responded.

This story will be updated as we receive more information

Wild Card Event 2

Zanda Daily Times

EDITORIAL: Reports of Corruption Shake Government, again

Will the shady dealings never end?

That the President's eldest son has capital stored away in Swiss bank accounts is an open secret in the high echelons of Zandian politics. We here at the Zanda Daily Times, however, continue to be appalled at the corruption that seems to be endemic in our country.

An anonymous source has provided this newspaper with evidence that suggests that the corruption goes beyond the already suspected links between the political elite and the resource extraction industry. Readers will be shocked to learn that our source indicates that leaders in the National Council of Trade Unions (NCTU) are in the pay of the current government.

The NCTU is thought to have been striving to protect the human rights and dignity of Zanda's hard-working citizens, at times appearing to alienate the government. Now, we must ask, who is being protected? The NCTU is known to have benefited in the past from donations attributed to figures close to the administration.

In return for political support for government bills that have stripped workers of their right to assemble, strike, and protest without government approval, senior figures in the NCTU are suspected to have received payments in excess of USD10,000.

The NCTU has released a statement stating that 'The NCTU is the largest trade union body in Zanda. We represent millions of workers across a range of industries vital to the economic success of Zanda. The NCTU remains dedicated to serving its members. We remain independent of any political ties. Claims of corruption cause the NCTU Board and our members great distress. We have opened an investigation, although we are convinced no corruption will be found.'

We can only hope that the truth will finally emerge.

Wild Card Event 3

BBC NEWS

Zandian rebel group commit execution-style killings

At least seventy bodies have been found in a grave outside of the Zandian capital, Bimbi.

Details have recently emerged of a mass execution committed by the United Majelian Liberation Front (UMLF) during the Zandian civil war. If these claims are verified, it will add weight to the government's assertions of the role of the UMLF in mass atrocities.

The bodies uncovered so far appear to indicate execution-style killings on a mass scale. It is thought that those killed are civilians.

The UMLF was Zanda's largest rebel group; it waged an insurgent campaign against the government during Zanda's 1980-2011 civil war. The war ended with the dramatic defeat of the UMLF at the hands of the government. Since the end of the conflict, reports of atrocities committed by both sides continue to emerge. Both parties suggest that the other must be investigated and prosecuted for crimes against humanity. Neither party has agreed to cooperate with any international investigation. A recent UN-led investigation has not resulted in any charges.

The Zandian government has called for the perpetrators of these most recently discovered killings to be brought to justice. The BBC is unsure whether this means through the process of the Zandian justice system. The UMLF denies any involvement in any mass atrocity, and has recently called the government 'hypocritical.' The UMLF could not be reached for comment on this particular story.

Wild Card Event 4

The Zandian Children's Fund

Press Release

Children harmed in continuing violence

The Zandian Children's Fund was established in 2013 to protect the human rights of the children of Zanda.

Through this Press Release we seek to alert the world to the continued suffering of Zanda's children. Although the civil war ended in 2011, the violence has not. Children are at the forefront of the suffering. Many face a life without a parent or family member killed in the conflict. Others remain in internally displaced persons camps, at risk of disease and malnutrition. Still more cannot access the educational opportunities they deserve.

All young people face an uncertain future haunted by the constant threat of violence:

- The Zandian Children's Fund has recently received reports of young people of 16 and 17 being tortured by the Zandian armed forces. This torture has involved sexual assault, beatings or other violent assaults. At this stage, we believe that these young people may have been targeted because of their suspected links with the UMLF, or the possible links between their family, friends, or acquaintances and the UMLF.
- The Zandian Children's Fund is also working to protect children and young people from the raids and attacks on the internationally displaced persons camps. Thousands of children continue to live in camps where conditions are unacceptable. In addition, these camps are threatened daily by violent attacks. We believe that these are being undertaken by what remains of the UMLF movement.

This state of affairs is unacceptable. Both government and insurgent forces obstruct the valuable work of the Zandian Children's Fund, in addition to the efforts of other members of the humanitarian community. We call on the international community to respond. The people of Zanda should not be abandoned.



Offshore Processing of Asylum Seekers:

A Multilateral Human Rights Negotiation

General social justice / human rights topic	Refugee rights
Location simulation is set	Australia
Student demographic	Undergraduate final year Law (elective course)
Number of students	22
Delivery format	2 full days
Discipline	Law
Institution	University of Technology Sydney
Faculty/School	Faculty of Law
Author	Dr Laurie Berg

Summary

This simulation was about the human rights implications of Australia's processing of asylum seekers in a detention centre on Manus Island in Papua New Guinea. In the context of that real situation, it used an invented asylum seeker's plight as the Trigger to elicit responses from a range of actors, including government representatives, corporate detention contractors, and human rights advocates. Students, playing the roles of these stakeholders, prepared for and formulated responses to several disputes between these actors at a simulated broad-ranging multilateral negotiation. (Also note that two years after this simulation was developed, Papua New Guinea declared its detention centres unconstitutional.)

