

# International law and armed conflict: implications for emergency and humanitarian organisations

## Introduction

Emergency and humanitarian workers are increasingly likely to find themselves operating in countries experiencing armed conflict. Despite the lawlessness that appears to characterise modern warfare, there are laws that attempt to limit the devastation of war and protect non-combatants from violence, displacement and deliberate attack.

This paper outlines some key features of international law which operate during times of armed conflict. Attention is also drawn to provisions of particular relevance to emergency and humanitarian workers operating in and around conflict zones.

The areas addressed are as follows:

- International Humanitarian Law
- Human rights
- International criminal law
- War crimes
- Genocide
- Crimes against humanity
- Proposed International Criminal Court

Rather than provide a comprehensive guide, the aim of this paper is to give an overview of the relevant law as an introduction to a more detailed examination of the provisions as found in the relevant sources.

## The changing nature of armed conflict

When discussing the law in operation during armed conflict, it is useful to consider the historical background that has led to the development of some of the widely accepted protocols applied in international law. Many of the laws that are currently in place have evolved in response to the changing nature of armed conflict over the decades.

This change is most clearly reflected by the dramatic increase in the proportion of civilian casualties. During World War I, ninety per cent of the casualties were soldiers. In that war, many of the battles were fought away from densely populated areas and were reasonably well restricted to specific theatres of war. Since this time improvements in technology

by Robyn Layton QC, LL.M Barrister, Member of International Labour Organization Committee of Experts (Geneva), Chair of the Human Rights Committee of the Law Society of SA; and Victoria Bannon, BA, LLB (Hons) International Humanitarian Law Officer, Australian Red Cross, SA Division

and the lucrative weapons industry has resulted in the development of devices capable of mass destruction. By World War II, wide use of these new weapons, accompanied by systematic bombing and genocide campaigns directly targeted at civilians, increased the casualties of the civilian population to over fifty per cent of the total casualties.

Significantly, the nature of today's armed conflict presents the most disturbing statistics of all. In contrast to World War I, it is the civilian casualty rate that is almost ninety per cent, many of whom are women, children and the elderly.

The consequence is that emergency and humanitarian organisations operating in areas of armed conflict have never been so vital in sustaining and rebuilding communities during and after times of armed conflict. Moreover, increasingly aid workers and delegates are being caught up in the conflict, having their safety compromised and their ability to carry out their protective functions severely restricted. Workers are finding that they can become witnesses to war-time atrocities and sometimes become victims themselves.

For these reasons, it becomes imperative for medical workers, aid workers and emergency service workers to have an understanding and appreciation of the laws that govern their safety and protection, as well as an appreciation of the limitations that may be placed on their activities.

## The operation of international law during times of armed conflict

There are several bodies of international

law that can apply during times of armed conflict. Each area differs in its philosophical standpoint, its aims and its criteria for application but there are instances of overlap and the universal objective is the minimisation of human suffering.

## International Humanitarian Law

International Humanitarian Law (IHL) is found predominantly in the Geneva Conventions of 1949 and the Protocols Additional to the Geneva Conventions of 1977. IHL is specific in its application, in that it applies only during times of armed conflict. Consequently it has been referred to as 'the laws of war'.

The historical background to the establishment of IHL is significant, as its gradual development documents the changing nature of warfare between the first Convention in 1864 to the Additional Protocols of 1977.

The first principles of IHL emerged in 1864 as a result of the experiences of a Swiss Banker, Henry Dunant. In 1859 Henry Dunant was travelling in northern Italy in pursuit of lucrative business deals, when he found himself witness to one of the most ferocious battles of the century, known as the Battle of Solferino. The battle formed part of the ongoing war between the allied forces of Italy and France against Austria and raged for 15 hours involving some 300,000 men. It was not only the sight of battle but the aftermath that affected Henry Dunant so profoundly. Over 40,000 soldiers lay dead or dying in the summer heat, and with the field hospitals failing dismally to alleviate the suffering, Henry Dunant organised local villagers to assist with the provision of water, medical supplies and shelter. He urged his corps of volunteers to act according to need alone, regardless of nationality of the wounded.

