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**33rd INTERNATIONAL CONFERENCE
OF THE RED CROSS AND RED CRESCENT**

Geneva, Switzerland
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**Implementation of the Memorandum of Understanding and
Agreement on Operational Arrangements dated 28 November 2005
between Magen David Adom in Israel and the Palestine Red
Crescent Society**

Progress report

**Document prepared by
the Hon. Robert Tickner, AO, Independent Monitor, as mandated by Resolution 8 of
the 32nd International Conference of the Red Cross and Red Crescent and renewed
by Resolution 5 of the 2017 Council of Delegates**

Geneva, October 2019

EXECUTIVE SUMMARY

The Memorandum of Understanding (MoU) and the Agreement on Operational Arrangements (AOA) between Magen David Adom in Israel (MDA) and the Palestine Red Crescent Society (PRCS), signed on 28 November 2005, clarified the basis for cooperation between the two National Societies, including agreement on the legal framework applicable to the territory occupied by Israel in 1967 and the fact that the PRCS is the authorized National Society in the Palestinian territory.

This report sets out key aspects of the 14-year-long history of implementation of the provisions of the MoU as it relates to the geographic scope of operations. The work of the Independent Monitor (Monitor) has sought to build on the previous work of others, including the Government of Switzerland (2006), the Standing Commission of the Red Cross and Red Crescent (2014–2015) and especially that of Par Stenbäck (2007–2013) in his long-term role as Monitor.

Although the primary focus of the Monitor's report is the geographic scope provisions of the MoU, the Monitor is compelled to raise an issue regarding the licensing of the PRCS emergency medical services (EMS) in East Jerusalem, a subject covered in the AOA. At the time of writing this report, the new licensing and the renewal of existing PRCS licences to operate EMS in East Jerusalem are being denied until such time as the PRCS removes "Palestine" from the PRCS logo on the ambulances. The Monitor trusts that successful advocacy by MDA will resolve this issue before the statutory meetings.

In relation to the geographic scope provisions of the MoU, starting in September 2017 there were strong indications of potential progress, as the Government of Israel had taken a policy decision which was communicated to the last Council of Delegates (CoD): the Government of Israel confirmed that the ambulances operated in West Bank settlements would no longer bear the logo of MDA. In the view of the Monitor we were on track to secure the implementation of the geographical scope provisions, which was to be achieved well in advance of the 2019 CoD.

However, the agreed critical time frame for that to be done was overtaken by the general elections in Israel.

In relation to the geographical scope provisions of the MoU, the Monitor concludes that no concrete action required has yet been taken to further implement the MoU.

However, the Monitor remains optimistic that significant progress towards full implementation, if not full implementation itself, can be achieved before the statutory meetings in December if there is a commitment from the incoming government of Israel and MDA to that end. The Monitor stands ready to return to the region at any time up to the statutory meetings to assist the parties in that work.

In the event that the window of opportunity to achieve significant progress in the implementation does not materialize before the statutory meetings, and given that the agreed timetable has now passed, MDA and the Government of Israel can have no excuse for other than full implementation in the early months of 2020 in order to fulfil their agreed commitments.

This would be applauded by the International Red Cross and Red Crescent Movement (Movement) as a magnificent achievement, allowing MDA to even more fully flourish in the Movement. It would equally amplify the scope for stronger cooperation between PRCS and MDA as they prepare for and respond to tomorrow's humanitarian crises.

Implementation will not happen without leadership from the National Society and the Government of Israel to follow through on their previously made commitments.

The Monitor wishes to thank the leadership of the International Committee of the Red Cross (ICRC) and the International Federation of Red Cross and Red Crescent Societies (IFRC) and the Standing Commission for the support given in undertaking the monitoring role over the past three years. The supporting team working with the Monitor included Frank Mohrhauer and colleagues from the IFRC, and Michael Rudiak and colleagues from the ICRC. The Monitor was further supported by David Meltzer, and later by Neal Litvack from the American Red Cross. In addition, the Monitor benefited from the support of the representatives of the ICRC and the IFRC in the region. During the earlier period of this monitoring role, Mads Harlem of the Norwegian Red Cross supported the Monitor as an adviser.

Most of all the Monitor wishes to thank the leadership of MDA and the PRCS for their cooperation with the independent monitoring process and for the personal courtesies extended to the Monitor.

