

## Episode 7: Global Thinking: Public International Law with Jacqui Zalcborg

*Isabella is an Events and Engagement co-opt for the GLSA.*

*Jacqui Zalcborg is a Human Rights officer at the United Nations High Commissioner of Human Rights, where she was previously a legal advisor in the special procedure provision. Jacqui also worked on the International Fact-Finding Mission on Myanmar.*

**Isabella:** The GLSA acknowledges that the land is situated on stolen Wurundjeri land of the Kulin Nation, of which sovereignty was never ceded. We pay our respects to their elders past, present and emerging.

[music]

Welcome to this episode of the GLSA's Think Global: Careers in International Law podcast series. My name is Bella and I am one of the co-opts for the GLSA Events & Engagement portfolio and I'm really excited to be joined today by international human rights lawyer Jacqui Zalcborg. Thank you for joining us!

**Jacqui:** Thanks for having me.

**Isabella:** Jumping straight in, you've been working with the United Nations in the Office of the High Commissioner of Human Rights for the past ten years, could you tell us about the various roles you've held during this time?

**Jacqui:** Yeah sure, maybe I'll start at my current role. I work now as part of the Asia Pacific section, I'm what they call a desk officer. I cover countries including Vietnam, Laos, Thailand, Malaysia and Singapore. It's a tricky role to describe because it's political, it's legal, it's a liaison role, it's substantive, it's a little bit of everything. I'm quite new to this particular role because I've only been doing this a little. Basically, we are following human rights incidents in those countries who work closely with UN country teams. In the countries where that's possible, we try and raise cases with governments and work with civil society partners and with other UN agencies and international organisations. Depending on what the High Commissioner herself decides to do in a particular case, we might take particular actions. There's also a big technical cooperation side of the work, which is training, working with government and working with governments and UN country teams around the human rights mechanisms. That would be where there's treaty body submissions, where there's special procedure visits, various things like that. It's big, so it's hard to describe in a few words.

Before that, in the last few years I was working for what's called the International Fact-Finding Mission on Myanmar. I was an investigator there, working on the Rohingya crisis. That was probably one of the most poignant experiences of my career so far. I joined the team just before the crisis happened (the great violence in Myanmar in September 2017). Then the outbreak of violence happened, and we were deployed directly to Bangladesh. We were in Bangladesh as people were crossing the border, taking testimonies from survivors of what fact-finding mission found today could have been a genocide. It involved two years of multiple missions to the camps to take testimonies from men, women, children (usually not children) but survivors of brutal violence, of sexual and gender-based

violence, torture, disappearances and essentially crimes against humanity, potentially genocide. I was very involved in the writing of the big reports. That was a big few years and it took a little bit of time to recover from, professionally and personally.

Prior to that, I spent a lot of years in what's called the Special Procedure Provision at the Office of the High Commissioner, which is supporting as a legal advisor [for] various special procedure mandates holders (so these are the special rapporteurs). I worked at the special rapporteur on minorities for number of years (for minority issues), the special rapporteur on migration and the special rapporteur on Indigenous people. In those roles, we do missions. You would probably all know about the country reports on Australia from very specialist rapporteurs. I have been on about 10 missions around the world to various countries looking at different issues and writing reports. The highlight of all this work is really being able to talk to people on the ground and amplify their voices where they don't necessarily have the platform to do so, and using the name of the UN to make sure that testimonies get heard and ideally, action is taken.

**Isabella:** Jacqui, from what you have talked about just now, I have so many questions and this conversation could go in so many different ways. But the point of this podcast is to learn about how you got into this field, and we are here to learn about your journey. Do you mind if we go back to your time at university? I understand that you graduated from Monash and got a Bachelor of Arts and Laws. You participated in Jessup International Law Moot court, and your honours thesis was about analysing Indigenous rights jurisprudence in different systems. It seems as though you came into your career with a clear picture in mind of the work you wanted to do, is that right? Or what catalysed your decision to have a career in law, particularly in human rights law?

**Jacqui:** I think I was always interested in international affairs. I wasn't so sure about the law part, I must say. I started the law degree actually quite unsure whether I would pursue the law degree. I was much more dedicated at the outset to my arts degree. I was doing international relations. I took Spanish and I was interested in languages. I had thought about maybe working as a journalist. Then as law school went on, I didn't enjoy the first year that much, I must say. In contracts I thought, 'what am I doing here?' and 'this isn't my language'. But I think it was a good discipline to study and learn. I was always quite clear that I didn't want to be a traditional lawyer, for better or for worse. I'm not saying that that's the right choice, but it was the choice for me. I think I took law school as an opportunity to try and focus my international work.

