

6th South Asian Essay Writing Competition on  
International Humanitarian Law

# ENSAYO 2014

Organized by the Centre for Advanced Study in International Humanitarian Law,  
Rajiv Gandhi National University of Law, Punjab  
In collaboration with the International Committee of the Red Cross  
Regional Delegation for South Asia, New Delhi



## ICRC

## COMPETITION HANDBOOK

*Henry Dunant.*

**CENTRE FOR ADVANCED STUDY IN  
INTERNATIONAL HUMANITARIAN LAW  
RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB  
INDIA**

# ENSAYO 2014

6th South Asian Essay Writing Competition on  
International Humanitarian Law

## Advisory Committee

PROF. (DR.) PARAMJIT S. JASWAL  
VICE CHANCELLOR,  
RGNUL PUNJAB,  
INDIA

DR. ANURADHA SAIBABA  
LEGAL ADVISOR-  
ACADEMIC PROGRAMMES,  
INTERNATIONAL COMMITTEE OF  
RED CROSS  
(REGIONAL DELEGATION)  
NEW DELHI

PROF. (DR.) G.S. SANDHU  
REGISTRAR,  
RGNUL PUNJAB,  
INDIA

## CHIEF COORDINATOR

MS. SANGEETA TAAK  
CENTRE COORDINATOR  
CASH

## STUDENT COORDINATORS

JATIN GARG  
TATHAGATA CHATTERJEE  
RIYA PREM RAJ

*Last date for Submission: 30 May 2014*

*Declaration of Results: 30 June 2014*

*Prize Distribution: 12 August 2014*



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## About CASH

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International Humanitarian Law (IHL) is a set of procedures, which seeks for humanitarian causes, to limit the effects of armed conflict. The subject of IHL has assumed immense significance in India since nearly a decade and is offering fresher avenues for law graduates in the 21st Century. Therefore, creating awareness and concern among the students, so that they respect and promote its development, and are, able to sensitize general public about the provisions of IHL, is an essential task to include International Humanitarian Law as a subject at academic level. The aim of CASH is.

- To promote teaching and research in the area of IHL.
- To ensure that the future leaders and opinion makers understand practical relevance of IHL and have a thorough knowledge of its basic principles. It has been working to achieve this aim by promoting various research activities and organizing various events.

### Events organized by CASH

- In 2007-08, with the copious financial and logistic support of the International Committee of Red Cross (Regional Delegation, New Delhi) RGNUL organized "The LAWASIA Moot Court Competition", followed by a "One Day Sensitization Programme on International Humanitarian Law" and "The Bar Council of India Moot Court Competition".
- CASH in collaboration with The Indian Campaign on International Criminal Court (ICC-India) organized a "Training of the Trainers Programme (TOT) on International Criminal Law (ICL)" from 27th February 2009 to 1st March 2009.
- CASH organized second "Training of the Trainers Programme (TOT) on International Criminal Law (ICL)" from 27-29 January, 2012 in which Dr. Sanoj Rajan, Academic Responsible In charge, ICRC, New Delhi, Professor (Dr.) Sheshaiah Shasthri, NLU Jodhpur, Professor (Dr.) David Ambrose, University of Madras, Ms. Sowmya K.C, Legal Officer, ICRC, New Delhi, Professor (Dr.) G.I.S. Sandhu, Registrar, RGNUL were main speakers.
- Annual Essay Writing Competition on International Humanitarian Law, known as ENSAYO.



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## About the ICRC

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The ICRC is an independent and neutral humanitarian organization ensuring humanitarian protection and assistance for victims of war and armed violence. It takes action in response to emergencies and promotes respect for International Humanitarian Law and its implementation in countries around the world.

One of the mandates of ICRC is to promote knowledge of humanitarian law among those whom it intends to protect – the civilian population and among those who have to apply it – the combatants. For the ICRC, partnerships with universities are vital in its efforts to foster respect for international humanitarian law. By encouraging universities to offer courses on IHL and initiating activities in this subject, the ICRC reaches out to the next generation of leaders and decision makers. The ICRC has taken a number of steps to achieve this in the South Asian region.

