

2020 Official Rules

2020 Clara Barton
International Humanitarian
Law Competition

TABLE OF CONTENTS

| | |
|---|----------|
| Definitions | 1 |
| Section 1: Organization of the Competition | 2 |
| Section 2: Participation and Eligibility | 2 |
| Section 3: Application Requirements | 3 |
| Section 4: Coaching and Mentoring | 4 |
| Section 5: Selection of Teams | 5 |
| Section 6: General Structure of the Competition | 6 |
| Section 7: Judging the Competition | 6 |
| Section 8: Observers | 8 |
| Section 9: Electronic Devices | 8 |
| Section 10: Interpretation of the Rules and Resolution of Disputes | 9 |

CLARA BARTON INTERNATIONAL HUMANITARIAN LAW COMPETITION OFFICIAL RULES

DEFINITIONS

Advocacy Points: those points awarded to individual competitors by judges based on the quality of their performance during each advocacy session. Advocacy points are distinct from the points awarded to teams as a whole as set forth in Rule 7.6.

Advocacy Session: the portion of each round when participating teams role-play and advocate for their objectives as set forth in the case studies. Each round will have an advocacy session. Each advocacy session will be preceded by a time allotted for research and preparation of the case study which is the subject of the advocacy session.

Case Studies: the hypothetical scenarios which are the focus of each round. Each round will present participating teams with a new case study which builds upon previous scenarios.

Coach: any individual who serves in an advisory or mentoring capacity for teams applying to or competing in the Competition.

Competition: the Annual Clara Barton International Humanitarian Law Competition.

Competition Committee: the selected group of international humanitarian law practitioners which oversees the organization and operation of the Competition.

Competition Slots: the number of spots available for teams to compete in the Competition.

Elimination Rounds: the semi-final and final rounds of the Competition.

Judges: those individuals selected by the Competition Committee to evaluate the performance of teams during the Competition.

Observers: those individuals who are not participants of selected teams who receive prior approval from the Competition Committee to attend the Competition.

Rounds: the segments of the Competition during which teams will receive case studies, prepare for advocacy sessions, and participate in advocacy sessions. Rounds are therefore, inclusive of both the pre-advocacy session preparation period, as well as the advocacy sessions.

Team: a group of three individuals selected to represent an academic institution and participate in the Competition.

CLARA BARTON INTERNATIONAL HUMANITARIAN LAW COMPETITION OFFICIAL RULES

Section 1: Organization of the Competition

1.1. General – The Clara Barton International Humanitarian Law Competition (“Competition”) is a simulation-based legal competition established to raise awareness of international humanitarian law (IHL) and real-world challenges facing IHL practitioners in the field. Participants will explore the application of the law through fictional, but realistic, role-playing exercises based on case studies of armed conflict. Participants will be asked to assume various professional roles and accomplish a variety of tasks reflective of those undertaken by practitioners in the field. The Competition will educate students about the law in practice, the work of various stakeholders in the field, and cutting-edge challenges that the community of practitioners will face in the years ahead.

1.2 Competition Committee – The Competition Committee will be made of up no fewer than five individuals, who are representatives of humanitarian organizations, educators, and international law practitioners. The Competition Committee will oversee the organization of the Competition as well as all Competition operations, including, but not limited to drafting the Competition Rules and policies, the selection of participating teams, development of application materials, the development of Competition case studies, and the tabulation of Competition results.

1.3 Competition Schedule – Each year, prior to the opening of registration, the Competition Committee will release an official schedule, which will establish the deadlines for the Competition.

1.4 Competition Website – All Competition materials will be made available to the public on an official Competition Website. The Competition Website is <https://www.clarabartoncompetition.org>

1.5 Competition Email Account – All inquiries and competition materials must be sent to the Competition Committee at clarabartonIHLcompetition@gmail.com

Section 2: Participation and Eligibility

2.1 Team Member Eligibility – The Clara Barton IHL 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 North America, Central America, and South America, as well as students attending American military academies. Prior study in international humanitarian law, while not required, is highly recommended.

2.2 The Competition Field – The number of teams eligible to participate each year will be determined by the Competition Committee. The Competition Committee will select participating teams based on the factors set forth in Section 5 of these Rules.

2.3 Team Composition – Each team will be composed of three (3) student members from a single eligible institution. Although only one team may represent a single institution, the Competition Committee will entertain multiple submissions from an institution.

