



# Power of humanity

Council of Delegates of the International Red Cross  
and Red Crescent Movement

22 – 23 June 2022, Geneva

## 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

June 2022

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For information

Document prepared by the Hon. Robert Tickner, AO,  
Independent Monitor, as mandated by Resolution 10 of the  
2019 Council of Delegates and endorsed by Resolution 8 of the  
33rd International Conference

## EXECUTIVE SUMMARY

In 2019, the Council of Delegates (CoD) and 33rd International Conference of the Red Cross and Red Crescent expressed strong disappointment that after nearly 14 years, the Memorandum of Understanding (MoU) between Magen David Adom in Israel (MDA) and the Palestine Red Crescent Society (PRCS) is not yet fully implemented.

Recognizing that full implementation of the MoU will represent an important achievement for the International Red Cross and Red Crescent Movement (the Movement), and contribute to its strength and unity, the CoD and International Conference requested the International Committee of the Red Cross (ICRC) and the International Federation of Red Cross and Red Crescent Societies (IFRC) to renew the mandate of an independent monitor until the 2021 CoD and ensure the provision of a report on implementation of the MoU to the CoD, and through it, to the 34th International Conference.

The 2019 CoD and 33rd International Conference also reaffirmed their collective determination to support the full implementation of the MoU and expressed their strong desire to see full implementation achieved and validated as an important symbol of hope and success.

Robert Tickner, AO, was appointed in 2016 to continue the monitoring of the MDA–PRCS MoU and its sister agreement, the Agreement on Operational Arrangements (AOA), previously performed by the Swiss Government (2006), by Pär Stenbäck of Finland (Monitor between 2007 and 2013) and the Standing Commission of the Red Cross and Red Crescent (2014–2015). This is the 7th report submitted to the Movement since the commencement of his mandate and the 16th written report to the Movement since the signing of the MoU and AOA in November 2005.

It is a matter of deep regret that this report concludes that MDA continues to operate in PRCS territory, as defined by the MoU, without PRCS consent, which constitutes a breach of the Fundamental Principle of Unity, and that there has been no meaningful progress observed on implementing the collaboration between the two National Societies as envisaged by the MoU and AOA. This is despite the humanitarian commitments set out in the documents and despite the repeated reminders to the two National Societies included in previous reports of the Monitor. The Monitor stands by the principles and concerns on these issues as previously set out.

A full resolution of the issues in the manner advocated in the Monitor's two most recent previous interim reports would be a profound step forward for both National Societies and a magnificent achievement of the Movement itself.

This report concludes with a strong recommendation, additional to any actions decided upon by the CoD concerning the future of the monitoring process, to pursue constructive diplomacy and advocacy with the Government of Israel, in line with the sentiments expressed in previous resolutions of the CoD and International Conference, and encourages the Government of Israel to support MDA in implementing the agreement.

## INTRODUCTION AND BACKGROUND

This report should be read in close conjunction with the report of the Monitor to the 2019 CoD and 33rd International Conference, which described the commitments of the parties concerned and the efforts undertaken over several years towards meeting those commitments. The report was subsequently made available to the Movement and is attached to the present report (Annex A).

CD/22/15

A more recent interim report, dated September 2021, noted some of the major factors external to the parties which impacted on both the implementation of the MoU and AOA as well as the independent monitoring process itself during the period since the last CoD.

In relation to these issues, the report reminded the Movement that, soon after the last CoD, the COVID-19 pandemic began to overtake the entire world. The enormous impact is well known and does not need to be spelled out here. Suffice to conclude that the running convergence of a series of events – the succession of inconclusive elections in Israel, the global COVID-19 pandemic and the serious and intense period of conflict in the region in May 2021 (centred mainly, but not exclusively, on the Gaza Strip and nearby Israeli territory with, in some locations, catastrophic humanitarian consequences) – collectively rendered it impossible for the Monitor to travel to the region and pursue any meaningful discussions with the two National Societies and their respective authorities.

The interim report observed, among the many impacts of the pandemic and also the period of conflict, the resulting and significant preoccupation of both National Societies to respond to the humanitarian needs of affected communities.

