

Competition Background

Clara Barton International
Humanitarian
Law Competition

The Clara Barton Competition is a simulation-based competition which puts participants in the roles of humanitarian law practitioners to address complex legal issues in realistic environments.

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1. What is international humanitarian law (IHL)?

International humanitarian law (IHL) is a set of rules which seek, for humanitarian reasons, to limit the effects of armed conflict. Also known as the "law of war" or the "law of armed conflict" (LoAC), IHL protects persons who are not or are no longer participating in hostilities and restricts the means and methods of warfare. The Geneva Conventions of 1949 and their Additional Protocols provide the foundation for this legal regime. Despite universal adoption of the Geneva Conventions by nations, violations of IHL persist. The changing nature of warfare and the development of new advanced weaponry and methods of warfare raise significant questions about the application of IHL to modern conflicts.

2. Who is Clara Barton?

Clarissa Harlowe Barton - best known as Clara Barton – was a prominent humanitarian and the founder of the American Red Cross. Barton’s legacy has inspired generations of individuals to take action to assist people in need throughout the world and exemplifies the humanitarian spirit enshrined in the Geneva Conventions.

Barton’s story began in 1861 when she was working for the federal government as a recording clerk in the U.S. Patent Office in Washington D.C. As the Civil War escalated and fighting spread to the nation’s capital, Barton bore witness to the violence and suffering which engulfed the country. Refusing to be a bystander or flee the conflict, Barton rushed forward onto the battlefield to aid the victims of war. Throughout the course of the Civil War, Barton provided aid and supplies to sick, wounded, and hungry soldiers, irrespective of their allegiance. She petitioned government officials and army leadership who granted Barton access and safe passage into battle zones to provide lifesaving care. Barton’s aid was widely praised, her selfless services earning her the name “Angel of the Battlefield.”

Toward the end of the Civil War, Barton offered families assistance locating loved ones, eventually establishing the Office of Correspondence with Friends of the Missing Men of the United States Army. The Office helped identify over 22,000 missing soldiers, reconnecting them with their families or giving families the comfort of knowing where a loved one was buried.

After the conflict ended, Barton travelled to Europe where she was introduced to the work and writings of Henry Dunant, the founder of the International Committee of the Red Cross. Dunant’s work set the stage for the creation of the Geneva Convention of 1864, the first internationally recognized codification of basic principles regarding the conduct of armies in war. During her time in Europe, Barton served with members of the Red Cross movement, assisting in the delivery of humanitarian aid to wounded fighters during the Franco-Prussian War.

Inspired by Dunant’s vision of establishing an international network of humanitarian organizations, Barton eventually returned home and formed the American Association of the Red Cross. This association received Congressional charters in 1900 and 1905, evolving into the American Red Cross we know today. She also advocated for the federal government to ratify the 1864 Geneva Convention. Despite resistance from President Hayes in 1877 and delay caused by the assassination of President Garfield, President Chester Arthur finally signed, and the Senate ratified the treaty in 1882.

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Today, Barton is remembered as one of the most influential women in the field of international humanitarian law. The Clara Barton Competition is a tribute to Barton's contributions to the field of international humanitarian law, serving as a forum to raise awareness of IHL and strengthen the rule of law by training the next generation of advocates.

3. What is the Clara Barton Competition?

The Clara Barton International Humanitarian Law Competition is a simulation-based, experiential legal competition designed to expose rising professionals to the practice of IHL and to real world challenges facing IHL practitioners during armed conflict. During the Competition, participants will engage in a variety of practical role playing exercises, during which they will be asked to assume various professional roles and accomplish a wide range of tasks reflective of those performed by practitioners in the field. Unlike traditional moot court competitions, participants will explore the application of the law through fictional, but realistic case studies of armed conflict which continue to evolve throughout the Competition, offering participants a dynamic and creative atmosphere in which to explore complex legal issues. The Competition will test participants' knowledge of international humanitarian law and public international law, as well as their ability to present, advocate for, and defend legal positions to a diverse range of stakeholders in different simulated environments.