The ICRC, through its Delegations in South Asia, especially Regional Delegation for South Asia at New Delhi is closely involved in promoting International Humanitarian Law in academic institutions in this region. Thus, the Regional Delegation regularly organizes events like ‘South Asian Teaching Session on International Humanitarian Law’ for academicians, military officers, diplomats and NGO’s. It also organises Teachers Training Programme for the University Professors from the faculties of Law, Political Science, International Studies, Journalism and Mass Media etc. It supports research and publications in this field and also publishes a journal on International Humanitarian Law along with its partner institution. It organizes academic events on specific aspects of International Humanitarian Law such as the International Criminal Court, the Additional Protocols of 1977, the issue of anti-personnel landmines etc.

The delegation also accepts students for internships, has established a documentation Centre on its premises, supports libraries of academic institutions by providing publications on International Humanitarian Law, holds moot court and essay-writing competitions and arranges other academically oriented events. Since 1999, together with its partner institutions like the Indian Society of International Law, NALSAR University of Law and IGNOU it has launched various academic courses in International Humanitarian Law.

It must be stressed that as an imperative these activities of the ICRC Regional Delegation in New Delhi are conducted in collaboration with universities and other educational institutions in the region and with academic societies. Academic institutions have generally shown a keen interest in introducing International Humanitarian Law into higher education. As a result, there is considerable awareness of its importance among the academic communities in South Asia.



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## About RGNUL

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*"Our endeavour is to serve the society through reforms in legal services by the way of preparing professionally competent lawyers, inquisitive researchers, able administrators, conscientious judicial officers, and above all, socially responsible citizens, who shall be whole-heartedly and continuously engaged in the process of nation building..."*

Rajiv Gandhi National University of Law (RGNUL), Punjab, was established by the State Legislature of Punjab by passing the Rajiv Gandhi National University of Law, Punjab Act, 2006 (Punjab Act No. 12 of 2006). The Act incorporated a University of Law of national stature in Punjab, in so doing fulfilling the need for a Centre of Excellence in legal education in the modern age of globalization and liberalization. RGNUL started functioning from its Headquarters-Mohindra Kothi, The Mall, Patiala w.e.f. 26 May 2006. The University acquired approval of the Bar Council of India (BCI) in July 2006. The University also got registered with the University Grants Commission (UGC), New Delhi under Section 2(f) of the University Grants Commission Act, 1956 and has been declared fit to obtain grant from the (UGC) under Section 12 -B of the UGC Act, 1956.

Presently, RGNUL is operative from a heritage building of the former Patiala State, the Mohindra Kothi, at The Mall, located in the heart of Patiala city in a pollution free environment. Keeping in view the requirements of a National University of Law, necessary infrastructure has been developed like classrooms, lectures halls, computer labs, library, reading hall, health centre, gymnasium and other sports facilities. There are separate buildings for the Administrative Block, Academic Block, Library, Hostels, Mess House, Canteen and so forth to cater the needs of a national institution.

RGNUL has a well-equipped and computerized Central Library with near about 20,000 titles in addition to specialized libraries of the Research Centers. There are two advanced Computer Labs with 60 computers and leased line internet connectivity. The University is fully residential with boys and girls staying in separate hostels. The RGNUL Campus is Wi-Fi enabled which extends to the respective hostels round the clock.

The main campus of the University is at Village Sidhuwal, Bhadson Road, Patiala in an area of 50 Acres of land. A State-of-the-art campus has been designed. The fully residential and self-sufficient campus will have Administrative cum-Academic Block, spacious Library, Auditorium, Sports Complex, Boys and Girls Hostels, Guest House, Community Hall, Health Centre, residences and various other facilities.

The University has also set up Centre for Advanced Study in Criminal Law (CASCL); Centre for Consumer Protection Law and Advocacy (CCPLA); Centre for Advanced Study in International Humanitarian Law (CASH); School of Agricultural Law and Economics (SALE); RGNUL Institute for Competitive Examination (RICE); Bureau of Information for Study Abroad (BISA) and Directorate of Distance Education (DODE). The objective of these Centres is to undertake advanced study and research in the emerging areas of the respective fields, independently or in collaboration with professional institutions at the national or international levels; to bring about publications and produce study material in the respective fields of knowledge; to organize seminars, workshops and conferences on contemporary and significant issues. School of Law of the Indira Gandhi National Open University (IGNOU), New Delhi has also set up a Study Centre at RGNUL, Patiala under its Regional Centre at Khanna (Punjab). For the first time, a Post Graduate Certificate Course in Cyber Laws (PGCCL) has started from January 2009 as the Distance Learning Programme of the IGNOU from the RGNUL Campus.

