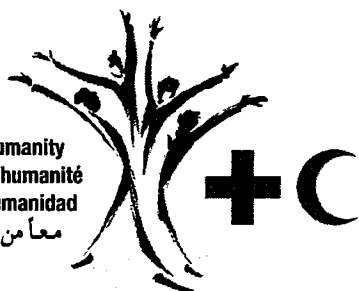


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معاً من أجل الإنسانية



Original: English

**Interim Report on the Implementation of the
Memorandum of Understanding and Agreement on
Operational Arrangements
Dated 28 November 2005
Between Magen David Adom in Israel and Palestine Red
Crescent Society**

**Report prepared by Minister (Hon.) Pär Stenbäck, Independent Monitor
appointed by the International Committee of the Red Cross (ICRC) and
the International Federation of Red Cross and Red Crescent Societies
upon request of the 30th International Conference of the Red Cross and
Red Crescent**

5 March 2009

Introduction

This is an update of the developments on the implementation of the Memorandum of Understanding (MOU) and Agreement of Operational Arrangements (AOA) signed on 28 November 2005 between the Palestine Red Crescent Society (PRCS) and Magen David Adom in Israel (MDA).

As requested by Resolution 5 of the International Conference, the Monitor gave a report on the implementation process on 31 May 2008. It was subsequently announced that the Monitor will issue an interim report in the beginning of 2009. This report includes the main developments and trends that have occurred since the previous report.

Based on decisions made at the November 2007 Council of Delegates (CoD) and International Conference, Minister (hon.) Pär Stenbäck has continued to function as the Independent Monitor for the MOU/AOA. The International Committee of the Red Cross (ICRC) and International Federation of the Red Cross and Red Crescent Societies have also given the Monitor invaluable support in order to enable him to fulfil his mandate. The ICRC mission in Jerusalem has been especially helpful, preparing and organising the Monitor's missions. The Finnish Red Cross has continued to support the monitoring process by assigning its legal advisor to function as the assistant to the Monitor.

In line with the wishes of the CoD and IC, the Monitor has taken steps to strengthen the monitoring, by inviting the American Red Cross to accompany in two of the three missions undertaken to the region since the previous report of May 2008. In the future the Monitor may call on other National Societies to assist him in fulfilling his mandate. The Monitor's most recent mission to the region took place February 21 - 24.

The general environment

Since the last progress report of the Monitor, the Israeli-Palestinian relations have deteriorated in a way that have affected the atmosphere in which monitoring of the 2005 agreements is taking place. The situation prevailing on the Israeli domestic political scene led to a diminished focus on the MOU/AOA. Uncertainty concerning the future of the Israeli government prevailed since the announcement in October 2008 of a general election, and continued at the time of the writing of the report, when negotiations for a new government coalition were ongoing.

The continued closure of the Gaza Strip and the insecurity for Israeli citizens living in its vicinity coincided with the end of the Tahdi'a ('calming period') between the Israeli government and the de facto (Hamas) authorities. The conflict in the last days of 2008 and first weeks of 2009 were witness to large scale human suffering, which was well documented by the international press. However, it should be stated that humanitarian issues relating to transport and treatment of wounded and sick within Gaza are outside the scope of the mandate given to the Monitor.

The conflict led to a cooling of the otherwise constructive relations between the two National Societies. The normal dialogue, in the form of Liaison Committee Meetings (LCM) between professionals of the two societies, was disrupted.

SUMMARY OF DEVELOPMENTS ON THE DIFFERENT ISSUES

Five PRCS ambulances stationed in East Jerusalem

The previous report noted that the five PRCS ambulances stationed in East Jerusalem were not yet able to function to their full capacity and to serve the whole of the population of East Jerusalem.

Despite the strong commitments made by the Israeli government in November 2007 in connection with the International Conference two main obstacles remain, for which Israeli authorities have cited security concerns. These obstacles are:

- The permission for the ambulances to pick up patients residing within the boundaries of East-Jerusalem, but on the other side of the West Bank barrier.
- The access of the ambulances to West Jerusalem hospitals.

The aforementioned obstacles are critical because some West Jerusalem hospitals have a higher level of specialisation, including equipment that is lacking in East Jerusalem, a necessity in case of critical injury. Furthermore, Jerusalem residents pay the Israeli health insurance and are entitled to health care in any medical facility in East Jerusalem and Israel.

Since the previous report, consensus has been reached between all parties that the aforementioned access problems can be resolved by installing global positioning system (GPS) devices in the ambulances. In mid December 2008, just prior to the conflict, the PRCS were informed that the authorities had confirmed in writing their agreement to the installation of the GPS system. As of the writing of the report the authorities, the PRCS, MDA and the ICRC have begun to finalise the last technical details, so that the GPS devices can be installed in the following weeks.

More than a year after the granting of all necessary authorisations and as already noted in the previous interim report, the solving of the outstanding issues is long overdue. However, the introduction into operation of the GPS system is expected to resolve the main obstacles preventing the smooth operation of the five ambulances.

The five ambulances must be able to operate within the shortest delay at their full capacity and with full safety for the benefit of the population of Jerusalem. The Monitor will follow up on the operation of the five ambulances in his report to the Council of Delegates in Nairobi in November 2009.

