

VII SOUTH ASIAN ESSAY WRITING COMPETITION ON
INTERNATIONAL HUMANITARIAN LAW

ENSAYO 2015

ORGANIZED BY THE
CENTRE FOR ADVANCED STUDY IN
INTERNATIONAL HUMANITARIAN LAW (CASH),
RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB
IN COLLABORATION WITH THE
INTERNATIONAL COMMITTEE OF THE RED CROSS
REGIONAL DELEGATION FOR SOUTH ASIA, NEW DELHI, INDIA



ICRC

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



ENSAYO 2015



ICRC

VII South Asian Essay Writing Competition on International Humanitarian Law

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INDIA

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

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LAST DATE OF SUBMISSION: 05TH DECEMBER, 2015

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ABOUT CASH

International Humanitarian Law (IHL) is a set of procedures, which seeks for humanitarian causes, to limit the effects of armed conflict. Centre for Advanced Study in International Humanitarian Law (CASH) seeks to create awareness and concern among the students, so that they respect and promote the development and are able to sensitize general public about the provisions of IHL, thus it is an essential task to include International Humanitarian Law as a subject at academic level. The aims of Centre for Advanced Study in International Humanitarian Law (CASH) are-

- To promote teaching and research in the area of IHL by sensitizing teachers, researchers and students, so that IHL is chosen as a future field in their future research endeavors.
- To ensure that the future leaders and opinion makers understand practical relevance of IHL, and have a thorough knowledge of its basic principles. CASH has been working to achieve this aim by promoting various research activities and organizing events.

EVENTS ORGANIZED BY CASH

In 2007-2008, 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.
- CASH has been successfully organizing the Annual essay writing Competition on International Humanitarian Law, known as ENSAYO, for the last six years.

FUTURE ENDEAVOR OF CASH

- CASH is planning to organize “Training of the Trainers Programme (TOT) 2016”
- CASH is envisaging the organizing of a Conference on the International Humanitarian Law and also workshops and symposia for the same in the year 2016.

ABOUT ICRC

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 been interested 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.

ABOUT RGNUL

Rajiv Gandhi National University of Law (RGNUL), Punjab is a premier educational institute situated in the vibrant state of Punjab. It was established by the State Legislature of Punjab by passing the RGNUL, Punjab Act, 2006 (Punjab Act No. 12 of 2006). The University acquired approval of the Bar Council of India (BCI) in July 2006. In 2007, the University also got registered with the University Grants Commission (UGC), New Delhi under Section 2(f) of the UGC Act, 1956 and was declared eligible to obtain grant from the UGC under Section 12(B) of the same. The University since then has gained a reputation for the excellence of its faculty and its brilliant students who have gained distinction in many fields. It has been accredited 'A' grade by NAAC in 2015.

The University has set up six centers of excellence. One of them is Centre for Advanced Study in International Humanitarian Law (CASH). 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 level; to bring about publications and produce study material in the respective fields of knowledge; organize seminars, workshops and conferences on contemporary and significant issues.

RGNUL is also a member of a number of professional organizations of national and international stature like the Asian Law Institute (ASLI), International Association of Law Schools (IALS), International Law Students Association (ILSA), Legal Information Institute of India (LII of India), etc.

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ABOUT ENSAYO

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 6th 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, Patna	INR 7,000

ENSAYO 2011

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

ENSAYO 2013

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

ENSAYO 2014

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

JUDGES: Prof. Sheshaiah Shasthari, *National Law University, Jodhpur*, Prof. Daniel Mathew, *National Law University, Delhi*

Award	Name	Institution	Prize Money
1st Prize	Ananya Kumar Singh	National Law University, Bhopal	INR 25,000
2nd Prize	Medhaka Fernando	University of Colombo, Sri Lanka	INR 15,000
3rd Prize	Shubhendu Mishra	Nirma University, Gujarat	INR 10,000

ENSAYO 2015 : CONCEPT NOTE

HEALTH CARE DURING ARMED CONFLICTS

INTRODUCTION

The International Committee of the Red Cross (ICRC) is an impartial, neutral and independent organization whose exclusively humanitarian mission is to protect the lives and dignity of victims of armed conflict and other situations of violence and to provide them with assistance. The ICRC also endeavours to prevent suffering by promoting and strengthening humanitarian law and universal humanitarian principles. Established in 1863, the ICRC is at the origin of the Geneva Conventions and the International Red Cross and Red Crescent Movement. It directs and coordinates the international activities conducted by the Movement in armed conflicts and other situations of violence. Providing assistance to the wounded, regardless of the side on which they fought, is the idea that gave birth to the International Red Cross and Red Crescent Movement over 150 years ago on the blood-stained battlefield of Solferino, Italy.

From these humble beginnings emerged international law to assert the right of combatants and civilians alike – to be spared further suffering during armed conflict and to receive assistance. To assure this in practice, health-care facilities and personnel, and medical vehicles, had to be protected: attacks upon them are forbidden as long as they retain a neutral function and treat all patients equally, irrespective of political, religious or ethnic affiliation. Protective symbols such as the red cross, red crescent and red crystal were introduced to clearly identify medical installations, vehicles and personnel as protected entities. These provisions, enshrined in the four Geneva Conventions of 1949 and their Additional Protocols and in customary international law, match the right to receive health care with an obligation on all parties to a conflict to search for and collect the wounded after battle, and to facilitate access to health-care facilities. These laws are binding on all States and parties to conflicts around the world, however they are not always respected.

Attacks on health-care facilities during armed violence and internal disturbances tend to fall into four main categories. The first is the deliberate targeting of such places to gain military advantage by depriving opponents and those perceived to support them of medical assistance for injuries sustained.

