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Council of Delegates of the International Red Cross
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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

RESOLUTION

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in consultation with National Societies

RESOLUTION 10

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),

the Council of Delegates,

recalling the Memorandum of Understanding (MoU) and the Agreement on Operational Arrangements (AOA) concluded between 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 (which paved 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 (...),

acknowledging, with appreciation, the report on the implementation of the MoU, dated June 2022, and the efforts undertaken by the Hon. Robert Tickner AO, 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 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 10 adopted by the Council of Delegates in December 2019 concerning the implementation of the MoU and the AOA between MDA and the PRCS and endorsed by the 33rd International Conference of the Red Cross and Red Crescent (International Conference) under its Resolution 8,

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

noting, with continued concern, the facts presented in the Monitor's June 2022 report, which include the misuse of the MDA logo and MDA's continued operations in the Palestinian territory occupied by Israel in 1967 without the consent of the PRCS,

recalling the long-standing duty, first enshrined in Resolution 11 of the 1921 International Conference, and cited in para 3(b) of the MoU, for all National Societies to ensure that any operations conducted on the territory of another National Society are undertaken with the latter's prior consent,

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 the applicability to all National Societies, without distinction, of 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,

noting that no peace agreement, nor any other political solution, has been concluded between the Israeli and Palestinian authorities,

recognizing the unchanged internationally recognized legal framework applicable to the Palestinian territory occupied by Israel since 1967, including the Fourth Geneva Convention of 1949 relative to the Protection of Civilian Persons in Time of War,

acknowledging what has been achieved under the MoU and AOA and the need to preserve it, yet *reiterating* strong disappointment that after more than 16 years the MoU is not yet fully implemented, in particular its geographical scope provisions,

reaffirming the collective determination and commitment of all components of the Movement to an effective and positive coordination in support of the MoU's full implementation,

1. *urges* MDA anew to comply with its obligations with respect to the geographical scope provisions of the MoU and to take appropriate actions to end non-compliance;
2. *reiterates* its call upon the State of Israel to create the necessary conditions to enable MDA to comply with its obligations with respect to the geographical 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.;

3. *requires* MDA to further engage with the authorities of Israel to end any misuse of the MDA logo in the territory within the geographical scope of the PRCS, and *strongly urges* MDA to continue to work with its authorities and with other key stakeholders to ensure that any logos or other markings used in the territory within the geographical scope of the PRCS are distinct and clearly distinguishable from the MDA logo;
4. *requests* MDA to continue to assist the PRCS through lobbying and advocacy to the relevant Israeli authorities, as defined in the Agreement on Operational Arrangements (AOA), with a view to protecting the operational functionality of the PRCS throughout its territory, as defined by the MoU (Palestinian territory occupied by Israel in 1967), and in particular in regard to the licensing by Israeli authorities of PRCS emergency medical services in East Jerusalem;
5. *requests* the ICRC and IFRC, in consultation with concerned parties, to revise the current monitoring and reporting to the Movement and to define a new approach, such as, but not limited to, the appointment by the presidents of the ICRC and IFRC of a suitably experienced individual who would engage in a strengthened and enhanced dialogue with the National Societies and their respective political authorities with the objective of exploring new avenues towards the goal of achieving full implementation of the MoU;
6. *also requests* the ICRC and IFRC to inform the Council of Delegates in 2024, and through it the 34th International Conference, on the status and progress of the new approach to achieving full implementation of the MoU and to ensure the provision of a report on the status of the implementation of the MoU.