'a very welcome breath of fresh air in law school'

'I found the simulation exercise to be a very effective teaching mechanism which highlighted the practical reality of politics and policy making against advocacy. It went beyond learning from a textbook or memorising statutes and provisions before an exam. It taught us much more than reading hundreds of journal articles for a research essay could have. And it certainly made us appreciate the complexity of the situation.'

'truly eye-opening'

'It was a difficult assessment and a draining day but the feeling of satisfaction and accomplishment I had at the end of it is second to no other assessment task I have completed in the past.'

Through several exercises including Tactical Mapping, Written Submissions, a Press Conference, oral presentations, and negotiation activities, students came away from the simulation with the ability to:

- Understand the interaction between domestic refugee policies and international human rights law
- Conduct high-level research on fast-changing laws and evolving governmental policies
- Synthesise and present complex information from the perspective of a particular actor drawing on a range of legal doctrines
- Make convincing arguments based on international human rights law and the UN Refugee Convention
- Devise, articulate, and integrate legal and non-legal strategies to achieve a given outcome
- Develop a sophisticated understanding of the role of the law in achieving or undermining social justice objectives

This course formed something of a ‘capstone’ for students’ learning in their law degree to explore how legal doctrines from across their entire degrees might be relevant to this asylum seeker’s situation (regardless of whether students were making a claim or defending a claim). While focused on the discipline of law, this Case study also aimed to help students bridge the gap between traditional lawyering skills (which are frequently taught and practised through activities related to legal research, mooting, and client interviews) and other skills that graduates might use as law graduates, not in legal practice, but in areas such as public advocacy or media work.

Setting up the Simulation

Groups

Students were assigned to the following roles during the simulation:

Name of group	Type of group	Regional reach (on this issue)	Goal of group
Government of Papua New Guinea	Government	Domestic	Maintain an orderly detention facility in accordance with its obligations under the UN Refugee Convention in return for aid subsidies and preferential trade deals from Australia
Government of Australia, represented by the Department of Immigration and Border Protection	Government	Regional	Achieve effective border control by using regional processing of asylum seekers as a deterrent to future unauthorised boat arrivals

Allocating Students

Seven groups of 3-4 people in each group

Transfield (note that Transfield changed its name to <i>Broadspectrum</i> in October 2015)	Corporate	Domestic	Maximise profits for shareholders through the operation of detention facilities at Manus Island, PNG
Office of the UN High Commissioner for Refugees	United Nations	International	Promote adherence to the UN Refugee Convention and the human rights of refugees under international law
Refugee Advice and Casework Service	NGO	Domestic	Provide legal representation for asylum seekers in Australia
Refugee Action Collective Victoria (RAC Vic)	NGO	Domestic	Campaign for the human rights of asylum seekers in Australia
Consortium of Human Rights Lawyers in Papua New Guinea	NGO	Domestic	Defend the legal rights of asylum seekers in PNG

By including government as well as civil society human rights actors, this simulation showcased the broad power dynamics which drive policy-making in this highly politicised field. The Role Play encouraged students to grapple with the conflicting motivations of actors with very different interests in the Trigger. Therefore, the tensions between the different institutional mandates and cultures within the human rights community demonstrated but one part of the negotiation. While some students were perhaps initially disappointed if allocated a role they did not personally support, they learned much from being forced to inhabit a role, and from observing the developing arguments and negotiations from multiple and highly divergent perspectives. Ultimately, their observations of each other's work meant that their learning outcomes were not overly divergent.

Case Study

The simulation focused on the Australian Government's transfer of asylum seekers to a detention centre on Manus Island, Papua New Guinea, which began in November 2012, for processing of their refugee claims and possible resettlement. Under the terms of the agreement between both countries, Australia was responsible for all costs of the arrangement. PNG had formal custody of the detainees, who were processed pursuant to PNG law and held in the facility run by Transfield Services (which changed its name to *Broadspectrum* in October 2015), a corporate entity, pursuant to a contract with the Australian Government.

Trigger

Within this real context, the Trigger for the students' negotiation involved an invented asylum seeker, AB. AB fled Iran fearing persecution because of his homosexuality but, because homosexual acts are criminalised in PNG, AB concocted an alternative claim for refugee status on the basis of political opinion. In frustration at the delays in processing refugee status determinations at Manus, AB was involved in a fictional protest in the detention facility which resulted in some property damage. In response to this incident, PNG announced that it was going to exclude instigators of violence in the facility from refugee status on the basis of their criminal conduct.

