

## CLARA BARTON COMPETITION: IHL STUDY GUIDE

The Clara Barton IHL Competition is a simulation-based legal competition that immerses law students in real-world challenges faced by international humanitarian law (IHL) practitioners. Unlike traditional moot courts, it uses evolving fictional conflict scenarios to test students' legal knowledge and practical skills through role-play. Competitors take on professional roles and complete tasks requiring advocacy, legal analysis, and strategic decision-making in dynamic, realistic settings.

This Study Guide is designed to provide a practical introduction to IHL to help law students prepare for the Competition. It is not exhaustive and should not be relied upon as a prediction of the legal issues that will arise during the Competition. Rather, it offers foundational knowledge and resources to allow participants to analyze legal problems, engage in role-play scenarios, and advocate effectively using international legal standards.

### I. SOURCES OF INTERNATIONAL HUMANITARIAN LAW

IHL is derived from a variety of sources, each contributing to the legal framework that governs the conduct of parties during armed conflict. Understanding these sources is essential to applying the correct legal standards and identifying which rules apply in a given scenario.

During the Competition, participants will need to be able to distinguish between binding and non-binding sources, assess the relevance of specific legal provisions, and cite authoritative norms from different branches of international law. The four principal sources discussed below form the core body of IHL.

#### A. Treaties

Treaties are the primary source of IHL. They are legally binding agreements between states and provide specific obligations for conduct during armed conflict. Some of the key treaties include:

- The 1949 Geneva Conventions
  - [GC I](#), for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field.
  - [GC II](#), for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea.
  - [GC III](#), relative to the Treatment of Prisoners of War.
  - [GC IV](#), relative to the Protection of Civilian Persons in Time of War.
- The Geneva Convention Additional Protocols
  - [AP I](#): Protocol Additional to the Geneva Conventions of 1949, and relating to the Protection of Victims of International Armed Conflicts.
  - [AP II](#): Protocol Additional to the Geneva Conventions of 1949, and relating to the Protection of Victims of Non-International Armed Conflicts.
  - [AP III](#): Protocol Additional to the Geneva Conventions of 1949, and relating to the Adoption of an Additional Distinctive Emblem.
- The Hague Conventions of [1899](#) and [1907](#) relating to the Laws and Customs of War on Land
- [Convention on Cultural Property](#) [The 1954 Hague Convention on Cultural Property](#) (1954)
- [Convention on the Rights of the Child](#) (1989), [Optional Protocol on the Involvement of Children in Armed Conflict](#) (2000)

- [Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques](#) (1976)
- Weapons Conventions
  - [Protocol for the Prohibition of the Use of Asphyxiating, Poisonous or Other Gases, and Warfare](#) (1925)
  - [Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological and Toxin Weapons and on their Destruction](#) (1972)
  - [Convention on the Prohibitions or Restrictions on the Use of Certain Conventional Weapons](#) (1983)
  - [Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction](#) (1993)
  - [Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction](#) (1997)
  - [Convention on Cluster Munitions](#) (2008)
  - [Arms Trade Treaty](#) (2014)
- Other/Misc.
  - [Convention on the Prevention and Punishment of the Crime of Genocide](#) (1948)
  - [International Covenant on Civil and Political Rights](#) (1966)
  - [International Covenant on Economic, Social, and Cultural Rights](#) (1966)
  - [Vienna Convention on the Law of Treaties](#) (1969)
  - [Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment](#) (1984)
  - [United Nations Convention on the Law of the Sea](#) (1994)
  - [The Rome Statute of the International Criminal Court](#) (1998) – applicable to concepts of international criminal law

**NOTE:** *Treaties apply to states that have ratified them, but some provisions may also reflect customary law and be binding on all parties to a conflict.*

## B. Customary International Law (CIL)

CIL arises from the general and consistent practice of states, followed out of a sense of legal obligation (opinio juris). Many customary rules of IHL bind all parties to armed conflict, including non-state armed groups.

### EXAMPLES OF CUSTOMARY RULES

- Prohibition on targeting civilians
- Requirement to treat detainees humanely
- Prohibition of weapons that cause superfluous injury

Refer to the [ICRC's Customary IHL Database](#) for an extensive list of these rules.

## C. Case Law

Judicial decisions from international courts and tribunals interpret IHL and clarify its application. While not binding precedent outside the court that issued them, these rulings are highly persuasive.