RGNUL is also a member of a number of professional organizations of national and international stature like the Asian Law Institute (ALI), Singapore; Commonwealth Legal Education Association (CLEA); Forum of South Asian Clinical Law Teachers (FSACLT), Goa; Indian Economic Association (IEA); Indian Institute of Comparative Law (IICL), Jaipur; Indian Institute of Public Administration (IIPA), New Delhi; Indian Law Institute (ILI), New Delhi; Indian Political Science Association (IPSA); Indian Society of Criminology (ISC), Madras; Indian Society of International Law (ISIL), New Delhi; Institute of Constitutional and Parliamentary Studies (ICPS), New Delhi; International Association of Law Schools (IALS), and International Law Students Association (ILSA), United States of America.



## Competition Handbook



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### About ENSAYO

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CASH at RGNUL has the credit of having organized an independent Essay Writing Competition on IHL for the first time in India. The first ever ENSAYO was conducted in 2009, and its 6<sup>th</sup> edition is being conducted in 2014 in association with the Regional Delegation of the ICRC at New Delhi.

#### ENSAYO 2009

**Topic:** *Effect of War on Children, Family, Environment and Heritage*

**Judges:** Hon'ble Mr. Justice Madan B. Lokur- *Judge, Supreme Court of India*, Colonel (Retd.) U.C. Jha,  
Prof. Manoj Kumar Sinha- *Director, Indian Law Institute, New Delhi*,  
Mr. Siddhartha Varadarajan, *Former Editor, The Hindu*

Award	Name	Institution	Prize Money
1st Prize	Mrinal Shankar	School of Law, Christ University, Bengaluru	INR 10,000
2nd Prize	Priyank Kapadia	NALSAR University of Law, Hyderabad	INR 7,500
3rd Prize	Preetika Mishra	Rajiv Gandhi National University of Law, Punjab	INR 5,000

#### ENSAYO 2010

**Topic:** *Women and War*

**Judges:** Hon'ble Mr. Justice G.S. Singhvi- *Former Judge, Supreme Court of India*, Professor V.S. Mani  
Prof. David Ambrose- *Head, University of Madras*, Mr. Sitaram Kakarala,  
Mr. P.H. Parekh *President, Supreme Court of India Bar Association*,  
Prof. (Dr.) Y.S.R. Murthy Registrar, O.P. Jindal Global University

Award	Name	Institution	Prize Money
1st Prize	Ashish Ransom	Ram Manohar Lohia National Law University, Lucknow	INR 15,000
2nd Prize	Preetika Mishra	Rajiv Gandhi National University of Law, Punjab	INR 10,000
3rd Prize	Sudhanshu Kumar	Chanakya National Law University	INR 7,000



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### ENSAYO 2011

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**Topic:** Health Care and Armed Conflict

**Judges.** Prof. ( Dr.) Venkat Rao, *Vice Chancellor, NLSIU Bangalore*, Dr. Borhan Uddin Khan-  
*Professor, University of Dhaka*, Dr. P. Saravanmuttu, Andrey Kozik- *University of Minsk*  
Geeta Pathak Sangroula- *Kathmandu School of Law*, M.A.M. Hakeem-*University of Colombo*

Award	Name	Institution	Prize Money
1st Prize	Sahana Pal	Gujarat National Law University, Gandhinagar	INR 25,000
2nd Prize	Nandita Batra	University Institute of Legal Studies, Panjab University, Chandigarh	INR 15,000
3rd Prize	Piyush Khanna	Rajiv Gandhi National University of Law, Punjab	INR 10,000

### ENSAYO 2012

**Topic:** Explosive Remnants of War

**Judges.** Ms. Anuradha Saibaba- *NLSIU Bangalore*, Dr. Anupam Jha, Dr. David Ambrose- *Madras University*, Wing Commander (Retd.) U.C. Jha, Prof. (Dr.) Y.S.R. Murthy-*Registrar, O.P. Jindal University*,

Award	Name	Institution	Prize Money
1st Prize	Yugichha Sangroula	Kathmandu School of Law, Nepal	INR 25,000
2nd Prize	Shishir Yadav	Kathmandu School of Law, Nepal	INR 15,000
3rd Prize	Shatakshi Johri	School of Law, Nirma University, Gujarat	INR 10,000





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### ENSAYO 2013

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**Topic:** Moving Beyond the Rhetoric: New Global & Domestic Challenges of Enforcement in International Humanitarian Law

