



Power of humanity

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

27–28 October 2024, 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

DRAFT RESOLUTION

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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

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.

(...)

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 (...),

recalling Resolution 8 of the 33rd International Conference, as well as Resolution 10 adopted by the Council of Delegates in June 2022 concerning the implementation of the MoU and the AOA between MDA and the PRCS, and specifically its Operational Paragraph 5 requesting “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;”

and its Operational Paragraph 6 requesting

“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;”

noting the appointment by the IFRC and ICRC of Ambassador Juan José Gomez Camacho following resolution 10 adopted by the Council of Delegates in June 2022,

acknowledging the report on the implementation of the MoU, dated August 2024, provided by Ambassador Juan José Gómez Camacho,

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,

deeply saddened and extremely concerned by the dire humanitarian situation and the complexity of the current political and security environment, in particular since 7 October 2023, where the hostilities in Israel and in Gaza and the increasing violence in the West Bank have resulted in immense suffering and loss of civilian lives, including the devastating deaths of humanitarian and healthcare workers,

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

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;

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,

acknowledging the MoU and AOA reflect a powerful commitment of the PRCS and MDA to continue providing humanitarian services despite the existing political environment, yet *reiterating* strong disappointment that after more than 18 years the MoU is not yet fully implemented,

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. *calls on* MDA and the PRCS to continue engaging in dialogue and taking action to clarify pending and recurring issues concerning the implementation of the MoU and AOA, as agreed in the meeting of 27 June 2024:
 - a. to participate in joint meetings as part of the Liaison Committee on a monthly basis;
 - b. to discuss each National Society's views and experiences, as well as obstacles they face concerning the implementation of the MoU and AOA;
 - c. to agree on a permanent joint method of work, including—critically—a practical system to ensure regular, fluid, predictable and efficient communication between both National Societies in order to address foreseeable and unforeseeable issues in a timely and effective manner.
2. *calls on* all members of the Liaison Committee to act in accordance with and follow up on their current and future commitments, appreciating that actions taken will be a strong sign of commitment towards the MoU and AOA, paving the way for their full implementation;
3. *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;
4. *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;
5. *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;
6. *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;
7. Pursuant to obligations of MDA to assist the PRCS through lobbying and advocacy to the relevant Israeli authorities on items stipulated by paragraph 1 of the AOA, *also calls* upon the State of Israel to consider positively MDA's advocacy on behalf of the PRCS and to restore, where hindered, and maintain the PRCS' access throughout the PRCS's jurisdiction, including in East Jerusalem, as outlined in the MoU.

8. *requests* the ICRC and IFRC, in consultation with concerned parties, to continue the current approach as well as facilitate and support both National Societies as needed and feasible in their dialogue and fulfillment of their commitments following Liaison Committee meetings and to ensure the provision of regular updates to the IFRC Governing Board once a year, with a view to taking appropriate action to ensure progress.
9. *requests* all components of the Movement to encourage and support MDA and the PRCS in their effort towards the implementation of the MoU;
10. *also requests* the ICRC and IFRC to inform the Council of Delegates in 2026, and through it the 35th International Conference, on the status and progress of achieving full implementation of the MoU and to ensure the provision of a report on the status of the implementation of the MoU, drawing, *inter alia*, on the information and evidence provided by the PRCS and MDA.