Role Play

The Role Play involved a negotiation meeting in which a mediator brought together seven actors with an interest in the Case Study to broker consensus on a resolution to the Trigger. The Role Play involved three separate activities, each involving all actors, which took place consecutively throughout one day. The first was a multilateral negotiation on legal liability in relation to human rights violations, breaches of the UN Refugee Convention, and property damage. The second was a multilateral negotiation whereby actors used legal or non-legal tactics to achieve their desired pragmatic 'solution' or 'outcome' from the events around the Trigger. Finally, each group participated in a Press Conference taking questions from journalists (played by teaching staff and volunteers) who asked students questions on: their perspectives on the Case Study and Trigger; what they hoped to achieve; and what they felt they achieved in the negotiation.

The negotiations and Press Conference exercises encouraged students to think about genre and register in legal and non-legal advocacy. Students practiced how to articulate legal arguments or non-legal policy arguments in different forums or to achieve different ends – the difference between talking to a judge and talking to the media for instance.

Running the Simulation

Introduction to the Topic

On the first day of the course, seven weeks before the final Role Play, students were provided with an outline of the simulation. This included a full narrative of the Case Study and Trigger as well as a basic explanation of the simulation exercises and assessment. See *Appendix 7B* for the Case Study briefing that was provided to students. On the second day of the course, one week later, students were assigned to groups and later allocated their role. At this point, students received a synopsis for their actor: a briefing document that included a description of that actor, an indication of some of the actor's objectives in the Case Study and some pointers on the actor's relationships with all other actors. For a sample actor briefing document see *Appendix 7C*. Students were also provided with a summary document which briefly described the seven actors in the Role Play (see *Appendix 7D*). *Appendix 7A* contains useful resources which were used to create the Case Study.

Prior to class on this second week, students were assigned key background reading, including academic papers, advocacy documents, and an hour-long episode of *Four Corners*, a documentary on violence which occurred at the Manus Island Detention Centre in February 2014, and which resulted in the murder of an Iranian asylum seeker detainee.

At this time, students were also provided with a list of references which provided a preliminary bibliography for students' research. Students were advised that not all items on the bibliography were equally significant or useful for all actors. All groups were encouraged though to read widely across this bibliography, for instance not just relying on material that took the perspective of their actor. In addition, students were encouraged to research beyond the bibliography, including any written material produced by the actor that their group represented. In assessment and the simulation exercises, students were permitted to rely on any material in the public domain whether written from the perspective of their actor or anyone else.



The teachers introduce the simulation to the students. Photo by authors.

Simulation Exercises

Exercise 1: Tactical Mapping

(Please see Social Justice Exercise Manual, pages 8 to 11 for detailed information about Tactical Mapping.)

Having been provided with a full narrative of the Case Study and Trigger one week earlier, on the second week students were allocated into groups to map the universe of relevant actors with influence on the Trigger. They undertook this task before learning about which seven actors groups would undertake the Role Play and which actor they would represent. Using markers on large butchers' paper, students creatively sketched the actors they identified as well as the relationships between them and their spheres of influence.

Exercise 2: Interests and Tactics

(This is an extension of the Exercise 1: Tactical Mapping, above. See Social Justice Exercise Manual, pages 8 to 11 for detailed information about Tactical Mapping.)

In the same groups, but now having been told which actor they would represent in the Role Play, students discussed their actor's involvement in the Case Study and Trigger and their goals. They then brainstormed tactics that (a) might achieve these goals, and (b) conformed to their organisational culture or mandate.

Two 1½ hour classes, conducted before this exercise, equipped students with the skills necessary to undertake the Interests and Tactics exercise. The first class focused on the legal claims – related to a range of legal doctrines students were familiar with such as tort, criminal law or contract as well as international refugee law and human rights law – which might arise from the Trigger. The second class involved a collective brainstorm of legal and non-legal advocacy strategies which might achieve outcomes



Students playing the Refugee Action Collective respond to another group's presentation of legal principles around the offshore processing of asylum seekers. Photo by authors.

for this asylum seeker or other actors, including using the media, political protests, threats of domestic litigation, use of international human rights institutions, etc.

Exercise 3: Role Play of Negotiation on Legal Positions of Actors

(Please see *Social Justice Exercise Manual*, pages 22 to 25 for detailed information about Role Plays.)

The Role Play was conducted on the final day of the course. This multilateral negotiation took two hours. One representative from each group gave a five-minute presentation on their group's perspectives on legal obligations flowing from the Case Study. After each presentation, for 10 minutes, the floor was opened to representatives from other actors to raise questions, respond to, agree with or challenge the applicable legal principles raised in the presentation. One or more representatives from the presenting group responded to these questions or points as they were raised. After 15 minutes in total the class moved onto the next group's short presentation.

Exercise 4: Role Play of Negotiation on Tactical Positions of Actors

(This is an extension of Exercise 3: Role Play of Negotiation on Legal Positions of Actors, above. See *Social Justice Exercise Manual*, pages 22 to 25 for detailed information about Role Plays.)