One of the big opportunities that I was given in law school is that I was allowed to do an internship through the Castan Centre [for Human Rights Law] at Monash, to the Australian mission in Geneva, actually, where I now ended up. I spent six months in Geneva in my third year of law school, working with Australian permanent mission and following what was there in the Commission of Human Rights. Seeing things in action was very inspiring. Then I thought, I know I want to keep being exposed to practical international law. I then went and did a second internship for six months in Costa Rica with an organisation called the Centre for Justice and International Law. Their focus is litigating human rights cases in the inter-American Commission and Court of Human Rights. I was supported by the foundation for young Australians for that internship. I feel like these were really seminal experiences.

Then I started to see the value of having a law degree and of what you can do as an international lawyer. When I came back to Melbourne, I was much more dedicated to try and finish my studies. That led me into what I decided to do: my honours law thesis, which was looking at the jurisprudence of the inter-American human rights system on Indigenous rights. This was some of the cases that I actually had been working on as an intern there and as a fellow at Sahil. So, I can't say that I went into law studies very sure that this was the right thing, but it really grew with me and then opportunities, as they arose, made it seem much more viable.

**Isabella:** Sure, it sounds like the passion for international affairs and relations was where it started and then the practicalities of being able to use a system of law grew on you. It sounds like you just continued that practical work after graduating from Monash. You went and completed your PLT while working as a judge's clerk in the Supreme Court of Victoria, could you tell us more about that role and why you chose that at that stage?

**Jacqui:** After I finished my law degree, I wanted to be able to be admitted to practice, but I wasn't sure that articles in a firm was something that was going to suit me. I thought an associateship would be a good way to combine the practical... it was kind of new at the time (the practical legal training option) and I was lucky to be able to find a job with a judge. I have to say, I really enjoyed the year and a half that I worked with him far more than I ever expected to. I think it was quite fascinating to be sitting up in criminal trials, drug trafficking murder trials, sexual violence, rape and then some civil litigation. Often the judges rotate as well, so there was even a short stint on the Court of Appeal. To really see law in practice is quite different from studying it. Seeing the barristers, seeing victims, alleged perpetrators, defence lawyers, you really get to see how the system works as a whole. I found it to be a really valuable experience. I would say to anyone considering it that it's worth certainly trying to pursue because you get a real insight into how the law works on a very deep level.

**Isabella:** I understand that you then went and got your masters at Columbia University - Masters in International Law. How did that come about and why did you choose Columbia?

**Jacqui:** I think I realised pretty early on, that for an international career you pretty much need an LLM. I thought that it would be great to do it abroad and I thought that it would be great to do it in New York. I think that was part of it. On a side note, I think whatever you do and whatever ambitions you have, you should be having fun along the way. This is not all about career and one opportunity to the next, but you should be doing things that are meaningful for you on a range of levels...personally, as well as professionally.

I thought a year in New York would be fantastic and Columbia has obviously got a really stellar international law program, so the two seemed like a really good fit. I also thought the States would make sense because there's a lot of good NGOs there. It's a real hub for international work. I thought that, should I be able to sort of get a step into an NGO or an organisation, then New York would be a really good place to do that from. I think that that's certainly true. Big American universities do have really good programs. I mean not just American universities...there's lots of universities around the world and they often have very good links to civil society organisations. I think, in particular, American organisations (for better or for worse) really value someone that's had a degree from American University.

It really was a great year on a lot of levels. It really was the stepping stone for me to get my first real international legal job which was with Earth Rights International just the following year.

**Isabella:** Right, so could you tell us more about that? After completing your masters did you have some kind of career goals in mind?

**Jacqui:** I really wanted to work for an NGO and I had ideas of which types of NGO's I wanted to work. I wanted to work for something legal or something that might be strategic litigation to further human rights. I was lucky to get a one-year fellowship with Earth Rights International. But...I applied to a lot of jobs and it's very competitive. Just as some advice to people, just send out applications and try not to take it personally. There will be a lot of rejection letters. It is very competitive.

I think another piece of advice that I might be able to add, is that I would advocate on the one hand, for trying your luck and applying broadly. But also try and see what makes sense; try and see, 'what is my added value here?' Because I think casting the net too widely... you could lose morale if you sent out 50 applications and don't hear back from any. I think it's very tough. I think a lot of people do get discouraged. I think that internships and fellowships and being creative around the type of work you can do and taking risks is all part of it. But...it can be quite discouraging, and I think that people shouldn't take it personally. Try and see...whether it's a particular language that you have, or a particular thematic expertise that you can bring, you might want to tailor applications to organisations that work in areas where they have a bit more of a niche. It certainly is a competitive field. In Australia as well as abroad, there is few jobs and a lot of people with a lot of interest and a lot of talented people. I received my fair share of rejection letters as I think most people have.

