

Power of humanity

33rd International Conference
of the Red Cross and Red Crescent

9-12 December 2019, Geneva



EN

33IC/19/12.7
Original: English
For decision

33rd INTERNATIONAL CONFERENCE OF THE RED CROSS AND RED CRESCENT

Geneva, Switzerland
9–12 December 2019

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

Draft resolution

Geneva, December 2019

DRAFT RESOLUTION

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

The 33rd International Conference of the Red Cross and Red Crescent,

1. *notes* the adoption of Resolution 10 of the Council of Delegates on 8 December 2019 on the 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 (see annex for the text of the Resolution);

2. *endorses* this Resolution.

ANNEX CD/19/R10

RESOLUTION

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

In the spirit of the humanitarian mission and the Fundamental Principles of the International Red Cross and Red Crescent Movement (Movement), and the themes of the 33rd International Conference of the Red Cross and Red Crescent (International Conference),

the Council of Delegates,

recalling the Memorandum of Understanding (MoU) signed by Magen David Adom in Israel (MDA) and the Palestine Red Crescent Society (PRCS) on 28 November 2005, in advance of the Diplomatic Conference convened to negotiate and adopt the Third Additional Protocol to the Geneva Conventions of 1949 and pave the way for the future recognition of MDA and the PRCS as components of the Movement, and in particular the following provisions of the MoU:

1. MDA and PRCS will operate in conformity with the legal framework applicable to the Palestinian territory occupied by Israel in 1967, including the Fourth Geneva Convention of 1949 on the Protection of Civilian Persons in Time of War.
2. MDA and PRCS recognize that 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 competences of PRCS. MDA and PRCS will respect each other's jurisdiction and will operate in accordance with the Statutes and Rules of the Movement.
3. After the Third Additional Protocol is adopted and by the time MDA is admitted by the General Assembly of the International Federation of Red Cross and Red Crescent Societies:
 - a. MDA will ensure that it has no chapters outside the internationally recognized borders of the State of Israel.
 - b. Operational activities of one society within the jurisdiction of the other society will be conducted in accordance with the consent provision of resolution 11 of the 1921 international conference.

(...)
4. MDA and PRCS will work together and separately within their jurisdictions to end any misuse of the emblem and will work with their respective authorities to ensure respect for their humanitarian mandate and for international humanitarian law.

(...)
6. MDA and PRCS will cooperate in the implementation of this Memorandum of Understanding (...).

33IC/19/12.7DR

taking note, with appreciation, of the report of October 2019 on the implementation of the MoU prepared by the Hon. Robert Tickner AO, the Independent Monitor appointed by the International Committee of the Red Cross (ICRC) and the International Federation of Red Cross and Red Crescent Societies (IFRC), with the full endorsement of the Standing Commission of the Red Cross and Red Crescent (Standing Commission), to monitor and facilitate progress achieved in the implementation of the MoU, including recurring issues linked to operational elements relevant to the MoU,

recalling Resolution 5 adopted by the Council of Delegates in November 2017 concerning the implementation of the MoU and the AOA between MDA and the PRCS, as well as Resolution 8 of the 32nd International Conference,

reaffirming the importance for all components of the Movement to operate at all times in accordance with international humanitarian law and with the Fundamental Principles, Statutes and regulatory frameworks of the Movement,

noting that all National Societies have an obligation to operate in compliance with the Constitution of the IFRC and the “Policy on the protection of integrity of National Societies and bodies of the International Federation”,

recalling both the dispute resolution mechanism set out in Resolution 11 of the 1921 International Conference as well as the Compliance and Mediation Committee of the IFRC, and *recognizing* the rights of National Societies thereunder,

expressing strong disappointment that after nearly 14 years the MoU is not yet fully implemented and particularly noting the recent difficulties, delays and limitations by Israeli public authorities on the licensing of PRCS ambulances to operate in East Jerusalem and noting the potential related negative humanitarian consequences, whilst at the same time voicing appreciation to the MDA for the advocacy efforts made to its authorities to resolve the situation,

expressing deep regret that the assurances given by the Ministry of Foreign Affairs of the State of Israel have not yet been fully honoured, as contained in the letters of 15 November 2015 and of 11 September 2017 from the Ministry of Foreign Affairs of the State of Israel to the Independent Monitor, in which the Ministry expressed readiness to support MDA to ensure full implementation of its commitments under the MoU, and achieve compliance with the geographic scope provisions, including completing these measures “well in advance of the 33rd International Conference in 2019”,

recognizing that full implementation of the MoU will represent an important achievement for the Movement and that this will contribute to the strength and unity of the Movement,

reaffirming the necessity for effective and positive coordination between all components of the Movement in support of the full implementation of the MoU,