2.4 Exceptions to One Team per Institution Rule – In exceptional circumstances, as determined by the Competition Committee, an institution may send two (2) teams to the Competition as long as the team members are eligible to participate as per Rules 2.1 and 2.7 and meet the minimum selection criteria.

2.5 Alternates – Each team may elect to choose one (1) alternate to replace a member of a team who may become unavailable prior to the Competition. The alternate may engage in all of the same pre-Competition activities and work as the selected team members as outlined in Section 3 of these Rules.

CLARA BARTON INTERNATIONAL HUMANITARIAN LAW COMPETITION OFFICIAL RULES

Alternates assisting with the preparation of the application must register with the team and be designated as the selected alternate in the application package. Should a team decide not to designate an alternate during the initial application period but later require a replacement for a team member, the team should immediately contact the Competition Committee which will work with the requesting team to identify a solution. Alternates may attend the Competition if they register as Observers and adhere to the restrictions that apply to that position.

2.6 Selecting Team Members – Understanding that each eligible school may have different procedures and protocols for selecting team members, the Competition Committee defers to local institutions in determining which students may apply to participate in the Competition.

2.7 One Competition Rule – Team members may only compete in one edition of the Competition. Failure to receive an invitation, or withdrawal of a team prior to the Competition, will not prevent members of applying teams from competing in a future edition of the Competition. Participation as a competitor in the Competition will not preclude participation in other capacities in future editions of the Competition. Participants of past competitions are encouraged to serve as mentors for prospective competitors in subsequent editions of the Competition.

Section 3: Application Requirements

3.1 General Application Requirements – All applying teams will be required to complete and submit to the Competition Committee the following: 1) team member registration forms; 2) a statement of interest; 3) answer to a hypothetical legal scenario (hereinafter “Application Hypothetical”); and 4) an application fee.

3.2 Competition Fees – An application fee and participation fee are required to complete. If fees are paid by credit card, a 3% convenience fee is charged to partially offset the credit card processing fee. A non-refundable \$50 (\$51.50 if paid by credit card) application fee is required for all applying teams and is due prior to the close of registration. If a team is accepted to the competition, it must pay an additional \$950 (\$978.50 if paid by credit card) participation fee. These fees may be waived if a team can demonstrate that payment of such fees would result in hardship. The request for a hardship waiver form can found in the Competition Application and must be submitted with a team’s application documents detailing a good faith basis for waiver of the fees. Fees may be paid by check or credit card. **See the Competition Application for details on how to pay.**

3.3 Registration Deadline – All teams interested in participating in the Competition must submit their application packages to the Competition Committee at clarabartonIHLcompetition@gmail.com by the registration deadline to be considered for placement in the Competition. Please include the name of the institution and “Application Package” in the subject line of the email correspondence. Only electronic submissions will be accepted. **See the Competition Application for the application deadline.**

3.4 Application Hypothetical – Each team must analyze a hypothetical legal scenario (the Background Documents) included in the application package and answer the two evaluation questions. The team’s answers should be submitted as a separate document, with the answer to each question not to exceed 1,000 words, excluding endnotes. The answers should be double spaced, size twelve (12) Times New Roman font, with one (1) inch margins. The answers should not contain any information identifying the team’s institution. Any endnote citations should be prepared in accordance with *The Bluebook: A Uniform System of Citations*.

CLARA BARTON INTERNATIONAL HUMANITARIAN LAW COMPETITION OFFICIAL RULES

3.5 Answering Application Hypothetical – The Application Hypothetical may not have a single correct answer. Instead, these scenarios are designed to be open to interpretation. The Competition Committee will evaluate answers based on the criteria established in Rule 5.1.

3.6 Clarifications of Application Hypothetical - Following the distribution of the application, teams will be allowed to submit up to three (3) questions to the Competition Committee clarifying the legal questions presented. All requests for corrections and clarifications to the Application Hypothetical must be sent to the Competition Committee clarabartonIHLcompetition@gmail.com. Please mark “Clarifications to Application Hypothetical” in the subject line of the email correspondence. 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 answers. Answers to clarification questions will be posted as completed on the Competition website, with all questions posted no later than two (2) weeks before the close of registration. The Competition Committee reserves the right to decline answering any question it deems to be outside of the scope of the hypothetical and the call of the question(s) asked. Consult the Competition website for additional information and deadlines for submission of clarifications.