This second multilateral negotiation also took two hours. Each group made a five-minute presentation on what outcomes they would seek and what legal and non-legal tactics they would deploy to achieve these. Then, for the following 10 minutes, all other groups had an opportunity to raise questions or debate with that group on their tactics – whether supporting a group or challenging a group or responding to a challenge the presenter had made to one of the other groups. The presenting group had the opportunity to respond to these points as they were raised. After 15 minutes in total the class moved onto the next group's short presentation.



Students from different groups negotiate over the best tactics to employ to address the issues brought up by the offshore processing of asylum seekers. Photo by authors.

Exercise 5: Press Conference

(Please see *Social Justice Exercise Manual*, pages 16 to 18 for detailed information about Media and Communication Exercises.)

For half an hour in total, each group made a short media statement about their perspectives on the Case Study and Trigger, what they hoped to achieve, and what they felt they achieved in the negotiation, and took follow-up questions from journalists.

Assessments Assigned

Written Submission (group assessment)

Each group submitted a Written Submission one week before the final Role Plays. This submission expressed the views of the particular actor in a way that would be persuasive to the general public. In two parts, submissions set out (a) their group's perspective on the legal issues raised by the Case Study and (b) the practical outcomes sought by their group, based on their core principles, and how they might achieve this using legal and non-legal tactics. Students were advised that it was not possible in the permitted word count to deal exhaustively with all issues so groups would need to prioritise the issues they raise. Learning outcomes included:

- The ability to apply relevant legal principles to the Trigger and simulation Case Study
- The ability to manage themselves and others in a group
- The ability to reflect critically on the institutional mandate and constraints of their actor
- An understanding of the political context of Australia's asylum laws and policies

This assessment task served to prepare students for the Role Play, and assist the teacher in facilitating the Role Play by providing prior insight into each group's position and approach.

Note: It may be desirable to circulate these written submissions among all students prior to the Role Play to enable students to prepare responses to other groups, although this could detract from the spontaneity of the Role Play.

Class Participation (individual assessment)

Students' participation in the Role Play exercises was assessable. Learning outcomes included:

- Students' ability to clarify and reinforce their understanding of the laws and principles of refugee law and practice
- The opportunity to learn from peers and develop their thinking as they digest new information and receive immediate feedback from fellow students and the teacher

Press Opinion Piece (individual assessment)

Students submitted a written 'OpEd' from the perspective of their group on any issue

of substantive refugee law raised in the Trigger. Students needed to indicate which publication or online forum they planned to target for this opinion piece. Learning outcomes included:

- A sophisticated understanding of current issues in Australian refugee law as applied in practice
- The ability to express a particular institutional perspectives of an actor whom the student is representing

Written Reflection on the Simulation (individual assessment)

Students provided written reflection on the Role Play, which could include observations of their own participation as well as their observations of others. This was designed to stimulate students to reflect on the content and skills-learning in this subject. It provided an opportunity to develop their thinking on the dynamics of refugee law advocacy, the effectiveness of refugee laws, and strategies for leveraging compliance with human rights standards. It also prompted students to consider their own learning process through the skills-based exercises.

Appendix 7A: Useful Resources

This Case Study was based on actual conditions at Manus Regional Processing Centre in Papua New Guinea in 2014. It drew on the following resources:

- *A v Australia*, Human Rights Committee, Communication No. 560/1993, CCPR/C/59/D/560/1993. Retrieved from http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2f59%2fD%2f560%2f1993&Lang=en
- Amnesty International (December 2013). *This is Breaking People: Human Rights Violations at Australia's Asylum Seeker Processing Centre on Manus Island, Papua New Guinea*. Retrieved from http://www.amnesty.org.au/images/uploads/about/Amnesty_International_Manus_Island_report.pdf
- Australian Human Rights Commission (March 2013). *Human Rights Issues Raised by the Third Country Processing Regime*. Retrieved from <https://www.humanrights.gov.au/sites/default/files/document/publication/third-country-processing-regime.pdf>
- Cornall, R. AO (23 May 2014). *Review into the Events of 16-18 February 2014 at the Manus Regional Processing Centre*. Department of Immigration and Border Protection. Retrieved from <https://www.border.gov.au/ReportsandPublications/Documents/reviews-and-inquiries/review-robert-cornall.pdf>
- Morrison, A. SC and Barns, G. (25 March 2014). Manus Island negligence may have financial costs. *The Drum*. Retrieved from <http://www.abc.net.au/news/2014-03-25/morrison-and-barns-manus-negligence-may-have-financial-costs/5341926>
- United Nations High Commissioner for Refugees (2012). *Guidelines on the Applicable Criteria and Standards Relating to the Detention of Asylum-Seekers and Alternatives to Detention*. Retrieved from <http://www.unhcr.org/505b10ee9.html>
- United Nations High Commissioner for Refugees (October 2013). *UNHCR Monitoring Visit to Manus Island, Papua New Guinea*. Retrieved from <http://unhcr.org.au/unhcr/images/2013-11-26%20Report%20of%20UNHCR%20Visit%20to%20Manus%20Island%20PNG%2023-25%20October%202013.pdf>
- Whyte, S. (25 February 2014). Gay Asylum Seekers in PNG Hid Sexuality in Fear of Harsh Anti-Gay Laws, Estimates Hearing Told. *Sydney Morning Herald*. Retrieved from <https://web.archive.org/web/20140408131547/http://www.smh.com.au/federal-politics/political-news/gay-asylum-seekers-in-png-hid-sexuality-in-fear-of-harsh-antigay-laws-estimates-hearing-told-20140225-33egh.html>