As at the date of writing this report those issues to varying degrees are still adversely impacting on the implementation of the MoU and AOA. The two agreements are attached in Annex B.

## **DEVELOPMENTS OCCURRING SINCE THE SEPTEMBER 2021 INTERIM REPORT OF THE MONITOR**

In July 2021 the Monitor formally wrote to MDA to renew his existing request to be provided with updated information concerning operational activities of MDA in areas defined by the MoU as being within the Palestinian territory and outside of the internationally recognized borders of the State of Israel. That letter to MDA also requested information on the status of the emblem protection legislation, which was intended to align the provisions of the MDA Law with the 2006 revision of the Movement's statutes, following the adoption of Protocol III additional to the Geneva Conventions of 1949.

The Monitor also wrote to the PRCS during July 2021 and requested additional information that would enable accurate and comprehensive reporting on all of the MoU and AOA provisions to the next CoD.

Subsequent to the Monitor having received a progress assessment report from the PRCS in August 2021 in relation to the period from 1 November 2020 to 31 July 2021, the Monitor received in April 2022 another report in relation to the period from 1 August 2021 to 31 March 2022. The PRCS report to the Monitor dealt with both the geographical scope issues as well as what the PRCS described as the "problems and obstacles" facing the PRCS in its humanitarian and medical missions.

The response from MDA to the Monitor's letter of July 2021 was only received on 5 May 2022, despite repeated requests for the provision of the information sought over a period of years.

For the reasons outlined above, the Monitor has, to date, not been able to conduct an evidence-based analysis of the information provided by the two National Societies, nor to validate it as requested in Resolution 10 of the 2019 CoD. The Monitor has no reason to doubt the accuracy of the information provided or the confirmation of the operational presence of MDA in areas considered within the geographical scope and competencies of the PRCS.

CD/22/15

## The geographical scope provisions of the MoU

In relation to the geographical scope information sought by the Monitor, and further to the previous update provided to the Monitor, dated 28 August 2017, MDA has confirmed that it continues to operate, at the maximum, 18 mobile intensive care units (MICU) and basic life support (BLS) ambulances in the West Bank.<sup>1</sup> Regarding the organization of emergency medical services (EMS) in Israeli settlements in the West Bank, the MDA response letter also states “MDA handed over [an] additional 68 ambulances in 2011 to local and regional councils (referred to as ‘Municipalities’ or ‘communities’) .../... In medical emergencies, where those ambulances are the most available resource to the scene of occurrence, MDA dispatches them as the first responders.”

The PRCS report to the Monitor sought to document the “many cases where MDA has been continuing to function in the geographical scope of the PRCS”.

MDA reported to the Monitor that it had complied with the Israeli Ministry of Health request to MDA to establish COVID-19 vaccination and rapid-antigen testing centres in East Jerusalem.

## Emblem protection in Israel and the occupied Palestinian territory

In the PRCS progress assessment report on the implementation of the MoU covering the period ending 30 September 2018, which was provided to the Monitor during his monitoring mission in November 2018, the Monitor was informed that a Palestinian law on the emblem was ready for adoption in December 2006. Due, however, to the political circumstances at the time, the PRCS opted to work with its authorities to have the law issued through a presidential decree. The final draft of the Law on the Use and Protection of the Red Crescent, Red Cross and Red Crystal Emblems was provided to the office of the president of the Palestinian Authority in October 2007 and adopted eight years later, on 7 September 2015.<sup>2</sup>

The Monitor remains concerned that the appearance of Israeli-community-operated ambulances in the West Bank is neither distinct nor clearly distinguishable from that of MDA ambulances.

The 20 July 2021 letter from the Monitor to MDA’s leadership also sought information about the status of emblem protection legislation in Israel. The essence of the MDA response is to confirm that in 2007 the Government of Israel proposed legislation to revise the MDA Law, allowing MDA to also use the red crystal emblem. MDA has confirmed that this proposed amendment to existing law was not, however, passed by the Knesset. However MDA has stated that despite this failure to pass the legislation “the Israeli government still recognize(s) the red crystal both as one of the MDA emblems and as a neutral and protective emblem.” MDA no longer supports amending the MDA Law as was originally proposed in 2006<sup>3</sup> and through the draft 2007 legislation tabled in the Israeli Knesset.