The second category of attack is also deliberate, but this time for political, religious or ethnic reasons rather than for military advantage *per se*. The third type of attack is unintentional bombardment or shelling– “collateral damage” from a missile or mortar aimed at a military target. Finally, the fourth and perhaps most common form of violence committed against health-care facilities is the looting of drugs and medical equipment.

ENSAYO 2015 : CONCEPT NOTE

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Further, in relation to the misuse of health-care facilities, it may be said that such facilities retain their protected status as long as they are exclusively devoted to the care of the wounded and the sick and are not used to advance military goals. Unfortunately, there have been many occasions when the neutrality of a healthcare facility has been compromised through its use to store weapons or launch attacks.

In some contexts, the wounded and the sick face discrimination in access to, and quality of, health care. Although prohibited by international humanitarian law and human rights law, as well as contrary to medical ethics, health-care personnel have refused to treat, or given inferior treatment to patients on the basis of their ethnicity, religion or political affiliation. One final violation of the rights of the wounded and the sick that frequently occurs in armed conflict – but is difficult to document – is the failure of combatants to search for, assist, and evacuate the wounded.

As a response, the ICRC mounts emergency action plans to outbreaks of conflict around the world: this includes a range of medical activities, from collecting the wounded to war surgery. It also undertakes many initiatives behind the scenes – both immediate during conflict and longer-term during peacetime – to create an environment of respect for the work of the International Red Cross and Red Crescent Movement and for International Humanitarian Law in general.

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SUBMISSION GUIDELINES

PARTICIPATION

1. ENSAYO 2015, South Asian Essay writing competition on International Humanitarian law is open to students from the disciplines of Law, Political Science, International Relations, Medical Sciences, Mass Media and Journalism from Afghanistan, Bangladesh, Bhutan, India, Iran, Maldives, Myanmar, Nepal, Pakistan, Sri Lanka.
2. Each participant shall be permitted to submit one individual entry only. Joint entries shall not be permitted.
3. There is no Registration fee for the competition.
4. The registration form can be downloaded from the official university website: www.rgnul.ac.in.
5. To participate in the essay competition, the participant must submit their essay along with the registration form available at www.rgnul.ac.in to ensayoedition7@gmail.com. No hard copy submission is to be made.
6. The last date of submission is 5th December latest by 23:00 hours Indian Standard Time. Any submission after the prescribed time shall be not acceptable.

PRESENTATION

1. The participants may choose to write on any topic within the ambit of the broader theme of the competition.
2. An abstract not exceeding 200 words mentioning the key issues and setting out the main conclusions reached, must be attached. The title of the mail should be “Essay Submission 2015”.
3. Submission must not exceed 4000 words (exclusive of footnotes).
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 citations.
5. All submission must be and bona fide work of the participants. Plagiarism will result in automatic disqualification.
6. No part of the essay, except the cover page, should contain any form of identification of the participant. Non-adherence to such rule shall result in disqualification.
7. Submissions should be sent as soft copies to “ensayoedition7@gmail.com” in .doc or docx format. only.

8. All submissions must adhere to the following requirements:

Format	Specification
Font	Times New Roman
Font Size	12
Line Spacing	1.5
Footnote Font Size	10
Footnote Spacing	1.0
Alignment	Justified

9. 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.
10. The essay should not have been submitted in any other competition and/or for publication whatsoever.
11. Any clarifications or enquiry should be sent to “ensayoedition7@gmail.com”.
12. 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.

MARKING CRITERIA

1. Each essay will be marked on a total of 100 marks.
2. The marking criteria for the entries shall be as follows:-

Criteria	Marks
Ingenuity/ Originality	30
Quality of Research	25
Structure and Clarity	25
English/Grammar	10
Presentation and Formatting	10

3. Violation of the word limit will result in a penalty of 0.25 marks per 50 words exceeded.

AWARDS

1. A certificate of merit and cash prizes shall be awarded to each of the three best essays.
2. The cash prize awarded shall be as follows:-
First Prize - INR 25,000 (Henry Dunant Prize)
Second Prize - INR 15,000
Third Prize - INR 10,000
3. Certificate of participation will be given to all participants.
4. Result shall be published on the university website: www.rgnul.ac.in.
5. In case of any dispute, decision of the Advisory Committee shall be final & binding.

CASH AT THE ADVICE AND DISCRETION OF ADVISORY COMMITTEE SHALL HAVE A RIGHT
TO MAKE ANY AMENDMENT TO THE RULES.



ADDITIONAL INFORMATION

ENSAYO 2015 ORGANISING COMMITTEE CONTACT DETAILS

CHIEF COORDINATOR

DR. SANGEETA TAAK
FACULTY-COORDINATOR
CENTRE FOR ADVANCED STUDY IN
INTERNATIONAL HUMANITARIAN LAW (CASH)

STUDENT COORDINATORS

MR. ANIRUDH MALPANI +91-8288911615
MS. KANIKA JAMWAL +91-8872264897
MR. PRAFFUL DAWANI +91-9876690927

For regular updates, please visit the official competition website at:

www.rgnul.ac.in

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 ensayoedition7@gmail.com



RGNUL

**CENTRE FOR ADVANCED STUDY IN
INTERNATIONAL HUMANITARIAN LAW(CASH)
RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB
SIDHUWAL-BHADSON ROAD
PATIALA, PUNJAB
INDIA**

PHONE NO: +91- 175- 2391200

WEBSITE: www.rgnul.ac.in, E-MAIL: ensayoedition7@gmail.com