Competition Backgrounder

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

American Red Cross
1st Annual Clara Barton International Humanitarian Law Competition

Washington D.C.
March 12-15, 2014
# TABLE OF CONTENTS

1. What is International Humanitarian Law (IHL)? 1

2. What is the Clara Barton Competition? 1

3. Purpose of the Competition 1

4. Who is Clara Barton? 1

5. Competition Dates and Locations 2

6. Eligibility 2

7. About the Simulated Learning Model 3

8. Format of the Competition 3

9. Format of the Rounds 4

10. Applying for the Competition 5

11. Selection of the Participants 5

12. Travel and Accommodations 6

13. Spirit of the Clara Barton Competition 6

Official Competition Schedule 7
International humanitarian law (IHL) is a set of rules which seek, for humanitarian reasons, to limit the effects of armed conflict. It 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 among 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 continued application of IHL to modern conflicts. IHL is also known as the "law of war" or the "law of armed conflict" (LoAC).

The Clara Barton International Humanitarian Law Competition is a simulation-based, experiential learning competition designed to introduce future attorneys to real-world challenges facing IHL practitioners during armed conflict. Modeled on the world renowned Jean-Pictet 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 various field assignments. Unlike traditional moot court competitions, each round of the Clara Barton Competition will present a new hypothetical case study, 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, and defend legal positions with a diverse range of stakeholders in different simulated environments.

As the only competition of its kind in the United States in the field of international humanitarian law, the Clara Barton Competition fills a critical gap in legal education, providing law students an opportunity to enhance their knowledge of international humanitarian law through practical, hands-on exercises. Participants will explore the application of the law through fictional, but realistic, case studies of armed conflict. During the Competition students will also have opportunities to network with and receive feedback from practitioners in the field. The Competition serves to educate students about the law in practice, the work of various stakeholders in the field, and cutting edge challenges facing the community of practitioners in the years ahead.

Clarissa Harlowe Barton - best known as Clara Barton - was 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 into 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 alongside the Red Cross movement, assisting in the delivery of humanitarian aid to wounded fighters throughout 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 organization seen 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.

Today, Barton is remembered as one of the most influential women in the field of international humanitarian law; her legacy continuing to drive the mission of the American Red Cross. 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 about IHL and strengthen the rule of law by training the next generation of advocates.

5. Competition Dates and Location

The Competition will be held March 12-15, 2014 in the greater Washington, D.C. area. Participants will stay at a competition hotel, where all Competition activities will take place. Additional information will be available on the Competition website by the opening of registration on October 28, 2013. For more information, please visit the Competition website at [http://www.redcross.org/clarabartoncompetition](http://www.redcross.org/clarabartoncompetition).

6. Eligibility

The Clara Barton Competition is open to current law students pursuing Juris Doctor (J.D.) or Master of Laws (LL.M.) degrees at law schools within the United States, as well as students attending United States military academies. Prior study in public international law is highly recommended. Sixteen teams will be invited to participate in this first edition of the Competition. Teams are composed of three individuals representing a single school. Only one team will be chosen to represent a particular school and participants will only be eligible to compete in one edition of the Clara Barton Competition. To ensure a level playing field for all teams regardless of resources, teams will compete without the assistance of a coach or tutor during the Competition. Additional information will be provided in the Competition rules which will be available on the Competition website no later than October 28, 2013.
CLARA BARTON IHL COMPETITION BACKGROUNDER

7. About the Simulated Learning Model

The law in practice is not limited to the confines of a courtroom. Humanitarian law practitioners take many different forms and work in a diverse range of capacities. They may be military commanders or a Judge Advocate General, non-profit humanitarian service providers, government officials, academics, rights advocates, medical practitioners and more. Simulated exercises are a fun, creative, and effective method to expose young professionals to the duties and responsibilities of these different actors in the humanitarian law field. They also teach practical skills which are necessary for success in professional careers.

For twenty-five years the Jean-Pictet Competition has provided opportunities to students throughout the world to compete in an unpredictable, fast-paced environment. Utilizing the successful Pictet learning model, the Clara Barton Competition offers students in the United States an alternative to routine moot court competitions and mundane classroom lectures. Throughout the Competition, students will be challenged to understand the mission objectives and operational parameters of various humanitarian law professionals, work alongside and understand the strengths and limitations of these agents and the organizations they represent, analyze complexities and cutting edge developments in the law, advocate and apply the law to achieve operational objectives, identify solutions to challenging real-life situations, and negotiate competing perspectives and priorities.