MANDATE OF THE MONITOR

The mandate of the Monitor is derived from Resolution 10, adopted by the 2015 CoD, and endorsed by Resolution 8 of the 32nd International Conference of the Red Cross and Red Crescent (International Conference), as well as Resolution 5 of the 2017 CoD.

These resolutions urge MDA to comply with its obligations under the MoU's provisions with respect to the geographical scope of its operations and take appropriate actions to end non-compliance. MDA and other concerned parties, in Israel and beyond, were also requested to undertake further concrete measures to address the misuse of the MDA logo in the territory considered within the geographical scope of the PRCS. In parallel, the Movement called on the State of Israel to continue to support MDA to ensure the full implementation of its commitments under the MoU.

Pursuant to the resolutions, the presidents of the IFRC and ICRC, with the endorsement of the Standing Commission, confirmed the appointment of the Hon. Robert Tickner, AO, as the Monitor of the MoU. The Monitor was tasked, *inter alia*, with undertaking regular monitoring and reporting twice annually to the Movement and to the 2017 CoD, and through it to the 33rd International Conference, with validating the information provided by the two National Societies regarding the implementation of the MoU and with exploring constructive options within the Movement to address issues identified in the reports.

The 2017 CoD agreed that the Monitor's terms of reference should be renewed, and expressed its strong desire to see full implementation achieved and validated well in advance of the 2019 CoD and the 33rd International Conference.

The role has been undertaken by the Monitor on a voluntary basis.

THE EXTERNAL ENVIRONMENT

The MoU has to be implemented in one of the most longstandingly complex political environments in the world, where humanitarian, political, security and conflict scenarios intersect with each other on a daily basis. There is no peace process in place and the occupation continues to become more complex and challenging with the growth of Israeli settlements in the occupied Palestinian territory. Furthermore, there is still no dialogue between Israelis and Palestinians concerning the future shape of a peace process.

Understandably there continues to be tension between Palestinians and Israeli civil-military authorities and security forces in the West Bank, and this has practical consequences for the humanitarian work of both National Societies, including the provision of EMS in the West Bank and in East Jerusalem.

Additionally, the constantly challenging humanitarian situation in Gaza and related security issues continue to place further operational strains on the two National Societies in the exercise of their humanitarian mandate. The conduct of two general elections in Israel in the lead-up to the statutory meetings has created further complexity.

THE GEOGRAPHIC SCOPE PROVISIONS OF THE MOU

A) Background and brief history

The issues raised in this report have a long history. The MoU giving rise to the geographic scope obligations was signed by the two National Societies in 2005 prior to their admittance to the Movement. It is a matter of historical fact that the signing of the MoU and the AOA took place in the presence of the Israeli and Palestinian authorities, in addition to the Swiss Government as formal witness.

As noted in previous monitors' reports, it was agreed in the MoU that the two National Societies would operate in conformity with the legal framework applicable to the Palestinian territory occupied by Israel in 1967; that MDA and the PRCS recognize that the PRCS is the authorized National Society in the Palestinian territory and that this territory is within the geographical scope of the operational activities and of the competencies of the PRCS; that MDA and PRCS will respect each other's jurisdiction and will operate in accordance with the Statutes and Rules of the Movement; that MDA will ensure that it has no chapters outside the internationally recognized borders of the State of Israel and that all operational activities will be conducted in accordance with the consent provision of Resolution 11 of the 1921 International Conference.

As further noted in previous monitors' reports, the parties subsequently agreed on a two step process whereby the "geographical scope" issues of the MoU would be brought into compliance by MDA. Firstly, MDA would transfer operational responsibility for running the EMS in the settlements to the local authorities or other entities. Second, MDA would modify the ambulances' appearance and the uniforms worn by emergency medical staff so that they would not bear identical markings to MDA's vehicles and personnel.

The Monitor's report to the previous CoD in 2017 made reference to 68 Israeli community-operated ambulances and 17 MDA mobile intensive care units and other MDA part-time ambulances operating in the West Bank.

As the previous Monitor repeatedly reported, as per the understanding between the two National Societies, only when both steps were fulfilled could the provisions of the MoU on geographical scope be considered as implemented.

While there was substantial progress on the transfer of responsibility for the running of the EMS in settlements to the local authorities or entities, the second step relating to the appearance of the EMS vehicles operated by community volunteers in Israeli settlements has proven to be the greater challenge.