1. *notes* with continued regret, that full implementation has still not been achieved;
2. *requires*, in order to maintain trust in the humanitarian action of components of the Movement, that all National Societies discharge their humanitarian mandate in accordance with international humanitarian law and with the Fundamental Principles, Statutes and regulatory frameworks of the Movement;
3. *requires* MDA to further engage with its authorities to end the misuse of the MDA logo in the territory considered within the geographic scope of the PRCS, and *strongly urges* MDA to continue to work with its authorities and with other key stakeholders to ensure that any markings used in this territory are clearly distinguishable from the MDA logo;

4. *strongly urges* the State of Israel to honour, without delay, its commitment to ensure that emergency medical services operating within the geographical scope of the PRCS “will, on a permanent basis, bear a logo different than the MDA logo, which will be clearly distinguishable from the MDA official logo”, as set out in the 11 September 2017 letter of the Ministry of Foreign Affairs;
5. *also calls on* the State of Israel to create the necessary conditions to enable MDA to comply, well in advance of the 2021 Council of Delegates, with its obligations with respect to the geographic scope provisions of the MoU, in particular:
 - “a. MDA will ensure that it has no chapters outside the internationally recognized borders of the State of Israel.
 - b. Operational activities of one society within the jurisdiction of the other society will be conducted in accordance with the consent provision of resolution 11 of the 1921 international conference.”
6. *affirms*, in particular, that MDA’s ability to fully comply with its obligations under the MoU will be adversely impacted if the Government commitments in support of MDA as set forth in the second, fifth and sixth paragraphs of the 11 September 2017 letter of the Ministry of Foreign Affairs of the State of Israel are not implemented, and that, in consequence, a call to activate the dispute resolution mechanism set out in Resolution 11 of the 1921 International Conference as well as the possibility of recourse to the Compliance and Mediation Committee of the IFRC may result;
7. *welcomes* the strengthening of the Liaison Committee referred to under the AOA, ensuring a minimum of four Liaison Committee meetings per annum, and *encourages* continued work between the two National Societies in fulfilling their shared humanitarian mandates, commitments and their practical liaison and coordination in daily operations;
8. *reaffirms* the decisions of the Council of Delegates and the 32nd International Conference in 2015 that the monitoring process should continue and *requests* the ICRC and the IFRC to renew the mandate of an Independent Monitor until the 2021 Council of Delegates;
9. *agrees* that the roles of the Independent Monitor under the terms of reference as aligned with this resolution include, but are not limited to, the following main functions:
 - a) undertake monitoring visits no less than twice a year, and provides at least one interim report to the Movement prior to the 2021 Council of Delegates;
 - b) provide written reports after each visit as well as additional updates to be shared with the PRCS, MDA, ICRC and IFRC, as well as the Standing Commission, in relation to his / her activities and findings;
 - c) engage as necessary with all relevant stakeholders, including the authorities;
 - d) provide an evidence-based analysis and validation of the information provided by the two National Societies regarding the implementation of the MoU, with specific reference to the licensing of the PRCS ambulances and to ensure the ability of PRCS to carry out its operations in East Jerusalem;
 - e) document progress on the commitments made under the AOA;
 - f) call upon assistance from a support group of National Societies, chosen in consultation with the ICRC, IFRC and the two National Societies, and eminent individuals from within or outside the Movement;

- g) explore constructive options within the Movement to address issues identified in the reports;
 - h) communicate any recommendations or concerns on the implementation of the MoU to the ICRC and the IFRC, as well as the Standing Commission, in advance of the 2021 Council of Delegates;
10. *encourages* National Societies, when requested, to engage with their governments to help facilitate the implementation of the MoU, international humanitarian law, the Fundamental Principles, Statutes and regulatory frameworks of the Movement;
 11. *requests* the ICRC and the IFRC to provide logistical and technical support to the monitoring process and to ensure the provision of a report on implementation of the MoU to the 2021 Council of Delegates and through it to the 34th International Conference;
 12. *reaffirms* its collective determination to support full implementation of the MoU and expresses its strong desire to see full implementation achieved and validated well in advance of the 2021 Council of Delegates as an important symbol of hope and success.