“From Pictet's simulations, I not only learned how to truly apply international humanitarian law, but also how organizations such as the ICRC have to balance their duties of protecting civilians while maintaining their neutrality. As a human rights advocate, it was somewhat difficult to put on the law of war "hat" and let go of those principles when debating military choices. I found the two areas of law to be quite similar in application though, since each requires decision makers to take into account the civilian population. What I learned most though was that I would definitely enjoy working in this area of law in the future since the hands-on, practical simulations provided me a unique perspective on IHL that I didn't get in the classroom.” – Catherine Moore, LL.M. University of Virginia School of Law. Participant in 2013 Jean-Pictet Competition.

“Participating in the 2005 Jean Pictet Competition was one of the best experiences I had during law school! This unique moot court experience allowed me to learn IHL theory in a setting that goes beyond mere pleadings before a hypothetical panel. It allowed me to practice and learn professional skills that have proven to be essential in my law career. I was also able to network and meet very interesting people with whom I still maintain contact through professional and personal networks. And finally is was lots of fun with people from all over the world! I would do it again and again if I could!” – Claudia Josi, Lecturer at Santa Clara Law School. Participant in 2005 Jean-Pictet Competition.

8. Format of the Competition

The Competition will be composed of four preliminary rounds, one semi-final round (top four teams), and a final round (top two teams). Each round will present a new case study building upon a larger hypothetical conflict. Teams will receive the 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. Accordingly, teams will only discover the individual case studies just prior to each advocacy session.
The following table depicts a sample timetable for the Competition. Rounds include time for preparation, as well as the advocacy session. Please note that official times and schedules are subject to change. A more detailed final competition schedule will be distributed to selected teams with their invitations.

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<tbody>
<tr>
<td><strong>Morning</strong></td>
<td>Arrival of Participants</td>
<td>Round 1</td>
<td>Round 3</td>
<td>Finals (Top 2 Teams)</td>
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<td>9:00am-Noon</td>
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<tr>
<td><strong>Afternoon</strong></td>
<td>Arrival of Participants</td>
<td>Round 2</td>
<td>Round 4</td>
<td>Close of the Competition and departure of participants</td>
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<td>1:30pm-5:00pm</td>
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<tr>
<td><strong>Evening Session</strong></td>
<td>Opening of the Competition and welcome reception</td>
<td>Free Evening</td>
<td>Semi-Finals (Top 4 Teams)</td>
<td>Departure of Participants</td>
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<td>6:30pm-9:00pm</td>
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9. Format of the Rounds

Each round will present teams with a different case study and require them to assume different professional roles. 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 international humanitarian law field. Each round will challenge teams to achieve a new set of objectives. Teams are encouraged to take steps to fulfill their roles by utilizing props or other resources as appropriate, or by changing attire.

The structure of each advocacy session will change. Specifically, the length of each advocacy session may be adjusted based on the context of the case study. While teams will be given ample preparation time before each advocacy session, these sessions may last anywhere from 15 minutes to 1 ½ hours depending on the complexity of the situation and the tasks assigned. The number of teams participating simultaneously in advocacy sessions may also change. Up to eight teams may participate in a single advocacy session simultaneously, while other scenarios may put teams in head-to-head sessions, or require teams to interact only with an active panel of judges during a particular advocacy session. All teams will participate in each round, with multiple advocacy sessions running in parallel.
Finally, the role of judges may also change throughout the Competition. 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 directly during advocacy 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 on particular case studies, may act as the sole opposition in an advocacy session, or may 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 factual situations, and analyze complex problems from a variety of viewpoints.

### 10. Applying for the Competition

Interested teams will complete a standard application form, provide a statement of interest, and prepare a short legal memorandum based on an initial hypothetical scenario. These memorandums will interpret a hypothetical IHL situation, and by utilizing primary and secondary resources, answer specific legal questions. Initial hypotheticals will be available upon the opening of registration on October 28, 2013. All materials, including applications, Competition rules, and the initial case study will be available on the Competition website at [http://www.redcross.org/clarabartoncompetition](http://www.redcross.org/clarabartoncompetition).

Applications must be submitted to the Competition Committee by 10:00pm EST on November 29, 2013. Teams must submit a $100 non-refundable application fee upon registering for the Competition. Legal memorandums must then be submitted to the Competition Committee by 10:00pm EST on December 13, 2013.

All materials should be submitted in electronic form to the Competition Committee at clarabartoncompetition@gmail.com. Additional instructions are included in the Official Competition Schedule included at the end of this backgrounder and will also be available on the Competition website.

### 11. Selection of Participants

The selection process is competitive and slots are limited. Teams will be evaluated based on the content of their applications as well as their written submissions. Each application will be reviewed by the Competition Committee. The Competition Committee will consider teams based on four criteria: 1) the team members’ educational background in public international law generally, and international humanitarian law in particular; 2) the team’s statement of interest; 3) the team’s formal legal memorandum; and 4) the team’s prior competition experience. All interested students are encouraged to apply.