Progress was indeed made on this issue by MDA in 2011; however the then-Monitor reported subsequent developments in his report to the November 2011 CoD. He noted challenges faced by MDA and specifically noted that "actions by individuals to reinstate MDA markings on some ambulances have been reported". Indeed, subsequently MDA reported in August

2017 that most of the ambulances were repainted to reinstate MDA markings. In addition, new ambulances with MDA markings have been put in use.

B) The decision of the 2015 CoD and the 32nd International Conference

The 32nd International Conference of 2015 adopted by consensus a resolution which stated in part:

1. *while noting* with full appreciation the progress made and acknowledging the steps taken by both the PRCS and MDA over the last decade to fulfil the MoU/AOA, *notes* however and with deep regret the Standing Commission's conclusion "that no additional steps since 2013 have been reported as having been taken in regard to the geographical scope provisions of the MoU";
2. *strongly urges* MDA to comply with its obligations with respect to the geographic scope provisions of the MoU and take appropriate actions to end non-compliance;
3. *requests* MDA and other concerned parties, in Israel and beyond, to undertake further concrete measures to stop misuse of the MDA logo in the territory considered within the geographic scope of the PRCS;
4. *calls on* the State of Israel to continue to support MDA to ensure the full implementation of its commitments under the MoU;

The final operative paragraph of the resolution stated that the International Conference "expresses the sincere desire that full implementation of the MoU will be achieved and validated prior to the 2017 Council of Delegates".

C) Developments since the 2015 CoD and the 32nd International Conference

The 32nd International Conference call for a full implementation outcome before the 2017 CoD was not achieved.

However, there was a key development prior to the 2017 CoD which the Monitor reported to the CoD. The International Conference decision called on the State of Israel to "support MDA to ensure the full implementation of its commitments under the MoU". The lessons of history in this file¹ demonstrate just how important the support from the Government of Israel is in order to achieve a sustainable outcome, which has eluded both the Movement and the parties thus far.

The Monitor has, however, reminded the National Societies that the MoU is an agreement between them and MDA remains responsible for the implementation of its obligations under the MoU.

One of the first initiatives of the Monitor was to engage with the Israeli Ministry of Foreign Affairs, building on the previous written commitment made by the Ministry in 2015 and included in the Standing Commission's report to the 32nd International Conference. The Monitor was very pleased with the outcome of the engagement with the Ministry and was able to report to the 2017 CoD that although implementation had not yet been achieved "important steps ha[d] been taken on the way to reaching full implementation in the future". The Monitor attached a copy of a letter from the Ministry of Foreign Affairs, dated 11 September 2017, to his report to the CoD. That letter gave strong commitments, which if honoured would, in the view of the Monitor, address critical and core issues linked to the obligations of MDA imposed by the MoU. The CoD "took note with appreciation" of that letter and noted that "it refers to a decision and concrete measures to help achieve compliance with the geographical scope provisions of the MoU, and its [the Ministry's] commitment to do so according to a planned timetable, with a

¹ The 2011 MDA exercise to modify the markings of the community ambulances operating in West Bank settlements could not be sustained in the absence of active government engagement with the process.

view to facilitating substantive progress on this issue and to completing these measures well in advance of the 33rd International Conference in 2019”.

As the Monitor reported to the CoD, “In this letter, reference is made to an important inter-agency process” and of particular note is that:

This high-level inter-agency consultation was established by the Government to include other key stakeholders. The objective was to explore options in order to assist MDA to end the misuse of its logo by the settlers or municipalities whose community-operated ambulances were repainted by MDA in 2011 with alternative markings so as to distinguish them from ambulances operated by MDA.

As the Monitor reported to the 2017 CoD:

The key operative paragraphs of the letter from the Government confirm that the signatory has formally advised the Monitor that, following the establishment of the high-level inter-agency consultation process [...] “it was decided that the ‘Municipality Ambulances’, operated by the Local Municipalities [i.e. West Bank settlements] [...] will, on a permanent basis, bear a logo different than the MDA logo, which will be clearly distinguishable from the MDA official logo”. The letter further confirms that Israeli authorities are currently examining “various options for ways to carry out the process of replacing the MDA logo, while ensuring that medical services to all residents of the area² will continue to be provided at the highest practicable level”. The letter continues: “The process of replacing the MDA logo shall commence over the course of the next year, to the extent possible, unless circumstances require a limited extension of this period.” The letter communicates a determination to make best efforts in order to facilitate substantive progress on the issue and, if circumstances allow, to complete these efforts well in advance of the 33rd International Conference.