Appendix 7B: Case Study Briefing Provided to Students:

The Case Study

Australia began sending asylum seekers from Christmas Island to Manus Island in Papua New Guinea (PNG) in November 2012. On 19 July 2013, the Australian and PNG governments entered into a Regional Resettlement Arrangement agreeing that Australia would transfer any asylum seekers who enter Australian waters after this date by boat (called 'transferees') to PNG for processing of their asylum claims and that PNG would resettle those who were determined to be refugees on a permanent basis.

The stated aim of the Arrangement is to undermine the people smuggling industry in South East Asia by providing a deterrent to asylum seekers attempting to travel to Australia by boat. Under the terms of the Arrangement, Australia is responsible for all of the costs of implementing this scheme in PNG. Australia acceded to the 1951 Refugee Convention on 22 January 1954 and ratified the 1967 Protocol on 13 December 1973. PNG acceded to the Convention and the Protocol on 17 July 1986. On 6 August 2013, Australia and PNG entered into a Memorandum of Understanding further specifying particulars of the relationship.

As of 20 June 2014, there were 1,189 male asylum seekers held in the facility on Manus Island. PNG has formal custody of the transferees, who are held in the facility and processed pursuant to PNG law. On 11 March 2014, the PNG parliament passed amendments to its Constitution, allowing the government to detain persons transferred to its territory pursuant to an agreement with another country. Section 15A of PNG's *Migration Act 1980* empowers government officials to determine refugee status but provides no procedural or substantive guidance on how this determination should be made. To date no final decision has been made as to any transferee's refugee status. PNG officials have informed transferees that there is no time frame on this process and it could take anywhere from two to five years. PNG has foreshadowed that this will require considerable support from Australia's Department of Immigration and Border Protection.

Transfield Services (which changed its name to *Broadspectrum* in October 2015) is responsible for providing 'facilities management' at the processing centre on Manus, pursuant to a 20 month contract commencing in February 2014. It is also tasked with providing 'welfare services', a role previously provided by the Salvation Army. The facility is staffed by a combination of ex-pat and local residents: Transfield is required under its contract to employ locals. Transfield is responsible for access to health services, accommodation, recreation and supervising transferees' behaviour. It manages their personal property and access to bedding, clothing, and personal items. Transfield has subcontracted with Wilson Security to provide security at the facility. Law and order remains the responsibility of the PNG police force.

During a visit to the facility in 2013, Amnesty International learnt that one transferee, AB, is an Iranian gay man who arrived by boat on Christmas Island on 1 September 2013 and was transferred to the Manus Island facility shortly later. Under PNG's *Criminal Code Act 1974*, homosexual acts are criminalised and punishable by jail sentences of between three and 14 years. Human rights bodies report that lesbian, gay, bisexual, transgender and intersex (LGBTI) people are subject to discrimination, social stigmatisation and police violence in PNG. Transfield staff has warned all transferees that any consensual sexual conduct between them will be reported to PNG police for prosecution. Fearing the consequences of disclosing his sexual orientation, in AB's initial assessment interview he concocted an alternate claim for refugee status on the basis of political opinion. Upon questioning by Amnesty, the Australian Government has confirmed that it permits of no exceptions to offshore processing: before transferring an asylum seeker to an offshore processing country, it does not look at nature of their protection claims or whether they may be exposed to a particular risk in an offshore processing country.

In frustration at the delays in processing refugee status determinations at Manus, in June 2014 AB and a number of other transferees participated in a protest during which they threw chairs across the compound, damaging a number of latrines. Because of disputes regarding liability between Transfield, Australia, and PNG, the latrines

have not been repaired. Following the incident, the PNG police force announced that it plans to charge instigators of violence in the facility with the offence of using weapons in detention (on the basis that the chair was used as weapon). The PNG Minister for Foreign Affairs and Immigration announced that, if PNG courts convict any transferee of this offence, that transferee will be refused refugee status. For the purpose of this simulation, we assume that the relevant PNG law reflects Australian statutory provisions: s 197B of the Australian *Migration Act* criminalises the manufacture, possession, use or distribution of a weapon by detainees; s 501(6)(aa), inserted in 2011, provides that a visa applicant will fail the character test, and may therefore be refused a visa, if they have been convicted of an offence committed while in immigration detention.