Soon after, Henry Dunant graphically described his experiences in the book *A Memory of Solferino*, and postulated:

Would it not be possible, in time of peace and quiet, to form relief societies for the purpose of having care given to

the wounded in wartime by zealous, devoted and thoroughly qualified volunteers?

The book aroused significant international interest and sparked much public debate on the creation of an international treaty to provide assistance to the wounded of armies in the field. In 1864 a treaty was drawn up in a special conference attended by 26 representatives from 16 countries which became known as the Geneva Convention of 1864 and provided the basis for many of the subsequent laws of war that followed.

After the formulation of the first Geneva Convention in 1864, various other conventions arose to provide protection for other individuals during war. However, it was not until World War II, when the international community was shocked by the large scale atrocities committed against civilians, the appalling treatment of prisoners of war and the mass destruction of urban areas, that these conventions were broadened in scope and codified into the Geneva Conventions of 1949. These conventions now constitute the body of IHL and are divided as follows:

**First Convention:** the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (1949)

**Second Convention:** the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of the Armed Forces at Sea (1949)

**Third Convention:** the Geneva Convention Relative to the Treatment of Prisoners of War (1949)

**Fourth Convention:** the Geneva Convention Relative to the Protection of Civilian Persons in Times of War (1949)

The First Geneva Convention provides for protection and care of members of armed forces who are wounded or sick, as well as volunteer corps and civil members accompanying armed forces. They are entitled to be treated humanely and this includes taking all possible means to search for and collect them and not to leave them without medical assistance.

The First Convention is also significant in that it establishes the distinctive emblems of the Red Cross, the Red Crescent and the less well known Red Lion and Sun. It provides that the legitimate use of these emblems by medical and relief personnel during times of war signifies the individual or premises upon which they are displayed as being neutral and not to be attacked.

The Geneva Conventions are also inextricably linked to the existence of the

International Red Cross and Red Crescent Movement. This encompasses the International Committee of the Red Cross, established by Henry Dunant, which has the responsibility of monitoring the adherence of signatories to the laws of the Geneva Conventions and disseminating information about the Geneva Conventions to the international community. In this way, the International Red Cross and Red Crescent Movement has been described as being the custodian of IHL. National bodies such as the Australian Red Cross, also have this role of dissemination to ensure that their own military forces, government and members of the public are aware of and adhere to the laws of armed conflict.

Since their introduction in 1949, the four Geneva Conventions have been ratified by 188 of the 191 States (countries) in the world. However, the ongoing development and complexity of modern warfare and weaponry continued to supersede that which had been contemplated in the 1949 conventions. There has been large scale environmental and human devastation caused by chemical warfare and other methods, used for example during the Vietnam war. In addition, armed conflict was not limited to conflict between countries but increasingly extended to conflict within countries, often motivated by racial and cultural differences. This expansion highlighted some significant inadequacies in the scope of the Conventions and led to the development of the Protocols to the Conventions.

In 1977, two Additional Protocols, called the Protocols Additional to the Geneva Conventions were drawn up to extend and strengthen protection:

**Protocol I:** Operates during international armed conflict (that is between countries) and extends the protection of the Geneva Conventions to civilians, in particular women and children, and members of armed forces and civil defence. It prohibits in a more general sense, attacks on civilians and civilian objects and prohibits certain methods and means of warfare.

**Protocol II:** Operates during non-international conflicts, (that is 'internal' conflicts within a country) such as civil wars. Rather than extend the Geneva Conventions, this protocol strengthens the provisions for internal conflict and the protection of civilians, medical personnel and hospital and ambulance services.