While the Monitor has been unambiguous, open and at times effusive in his welcoming of the letter of commitment from the Government of Israel, he has always tempered his own optimism with a reminder to all parties that he would ultimately report to the 2019 CoD and to the 33rd International Conference without fear or favour on the actual progress of implementation of the commitments. This is essential to ensure the integrity of his report and confidence in the process of independent monitoring. Deeds and not merely words are what the Movement is seeking, in order to resolve these issues.

The Monitor therefore issued a further report to the Movement in June 2018 well in advance of the deadline for implementation to clearly set out and remind the parties what was required by the past resolutions of the Movement and the agreements entered into by the parties. Those requirements and observations set out in the report are as follows:

- 1) As the CoD has made clear, “there will be no appetite in the Movement to read reports in 2019, in the lead-up to the 33rd International Conference, describing ‘commitments to future action’. The only interest will be to read of tangible and verified positive developments which can be considered as contributing to the full implementation of the MoU.
- 2) Action needs to be taken to give effect to commitments “well in advance” of the 33rd International Conference.
- 3) The 2017 CoD decision and earlier resolutions of the International Conference set out potential consequences for non-implementation.
- 4) The Monitor has impressed upon MDA and reminded the Israeli Government of “the need to ensure that any adopted markings are both different and clearly distinguishable from the MDA logo”. The Monitor has offered to engage with MDA and the Government to ensure that the alternative logo is clearly distinguishable.

² This refers to the Israeli settlements.

In subsequent formal communications with MDA, the Monitor also reiterated a number of other key principles including:

- His advice to MDA that in the lead-up to the 33rd International Conference there should be no erosion of the already achieved gains under the MoU.
- The importance of ensuring that the community ambulance staff in the West Bank no longer wear MDA uniforms. This is a longstanding element of the necessary outcome to ensure full implementation.
- That the contracts with the settlements for the operation of the community ambulances remain in force.

The Monitor also proposed a practical method of easily verifying the repainting of the ambulances in his advice to MDA and to the Government of Israel by ensuring that there was a “before and after” photograph clearly identifying each ambulance and confirming that the repainting had been undertaken.

There is not the slightest suggestion that the quality of EMS available to residents will be diminished as a consequence of these issues being resolved to the satisfaction of the Movement.

MDA has confirmed to the Monitor its readiness to abide by the Government’s decision relative to the logos, but it is adamant that it needs to receive a clear directive from the Government of Israel or other public evidence of an official decision before proceeding further. The Government of Israel has been formally advised of this by the IFRC and the ICRC. The Monitor is of the strong view that such action by the Government of Israel would be totally consistent with the policy decision already taken and reflected in the letter of 11 September 2017 referred to above.

D) Summary of the current situation

Based on the commitments for action by the Government of Israel, the agreed timetable and the consultation process already undertaken by the Government referred to above, the implementation of a key component³ of the geographic scope provisions of the MoU is within the grasp of MDA with the support of the Government of Israel.

The agreed time frame for the implementation of the commitments given in the letter of September 2017 by the Government of Israel was that the work was to be completed “well in advance” of the statutory meetings. During 2018 the Monitor clearly indicated to all parties that his final report would be written and delivered to the ICRC and the IFRC in the month of September 2019 and that implementation should be completed by that date.

The Monitor acknowledges the lost opportunity during 2018 for Israeli partners to obtain clarity surrounding the directive MDA has wanted to supplement the letter from the Ministry of Foreign Affairs to the Monitor.

The Monitor observes that this timetable has been challenging for both the Government of Israel and MDA given the organization of two general elections during 2019. There is now a process leading to the formation of a new government in Israel; however at the time of the writing of this report, that process has not been completed.

The Monitor hopes that after the formation of the new government in Israel there may be a window of opportunity in the lead-up to the statutory meetings for the new government to act

³ A comprehensive list of the requirements for full implementation based on past resolutions and agreements between the parties is set out in the section above.

to give effect to the commitments given in the letter of 11 September 2017 and the associated necessary action to support MDA to fully implement the MoU.