After reviewing the applications and written submissions, the Competition Committee will extend a first round of invitations to the top 16 teams selected. First round invitations will be sent out by January 17, 2014. Invited teams must confirm their participation with the Competition Committee by January 24, 2014. In the event that an invited team declines the invitation or fails to confirm its participation with the Competition Committee prior to the January 24th deadline, the Competition Committee will distribute a second round of invitations for available competition slots to teams achieving the next highest score based on the above mentioned criteria. Second round invitations will be distributed by January 29, 2014 with the confirmation of attendance required by February 7, 2014.
Thanks to the generous support of our donors, the American Red Cross will cover hotel accommodations and meals for participating teams during the Competition. Teams, however, will be responsible for all travel expenses, including public transportation to and from the Competition hotel. All Competition activities will take place at the hotel and transportation information will be available on the Competition website prior to the event. The American Red Cross will also provide WiFi access for all participants. Teams will be responsible for bringing all resources they may utilize during the Competition, including books, props, laptops or other personal electronic devices, and other necessary materials.

The spirit of humanitarianism, personified by Clara Barton, lies at the foundation of the mission of the American Red Cross. It is this spirit which serves as a driving force for the selfless sacrifices which are made by the staff and volunteers of the American Red Cross who provide aid for those in need within the United States and around the world. Today, the American Red Cross works in partnership with a global network of Red Cross and Red Crescent entities to provide humanitarian assistance to those affected by armed conflict and natural disaster, raise awareness of international humanitarian law, and strengthen the rule of law. Through these partnerships the American Red Cross can help serve vulnerable communities wherever they may be found.

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 judged, 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 nation, and together will face unpredictable challenges. The Competition Committee expects all participants to exemplify the spirit of Clara Barton throughout the Competition. Together the participants will thrive and grow; the unique experiences of the Competition driving participants to seek out additional opportunities in the humanitarian law field and providing memories which will last a lifetime.

For more information about the 1st Annual Clara Barton Competition, please visit the Competition website at http://www.redcross.org/clarabartoncompetition.
OFFICIAL COMPETITION SCHEDULE

October 1st, 2013 – Release of Information Packet. Preliminary information about the Competition, including the format, methodology, application process and important dates, will be released on the Competition website http://www.redcross.org/clarabartoncompetition.

October 28th – Registration Open: Release of Rules, Application, and Initial Hypo. Competition applications, Competition rules, the initial hypothetical, and accompanying research documents will be available for download on the Competition website. A basic set of research documents will be provided with the initial hypothetical to ensure that all teams, regardless of budget and access to information, start on a level playing field and are equipped to prepare their formal legal memorandum.

November 22nd – Deadline for Requests for Corrections and Clarification of Initial Hypo. All requests for corrections and clarifications to the initial hypo must be sent to clarabartoncompetition@gmail.com. Please mark “Initial Hypo Clarifications” in the subject line. Questions will be answered in the order received unless the Competition Committee deems addressing a particular concern essential to ensure the fair and complete drafting of the formal legal memorandum. Answers will be posted as completed on the Competition website, with all answers posted no later than November 29, 2013.

November 29th – Registration Closes. All teams interested in participating in the 2014 competition must submit their registration form to clarabartoncompetition@gmail.com by 10:00pm EST to be considered for placement into the Competition. Please include “Registration Form” in the subject line.

December 13th – Deadline to Submit Memorandums. Memorandum must be received by 10:00pm EST on Friday, December 13th for the team to be eligible to participate in the Competition. Memorandum must be submitted to clarabartoncompetition@gmail.com. Please mark “Submission of Memorandum” in the subject line. Only electronic copies are accepted.

January 17th – 1st Round Invitations Distributed. Invitations to the top 16 teams selected to participate in the Competition will be sent by the Competition Committee.

January 24th – Deadline for Confirmation of Participation for 1st Round Invitees. Teams selected in the 1st round must send a formal letter of commitment to attend to clarabartoncompetition@gmail.com by 10:00pm EST. Please mark “Participation Confirmation” in the subject line. Non-responding teams and those who submit a confirmation after this deadline will forfeit their competition spot.

January 29th – 2nd Round Invitations Distributed. In the event an invited team declines an invitation or fails to confirm their participation prior to the January 24th deadline, the Competition Committee will distribute a second round of invitations for available competition slots to runners up, giving preferences to teams achieving the highest score on their application and written submissions.

February 7th – Deadline for Confirmation of Participation for 2nd Round Invitees. Teams selected in the 2nd round must send a formal letter of commitment to attend to clarabartoncompetition@gmail.com by 10:00pm EST. Please mark “Participation Confirmation” in the subject line. Non-responding teams and those who submit a confirmation after this deadline will forfeit their competition spot.