Despite a PNG court order granting them access, lawyers from PNG's Public Solicitor's Office have been denied access to the processing facility. In July, AB contacted the Refugee Advice and Casework Service in Sydney asking for legal advice.

In April 2014, there were media reports that the PNG government will agree to resettle some but not all of the refugees in its jurisdiction. It is unclear what will happen to those refugees not accepted by PNG. For those accepted, the PNG parliament has introduced a visa to recognise refugees. The rights afforded by this visa – the period of protection granted, the nature of work rights, freedom of movement, family reunion, access to welfare, health, and resettlement services – have not been made public.

Appendix 7C: Sample Actor Briefing Paper Provided to Students

Note: Each group of students is briefed on its own actor only.

Actor Brief: PNG Human Rights Lawyers

Summary

'PNG Human Rights Lawyers' is a group of various lawyers in PNG interested in fighting for human rights in PNG, and utilising PNG's domestic legal protections to protect asylum seekers (and others) in PNG.

In 2013 and 2014, some of these lawyers, including those representing the leader of the Opposition, Beldan Namah, launched legal challenges to detention in the Manus Island facility in PNG courts. They made plausible arguments (such as that the detention was unconstitutional), but before the case could be finalised the PNG Government amended the constitution to undermine this cause of action. This led a PNG judge, Justice Cannings, (who is a member of this group) to initiate his own investigation into Manus Island detention and its treatment of detainees. The PNG Government has worked to quash these investigations with some success.

This group (PNG Human Rights Lawyers) have found out AB's name is Ali Bezyan. They are advised that he has consented to the use of his full name in public advocacy.

Objectives

- Protect human rights in PNG and hold the PNG Government to account for human rights violations
- Utilise PNG's legal system, as well as international channels, to do so
- Ideally these lawyers would like to see Manus Island detention centre shut down. If this is not possible, they want the best possible well-being for asylum seekers in detention in PNG.

Relationship with Other Actors

PNG Human Rights Lawyers and Australian Government

- The PNG government's legal defence to the constitutional challenge to asylum seeker detention in PNG courts was financed by the Australian Government.
- These lawyers are conscious that Australia, and not PNG, has ratified the First Optional Protocol to the International Covenant on Civil and Political Rights, which permits individuals to make a complaint against Australia to the UN Human Rights Committee.

PNG Human Rights Lawyers and PNG Government

- These lawyers wish to hold the PNG Government to account for human rights violations.
- In using PNG law to challenge the legality of the government's actions, they are conscious that a subsequent legislative (or constitutional!) amendment may actually validate these actions.
- PNG Human Rights Lawyers wish to represent detainees but currently, despite a PNG court order to this effect, the PNG Government is not allowing them access.

PNG Human Rights Lawyers and Transfield

- If breaching PNG law to the detriment of detainees, Transfield may well be an alternative target of litigation, investigation or advocacy.

- For the purpose of this simulation, you can generally assume that PNG's civil and criminal laws related to the liability of corporations are similar to Australia's.
- If Transfield acts in a way that breaches Australia's international law obligations, is this attributable to the Australian Government as the party contracting them?
- Advocacy may also be possible through the [Organisation for Economic Co-operation and Development](#) (OECD) Guidelines for Multinational Enterprises, a non-binding set of principles and standards for responsible business conduct for multinational corporations (such as Transfield) created by the OECD, of which Australia but not PNG is a member. To implement the Guidelines, Australia has appointed a 'National Contact Point', an Australian Government entity to promote the Guidelines at a national level.
- Advocacy may also be possible through the UN Guiding Principles on Business and Human Rights, endorsed by the United Nations Human Rights Council in 2011, a global non-binding standard for preventing and addressing the risk of adverse impacts from business activity on human rights. The Principles set out that, first, States have a duty to protect against human rights abuses by third parties, including businesses, through regulation, investigation, and enforcement. Second, businesses must act with due diligence to avoid violating human rights. Third, States have the responsibility to provide access to remedies and corporations have the responsibility to prevent and remediate rights violations.
- As demonstrated by the threatened boycott of the Biennale by artists concerned about Transfield's involvement with offshore processing, and its commitment to Corporate Social Responsibility, Transfield is sensitive to its brand recognition.

PNG Human Rights Lawyers and UNHCR

- These lawyers support UNHCR visits to Manus Island and investigations into detention conditions and processing there.
- UNHCR represents a means of data collection as well as an authoritative international voice upholding the rights of asylum seekers and refugees.
- UNHCR provides persuasive and authoritative guidance on standards of treatment, detention, and processing of asylum seekers.