The overall purpose of IHL is to set minimum standards by which all parties to the hostilities should operate. A compelling feature of IHL, and perhaps

one of the reasons it has been so widely ratified, is the apparent mutual benefit gained by all sides in a conflict. Parties who mutually agree to abide by the 'laws of war' can be assured that if they themselves adhere to the principles, then their own combatants who are captured or surrender to the enemy will be treated humanely, that their civilian population will not be targeted for attack and that medical personnel will provide assistance to all injured parties, regardless of their loyalties.

## Human rights

Human rights are described in a number of human rights instruments, most notably:

- Universal Declaration of Human Rights (1948)
- European Convention on Human Rights (1950)
- Covenant on Civil and Political Rights (1966)
- Covenant on Economic, Social and Cultural Rights (1966)
- American Convention on Human Rights (1969)
- African Charter of Human and Peoples' Rights (1981)
- United Nations Conventions on the Rights of the Child (1989)

The philosophical basis of human rights law is that human rights are shared by all people at all times, in both war and peace. This is in contrast to IHL, where protection is only accorded in limited circumstances (during certain types of armed conflict), and to certain people (only those specified in the Geneva Conventions). However, both human rights and IHL adhere to the principle that when the protective criteria are met, the laws should operate without any form of discrimination whatsoever.

Determining which law is in operation during times of armed conflict can often be a complex task. The operation of IHL and human rights law can be seen to overlap in some situations, while in other situations there may be limitations on the applicability of some human rights. Unlike IHL, which operates wholly and exclusively during armed conflict, some human rights may be restricted in operation during such conflict. The above human rights instruments contain clauses which enable States to suspend these rights when confronted by a serious public threat. Nevertheless, in recognition of the philosophy that human rights should apply to all persons at all times, a number of exceptions have developed and certain 'hard core' rights have been

designated as applying irrespective of any public threat. Thus, the following 'hard core' human rights are enforceable even during times of armed conflict:

- right to life
- prohibition of torture
- prohibition of inhuman punishment or treatment
- slavery and servitude
- principle of legality and non-retroactivity of the law

A further difficulty frequently arises in ascertaining, not merely which laws apply during times of armed conflict, but also how they interact with each other. There are points of convergence between IHL and human rights. For example, in relation to the Fundamental Guarantees accorded by Article 75 of Protocol I Additional to the Geneva Conventions prohibits, among other things, murder, torture and mutilation. Article 4(2)(f) of Protocol II prohibits slavery. Such acts if committed during armed conflict would potentially offend both the Protocol to the Geneva Conventions and the human rights instruments.

Conversely, while the Geneva Conventions and Additional Protocols variously describe certain provisions as being 'additional to...other applicable rules of international law relating to the protection of fundamental human rights during international armed conflict' (Article 72, Protocol I), does this also operate in reverse? If so, even these 'hard core' human rights, which previously operated as universal principles to be applied to all, could be restricted by the limitations placed on the operation of IHL. Most notable is the concept of 'military necessity' embodied in the Geneva Conventions which, if successfully demonstrated, can negate much of the protection accorded by IHL and also human rights. Thus, in certain situations, the protection of the right to life could be nullified by the argument that the taking of the lives of certain individuals was a military necessity. The dividing line may sometimes be fine. Is the bombing of a strategic bridge, that also deprives a local community of vital food and medical supplies, a military necessity? Is the bombing of a radio station run by civilians, but which may be used for military propaganda, a military necessity?

How these two sources of international law converge during times of armed conflict remains the subject of much debate. The various instruments of human rights enforcement, in particular the United Nations Human Rights Committee, has shown an increasing inclination to avoid

making clear distinctions between human rights and IHL. This could be an indication that these two areas of law may be able to be used in practice to bolster the other where the protection of one appears lacking.

### **Enforcement of International Law**

Another distinction between IHL and human rights is the method of enforcement of these laws. The methods of enforcement vary depending on the nature of the breach which has been committed.

IHL identifies a range of war crimes which are prosecutable under international law. The most serious of these are deemed to be 'grave breaches' of the Geneva Conventions, prosecutable under international criminal law. However, these are limited to situations of international armed conflict.