## Issues covered by the AOA

### Enabling PRCS ambulances and staff to access all those who need urgent medical services

The PRCS also claim that on many occasions, PRCS EMS have been “disrupted by the Israeli police through verbal and physical harassment, and firing tear gas and sound canisters at the crews and ambulances”. The PRCS report alleges specific “violations against medical missions in the West Bank including Jerusalem and the Gaza Strip”.

<sup>1</sup> MDA’s 5 May 2022 letter to the Monitor refers to the “Regions of Judea and Samaria” and not the West Bank.

<sup>2</sup> Decree Law No. 15 of 2015

<sup>3</sup> c.f. Swiss Government report to the 29th International Conference and the annexed letter, dated 17 June 2006, from the MDA Chairman of the Executive Committee, Dr Noam Yifrach, p. 53

CD/22/15

Facilitating the passage of ambulances through checkpoints

The report of the PRCS sought to highlight what the PRCS described as “access denial of PRCS ambulances to Jerusalem”, alleging that over 90% of the 646 attempted transfers to Jerusalem during the period covered by the report “were denied by the Israeli military checkpoints surrounding Jerusalem” and that this required the transfer of patients by the “back to back” process.

Operation of PRCS EMS in East Jerusalem

The Monitor’s report of September 2021 confirmed that the critical issue of concern raised in his 2019 report to the CoD and 33rd International Conference concerning new licensing and the renewal of existing licences for the PRCS to operate EMS in East Jerusalem had been resolved, with the PRCS communicating to the Monitor its appreciation for MDA’s advocacy efforts.

The April 2022 report from the PRCS alleges a “denial of access to persons shot by Israeli police in some incidents”, while observing “MDA ambulances can access freely”.

MDA reported to the Monitor on the status of the proposal that MDA conduct training for PRCS East Jerusalem Branch emergency medical technicians to enable a PRCS advanced life support ambulance to be operated at full capacity, something that had first been proposed during a Liaison Committee meeting between the two National Societies in early 2020; and on other aspects of operational coordination with the PRCS branch in East Jerusalem, including an offer of technical and material assistance for first responders.

Facilitating the passage of patients between the Gaza Strip and West Bank/Jerusalem

Finally, the report from the PRCS complained of delays in the transfer of patients from the Gaza Strip.

While beyond the scope of the MoU and the AOA, most of the issues raised by the PRCS are the subject of ongoing consideration by the ICRC and of its discussions with the PRCS, MDA and Israeli authorities concerned, as part of its confidential dialogue.

It should be placed on record that, by virtue of Section 1 of the AOA, MDA has given commitments to lobbying and advocacy to resolve access issues raised by the PRCS. The Monitor has previously reported, for example, that MDA’s advocacy in support of the renewal of the licensing by Israeli authorities of PRCS ambulances operating in East Jerusalem has been strong and unequivocal. In their own recent response to the Monitor, MDA highlighted their success in that advocacy to the Government of Israel which resulted in Ministry of Health approval for new licences and the renewal of existing licences of PRCS ambulances for the standard two-year period.

However, for such commitments to be acted on, the issues must first be drawn to the attention of MDA. In his previous report, the Monitor highlighted that the processes of lobbying and advocacy will be more timely and made more efficient if the PRCS and MDA improve the communication channels between themselves and also directly meet with increasing frequency and allow for the exchange of information necessary for this lobbying to occur.

Regrettably, despite the best efforts of the Monitor to encourage them, there has been a continuing failure of the two National Societies to hold any of the liaison meetings required to be held between the parties, at the level of their respective directors-general, pursuant to the AOA. The failure to hold such meetings limits communications and the capacity of MDA to actively lobby and advocate to the Government of Israel. The failure of the parties to meet is also contrary to the expectations raised by the resolution of the last CoD. The Monitor depends upon actions taken by the parties to the agreements to give effect to their agreed undertakings.