PNG Human Rights Lawyers and RACS

- As Australian lawyers interested in the human rights of asylum seekers, RACS shares many interests and values with the PNG human rights lawyers, both in terms of AB's well-being and upholding of international human rights and refugee law.
- Both are interested in utilising any international law means that might assist AB's matter.
- At the same time, priorities between these groups may differ. While RACS is more focussed on issues of breaches to Australian law, PNG Human Rights Lawyers is focussed on breaches of PNG law.
- In light of the fact that the Australian Government is financially assisting the PNG Government to defend human rights actions in PNG courts, PNG Human Rights Lawyers may ask RACS for financial assistance with its legal proceedings in PNG.

PNG Human Rights Lawyers and RAC Vic

- RAC Vic and PNG Human Rights Lawyers share many objectives: upholding the rights of asylum seekers, holding governments, and others to account for human rights violations.
- However, unlike RACS and PNG Human Rights Lawyers, RAC Vic is focussed very much on building solidarity for the rights of refugees in Australia through grassroots action.
- RAC Vic sees legal challenges as an inevitably limited form of advocacy that is very reliant on state power through institutional legal structures. Nevertheless, RAC Vic supports successful legal challenges which secure rights for disadvantaged people including refugees.

Appendix 7D: Actor Summaries

Note: All students were provided this summary document of the seven actors in the Role Play.

Actor Summaries

1. Papua New Guinea Government

The Papua New Guinea Government governs PNG (including Manus Island) via various government departments. For the purpose of the simulation, this group is representing the government as a whole.

In addition to the Refugee Convention and Protocol, both the Australian and PNG governments are parties to:

- International Covenant on Economic, Social and Cultural Rights (ICESCR). (Note that Article 12 demands countries give people the highest attainable standards of physical and mental health.)
- International Covenant on Civil and Political Rights (ICCPR) (note that Article 9 provides protection from arbitrary detention and other articles provide for complementary protection outside of the Refugee Convention). Under the First Optional Protocol of the ICCPR, individuals can complain to the UN Human Rights Committee on ICCPR breaches, and Australia must respond. PNG has not ratified the First Optional Protocol but Australia has.

2. Australian Government: Immigration Portfolio

The Australian Government governs Australia via various government departments. For the purposes of this exercise, this group is representing primarily the Minister for Immigration and Border Security and the Department of Immigration.

3. United Nations High Commissioner for Refugees

The Office of the United Nations High Commissioner for Refugees (UNHCR) was established on 14 December, 1950 by the United Nations General Assembly. The agency is mandated to lead and co-ordinate international action to protect refugees and resolve refugee problems worldwide. Its primary purpose is to safeguard the rights and well-being of refugees. It strives to ensure that everyone can exercise the right to seek asylum and find safe refuge in another state, with the option to return home voluntarily, integrate locally or to resettle in a third country. The Introductory Note to the *Statute of the UNHCR*, states that 'The work of the High Commissioner shall be of an entirely non-political character; it shall be humanitarian and social and shall relate, as a rule, to groups and categories of refugees'.

4. Transfield

Transfield Services (which changed its name to *Broadspectrum* in October 2015) is responsible for providing Facilities Management and Welfare Services at the Department of Immigration and Border Protection's offshore processing centre on Manus. Up until February 2014, Transfield Services was responsible for managing the facilities, transport, staff accommodation, and the complex logistics on Nauru. From February 2014, a new contract extended Transfield's work to Manus Island, with the additional responsibility of providing welfare support at both sites, a service previously provided by the Salvation Army. Transfield hired former Salvation Army staff members to assist with these programs.

The Facilities

Manus holds approximately 2000 transferees. Only single adult men are transferred to Manus. Transfield has subcontracted security services to Wilson Security, whose staff are not armed, and are only authorised to use force to protect people. Law and order is the responsibility of the PNG police force. The facility is staffed by a combination of external fly in – fly out staff, and local Manus residents. Transfield Services is required under the terms of its contract with Australia to employ locals. The company does not publicly discuss staffing levels or ratios

for security reasons.

Transfield is responsible for transferee welfare, including programs and activities (recreational services, educational, and religious programmes), and individual management. Individual management entails assessments of transferee needs, and referrals to specialists for those services. Transfield Services is responsible for induction processes including health induction assessments but medical or mental health issues are referred to specialist medical providers. The company also manages and maintains buildings and assets and is responsible for workplace health and safety, catering and cleaning services.

Corporate Social Responsibility

Transfield has nearly 60 years of history of close community involvement, often in remote areas with multicultural and diverse workforces. It was one of the first companies in Australia to implement a Reconciliation Action Plan. It has exceeded its own targets for employment of Indigenous Australians, has set challenging targets for the appointment of women to senior management roles and is a 50% partner in the Transfield Foundation, which provides philanthropic support to education of Indigenous Australians.