Human rights law has a similar division with 'hard core' rights being able to be treated as international crimes whether committed in a situation of armed conflict or in a time of peace.

### **International Criminal Law**

International Criminal Law refers to the body of law that covers the serious or grave offences of both human rights and IHL as described above.

International criminal law is derived from treaties, conventions and also what has been developed and accepted over time as crimes by the international community; that is by international customary law.

There are ranges of offences that are considered to be prosecutable as international crimes with associated universal jurisdiction. For the purposes of this paper, three categories will be discussed:

- war crimes
- genocide
- crimes against humanity

These acts, when committed, are considered to be capable of prosecution in international criminal tribunals. International criminal law can therefore be used as a means of prosecuting grave breaches of IHL and infringements of hard core human rights.

### **War crimes**

War crimes, as the wording suggests, is referable to acts committed in circumstances of armed conflict. They are generally understood to mean acts that constitute 'grave breaches' or serious violations of laws and customs of war committed against any person who is either not or is no longer actively taking part in hostilities. In some instances war

crimes will be found where there has been a grave or serious breach of one or more of the Geneva Conventions and their Additional Protocols, so it is apparent IHL is an element of international criminal law.

There is, however, a distinction as to whether an act amounts to a war crime depending on whether it occurs in the context of international conflict (between countries) or non-international (referred to here as 'internal' conflict occurring within a country).

In situations of international conflict the following acts are deemed to amount to the necessary severity to be a war crime:

- wilful killing
- torture or inhumane treatment
- wilfully causing great suffering or serious injury to body or health
- extensive destruction and appropriation of property
- compelling a prisoner of war to serve in the forces of the hostile power
- willingly depriving a prisoner of war the rights of fair and regular trial
- unlawful deportation, transfer or confinement of a protected person
- taking hostages

This would appear to be broad enough to outlaw war altogether. However, there is one important and much debated qualification. As previously mentioned, the above acts are only prohibited when they are not justified by military necessity and are carried out unlawfully and wantonly.

In situations of 'internal' armed conflict, there are fewer breaches set out in the Geneva Conventions that are deemed to be so grave as to amount to war crimes. Common Article 3 of the Geneva Conventions specifies the following acts:

- violence toward life and person, in particular torture, mutilation or cruel treatment
- taking hostages
- outrages upon personal dignity which includes inhumane or degrading treatment, adverse treatment on the basis of race, colour, nationality, religion, beliefs, sex, birth or social status
- passing of sentences or carrying out executions without previous judgement by a regularly constituted court

Supplementary to Common Article 3 is Protocol II of the Geneva Conventions which extends the list of prohibited acts in internal conflicts to include particular acts against civilians.

The result of this distinction between international and 'internal' armed conflict is that less protection by way of available war crimes is accorded by the Geneva Conventions during situations of internal armed conflict.

In addition to the Geneva Conventions, certain actions occurring in international armed conflicts have been further identified as war crimes in Article 8(2) of the recently developed Rome Statute of the International Criminal Court ('the Rome Statute' as discussed hereafter under International Criminal Court). The Rome Statute also continues to distinguish between acts taking place during international and internal armed conflict. Thus a determination of the nature of the armed conflict may still be necessary to establish whether or not a particular act may amount to a war crime.

A further and controversial issue arises in respect of war crimes and also other areas of international law; that is, the effect of international customary law. International customary law arises when there is general recognition among States of a certain practice as obligatory or as condemned. The sources of customary law are broad ranging and include State legislation, treaties and judicial decisions over time. Where international customary law can be found, it can be binding on a State even if that State has not ratified any treaty or protocol to this effect. Thus, it has been argued that even a particular convention which has not been ratified by a State, or where the acts committed do not strictly satisfy the requirements of a particular convention or protocol, the State may still be subject to international customary law and can be prosecuted by the appropriate enforcement mechanism for that breach. The effect of international customary law is the subject of much ongoing debate.