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## Conclusion and recommendations

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It is a matter of deep regret that the Monitor concludes that since the date of the last report there has been no further progress in the implementation of the geographical scope provisions of the MoU. Equally, there has not been reported any meaningful progress in the implementation of the collaboration envisaged by the AOA. This is despite the humanitarian commitments to collaboration set out in the MoU and AOA, and as the Monitor has repeatedly reminded the National Societies in his reports to the Movement. The Monitor stands by the principles and concerns on these issues set out in his previous interim reports to the Movement.

In relation to potential future initiatives to advance the implementation of the MoU and AOA, the Monitor has always been aware of the critical role which could be played by the Government of Israel in securing the implementation of the MoU and therefore welcomed the resolutions passed at the 32nd and 33rd International Conferences which called on the State of Israel “to continue to support MDA to ensure the full implementation of its commitments under the MoU” (Resolution 8 of the 32nd International Conference) and “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 ...” (Resolution 8 of the 33rd International Conference).

In early January 2022, the Monitor wrote to the presidents of the ICRC and IFRC to urge their intervention to make high-level representations to the Government of Israel to seek its engagement in progressing the implementation of the geographical scope provisions of the MoU. The two presidents confirmed their agreement with this recommendation of the Monitor.

The Monitor has consistently advocated to the Government of Israel the importance of supporting MDA in the implementation of the geographical scope provisions of the MoU, and this advocacy did result in the commitment given by the Government of Israel to the Movement in September 2017 that ambulances operating in West Bank settlements would no longer bear the logo of MDA. This undertaking to the Movement has not been honoured.

It is strongly recommended – in addition to any other actions decided upon by the CoD concerning the future of the monitoring process – that constructive diplomacy and advocacy be continued with the Government of Israel in line with the sentiments expressed in previous resolutions of the CoD and International Conference. These resolutions have encouraged Israeli authorities to support MDA in the implementation of the 2005 agreement, signed in the lead-up to the formal recognition of MDA and the PRCS as National Societies of the Movement and members of the IFRC.

MDA has repeatedly made clear to the Monitor and to the PRCS that if the Government of Israel were to issue a directive to MDA to comply with the government decision taken with respect to the markings of ambulances operating in Israeli settlements and gave them the necessary support to do that, that they would without question immediately comply with that directive.

The absence of government support or directives does not, however, exonerate MDA from the need to fulfil its obligations under the MoU.

A full resolution of the issues in the manner advocated in the Monitor’s previous interim report would be a profound step forward by both National Societies and a magnificent achievement of the Movement itself.

The Monitor wishes to thank the representatives of the two National Societies for the friendship and courtesies they have extended to the Monitor over the past six years as he has carried out his

**CD/22/15**

volunteer monitoring role on behalf of the Movement. The Monitor also places on record the tremendous support given to his work by staff of the ICRC and the IFRC both in the region and in Geneva.

**Annexes**

- (A) Report of the Monitor to the 2019 CoD & 33rd International Conference
- (B) MoU and AOA

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33rd International Conference  
of the Red Cross and Red Crescent  
9-12 December 2019, Geneva



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**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**

**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.

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*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 file<sup>4</sup> 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

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<sup>4</sup> 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 area<sup>5</sup> 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.

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<sup>5</sup> 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 component<sup>6</sup> 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

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<sup>6</sup> 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.<sup>7</sup>

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.

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<sup>7</sup> 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.

**MEMORANDUM OF UNDERSTANDING**  
**between**  
**Magen David Adom in Israel**  
**and**  
**Palestine Red Crescent Society**

Magen David Adom in Israel (MDA) and the Palestine Red Crescent Society (PRCS), in an effort to facilitate the adoption of a Third Protocol Additional to the Geneva Conventions of 1949 and to pave the way for the membership of both societies in the Red Cross and Red Crescent Movement; committed to operating in accordance with international humanitarian law and with the Statutes, Rules and Fundamental Principles of the International Red Cross and Red Crescent Movement; and wishing to facilitate their cooperation, agree that:

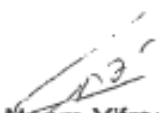
1. MDA and PRCS will operate in conformity with the legal framework applicable to the Palestinian territory occupied by Israel in 1967, including the Fourth Geneva Convention of 1949 on the Protection of Civilian Persons in Time of War.
2. MDA and PRCS recognize that PRCS is the authorized national society 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 Protocol Additional 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.
  - c. MDA and PRCS will use a distinctive emblem in conformity with the requirements of the Geneva Conventions and its Third Additional Protocol, and the Statutes and Rules of the Movement.
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.
5. MDA and PRCS will operate in accordance with a peace agreement reached between the Israeli and Palestinian authorities.