For this reason the Monitor has advised the Government of Israel and both National Societies that he would be willing to return to the region at a moment's notice at any time in the lead-up to the statutory meetings to be consulted on the implementation and suggested validation process for the implementation. The Monitor has consistently emphasized to the parties that it is implementation rather than promises of implementation that are critical to fulfil the past resolutions of successive statutory meetings adopted by consensus in both 2015 and 2017.

IMPLEMENTATION OF THE AGREEMENT ON OPERATIONAL ARRANGEMENTS (AOA)

The MoU between the National Societies provides in point 6 that "MDA and PRCS will cooperate in the implementation of this Memorandum of Understanding upon the signature of this Memorandum and through operational arrangements as agreed by the joint technical working group".

An AOA was simultaneously signed by the president of the PRCS and by the chairman of the Executive Committee of MDA.

Acknowledging that the primary focus of his work has been the implementation of the geographic scope provisions of the MoU, the Monitor has, by necessity, involved himself also with the operational arrangements between the two National Societies as defined in the AOA.

Section 1 of the AOA – Lobbying and advocacy

Section 1 of the AOA deals with a commitment requiring MDA to assist PRCS through lobbying and advocacy to the relevant Israeli authorities around the practical day-to-day and vital humanitarian access and related issues for the PRCS. MDA was to assist the PRCS through lobbying and advocacy to the relevant Israeli authorities in:

- a. securing freedom of movement for PRCS ambulances and vehicles throughout the Palestinian territory to provide urgent medical services and other humanitarian services;
- b. enabling PRCS vehicles, ambulances and staff access to all those who need urgent medical services and other humanitarian services;
- c. facilitating the passage of ambulances through checkpoints and the establishment of separate fast lanes for ambulances to bring patients to Israeli hospitals when necessary; and to facilitate the passage of patients through the Allenby Bridge;
- d. facilitating the passage of patients where necessary between the Gaza Strip and the West Bank;
- e. providing for sterile zones for PRCS ambulances at relevant checkpoints;
- f. enabling access and stationing for PRCS ambulances to the Red Crescent Maternity Hospital in East Jerusalem, and facilitating access to hospitals, medical and other humanitarian services as specified by the Liaison Committee.

Immediate issue of concern

At the outset, there is a matter of serious concern to report to the Movement. During discussions with the PRCS representatives in East Jerusalem during the last visit in June 2019, it came to the attention of the Monitor that the new licensing and the renewal of existing PRCS licences to operate EMS in East Jerusalem were being denied until such time as the PRCS removed "Palestine" from the PRCS logo on the ambulances.

The Monitor immediately alerted the Government of Israel to his concern about this step backwards in progress. Unless the issue is resolved it will undermine an achievement of the MoU, which had ensured that important PRCS EMS were being delivered in East Jerusalem as envisaged by the MoU/AOA. At the date of this report this issue has regrettably not been resolved.

The Monitor reminds the parties that the original agreement of 2007 between the Israeli Government, MDA and PRCS acknowledged that the ambulances stationed in East Jerusalem will bear the PRCS markings and logo.

MDA has commendably made repeated representations to the Israeli Ministry of Health on this issue and has now formally written to the Ministry. The letter outlines MDA's full support for licensing the PRCS ambulances under the already agreed conditions. The letter also includes photographs taken by the ICRC of the PRCS ambulances in East Jerusalem to demonstrate that the PRCS logo has not changed in any way. Senior MDA personnel have been directly engaged on this issue.

General access issues

To honour commitments under the AOA, MDA has generally attempted to assist the PRCS in enabling access for the vehicles, ambulances and staff of PRCS to urgent medical services and other humanitarian services, and this is recognized and further encouraged.

However, the wider issues of humanitarian access for PRCS ambulances remain very challenging and the PRCS has made known its concerns over a prolonged period. One of the particularly challenging issues relates to the frequent difficulty associated with facilitating the passage of patients from the Gaza Strip (Erez Crossing) to Jerusalem and the West Bank, due to the permit regime managed by Israeli authorities for PRCS drivers from the West Bank.

There are also regular challenges for the PRCS to obtain permits, in a timely manner, for their West Bank staff working in Jerusalem. These are all issues where the ongoing advocacy of MDA could be helpful to the PRCS in carrying out its humanitarian mandate.