## Genocide

The Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention) 1948 defines genocide as: 'acts committed with the intent to destroy in whole or part a national, ethnical, racial or religious group'. Unlike war crimes, genocide is an international crime whether it is committed in peace or war. It is also considered to be separate to the body of law that constitutes human rights.

Acts amounting to genocide can be summarised as:

- killing members of the group
- causing serious bodily or mental harm to members of the group
- deliberately inflicting conditions of the life calculated to bring about physical destruction of the group in whole or in part
- imposing measures intended to prevent births within the group

- forcibly transferring children of the group to another group

The important ingredient is that the acts must be committed with 'intent to destroy'. Such intent is notoriously difficult to prove. The International Criminal Tribunal for Rwanda considered this very issue in the Akayesu case and determined that intent can be inferred from the general context of the commission of the act. This includes such factors as whether the actions were systematic, the scale of the atrocities in the region or district and the targeting of certain persons with common characteristics. It must then be determined whether it was reasonably foreseeable that these actions would result in the destruction (of all or part) of the group.

Rape and sexual violence may also constitute genocide as these acts may have the effect of destroying the group, particularly if they occur within cultures in which men may reject women who have been the victim of rape or sexual violence.

In addition, the Genocide Convention includes conspiracy to commit genocide, direct and public incitement to commit genocide and complicity in genocide.

## Crimes against humanity

Crimes against humanity are based on the Nuremberg Charter and Judgement of the Nuremberg Tribunal. The definition of 'humanity' as contained in the Nuremberg Charter includes a requirement that the prohibited acts be committed in connection with crimes against peace or war. However, the International Criminal Tribunal for the Former Yugoslavia has determined that crimes against humanity do not require a connection to international armed conflict.

More recently, Article 7 of the Rome Statute describes crimes against humanity as prohibited acts which are part of a widespread or systematic attack against any civilian population with knowledge of the attack. The acts can be committed in other than armed conflict but must be committed pursuant to or in furtherance of a state or organizational policy to commit such an attack. In summary the prohibited acts are:

- murder
- extermination
- enslavement
- deportation
- imprisonment
- torture
- rape
- persecutions on political, racial, national, ethnic and religious grounds

- enforced disappearance
- apartheid
- other inhumane acts

While many of the crimes mentioned above appear to also fall into the ambit of human rights law, the distinction between the two lies primarily in the scale of activity required to constitute a crime against humanity. Where human rights abuses can be perpetrated by one individual against another, a crime against humanity is characterised by the systematic, large scale perpetration of abuses against a group of people.

## International Criminal Court

On 17 July 1998 the Rome Statute was adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court. This was a very important step towards the international recognition of the abhorrence of crimes against humanity, genocide, and war crimes and the need to have an international and independent process available for their adjudication. The Statute was adopted by an overwhelming vote of 120 nations, with 21 nations abstaining and 7 nations opposing. Australia was one of the countries that voted for adoption and also played a significant role in the successful outcome. This statute not only states the procedures and jurisdiction of the Court but also provides a description of the crimes that have now become internationally recognised.

The Rome statute will not come into effect until ratified by 60 States. Also the Statute will not have retrospective effect and will only apply to crimes that are committed after the entry into force of the Statute. The Court will be permanent and will be able to be set up when a need arises. It will then replace the present difficult process of establishing Ad Hoc War Crimes Tribunals for specific conflicts where the alleged abuses occur after the establishment of the Court.

## Implications of International Law for humanitarian and emergency organisations

While much of the law described above would appear to concern those involved in the hostilities and civilians caught in the line of fire, there is significant scope for these laws to offer protection to humanitarian and emergency workers in the field albeit depending on the particular organisation and the nature of the work being carried out.