### KEY SOURCES

- **International Criminal Tribunal for the Former Yugoslavia (ICTY):** e.g., [Tadić](#) (establishing criteria for NIACs), [Čelibići](#) (command responsibility for detention center abuses), [Martić](#) (use of prohibited weapons and targeting civilians).
- **International Criminal Tribunal for Rwanda (ICTR):** e.g., [Akayesu](#) (first conviction for genocide, expanded understanding of sexual violence as a war crime), [Bagilishema](#) (duty to protect civilians under commander responsibility).
- **International Criminal Court (ICC):** e.g., [Lubanga](#) (use of child soldiers), [Ntaganda](#) (attacks on protected persons and objects), [Al Hassan](#) (sexual violence as war crimes).
- **International Court of Justice (ICJ):** e.g., [Nicaragua v. United States](#) (application of IHL and use of force in armed conflict), [Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons](#) (intersection of IHL and weapons law).

Refer to the ICRC's [Chronology of Cases and Documents Relating to Past and Contemporary Conflicts](#).

## D. Domestic Law

States may implement IHL through national legislation, including penal codes and military manuals. While domestic law is typically not the focus of the Competition, understanding how states domesticate IHL may help participants in advocacy or compliance-based roles, especially when discussing enforcement or accountability mechanisms.

# II. ESSENTIAL CONCEPTS OF IHL

Below are critical legal principles that govern the conduct of armed conflict. You should be prepared to apply them to hypothetical situations, analyze violations, and advocate for or against their application depending on your assigned role.

## A. Classification of Armed Conflict

Understanding the classification of conflict is foundational to any IHL analysis, as different legal frameworks apply to international and non-international armed conflicts.

- **International Armed Conflict (IAC):** Conflict between two or more States. All four Geneva Conventions and AP I apply.
- **Non-International Armed Conflict (NIAC):** Armed conflict within a state between governmental forces and organized non-state groups, or between such groups. Governed primarily by Common Article 3 of the Geneva Conventions and AP II.

### EXAMPLE

- **IAC:** When State A's military crosses the border into State B's territory and engages State B's armed forces, this is an IAC. Even if neither State formally declares war, the threshold of an IAC is met by virtue of hostilities between the armed forces of States.
- **NIAC:** If an organized rebel group engages in sustained and intense hostilities against government forces within the territory of State C and meets the threshold of organization and the conflict meets a sufficient level of intensity, it would constitute a NIAC.

## B. [Distinction](#)

The principle of distinction requires that parties to a conflict distinguish between combatants and civilians, and between military objectives and civilian objects. Attacks may only be directed at combatants and military objectives. In so far as objects are concerned, military objectives are limited to those objects which by their nature, location, purpose or use make an effective contribution to military action and whose partial or total destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage.

- **Combatants:** Lawful military targets (generally all members of an armed force, not including medical or religious personnel).
- **Civilians:** Must not be targeted unless and for such time as they take direct part in hostilities.

#### EXAMPLE

- A bakery used exclusively for civilian food supply is a civilian object. If it is used to house fighters, it may become a lawful target.

#### C. Proportionality

Attacks must not cause incidental loss of civilian life, injury, or damage that would be excessive in relation to the concrete and direct military advantage anticipated.

#### EXAMPLE

- Destroying a bridge to delay enemy troops may be lawful, but not if the attack would kill hundreds of civilians sheltering nearby and the military advantage is minimal.

**NOTE:** *This is not a ban on civilian harm, but rather a balance test.*

#### D. Military Necessity

Permits measures not prohibited by international law that are necessary to accomplish a legitimate military purpose (i.e. to weaken the military capacity of the military capacity of the opposing force).

**NOTE:** *Must be balanced with humanity and distinction.*

#### EXAMPLE

- Disabling a military communications network is permissible if done in a way that avoids unnecessary suffering to civilians.

#### E. Humanity / Unnecessary Suffering

Prohibits weapons or methods of warfare that cause superfluous injury or unnecessary suffering to combatants.

#### EXAMPLES OF PROHIBITED WEAPONS

- Cluster munitions
- Anti-personnel landmines

- Chemical weapons

Refer to the [ICRC's overview of weapons that are regulated by IHL treaties](#).