Geographical Scope of Activities

The question of the geographical scope plays a prominent role in the MOU/AOA. The principal challenge to resolve has been the provision of MDA Emergency Medical Services in the Occupied Palestinian Territories, areas belonging to the PRCS's geographical scope of activities. Based on a MDA proposal, the two societies agreed in 2007 that the legal responsibility for running these ambulances would be transferred to other entities. In 2008 MDA drafted contractual obligations which, when signed, would legally transfer the responsibility of the operation of emergency medical services to other entities. In February of 2009 the MDA informed the Monitor that it had transmitted these new contractual obligations to all the relevant local authorities. According to MDA, by February 2009, it had transferred to local authorities the legal responsibility of 11 out of 89 ambulances operating within the geographical scope of activities of the PRCS. According to MDA, requests to transfer legal responsibility for the remaining 78 ambulances are now pending with local authorities.

In the run up to the Council of Delegates, the Monitor will pay particular attention to whether the mutually agreed plan is implemented by MDA. Given the time-frame, the transfer of the bulk of MDA ambulances should be attainable. However, the markings of these ambulances remain an unresolved issue. Transferred ambulances cannot be marked in a manner likely to cause confusion with MDA ambulances.

Passage of ambulances through checkpoints

With regard to the access of PRCS ambulances through checkpoints within the West Bank, during the period under review some progress has been reported, mainly in the North of the West Bank. However, the access of ambulances in other parts has not improved, and, in areas such as H2 in Hebron, has deteriorated.

The Monitor has noted with satisfaction the reopening of Shave Shameron checkpoint in the vicinity of Nablus, in a first phase to ambulances and then to the general population. This has significantly reduced the time needed for ambulances to access Nablus from the north part of the West Bank. The additional relative loosening of restrictions on the freedom of movement for private vehicles within the northern part of the West Bank has only had a limited effect on the movement of ambulances, as remaining checkpoints, such as Beit Iba when exiting Nablus became more congested.

In Hebron H2, access of ambulances into the old city has always been very difficult. The situation has in fact worsened, with a number of long delays reported, which seriously threatened the well-being and safety of the patients.

No significant changes have occurred with regard to access of West Bank PRCS ambulances transferring patients to East Jerusalem. As before, the PRCS had to continue to carry out most calls through back-to-back transfers made at checkpoints entering East Jerusalem. In particular, the checkpoint of Qalandyia

has been redesigned in a way that increases the congestion of vehicles and does not allow for ambulances to overtake the traffic.

As a conclusion, the Monitor underlines that the passage of patients through checkpoints is an issue of great humanitarian importance and that while some progress could be registered, mainly in the northern part of the West Bank, additional steps must be undertaken in order to ensure adequate and fast passage through all checkpoints. In particular, the access of ambulances in the area of Hebron H2 needs serious improvements and will be the focus of increased attention of the Monitor during the next reporting period.

Throughout the reporting period MDA has supported efforts towards the authorities to facilitate passage of PRCS ambulances through checkpoints, in line with the MOU/AOA.

Patient transfers at Allenby Bridge

The reintroduction of fully equipped ambulance to replace the so-called stripped ambulances that were used before is a positive development. The remaining issue causing delays during transfers at the bridge relates to coordination. This issue needs to be addressed in a meeting between Israeli, Jordanian and Palestinian authorities, together with the PRCS and private Jordanian ambulance companies.

Patient transfers from Erez (Gaza) to East Jerusalem

No new solution has been found since the last report. In the future it is hoped that the Red Crescent Maternity hospital ambulances could be used to transfer patients to East Jerusalem. At the moment these ambulances are needed in Jerusalem due to the access issues remaining for the five PRCS ambulances.

Co-operation between the two National Societies

Prior to the conflict the National Societies worked on a number of ways to improve co-operation between the societies on a professional level. There have been opportunities for collaboration, but no regular programs have emerged. The societies have been working on a number of common courses related to emergency medical care as well as disaster preparedness, and to this end, both attended a course in earthquake preparedness for the region. The Monitor continues to call upon the societies to conclude a program of action outlining systematic cooperation for the next years. Unfortunately the recent conflict had its effect on the relationship between the two societies. However, during the most recent mission, the Monitor was assured by both societies, that in the future they would continue working with each other in a constructive manner.

Other issues

The MOU/AOA also mentions a number of other areas to be followed, among them cooperation with the authorities to strengthen protection of the emblems, dissemination of international humanitarian law, respect and knowledge of the fundamental principles. The Monitor can note that in Israel the amendment of the MDA law has been on hold in the Knesset, partially due to a recess in its legislative work. On the Palestinian side the emblem legislation, initially intended to the now inoperative Palestinian legislative council, has been submitted to the Prime Minister's office for approval so that it can be forwarded to the President's office. The intention is to pass the legislation as a Presidential decree at a suitable moment in the near future.

Conclusion

Despite a number delays in the implementation process, the Monitor is hopeful that all parties involved will take steps to ensure that by the Council of Delegates in Nairobi in November 2009, the implementation process has taken further steps forward, and meets the expectations set at the statutory meetings of 2007.

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