## Humanitarian and emergency workers as civilians

One of the most obvious ways inter-

national law can impact on humanitarian and emergency workers in the field is as civilians. Protection of civilians is primarily accorded under the Fourth Geneva Convention. This Convention was specifically designed to protect all civilians caught up in armed conflicts, but it predominantly protects civilians who find themselves in enemy or occupied territory. This Convention was adopted after the atrocities against civilians in World War II and therefore its provisions reflect the kinds of abuses which occurred during Nazi occupation including torture, taking hostages, gassing, shooting, hanging, floggings torture, medical experiments, starvation and neglect. The overall message is that an occupying force must distinguish between soldier and civilian and ensure that civilians are protected and treated with dignity.

Article 15 of the Fourth Geneva Convention provides for the agreement between belligerents to establish neutral zones, which can be used as a refuge for civilians and the wounded. Also under this Convention, aliens or foreigners who find themselves in a country at war are entitled to leave the country, or if they do not wish to do so, they are accorded all the rights of aliens in peace time, including rights to medical attention, hospital treatment, religious freedom and access to relief supplies. Confinement of foreigners under supervision, for example in camps, should only occur when 'absolutely necessary' to security.

The protection of civilians has also been extended by the introduction of Additional Protocol I, which provides special protection to civilians who find themselves, not in enemy hands, but in the hands of their own forces. In this way, civilians can be protected from the actions of their own government.

### Humanitarian and emergency workers as part of civil defence

Protocol I contains a number of Articles that give special protection to civil defence workers. They are contained in Chapter VI Articles 61 to 66. In Article 61, civil defence is defined as the performance of one or more of humanitarian tasks 'intended to protect the civilian population against the dangers, and to help it to recover from the immediate effects or hostilities or disasters and also to provide the conditions necessary for its survival'. The humanitarian tasks are listed as follows:

- warning
- evacuation
- management of shelters

- management of blackout measures
- rescue
- medical services, including first aid, and religious assistance
- fire-fighting
- detection and marking of danger areas
- decontamination and similar protective measures
- provision of emergency accommodation and supplies
- emergency assistance in the restoration and maintenance of order in distressed areas
- emergency repair of indispensable public utilities
- emergency disposal of the dead
- assistance in the preservation of objects essential for survival
- complementary activities necessary to carry out any of the above tasks including planning and organization

Special protection is given to 'civil defence organisations' and their 'personnel'. Civil defence organisations are defined as establishments and units organised or authorised by the competent authority of a Party to the conflict to perform the above tasks. Personnel of such organisations and also civilians who respond to an appeal by a Party to the conflict are given respect and protection while carrying out the above activities. In addition, their equipment and facilities are protected from attack.

It is important to note that such protection under the Protocol is only accorded where the activities of such organisations, personnel or civilians, are 'devoted exclusively' to the above tasks. Also under Article 65, protection is lost if they commit, or are used to commit, acts harmful to the enemy after an appropriate warning is given and is unheeded. The Article does not define the acts that could be harmful to the enemy but instead Article 65(2) indicates acts which shall not be considered harmful to the enemy. The Article excuses tasks that are carried out under the direction or control of military authorities, the performance of civil defence tasks in cooperation with the military personnel and also the performance of civil defence tasks that incidentally benefit military victims. Article 65(3) also permits civil defence workers to bear light individual weapons for maintaining order and self-defence.

Therefore, while there can be co-operation between military personnel and civil defence personnel, this co-operation must remain solely for the purpose of performing tasks that are in the interests of the civilian population. That is, civil defence workers cannot use

their protected status to military advantage

In addition, Protocol I assigns a distinctive emblem to be used by civil defence personnel and on their installations. This emblem consists of a blue triangle on an orange background. Civil defence personnel are also permitted to carry light arms for maintaining order or for self defence.

The most significant limitation of the protection of civil defence personnel is that the above protection is only accorded in conflicts of an international nature. Civil defence has not been incorporated into the provisions relating to internal conflicts in Protocol II. Therefore, in situations of internal armed conflict, civil defence personnel are accorded the same protection as civilians, but cannot invoke the special protection accorded under Protocol I. This is an important practical limitation when most armed conflict today is internal armed conflict rather than international.