3.7 Completion of Required Competition Materials – All work necessary for the completion of the Competition Application as set forth in Rule 3.1, including but not limited to completing the registration form, the Application Hypothetical, as well as all research, writing and editing necessary for completion of these materials, shall be completed solely by the three (3) team members and one (1) alternate applying for the Competition. All alleged infractions will be reviewed on a case-by-case basis by the Competition Committee which will also adjudicate the proper penalty, including but not limited to the disqualification of the applying team from consideration. This rule does not prejudice the ability of coaches or mentors to educate and prepare team members on IHL and persuasive advocacy prior to the Competition as set forth in Rule 4.1. Therefore, students may continue to receive instruction from coaches and mentors, provided that students independently complete the Application Package.

3.8 Plagiarism – All references to published works must be properly cited in endnotes in accordance with Rule 3.4. Failure to properly attribute credit to the author of the work referenced may result in immediate disqualification from participation. All suspected infractions will be reviewed on a case-by-case basis by the Competition Committee which will also adjudicate the proper penalty for confirmed plagiarism. In the event that plagiarism is discovered, the Competition Committee reserves the right to contact the applying team’s home institution to report the infraction.

3.9 Extension of Application Process – The Competition Committee reserves the right to extend the application deadline as it deems necessary.

Section 4: Coaching and Mentoring

4.1 Preparatory Coaching – Prior to the Competition, teams may receive mentoring from faculty, coaches, or any other individual providing guidance or supporting teams in preparation for the event except as set forth in Rule 3.7. Applying teams are encouraged to pursue additional learning opportunities to strengthen their knowledge of international humanitarian law, such as enrolling in public international law, humanitarian law, human rights law and other related courses; or by receiving private tutoring by faculty or other practitioners prior to the Competition.

4.2 Coaching During the Competition – All assistance to teams or individual participants of any kind during the Competition is strictly prohibited. Allegations of unsanctioned outside assistance, will be

CLARA BARTON INTERNATIONAL HUMANITARIAN LAW COMPETITION OFFICIAL RULES

promptly investigated by the Competition Committee. In the event that the Competition Committee finds that a violation of this rule has occurred, the Competition Committee will take appropriate action, including but not limited to restricting a team's eligibility for Competition awards, exclusion of teams from the elimination rounds, or disqualification of teams from the Competition. In extraordinary circumstances the Competition Committee reserves the right to limit, restrict, or exclude prospective teams from offending institutions from one or more future editions of the Clara Barton IHL Competition. All decisions of the Competition Committee are final and may only be changed by the Competition Committee.

Section 5: Selection of Teams

5.1 Selection of Teams – 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. Answers to the Application Hypothetical will be evaluated for the correct application of relevant international humanitarian law principles to the specific facts presented in the various hypotheticals, the quality of legal analysis provided, the completeness of answers to specific questions asked in the scenarios, as well as the accuracy of citations, consistency of facts utilized in the answers, and consistency with formatting requirements.

5.2 Notification of Acceptance – Participation in the Competition to teams that have been selected by the Competition Committee based on its review of the application materials. Once the selection process is completed, the Competition Committee will notify the teams selected to participate in the Competition. The number of first round invitations distributed will be equivalent to the number of available Competition slots. **Selected teams must send a formal response of commitment to the Competition Committee at clarabartonIHLcompetition@gmail.com prior to the date specified in the acceptance letter.** Please include the name of the institution and "Participation Confirmation" in the subject line of the email correspondence. Non-responding teams, teams which have withdrawn their application, as well as those who submit a confirmation after this deadline will forfeit their Competition slot. In the event that a selected team declines the invitation to compete or fails to confirm its participation prior to the confirmation deadline, the Competition Committee will distribute a second round of invitations for available Competition slots. Second round invitations will be extended to the highest ranking teams not receiving first round invitations as determined by the Competition Committee. **Teams selected in the second round must send a formal letter of commitment to attend the Competition to the Competition Committee prior to the date specified in the invitation.** Please include the name of the institution and "Participation Confirmation" in the subject line of the email correspondence. Non-responding teams, teams which have withdrawn their application, as well as those who submit a confirmation after this deadline, will forfeit their Competition slot.

5.3. Extension of the Invitation Process – In the event that Competition slots remain unfilled after teams have been invited, the Competition Committee reserves the right to extend the invitation process as it deems necessary.