**Isabella:** So, you are kind of saying, it's okay to focus and narrow in on the choices that you think really will make sense. But be creative and try and figure out how any of these jobs may work for you in the long term in terms of where you see yourself going.

**Jacqui:** Exactly. Even if you decide to spend a few years working as a more traditional lawyer, these are skills that, I can see now, years down the track, actually are very valuable. I don't think there's ever a moment that is too late to do this switch and move into a field. Or if you start like 'okay, I need to just work for a few years and build up some base skills.' I think a lot of organisations would see that as an asset.

**Isabella:** I'm quite interested in this part of your life, when you were moving from grad school and the next couple of jobs that you held before the UN, could you talk us through the roles that you took and how they added to your experience and skill set?

**Jacqui:** Working at Earth Rights was a really fascinating experience. That year, our work focused around two major trials that had been very long in the making. [Both] were brought under the alien tort statute. It was for corporate accountability for violations of international human rights law. It was one trial against Shell and one trial against Chevron, in US courts. It was with Nigerian plaintiffs that were trying to bring these actions to sue multinational corporations, effectively, for environmental human rights damage. Very, very interesting,

very, very complicated legally. One of the trials actually went to trial and the corporation was acquitted, unfortunately, because the case is so difficult to make. But [in] the other trial there was a settlement, so the plaintiffs were able to walk away with some compensation. It was an interesting year. Very intense work. Where I came from at that point was this intersection: I'd worked in Latin America, with Sahil looking at Indigenous rights, land rights, corporations, mining companies...all these issues have been something that I've been working on in various capacities. I had actually been put in touch with [someone], who was at the time the special rapporteur on Indigenous people. I approached him and asked if he needed support, because I knew he had a program (some of the reporters have programs out of their own universities). He took me on as a legal advisor for his team. That was a really good opportunity as well. I guess that was the bridge to the UN because I wasn't employed by the UN, I was employed by his university which was the University of Arizona. I worked for him for quite a number of years. I really got to see a bit more of the UN. I accompanied him on a mission to Republic of Congo. We travelled to Geneva for various meetings. There's New York, there's various indigenous mechanisms that operate out of New York. It was a real chance to see a little bit of the inside of the UN and continue to draft and write reports, work on cases and go on missions...to have the field experience. I think it was a really fortunate combination. I had the necessary language skills that were helpful. Because in that kind of work, we do a lot of writing in Spanish and French and English, depending on the cases in the government. That was my next step after a more structured NGO job with SOHIL. I was working for him freelance, so during that time I also started to look for other projects. I did various consultancies for small NGOs. I think through that [experience] you also get a lot of exposure, you can see what kind of work different organisations are doing, which can be really valuable. [You] start to see what your skill set is, what it is that you enjoy, what it is that what types of organisations you'd like to work for.

**Isabella:** And that takes us to the UN and your time at the UN. It sounds varied, it sounds exhausting, at some parts emotionally and mentally draining to be part of... but it's fascinating for us to listen to your stories [and] about what you've been [doing] on the front line. You mentioned [at the] start your work on the Fact-Finding Mission in Myanmar took some time to recover from afterwards. How do you sustain that type of work?

**Jacqui:** I think that's a good question. That's why I said I think whatever you do, you need to make sure that you're having a good life for yourself as well. If your only happiness is stemming from your work and then work becomes hard or too much, then you're not going to have a safety net to fall back into. I don't think there's a clear answer for these kinds of things. There is what they call secondary trauma...I mean, we don't experience anything compared to the actual victims, but it is hard to listen to these types of stories and write them up. You end up dreaming about it and travelling to these places and then going home and coming back again. It's not easy. I think for me, what made it worthwhile was the sense that we were able to give these stories a platform. We were able to let the world know what actually happened. Even if journalists come and tell these stories (also in a very credible, excellent way), a report from the UN with the stamp on it saying that this is what the UN has found, was investigated, this happened... it gives real credibility to the victim's stories and the survivors. What we saw is, now there's a case before the ICJ, the International Criminal Court are taking up the case against the Rohingya. These are all things that stemmed out of that effort and work. I think we all felt that, while difficult, it was really important and

actually a privilege to be able to be in a position to let these testimonies see the light of day. Not just be in a notebook somewhere or [on the] front page for one day. This report will stand the test of time. Accountability is a slow process. We see what's happening in Myanmar today, and there doesn't seem to be much progress on that front. But what's happened is being recorded and, as we've seen countless times in history, it's important to do that work. I think the knowledge of how important the work that we were doing really helped us to find strength. But I have to say at the end I was very tired, and I needed to have a really good few weeks, even a couple of months off, to really fully recharge my batteries. It took quite a while. It's not something that you ever completely forget but I look back and think of it as a privilege, I think, more than anything.

