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**32nd INTERNATIONAL CONFERENCE
OF THE RED CROSS AND RED CRESCENT**

Geneva, Switzerland

8-10 December 2015

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

Report

Document prepared by the Standing Commission of the Red Cross and Red Crescent

Geneva, December 2015

EXECUTIVE SUMMARY

Magen David Adom in Israel and Palestine Red Crescent on 28th November 2005 concluded a Memorandum of Understanding (MoU) and Agreement on Operational Arrangements (AOA) regulating aspects of the relationship between the two.

Initially, the implementation of the MoU and AOA was monitored by the Swiss Government, which provided an initial report to the 29th International Conference of the Red Cross and Red Crescent, Geneva, June 2006.

Subsequently, Minister Pär Stenbäck of Finland was appointed Independent Monitor, a function he carried out until the close of the Council of Delegates in Sydney in 2013.

At that Council, the monitoring role was transferred to the Standing Commission of the Red Cross and Red Crescent, which decided to ask two of its members, Minister Stenbäck and Min (Hon) Dr Mohammed Al-Hadid to undertake the tasks inherent in the monitoring role.

The monitoring was carried out through a combination of visits to the region, communications with those concerned, and regular feedback to the Standing Commission.

They express their strong concern over the non-implementation of the MoU in a period when pragmatic cooperation between the two humanitarian organisations is much needed in the field operations. MDA and PRCS have been able to coordinate their operations to a large extent, in the interest of the victims and in accordance with the Agreement on Operational Arrangements (AOA) signed in 2005, but the continuing failure to implement fully the MoU will no doubt endanger this cooperation.

Memorandum of Understanding between the Palestine Red Crescent Society and Magen David Adom in Israel

The resolution of the 31st International Conference endorsing the resolution from the 2011 Council of Delegates noted the progress that had been made with respect to the implementation of the MoU and commended the efforts of the PRCS and MDA. The resolution also noted with regret that the full implementation of the MoU had not yet been realized, as observed by the monitor, and strongly urged MDA to fulfil its obligations without further delay and complete the efforts underway to bring its operations into compliance with the geographic scope provisions of the MoU.

Resolution 5¹ of the Council of Delegates in Sydney in 2013 requested “the ICRC and the International Federation to arrange for the provision of a report on implementation of the MoU to the next Council of Delegates and through it to the International Conference ...”

Resolution 5 also took note of the report issued on 28 February 2013 and of the report presented to the Council by Minister (Hon.) Pär Stenbäck, the independent monitor, of progress achieved in the implementation of the MoU and the Agreement on Operational Arrangements (AOA) of 28 November 2005 between PRCS and MDA. By noting the report, the Council agreed that the monitoring of the Agreement on Operational Arrangements could be concluded and future monitoring limited to the MoU.

The present report is submitted to the Council of Delegates in 2015 in response to the request from 2013.

Resolution 5² also reaffirmed “the decision of the Council of Delegates and the 31st International Conference in 2011 that the monitoring process will continue and requests that regular reports on the monitoring mechanism are issued as deemed necessary;”.

The present report will update the Council of Delegates on the continued monitoring, as decided in 2011 and 2013

Until the Council Delegates in 2013, the monitoring of the implementation of the Memorandum of Understanding and Agreement on Operational Arrangements was carried out by the Independent Monitor, Minister Pär Stenbäck, with support from the ICRC and the International Federation.

With the closure of the Council of Delegates in 2013, the mandate of the Independent Monitor expired.