5.4 Application Award – During the selection process, applying teams will be considered for the Best Application Award. The Competition Committee will select that application that it determines to be the

CLARA BARTON INTERNATIONAL HUMANITARIAN LAW COMPETITION OFFICIAL RULES

best when judged against the same criteria as the requirements for Competition selection. To win the Best Application Award, the selected team must complete in the Competition. Failure to compete in the Competition will result in the award going to the next best application. The winner of the Application Award will be announced at the closing dinner of the Competition along with the other Competition Awards.

Section 6: General Structure of the Competition

6.1 General Structure – The Competition will be composed of several preliminary rounds, a semi-final round, and a final round. Each round will present a new case study building upon a larger hypothetical armed 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 each advocacy session. The Competition, as well as all Competition materials, will be in English.

6.2 Structure of Rounds – Each round will present teams with a different case study requiring them to assume different professional roles and accomplish different objectives. Teams will be expected to adjust their positions according to the organization or groups that they represent. The structure of advocacy sessions, including the length of each session, the number of teams participating in an advocacy session simultaneously, and the role of the judges during each advocacy session may also change from round to round. Teams may also be presented with objective short answer or multiple choice written questions to prepare and answer during their allocated preparation time, and submit at the beginning of their round. Individual and team performance will be evaluated as set forth in Rules 7.6., 7.7 and 7.8 of these Rules. Each team will be responsible for bringing to the Competition all materials, including research materials and props, they intend to use during the Competition.

6.3 Semi-Finals – The semi-final round will feature the four teams receiving the highest cumulative scores during the preliminary rounds. The semi-final round will be judged by a panel of no fewer than three (3) judges. Teams will be slotted for the semi-final round with the team with the highest cumulative score competing against the team with the lowest cumulative score and the team with the second highest cumulative score completing against the team with the third highest cumulative score. Once the semi-finalists have been selected and slotted, their previous scores are no longer considered (except in the case of a tie, see 7.10 below), and the semi-finalists will be evaluated solely on the basis of their performance during the semi-final round.

6.4 Final Round – The final round of the Competition will feature the two teams receiving the highest scores from each of the semi-final rounds. The final round will be judged by no fewer than three (3) judges. Finalists will be evaluated solely on the basis of their performance during the final round.

6.5 Attendance During Elimination Rounds: All teams are obligated to attend the elimination rounds unless they receive prior exemption by the Competition Committee based upon a valid, good faith reason for not attending.

Section 7: Judging the Competition

7.1 Judge Selection – The Competition Committee is charged with selecting judges for the Competition. All candidates must demonstrate a comprehensive knowledge of international humanitarian law to be

CLARA BARTON INTERNATIONAL HUMANITARIAN LAW COMPETITION OFFICIAL RULES

eligible to serve as a judge. All selections will be made by the sole discretion of the Competition Committee.

7.2 Conflict of Interest – All candidates for judges must disclose all prior associations with eligible academic institutions. The Competition Committee will endeavor to select judges from institutions other than those represented by teams at the Competition. The Competition Committee however, reserves the right to make exceptions, provided that it is satisfied with the judge's complete and genuine impartiality. In such case, the judge will be prohibited from evaluating the team(s) from the institution(s) the judge is affiliated with.

7.3 Confidentiality – Judges are prohibited from sharing information about the Competition, including but not limited to the evaluation criteria, judging guidelines, case studies, and communications with the Competition Committee, without prior authorization from the Competition Committee.

7.4 Role of the Judges – A judge's primary responsibility during the Competition is to evaluate the performance of teams during each advocacy session. Judges however, may participate directly in advocacy sessions. A judge's level of direct participation in advocacy sessions will depend on the case study presented. Judges may engage as stakeholders in advocacy sessions or simply observe advocacy sessions.

7.5 Number of Judges – Each advocacy session will be judged by no fewer than two (2) judges.

7.6 Evaluation Criteria – Teams will be evaluated primarily on their understanding and application of international humanitarian law to the situations encountered during each round. Other factors to be considered include the quality and clarity of the legal arguments presented, the ability of the team to realistically portray the role of the stakeholders they represent and achieve their objectives, as well as the level of respect shown for other teams and the level of contributions made by each team member. If objective short answer or multiple choice questions are also given for a round, those quizzes will also be scored and added to that round's overall score. Teams will be provided with an evaluation rubric prior to the start of the Competition.