**Judges:** Mr. Vinai K. Singh– *Indian Society of International Law*, Dr. Srinivas Burra– *South Asian University, New Delhi*, Dr. Rhishikesh Dave– *School of Law, Nirma University*

Award	Name	Institution	Prize Money
1st Prize	Ishani Dash	West Bengal National University of Juridical Sciences, Kolkata	INR 25,000
2nd Prize	Manas Apurva	National Law Institute University, Bhopal	INR 15,000
3rd Prize	Janhavi Pande	ILS Law College, Pune	INR 10,000



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## ENSAYO 2014 : Concept Note

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### International Humanitarian Law in South Asia : Prospects & Challenges

Armed conflict, since time immemorial, remains an integral part of human civilization. The changing nature of armed conflict, however, creates a visible paradigm shift. International Humanitarian Law (IHL) (also known as the Laws of War or Law of Armed Conflict) is therefore challenged from an adequacy, interpretation and compliance perspective. The notion of traditional hostilities between States has given way to a modern perspective of armed conflicts, which involve – to a significant extent – Non-State actors and armed/ organised groups. Today's theatre of armed conflict therefore creates unprecedented levels of humanitarian concerns, including (but not limited to) mass civilian casualties. In addition to the new typology and classification of conflicts, the application and enforcement of IHL are also challenged in relation to advancements in technology and the wide array of sophisticated and complex weaponry which are utilised in the conduct of hostilities. With increasing attacks on humanitarian and relief workers, IHL is confronted with new challenges.

The subcontinent has been mired with conflicts. States have been dogging civil wars for decades and many have been in a process of transition. Countries moving from state of war and armed conflicts to rule of law and democracy have persistently encountered challenges in implementation and application of IHL. The relevance of IHL in post conflict countries has been an engaging and daunting task. With some countries having ratified the Rome Statue as well as initiating domestic criminal tribunals to seek accountability for war crimes, the field is fertile to infuse and reinvigorate the enforcement of IHL norms. This notwithstanding amnesties have been passed, justice systems are weak, nascent political situations exist and economy being in doldrums, the aspects of compliance remain a herculean task. Reconciliation and reparations in conflict ridden nations have also been problematic.



## ENSAYO 2013 : Concept Note

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### Continued

IHL is a set of rules which seeks, for humanitarian reasons, to limit the effects of armed conflict. The four Geneva Conventions (1949) and three Additional Protocols (1977 and 2005) typify the basis of contemporary IHL. Violations of IHL, however, continue unabated essentially due to non-compliance by States and non-State actors. Critics argue, however, that the existing IHL corpus (treaties, custom, judicial decisions and so on), neither sufficiently addresses the legal and practical uncertainties created by the use of new weapons systems nor prevent the humanitarian catastrophes which they may cause. The participation of civilians and protection of health care service providers in armed conflict also challenge the application and credibility of IHL, which ultimately calls for a discussion on the adaptability and an evaluation of IHL enforcement and compliance mechanisms.

The general purpose and object of the ICRC as a neutral, independent and impartial humanitarian organisation and intermediary is to provide protection and assistance to those victims of armed conflict and other situations of violence, as well as to contribute to the development, implementation and promotion of IHL. Henry Dunant – the person, whose vision led to the creation of the ICRC – became the first joint recipient of the Noble Peace Prize in 1901. The ICRC this year marked its 150<sup>th</sup> anniversary – a century and a half of humanitarian work and mandate across the globe.



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## Submission Guidelines I

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### Participation

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1. Ensayo 2014: International essay-writing competition on International Humanitarian Law is open to students from the disciplines of Law, Political Science, Sociology, Psychology, Defense Studies, International Relations, Medical Sciences, Mass Media and Journalism from Afghanistan, Bangladesh, Bhutan, India, Maldives, Myanmar, Nepal, Iran, Pakistan and Sri Lanka.
2. Each participant shall be permitted to submit only one individual entry.
3. Joint entries shall not be permitted.
4. There is no Registration Fee for the competition.
5. To participate in the competition, participants must submit their essay along with the filled registration form by May 30, 2014.
6. The Essay should be submitted in MS WORD format only.
7. The last date of submission is May 30, 2014 latest by 23:59 hours Indian Standard Time. Submissions will however be accepted till two days after the last date of submission, with a penalty of 1 mark per day.
8. The essay must contain an abstract not exceeding 200 words mentioning the key issues and setting out the main conclusions reached.
9. No part of the essay, except the cover page, should contain any form of identification of the participant.
10. No hard copy submission of the essay is to be made.