### Conclusions

International law requires that there must be a determination as to whether or not there is armed conflict and if there is, whether it is armed conflict between forces within a country or between countries. The answer to this may determine the extent and degree of protection that is available to citizens, civil defence organisations and personnel. Depending on the nature of the actions that are committed, those actions may be infringements of different areas of law and sometimes more than one area at the same time. In the absence of the coming into operation of the International Criminal Court, it is necessary to identify which area of law is infringed as the remedies are different for each. This process will be considerably simplified with the ratification of the Rome Statute as an International Criminal Court could be a one stop shop for all serious infringements which occur after the Court is established.

Australian organizations are likely to be increasingly sought for their expertise, organising skills and calm diplomatic approach in situations of emergency. They may in particular be requested to help in situations of international or internal conflict in the Asia-Pacific region. It is essential for them and their personnel to understand the aspects of international law that may apply to them so that they can provide the greatest assistance with the least risk of inadvertent offence.

As can be seen from the above discussion, there are a number of areas that

require particular close analysis in relation to the activities of emergency and humanitarian organisations and their rights and responsibilities in circumstances of armed conflict. Those issues include:

- Are the activities of NGO's being organised or authorised by a competent authority of a party?
- Are the NGO's solely performing humanitarian tasks as specified in the Protocol for the protection of civilians?
- Could the actions of NGO's be interpreted as committing acts harmful to

the enemy?

- Can particular actions be justified by belligerents as being required as a 'military necessity' in a manner which may limit protection to the NGO's?
- Finally, to the extent that NGO's may witness acts that may amount to breaches of international criminal law, to what extent is the NGO prepared to report potential breaches to the appropriate body?

It is hoped that the above discussion will operate as a useful general framework for addressing these questions. There are

still a number of nuances involving each of the areas of law that would have to be considered in the particular circumstances under consideration.

#### Disclaimer

The views expressed in this paper are the views of the authors and do not necessarily represent the views of the Australian Red Cross.



## Report from the Australian Medical Disaster Coordination Group

Welcome to the first of what will become a regular contribution from the Australian Medical Disaster Coordination Group (AMDCG). Many readers may already be familiar with the AMDCG, but for others, this article will provide a short background to the group as well as discussing current initiatives of the Group.

The AMDCG was formed in 1992 as a working party of the Australian Health Minister's Advisory Committee (AHMAC). It has representatives from the Commonwealth Department of Health, the Department of Defence, Emergency Management Australia, the Royal Flying Doctor Service and key medical and health representatives from all States and Territories. Its objective is to develop and maintain a comprehensive and integrated national capability for the management of health aspects of major incidents and disasters in Australia and Australia's region of interest so as to mitigate their adverse health effects.

#### Some key achievements to date:

- a national Disaster Medicine Training Course, held annually at the Australian Emergency Management Institute in Victoria. This course is also held on an as needs basis by individual states or territories
- the Australian Emergency Manual on Disaster Medicine, 2<sup>nd</sup> edition, an authoritative reference manual for health professionals in disaster medicine;
- the Pharmaceutical and Medical Equipment List which provides a list of drugs and medical supplies necessary for 500 persons for three days in a disaster affected population of 50,000
- the Mass Gathering Guidelines manual which provides a guide on how to ensure crowd safety at public events

- a training course and provisional manual on the health aspects of a response to Chemical, Biological and Radiological (CBR) Incidents.

#### Current initiatives include:

- identify and develop strategic issues for disaster medicine in Australia
- a review of triage in Australia with a view to developing a national system
- consideration of national training guidelines in the disaster medicine area
- identify and prioritise research requirements in the disaster medicine field
- continue to develop health aspects of CBR incidents.

#### The AMDCG can be contacted through:

The Secretary  
AMDCG  
Department of Health and Aged Care  
MDP 27  
GPO Box 9848  
Canberra ACT 2601  
Phone: 02 6289 7777  
Email: [peter.channells@health.gov.au](mailto:peter.channells@health.gov.au)