7.7 Collaborative Assessment – For the purpose of evaluating teams, the performance of all individuals on the team will be considered together.

7.8 Individual Assessment – While this is ultimately a team competition, individual team members will be issued advocacy points based on the quality of their performance during each advocacy session. Points will be recorded, and individuals ranked, for the purposes of awarding advocacy awards. Judges will award advocacy points with reference to the performance categories set forth in the evaluation rubric, however, a team's performance and ranking will not affect the allocation of individual advocacy points.

7.9 Disclosure of Results – Judges will not disclose the results of advocacy sessions to competing teams or any other person observing the Competition, except for members of the Competition Committee, during the Competition. Judges may offer observations about advocacy sessions to teams only at the discretion of the Competition Committee. The Competition Committee has chosen to restrict in-Competition disclosure of results in order to maintain a positive and respectful atmosphere for all participants. Judges however, will complete an assessment sheet, which includes written feedback, for each team he or she observes during each advocacy session. Each assessment sheet will be submitted to the Competition Committee for recording. Upon the conclusion of the competition these comments

CLARA BARTON INTERNATIONAL HUMANITARIAN LAW COMPETITION OFFICIAL RULES

will be compiled and provided to the teams through their designated point of contact. The comments from the judges will remain anonymous.

7.10 Tiebreaking Procedures – In the event of a tie prior to the semi-final round, the team with the highest combined advocacy points among its members will advance. If a tie continues, the team with the highest combined advocacy points after dropping the lowest score among the three teammates will advance. In the event that a tie continues, the team with the member possessing the highest total advocacy points will advance. If a tie continues, the Competition Committee will make a good faith final determination based on its discretion.

Section 8: Observers

8.1 Observer Status - Individuals who are not participants of selected teams may attend the Competition with prior approval from the Competition Committee. The Competition Committee, at its discretion, may limit the number of observers who may be present during the Competition. Observers will be responsible for their own food, lodging, and transportation expenses. To obtain an Observer Registration Form, please email the Competition Committee at clarabartonIHLcompetition@gmail.com and include "Observer Registration Form Request" in the subject line of the email correspondence.

8.2 Student Observers: One Competition Rule – Students otherwise eligible to compete in the Competition as per Rules 2.1 and 2.7 will remain eligible to participate in future editions of the Competition if they attend the Competition as an observer.

8.3 Non-Interaction Clause – Observers may not assist participating teams or individual members in any way during the Competition. Observers must sign an agreement that they will not provide any support to teams during the Competition. Allegations of violations of this Rule will be promptly investigated by the Competition Committee. In the event that the Competition Committee identifies a violation of this Rule, the Competition Committee will ask the Observer to leave the Competition and will take additional action deemed appropriate, including but not limited to exclusion from the Competition the team receiving assistance or reporting the violation to the observer's institution of affiliation. All decisions of the Competition Committee are final and may only be changed by the Competition Committee.

Section 9: Electronic Devices

9.1 Use of Electronic Devices – The use of laptops, tablets or other devices for the purposes of conducting research during the Competition sessions is permissible. Electronic devices can be used during the Advocacy Sessions, however, teams should keep in mind that the simulations are designed to create a realistic environment for the consideration of legal issues. The simulations are fast paced, and the use of electronic devices may or may not benefit the team. No electronic devices will be provided by the Competition Committee. Also, the Competition Committee cannot guarantee printer access or projection capability during the Competition. Teams should plan to participate in the Competition without these capabilities. WIFI access will be provided during the Competition, but in the event of a WIFI outage, the competition will continue without WIFI access.

9.2 Video Recording the Competition – Video recording of the Competition is prohibited except by sponsoring institutions and those receiving prior approval of the Competition Committee. Photography is allowed provided that it does not disrupt teams preparing for or participating in advocacy sessions.

CLARA BARTON INTERNATIONAL HUMANITARIAN LAW COMPETITION OFFICIAL RULES

Section 10: Interpretation of the Rules and Resolution of Disputes

10.1 Authority of the Competition Committee – The Competition Committee will interpret the Official Rules and resolve any questions which may arise during the Competition. In order to clarify the rules, the Competition Committee may, as appropriate and as it deems necessary, promulgate or amend the rules prior to or during the Competition. All clarifications, amendments or changes will be posted on the Competition website.