The Monitor is somewhat encouraged that more effective lobbying and advocacy communication processes can be established between the PRCS and MDA because of the unambiguous indications given by the two National Societies in his meetings with them in June 2019. They committed to strongly support the reinstatement of the regular Liaison Committee Meetings envisaged by the AOA. The administrative leadership of the two National Societies are strongly encouraged to participate in future meetings in line with the commitments of the AOA.

Significantly, during the two Liaison Committee Meetings held in June and September 2019, the parties focused on key operational issues including the licensing of the ambulances in East Jerusalem referred to above and the question of permits to allow PRCS staff to travel from the West Bank to the Erez Crossing and return.

One important additional outcome was the meetings which were organized between the PRCS, MDA and the West Jerusalem hospitals to discuss access questions important to the PRCS. The Monitor commends both National Societies for their efforts in organizing these Liaison Committee Meetings and the constructive outcomes which resulted.

The Monitor further implores the two National Societies to continue these meetings and to do so without prompting from the Monitor. The ICRC and IFRC of course stand ready to assist the National Societies in the organization of these meetings.

Section 2 of the AOA – Cooperation

This report has already acknowledged the very positive life-saving and humanitarian benefits which have flowed from collaboration and cooperation between the two National Societies in relation to the implementation of section 1 of the AOA.

Section 2 of the AOA stipulates that MDA and the PRCS will enhance their cooperation in fulfilling their humanitarian mandates by such means as: enhancing their communications systems, committing themselves to exchanging knowledge and experience in areas such as disaster preparedness, EMS and first aid. This is to be done through joint and reciprocal trainings, meetings, volunteer and youth exchanges, and regular meetings of EMS, youth and volunteers and for a Liaison Committee to meet monthly or more frequently when needed. There are other provisions relating to awareness-raising programmes and cooperation on blood bank issues.⁴

The Monitor concluded in his 2017 report to the CoD that a:

particularly noteworthy area of critical and necessary collaboration between the National Societies is in regard to the preparation of the disaster response and recovery effort that will be launched in the event of a major earthquake in the region. The Monitor is reminded of the last major earthquake of 1927 and the more devastating earlier historical precedents that have occurred along the geological fault lines which pass through the West Bank and the Jordan Valley.

The Monitor concluded in that earlier report “that a future natural disaster of this kind will not respect any geographical boundaries.”

The Monitor has been unable to persuade the PRCS to cooperate with MDA in relation to this profoundly humanitarian issue. The Monitor notes the PRCS position and view that until the geographic scope issues are resolved, cooperation and even meetings around this and other similar issues will not occur. The Monitor further notes the deep disappointment felt by the leadership of the PRCS to not yet secure the full implementation of the geographic scope of the MoU.

It follows from this that other cooperation envisaged by section 2 of the AOA will also not occur until the geographic scope implementation issues are addressed by MDA. This means that there is no and will be no cooperation or exchanges around issues such as EMS, first aid, disaster preparedness, youth, or volunteers, or other high-level meetings of any kind between the two National Societies other than the Liaison Committee Meetings should they now be held as promised.

CONCLUSION

There is no doubt that the Movement still strongly believes in the achievement of full implementation of the MoU and AOA, as reflected in the 2015 and 2017 resolutions of the statutory meetings which were adopted by consensus.

This outcome would also have positive humanitarian consequences as it would allow the two National Societies to more effectively engage in cooperation on the major issues confronting them, both in terms of their conflict environment as well as the potential natural disasters which confront the region.

In relation to the geographical scope provisions of the MoU, the Monitor concludes that no concrete action required has yet been taken to further implement the MoU.

However, the Monitor remains optimistic that significant progress towards full implementation, if not full implementation itself, can be achieved before the statutory meetings in December if there is a commitment from the Government of Israel and MDA to that end. The Monitor stands ready to return to the region at any time up to the statutory meetings to assist the parties in that work.

⁴ The PRCS stopped providing blood bank services a decade ago.

In the event that this window of opportunity does not materialize before the statutory meetings, the responsibility for implementation action will reside with the incoming Government of Israel and MDA.

Given that the agreed implementation timetable has now passed, the parties can have no excuse for other than full implementation in the early months of 2020 in order to fulfil their agreed commitments.