In relation to transparency, Transfield Services' tender for this contract was conducted entirely in accordance with Commonwealth Procurement Rules (<http://www.finance.gov.au/procurement/procurement-policy-and-guidance/commonwealth-procurement-rules/>) and other guidelines issued by the Department of Immigration and Border Protection, as well as Transfield Services' own Code of Business Conduct (http://www.transfieldservices.com/page/Investor_Centre/Corporate_Governance/Code_of_Business_Conduct). See a full list of Transfield Services' key policies here: http://www.transfieldservices.com/page/Investor_Centre/Corporate_Governance/Key_policies.

Organisation for Economic Co-operation and Development (OECD) Guidelines

The OECD (http://en.wikipedia.org/wiki/Organisation_for_Economic_Co-operation_and_Development) is an international economic organisation of 34 countries (including Australia but not PNG) founded in 1961 to stimulate economic progress and world trade. The OECD Guidelines for Multinational Enterprises are a non-binding set of principles and standards for responsible business conduct for multinational corporations (such as Transfield) created by the OECD. The Guidelines are non-binding, but suggest good practice standards in relation to human rights, workers' rights, etc. for multinational corporations.

The Guidelines instruct involved countries to implement a 'National Contact Point' – that is, a government entity that will promote the Guidelines at a national level. The Australian Government's National Contact Point has made the following comments on the Guidelines:

Companies operating in Australia and Australian companies operating overseas are expected to act in accordance with the principles set out in the Guidelines and to perform to – at minimum – the standards they suggest. The Guidelines are voluntary standards and as such their success and effectiveness depends on the responsibility and good faith of all parties involved with their promotion and implementation. While the Guidelines are voluntary, a complaint can be raised with a National Contact Point if a multinational enterprise is believed to have breached the Guidelines. The Australian Government is committed to promoting the use of the Guidelines and their effective and consistent implementation. The common aim of the governments adhering to the Guidelines is to encourage the positive contributions that multinational enterprises can make to economic, environmental, and social progress. Through business cooperation and support, the Guidelines can positively influence business conduct and, ultimately sustainable progress.

UN Guiding Principles on Business and Human Rights

In 2011, the United Nations Human Rights Council endorsed the Guiding Principles for Business and Human Rights, a global non-binding standard for preventing and addressing the risk of adverse impacts from business activity on human rights. The Principles set out that, first, States have a duty to protect against human rights abuses by third parties, including businesses, through regulation, investigation, and enforcement. Second, businesses must act with due diligence to avoid violating human rights. Third, States have the responsibility to provide access to remedies and corporations have the responsibility to prevent and remediate rights violations.

5. PNG Human Rights Lawyers

PNG Human Rights Lawyers is a group of various lawyers in PNG interested in fighting for human rights in PNG, and utilising PNG's domestic legal protections to protect asylum seekers (and others) in PNG. In 2013 and 2014, some of these lawyers, including those representing the leader of the Opposition, Beldan Namah, launched legal challenges to detention in the Manus Island facility in PNG courts. They made plausible arguments (such as that the detention was unconstitutional), but before the case could be finalised the PNG Government amended the constitution to undermine this cause of action. This led a PNG judge, Justice Cannings, (who is a member of this group) to initiate his own investigation into Manus Island detention and its treatment of detainees. The PNG Government has worked to quash these investigations with some success.

6. Refugee Advice and Casework Service (RACS)

RACS is the primary Australian organisation set up to provide legal assistance to people seeking asylum in Australia. RACS was established in 1987 at the request of Amnesty International with funding from UNHCR. RACS not only provides legal assistance to asylum seekers, it also has an advocacy role seeking policy reform from the Australian Government. RACS is independent from the Australian Government, but does receive government funding. RACS is opposed to offshore detention.

RACS is limited in what it would be able to do for AB, due to geographical distance as well as tight budgetary restraints. RACS, however, can call for outside help from others interested in the protection of asylum seekers' rights such as the Refugee and Immigration Legal Centre (RILC) in Melbourne, Australian Lawyers for Human Rights, Refugee Council of Australia (RCOA), or prominent figures such as Julian Burnside.

7. Refugee Action Collective (RAC Vic)

Refugee Action Collective Vic (RAC Vic) is a democratic, grassroots, community activist collective campaigning for the rights of refugees in Australia since 2000. RAC Vic mounts public rallies and organises information stalls and public forums on refugee issues. As an activist organisation RAC Vic finds creative means to draw attention to wrongdoings towards asylum seekers in detention and gather information of what is going on in detention.

RAC Vic recognises the dispossession and genocide of Aboriginal and Torres Strait Islander peoples and it recognises this land was never ceded. It sees the struggle for refugee rights as being deeply connected to the fight for justice for Aboriginal and Torres Strait Islander peoples. It reaffirms the interconnection between all struggles against Australian racism and stands in solidarity with campaigns that challenge it.