4. Eligibility

The Clara Barton Competition is open to students currently pursuing Juris Doctor (J.D.), Bachelor of Laws (LL.B.) or Master of Laws (LL.M.) degrees at law schools within the United States and Canada, as well as students attending United States and Canadian military academies and institutions. While not required, prior study in public international law is highly recommended. Teams are composed of three individuals representing a single institution. Only one team will be chosen to represent each institution and participants will only be eligible to compete in one edition of the Clara Barton Competition.

5. Purpose of the Competition

Today's students expect to be equipped with the practical skills necessary to be successful in their chosen careers immediately upon graduation. The greater emphasis being placed on experiential learning by academic institutions reflects an understanding of the need to adapt to changes in the legal profession and meet this expectation. With its unique hands-on learning model, the Clara Barton Competition offers students a one-of-a-kind opportunity to strengthen essential professional competencies as they prepare to enter the field of international law.

Unlike many other areas of the law, the practice of IHL is unique in that it is not limited to the confines of an office or a courtroom. Humanitarian law practitioners may be military commanders or Judge Advocates, non-profit humanitarian workers, government officials, academics, rights advocates, medical service providers and more. The Clara Barton Competition breaks from the format of typical moot court competitions that present static, two-sided debate through the recitation of legal briefs, and instead utilizes a dynamic case study based approach to take the law out of the books and expose students to a range of real world environments.

During the Competition, students will experience an intensive immersion into the operational practice of IHL. Students will be challenged to understand the mission objectives and operational parameters of

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these various humanitarian law professionals, work alongside and understand the strengths and limitations of these actors and the organizations they represent, analyze complexities and current developments in the law, advocate and apply the law to achieve operational objectives, identify solutions to challenging real-life situations, and negotiate competing perspectives in practical settings.

By bringing together law students and military cadets from different nations the Competition creates a unique synergy between professional programs and legal paradigms, enhancing the learning experience by providing a holistic look into the practice of law. Students will also have numerous opportunities to network with and receive feedback from leading practitioners within government, the military, international organizations, and academia.

As the only legal competition within the United States concentrating exclusively on the subject of international humanitarian law, the Clara Barton Competition is an invaluable opportunity for students to showcase their skills and gain valuable experience before they begin their careers.

It is an awesome experience because it has a direct impact on what I am going to be doing. I will be applying the things I've learned in this competition...to an actual career one day. – Martin Bunt, Emory University School of Law, Participant in 1st Clara Barton Competition.

6. Format of the Competition

The Competition is composed of a series of preliminary rounds, one semi-final round featuring the top four teams, and a final round featuring the top two teams. Each round will present a new case study which builds upon a larger hypothetical situation of armed conflict. Each round is composed of two independent parts: time to prepare each case study and the competitive simulations (called “advocacy sessions”). Teams will

receive case studies at the start of each round and will be allotted a specific amount of time to research and prepare the team’s position prior to the advocacy session. Teams therefore, will only discover the case study for a particular round at the start of that round and must perform the rapid legal analysis often required of IHL practitioners working in fast-paced and fluid environments.

Each case study will require teams to assume different professional roles and accomplish new objectives. Teams will be expected to adjust their positions according to the organization or groups that they represent. For example, teams may be asked to assume the roles of humanitarian aid workers, military commanders, representatives of watchdog organizations, members of non-state armed groups, or other actors in the field.

Advocacy sessions will vary in length and structure based on the context of each case study, ranging anywhere from 15 minutes to 1 hour depending on the complexity and format of the case study and the tasks assigned. The number of teams participating simultaneously in advocacy sessions may also change. Multiple teams may participate in a single advocacy session simultaneously, while other

“This experience has been tremendous because seldomly do you get to put the law into practice and this does give us every opportunity to express our knowledge of the law and to be able to exercise it in a very realistic but, at the same time, very practical simulation.” – William Xu, American University Washington College of Law, Participant in 1st Clara Barton Competition.