6. 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.

7. This Memorandum of Understanding will enter into force upon signature by the Chairman of MDA and the President of PRCS subsequent to its approval by their respective executive boards.


**Signed in Geneva on 28 November 2005**

For Magen David Adom in Israel



Dr. Noam Yifrach  
Chairman

For the Palestine Red Crescent Society



Younis Al-Khatib  
President

**In witness thereof**

For the Swiss Government




Micheline Calmy-Rey  
Federal Councillor

For the ICRC



Jakob Kellenberger  
President

For the IFRC



Bengt Westerberg  
Vice President

For the Standing  
Commission



Philippe Cuvillier  
Special Representative on  
the Emblem

**AGREEMENT ON OPERATIONAL ARRANGEMENTS**  
**between**  
**Magen David Adom in Israel**  
**and**  
**Palestine Red Crescent Society**

This agreement on Operational Arrangements is concluded in accordance with paragraph 6 of the Memorandum of Understanding (MoU) of 28 November 2005 between Magen David Adom in Israel (MDA) and the Palestine Red Crescent Society (PRCS).

The operational arrangements contained in this agreement should not be interpreted in any political or legal way but rather as practical arrangements to facilitate to the best ability of both societies their humanitarian mandate in accordance with international humanitarian law and with the Statutes, Rules and Fundamental Principles of the International Red Cross and Red Crescent Movement.

Nothing in this agreement or any other agreed practical arrangement should in any way affect the legal status of the Palestinian territory or any part of it as agreed in the MoU.

MDA and PRCS have agreed on the following operational arrangements:

1. MDA will assist 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.
  
2. MDA and PRCS will enhance their cooperation in fulfilling their humanitarian mandates through:
  - a. **Establish a hotline:** A hotline will be established between the EMS of both societies to facilitate communication and contact between them to solve issues considered important by either party.
  - b. **Communication system:** They will establish and develop means of communication between them using, *inter alia*, landline phones, cellular phones and GPS systems, etc.
  - c. **Exchange of knowledge and experience :** Knowledge and experience will be exchanged in areas such as disaster preparedness, EMS, first aid through joint and reciprocal trainings, meetings, volunteers and youth exchanges.
  - d. **Regular meetings of EMS, youth and volunteers:** They will establish a Liaison Committee to meet monthly or more frequently when needed, at the


level of directors of operations, to ensure that the best available assistance can be brought to the support of people in need.

- e. **Awareness raising programs:** The two societies will promote respect of the medical mission and of the emblems by weapons carrier, general public and decision and law makers. They will also continue to disseminate amongst their staff and volunteers and the general public fundamental principles of the Movement and the rules of international humanitarian law.
- f. **Cooperation in blood bank issues :** The two societies will cooperate on all issues of mutual interest, such as blood donation, blood transfusion services, storage and technical training.

This agreement will enter into force upon signature by the Chairman of MDA and the President of PRCS subsequent to its approval by their respective executive boards.

**Signed in Geneva on 28 November 2005**

For Magen David Adom in Israel



Dr. Neam Yifrach  
Chairman

For the Palestine Red Crescent Society



Younis Al-Khatib  
President


**In witness thereof**

For the Swiss Government



Micheline Calmy-Rey  
Federal Councillor

For the ICRC

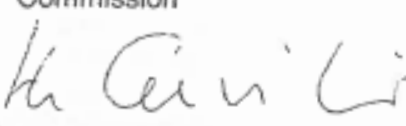


Jakob Kellenberger  
President

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Bengt Westerberg  
Vice President

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