## F. Protected Persons

Provides specific protections to different categories of persons who are affected by armed conflict. The primary categories include:

- Wounded and sick (GC I/II)
- Prisoners of war (GC III)
- Civilians (GC IV)

**NOTE:** *Protections include humane treatment, medical care, and protections against violence and coercion.*

## G. Protected Objects

Certain objects are afforded protection under IHL because of their humanitarian importance or civilian character. Some examples include:

- Medical units and transports (GC I/II, AP I Art. 12)
- Cultural property (1954 Hague Convention)
- The natural environment (AP I Art. 55)

**NOTE:** *Objects lose protection if used for military purposes, but attacks must still comply with proportionality.*

### CULTURAL PROPERTY

Cultural property refers to monuments, art, architecture, manuscripts, and other objects of great importance to the cultural heritage of peoples. It includes both immovable (e.g., historic buildings, archaeological sites) and movable property (e.g., paintings, books, artifacts). It is protected during armed conflict, in accordance with:

- The 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (along with its Protocols)
- Additional Protocol I to the Geneva Conventions (Article 53)
- Customary IHL (Rules 38–41, ICRC)

Cultural property may not be used for military purposes, if such use would expose it to destruction or damage. There is an affirmative obligation to respect and protect, meaning parties must refrain from directing acts of hostility against cultural property.

## H. Direct Participation in Hostilities

Civilians lose protection from attack “for such time as they take a direct part in hostilities” (AP I, Art. 51(3)). This loss of protection is temporary and must be assessed based on the specific conduct and its nexus to the hostilities.

#### EXAMPLES OF DIRECT PARTICIPATION

- Civilians firing weapons at enemy combatants
- Planting improvised explosive devices (IEDs)
- Gathering tactical intelligence on enemy troop movements
- Transporting ammunition to active combatants on the front line

**NOTE:** *Mere political advocacy, general support for a party to the conflict, or presence near a military objective does not constitute direct participation. The threshold is high and must involve a direct causal link between the civilian act and the likely harm to the adversary.*

### I. Implementation and Enforcement

States have obligations to implement IHL domestically and prosecute grave breaches.

- High Contracting Parties (states that have ratified the Geneva Conventions) must respect and ensure respect for IHL (Common Art. 1).
- States are required to search for and prosecute individuals alleged to have committed grave breaches of the Geneva Conventions (GC I–IV, Art. 49/50/129/146).

**NOTE:** *Effective implementation also includes dissemination of IHL to military personnel and the public, integration into national law and training, and cooperation with international accountability mechanisms.*

### J. Essential Principles of International Criminal Law

International Criminal Law (ICL) is an intertwined area of international law that draws from international humanitarian law and human rights law to establish individual criminal accountability for the most serious crimes of concern to the international community, including genocide, war crimes, crimes against humanity, and the crime of aggression. Understanding these principles is vital when discussing accountability for war crimes and grave breaches.

- **Individual Responsibility:** Persons can be held personally liable for war crimes, genocide, and crimes against humanity. This includes both direct perpetrators and those with command responsibility.
- **Command Responsibility:** Superiors are criminally responsible for crimes committed by subordinates if they knew or should have known and failed to prevent or punish them (Rome Statute, Art. 28).
- **Complementarity:** Under the Rome Statute, the ICC only acts when national jurisdictions are unwilling or unable to prosecute.
- **Jurisdiction of the ICC:** The ICC can prosecute crimes committed on the territory of a State Party or by its nationals, or when a situation is referred by the UN Security Council.
- **Due Process Rights:** All accused individuals are entitled to a fair trial, including the presumption of innocence and the right to counsel (Rome Statute, Art. 67).