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scenarios may place teams in head-to-head sessions, or require teams to engage one-on-one with the judges. All teams will participate in each round, with multiple sessions running in parallel.

The Competition was a great experience because it really gives you an opportunity to dive into the details of international humanitarian law (IHL), which is a fascinating subject area. Each scenario focused on a relevant current topic of IHL and required our team to work together to figure out not only the answers to the questions posed, but also how best to make the persuasive arguments that conformed to our role's viewpoints. There are few competitions that allow you to take on the role of senior legal advisors, so Clara Barton offers valuable training in a fun and exciting setting. – Melissa Reilly-Diakun, University of Virginia School of Law, Participant in 1st Clara Barton Competition.

Judges for the competition in the past have included current and former Judge Advocates, government officials, representatives of the Red Cross and other humanitarian organizations, and leading academics. A judge's primary responsibility during the Competition will be to evaluate the performance of teams during each advocacy session; however, they may also participate as a stakeholder during these sessions. The judge's level of direct participation in the round will depend on the case study presented. For example, judges may lead advocacy sessions, act as the sole opposition in an advocacy session, or simply observe advocacy sessions.

Rounds will be unpredictable and dynamic, challenging teams' research and preparation skills, as well as their ability to think on their feet, adapt to rapidly changing situations, and analyze complex problems from a variety of viewpoints.

7. Applying for the Competition

Interested teams will complete an application package which includes a registration form, a statement of interest, and an answer to a hypothetical question(s) requiring legal analysis. All application materials, including the Application Package, a copy of the Competition Rules, and an official schedule will be available on the Competition website at <http://www.redcross.ca/how-we-help/international-humanitarian-law/conferences--trainings-and-events/clara-barton-international-humanitarian-law-competition.aspx>.

Application materials must be submitted to the Competition Committee by the date specified in the Application Package. Teams must also pay a \$100 non-refundable application fee upon registering for the Competition. All materials should be submitted in electronic form to the Competition Committee at clarabarton2017@gmail.com. Additional instructions will be available on the Competition website.

If a student came to me to ask if he or she should apply [for] the competition, I would say 'definitely yes', because it is a significant event in any law student's academic career. This is the kind of competition that is not only going to make them a better lawyer, but a better citizen. – Gary Solis, Retired Marine Judge Advocate, Adjunct Professor at Georgetown University Law Center and George Washington University Law School.

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8. Selection of Participants

The selection process is competitive and Competition slots are limited. The Competition Committee will evaluate and select teams based on the content of their application packages. The Competition Committee will consider teams based on: 1) the team's answers to the Application Hypothetical; 2) the team's Statement of Interest; 3) the individual team member's educational background in public international law generally, and international humanitarian law in particular; and 4) the individual team member's prior competition experience.

Please consult the Competition Rules, available on the Competition website, for additional information. All interested students are encouraged to apply.

9. Travel and Accommodations

Teams will be required to cover all travel and lodging expenses, including public transportation to and from the Competition hotel. Teams will also be responsible for bringing all resources they may utilize during the Competition, including books, props, laptops or other personal electronic devices, and any other materials they intended to use during the event.

10. Spirit of the Clara Barton Competition

The Clara Barton Competition Committee seeks to foster a spirit of collegiality during the Competition and build partnerships for future action. Although a competitive event, participants will be evaluated, in part, on the level of respect shown to their fellow competitors and the humanitarian spirit embraced by participants. Participants will have an opportunity to meet colleagues from across the United States and Canada, and together will face complex legal dilemmas. The Competition Committee expects all participants to exemplify the spirit of Clara Barton throughout the Competition. Together, participants will thrive and grow, the unique experiences of the Competition providing memories which will last a lifetime.

For more information about the Clara Barton Competition, please visit the Competition website at <http://www.redcross.ca/how-we-help/international-humanitarian-law/conferences--trainings-and-events/clara-barton-international-humanitarian-law-competition.aspx>.