**Isabella:** Yeah, the difficulty of it, but mixed with the meaning that perhaps you felt like you know played a part in it. I guess that's part of the job.

**Jacqui:** Exactly you've hit the nail on the head. None of this is easy to manage with family life. I've got small kids. To do this kind of work you have to leave them to go travel for a couple of weeks at a time. Particularly for women, that can be really challenging. People might not think that you're up to doing that kind of work or you could feel judged for doing that kind of work and leaving your family. There's a lot of elements we all have to overcome personally and also as a society, to make sure that we can all be seen as valuable contributors to this profession.

**Isabella:** Yeah, thanks for talking to that. It's not to put women in a box about asking this type of questions like 'How do you manage your personal life and your professional life?', but it is something that I consider. Like, how to have a well-balanced life while also being able to dig in deep for the work that I want to do. It sounds like you are managing that as well.

**Jacqui:** I think you just have to accept that there will be moments. It's kind of a long game and maybe there will be a year where work is less at the forefront and then there will be a year where other things are less at the forefront. If you can ride the waves and not assume that everything has to happen all at once immediately, and make space for your own happiness, then I think you're going to have a more satisfying professional career as well. Burning out, living abroad, without a community and family structure around you (or at least extended family)...if you don't find some kind of happiness on your own level then whatever you want with your career at one point probably [won't] be as meaningful for you. Or you might, you know, have other types of regrets. I think it's about finding some kind of balance, which isn't always easy. The way that work and life is structured doesn't make it straightforward at the best of times. Somehow navigating that and finding a way and finding people to support you with that, whether it's your partner or other people around you is really important. I have to say I think that's a really big thing, because you do see people that have given up everything to try and pursue a career in this field, which can take you to pretty difficult places, and witness traumas and give up other things in your life. It's great to take risks, there are opportunities to have amazing global adventures and really do meaningful work. At home and abroad, it doesn't need to be abroad, there's a lot that can be done at home. Just make sure that there's some balance in that because it is the long game, and it takes time. Things will happen when they need to happen.

**Isabella:** Absolutely, my millennial mind tells me that I need to have everything at once, but I have to remember there is actually a long life and career ahead of all of us, there is time for everything, just maybe not all at the same time.

**Jacqui:** Exactly.

**Isabella:** Well, thank you so much Jacqui. One last question, in your career has there been anything that surprised you in terms of what's important that you didn't think would be, or something that maybe hasn't been important that you placed a lot of stock in? I'm thinking about for us law students, the things that we try and focus on now and trying to think about what relatively does carry out into the world of work.

**Jacqui:** I think what you can take from law school and what is really valuable in law school and what I didn't realise at the time, is the precision and rigour that they require of you. When you get out into the world of work and whether you're working on an individual case or a situation or an investigation, you need to be accurate. Being accurate is actually a very difficult skill and it's something that I think law school is particularly qualified to teach you. How can you write something that has power and meaning and advocates for your case, or client, or situation as accurately as possible? Law school, in general, does really give you that. Those skills then later in life can be in a range of different professional settings. I think that being able to be very meticulous is a very good skill to have.

**Isabella:** Thank you, that makes a lot of sense.

**Jacqui:** In terms of a couple of tips. I would just say apply widely, have a bit of a thick skin and if there's any opportunities to volunteer, to publish something, try and do what you can in various ways. If there's internships or opportunities that you can pursue that make sense for you, then go for it. There's no one path. I've met a lot of people over the years and there's very many ways in and there's no prescribed path. Do what matters to you and be happy doing it and I think that you'll get there.

**Isabella:** Jacqui, your time and insight has been so invaluable for us, thank you so much.

**Jacqui:** Thanks a lot, very nice to chat.

**Isabella:** Thank you for listening to this episode of the Think Global series. To learn more about the work Jacqui's been doing, please see our Facebook page. We've also included links to opportunities in organisations such as the UN and the Centre for Justice and International law.