### III. RECOMMENDED RESOURCES

#### A. Online Resources

- [ICRC's Comprehensive Introduction to IHL](#): This is an e-book that aims to strengthen the knowledge of IHL through accessible yet comprehensive explanations. Each chapter tackles a different IHL issue through exact articles of the Geneva Conventions and Additional Protocols that apply to the issue and explanations of how the law is interpreted.
- [ICRC's Casebook – How Does Law Protect In War?](#): This ICRC Casebook provides detailed case studies to explain the fundamental principles and complexities in IHL
- [ICRC Self-directed course on IHL](#): This is a basic and free course on IHL provided by the ICRC.
- [ICRC Customary IHL Database](#): Database that contains 161 rules of Customary IHL identified in a 2005 study by the ICRC.
- [ICRC Interpretative Guidance on the Notion of Direct Participation in Hostilities](#): Recommendations based on rules and principles of customary and treaty IHL as well as travaux préparatoires of treaties, international jurisprudence, military manuals and standard works of legal doctrine as it pertains to civilians directly participating in hostilities.
- [International Review of the Red Cross](#): Quarterly Journal published by the ICRC and Cambridge University Press.
- [Lawfare](#): Lawfare is a national security blog that has a Laws of War section.
- [American Society of International Law \(ASIL\) IHL Electronic Resource Guide](#): A guide similar to this one for resources on IHL.
- [JIB JAB Podcast](#): A podcast with different guests discussing their areas of IHL expertise.
- [Rule of Law in Armed Conflict \(RULAC\)](#): Launched in 2007, the Rule of Law in Armed Conflicts (RULAC) online portal systematically qualifies situations of armed violence using the definition of armed conflict under international humanitarian law. RULAC also identifies the parties to these conflicts and applicable international law. It currently monitors more than 110 armed conflicts involving at least 55 states and more than 70 armed non-State actors.
- [Articles of War \(Lieber Institute\)](#): Articles of War is a curated digital publication that offers a platform for timely analysis, debate and commentary around legal challenges arising from the contemporary battlefield.
- [American Red Cross IHL Webinar Recordings](#)

#### B. Casebooks

- *The Law of Armed Conflict: International Humanitarian Law in War* by Gary D. Solis
- *International Humanitarian Law: Rules, Controversies, and Solutions to Problems Arising in Warfare* by Marco Sassòli
- *Principles of International Humanitarian Law* by Jonathan Crowe and Kylie Weston-Scheuber
- *The Oxford Handbook of International Law in Armed Conflict* edited by Andrew Clapham and Paola Gaeta
- *The Law in War: A Concise Overview* by Geoffrey Corn, Ken Watkin, and Jamie Williamson
- *The Law of Armed Conflict: An Operational Approach* by Corn, Hansen, Jackson, Jenks, Jensen, and Schoettler
- *International Law and Armed Conflict: Fundamental Principles and Contemporary Challenges in the Law of War* by Laurie Blank

### III. COMPETITION PREPARATION

While there is no single correct way to prepare for the Clara Barton IHL Competition, successful teams often take a structured and immersive approach to build familiarity with both the law and the format of the event. Below are strategies to help your team prepare effectively:

- **Review Past Rounds & Simulate Role-Play Scenarios**
  - Access past Clara Barton Competition rounds from the CBC [website](#).
  - Analyze the fact patterns, identify applicable treaty provisions, and practice applying the law to novel scenarios.
  - Practice assuming various roles such as ICRC delegates, state representatives, legal advisors, or members of a non-state armed group.
  - Develop the ability to adjust tone and style based on role, toggling between legal and policy arguments.
- **Team Coordination & Strategic Practice**
  - Decide early how you will divide tasks for research, presentation, and responding to judges (e.g., designate a point person to lead on classification)
  - Ensure each team member is familiar with all legal topics to allow seamless role coverage if needed.
  - Run full practice rounds under timed conditions, including interruptions and new facts.
  - Train for calm, persuasive responses—even under pressure or challenge.
- **Create Practical Study Aids & Engage With Resources**
  - Develop a reference binder or digital “cheat sheet” with treaty articles, common arguments, and legal standards.
  - Highlight key distinctions (e.g., IAC vs. NIAC, POW vs. civilian detainees) with quick reference tables or use flowcharts to map out rules for targeting, protections, and conflict classification.
  - Attend IHL webinars and lectures or utilize IHL podcasts and blogs to familiarize yourself with core and evolving concepts/interpretations.
  - If possible, schedule practice rounds or consult with professors/practitioners who can provide feedback.
- **Stay Adaptable**
  - Prepare for curveballs in the form of unexpected facts, legal dilemmas, or urgent role demands.
  - Stay in character as your credibility may depend on your ability to think and respond authentically within your assigned role.

If you have any questions regarding the structure or rules of the Competition, please consult the official competition rules and participant guide or email [clarabartonihl@redcross.org](mailto:clarabartonihl@redcross.org).

**Good luck and remember: effective advocacy begins with a deep understanding of the law and a readiness to apply it clearly, confidently, and precisely.**