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### Presentation

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1. The participants may choose to write on any topic within the ambit of the broader theme of the competition.
2. Submission must not exceed 3500 words (exclusive of footnotes).
3. Violation of the word limit will result in a penalty of 1 marks per 50 words exceeded.
4. The essay must include references in the form of footnotes. The Oxford Standard for Citation of Legal Authorities (OSCOLA) should be followed for the same.
5. All submissions must be original and bona fide work of the participants; plagiarism will result in automatic disqualifications.
6. The contestants by entering in the contest agree to indemnify the organizers from and against all claims, suits, and damages based on any claim of copyright infringement or plagiarism or unauthorized use.
7. All entries shall be considered to be the property of the Centre for Advanced Study in International Humanitarian Law (CASH) which reserves the right of publication of the same in any book, journal, or in any other manner as it may deem appropriate, without providing any royalty or compensation.
8. The essay should not have been submitted in any other competition and/or for publication whatsoever.
9. All the essays should follow the specifications as mentioned in the following page.



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## Submission Guidelines II

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Font	Font Size	Line Spacing	Alignment	Footnoting Style
<b>Text &amp; Footnote, Times New Roman</b>	<b>Text: 12 Footnote: 10</b>	<b>1.5</b>	<b>Justified</b>	<b>The Oxford Standard for Citation of Legal Authorities (OSCOLA)</b>

Ingenuity/ Originality	Quality of Research	Structure and Clarity	English/ Grammar	Presentation (Formatting)
<b>30 Marks</b>	<b>30 Marks</b>	<b>20 Marks</b>	<b>10 Marks</b>	<b>10 Marks</b>

First Prize	Second Prize	Third Prize
<b>INR 25,000/-</b>	<b>INR 15,000/-</b>	<b>INR 10,000/-</b>



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## Additional Information

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The ICRC and the Rajiv Gandhi National University of Law, Punjab  
reserve the right to repeal or alter any rule without prior  
intimation

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### ENSAYO 2014 Organising Committee

#### Contact Details

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##### Chief Coordinator

Ms. Sangeeta Taak

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##### Student Coordinators

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For regular updates, please visit the official competition website at

[www.ensayo.asia](http://www.ensayo.asia)

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For any query regarding the competition, please visit the Contact Us section of the competition website. You may also contact the Student Coordinators or mail us at [contactus@ensayo.asia](mailto:contactus@ensayo.asia)

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Please submit your entry on our website. You may also send your competition entry along with the necessary documents to us at [submission@ensayo.asia](mailto:submission@ensayo.asia)

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*Henry Dunant.*



# ENSAYO 2014 ICRC

6th South Asian Essay Writing Competition on International Humanitarian Law

*(Open for students from Afghanistan, Bangladesh, Bhutan, India, Iran, Maldives, Myanmar, Nepal, Pakistan and Sri Lanka)*

Organised by the Centre for Advanced Study in International Humanitarian Law, RGNUL in collaboration with the International Committee of the Red Cross (ICRC), Regional Delegation for South Asia at New Delhi

## THEME:

International Humanitarian Law in South Asia:  
Prospects & Challenges

### Advisory Committee

Prof. (Dr.) Paramjit S.  
Jaswal  
Vice Chancellor,  
RGNUL Punjab,  
India

Dr. Anuradha Saibaba  
Legal Adviser  
Academic Programmes,  
International Committee of  
Red Cross  
(Regional Delegation)  
New Delhi

Prof. (Dr.) G.I.S. Sandhu  
Registrar,  
RGNUL Punjab,  
India

First Prize  
INR 25,000  
(Henry Dunant Prize)

Second Prize  
INR 15,000

Third Prize  
INR 10,000

Last date of Submission: 30 May 2014

*CENTRE FOR ADVANCED STUDY IN INTERNATIONAL HUMANITARIAN LAW*  
RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB  
INDIA

Please visit us at [WWW.ENSAYO.ASIA](http://WWW.ENSAYO.ASIA) for further details & rules of the competition



**CENTRE FOR ADVANCED STUDY IN  
INTERNATIONAL HUMANITARIAN LAW(CASH)  
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