



Power of humanity

Council of Delegates of the International
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**COUNCIL OF DELEGATES
OF THE INTERNATIONAL RED CROSS
AND RED CRESCENT MOVEMENT**

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

RESOLUTION

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

The Council of Delegates,

recalling the Memorandum of Understanding (MoU) signed by the Palestine Red Crescent Society (PRCS) and Magen David Adom in Israel (MDA) on 28 November 2005, in particular the following provisions:

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 Civilians 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 (...).

taking note, with appreciation, of the report of November 2017 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 10 adopted by the Council of Delegates in December 2015 concerning the implementation of the MoU and the Agreement on Operational Arrangements (AOA) between the PRCS and MDA, as endorsed by Resolution 8 of the 32nd International Conference of the Red Cross and Red Crescent (International Conference),

reaffirming the importance for all of the components of the International Red Cross and Red Crescent Movement (Movement) to operate at all times in accordance with international humanitarian law as well as the Fundamental Principles, the Statutes and the rules and policies 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” adopted in November 2009,

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 its disappointment that after nearly 12 years the MoU is not yet fully implemented, while *noting* the challenging humanitarian and political environment,

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,

taking note of the letter of 15 November 2015 from the Ministry of Foreign Affairs of the State of Israel to the Standing Commission, in which the Israeli Government stated that “it is ready to support the MDA to ensure the full implementation of its commitments [under the MoU]”,

also taking note, with appreciation, of the letter of 11 September 2017 from the Ministry of Foreign Affairs of the State of Israel to the Independent Monitor, as set forth in Annex 1 to the Independent Monitor’s report, which refers to a decision and concrete measures to help achieve compliance with the geographical scope provisions of the MoU, and its commitment to do so according to a planned timetable, with a view to facilitating substantive progress on this issue and to completing these measures well in advance of the 33rd International Conference in 2019,

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* the progress that has been reported with respect to implementation and *commends* the efforts of both National Societies, but *also notes*, with continued regret, that full implementation has still not been achieved;
2. *welcomes* the actions taken by MDA to engage its authorities to end the misuse of the MDA logo in the territory considered within the geographic scope of the PRCS, and *encourages* it to continue to work with its authorities and with other key stakeholders to ensure that any markings used in this territory are different and clearly distinguishable from the MDA logo;
3. *urges* MDA to comply with its obligations with respect to the geographic scope provisions of the MoU and to take appropriate actions to end non-compliance;
4. *calls on* the State of Israel to continue to support MDA to ensure the full implementation of its commitments under the MoU;

5. *notes* that implementation of the decision referenced in the 11 September 2017 letter of the Ministry of Foreign Affairs of the State of Israel, to be validated by the Independent Monitor well in advance of the 33rd International Conference in 2019, will make a significant contribution to the implementation of the MoU;
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 re-establishment of the Liaison Committee referred to under the AOA and *encourages* continued co-operation between the two National Societies in fulfilling their shared humanitarian mandates and commitments;
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 the Independent Monitor until the 33rd International Conference in 2019;
9. *agrees* that the roles of the Independent Monitor under the terms of reference include, but are not limited to, the following main functions:
 - a) undertake monitoring visits no less than twice a year, and produce at least one interim report to the Movement prior to the 2019 Council of Delegates;
 - b) validate the information provided by the two National Societies regarding the implementation of the MoU;
 - c) explore constructive options within the Movement to address issues identified in the reports;
10. *recognizes* that the Independent Monitor may wish to call upon assistance from National Societies and eminent individuals from within or outside the Movement to reach full implementation of the MoU;
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 next Council of Delegates and through it to the 33rd 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 2019 Council of Delegates and the 33rd International Conference.