At its meeting on the eve of the Council of Delegates, the Standing Commission discussed all aspects of the monitoring process, and based on those discussions the Chairman of the Commission, Mr Greg Vickery, made this statement to the Council:

“The Standing Commission received a report by the Independent Monitor, Minister Pär Stenbäck, at its meeting on November 15, 2013 in Sydney. It noted the end of the mandate of the Independent Monitor as from the closing of the Council of Delegates on November 18, 2013 and decided that the Standing Commission will lead the

¹ Resolution 5 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, OP6, <http://rcrcconference.org/wp-content/uploads/sites/3/2015/03/2013-Council-of-Delegates-resolution-booklet.pdf>

² Resolution 5 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, OP4, <http://rcrcconference.org/wp-content/uploads/sites/3/2015/03/2013-Council-of-Delegates-resolution-booklet.pdf>

monitoring process and continue to follow the implementation of the MoU. Continuous observation feeding into the validation process will be undertaken by ICRC. A report will be presented to the International Conference in November 2015.”

At its first meeting³ after the 2013 Council of Delegates, the Standing Commission reaffirmed that decision, and decided that the former Independent Monitor and Member of the Standing Commission, Minister Pär Stenbäck, and Minister (Hon) Mohammed Al-Hadid, Member of the Standing Commission, assume the responsibility to continue the monitoring process.

At its next meeting, in June 2014, the Commission received an update from Minister Pär Stenbäck in his role as one of the Standing Commission representatives on the issue of monitoring of the implementation of the MoU.

The Commission decided⁴ that a set of Terms of Reference for the monitoring should be developed. The Commission agreed that field verification should be conducted jointly with the ICRC and Federation delegations, and that the Commission’s involvement in the Monitoring must be visible to stakeholders, if necessary through the use of video-conferencing to supplement missions to the region. The Terms of Reference were adopted 15 July 2014.

At its 9th meeting, in November 2014, the Commission received a briefing from its Member, Minister (Hon) Dr Mohammed Al-Hadid, on a recent monitoring visit to Israel and Palestine.

The meeting held on that occasion between Magen David Adom in Israel and Palestine Red Crescent Society had taken place in a positive atmosphere marked by mutual respect, without shying away from the difficult issues. The discussions focussed not on the past, but on what needs to be done during the next 12 months to fulfil the obligations with regard to implementation of the MoU.

The Standing Commission decided to write a letter to Magen David Adom in Israel to serve as support for MDA in its discussions with the Government of Israel. A letter from the Chairman of the Standing Commission, Mr Greg Vickery, was sent to the Chairman of MDA on 25th January 2015.

Six months later, the Commission again received an update from Minister Stenbäck and Minister (Hon) Dr Al-Hadid, and decided⁵ they would continue their efforts, including visits to the area, with support from the ICRC and the International Federation.

When the Commission met for the second time in 2015, Minister Pär Stenbäck and Minister (Hon) Dr Mohammed Al-Hadid again updated the Commission. The Commission decided⁶ to make a high-level intervention with the Government of Israel to promote the full implementation of the Memorandum of Understanding between Magen David Adom and the Palestine Red Crescent Society. This took the form of a joint letter from the ICRC and the International Federation, sent 10th July 2015.

When meeting in October 2015, the Commission heard from Minister Pär Stenbäck and Minister (Hon.) Dr Mohammed Al-Hadid on the situation regarding implementation of the MoU, and their plans for visiting the region. The Commission expressed its appreciation for the efforts and requested that a report be written and submitted to the International Conference.

³ Decision 15 of SC XVI-7, 10-11 February 2014 Divonne, France; see <http://standcom.ch/download/meeting/SC%20XVI%207th%20Decisions.pdf>

⁴ Decision 13 of the XVI SESSION OF THE STANDING COMMISSION OF THE RED CROSS AND RED CRESCENT Meeting SC XVI – 8 3 June 2014

Florence, Italy, see <http://standcom.ch/download/meeting/Decision%20Sheet%20Meeting%20SC-XVI-8.pdf>

⁵ Meeting SC XVI – 10, 26 March 2015, Woodlands, Houston, USA;

<http://standcom.ch/download/meeting/SC%20XVI%2010th%20decision%20sheet%20for%20website.docx>

⁶ Meeting XVI-11, Domaine des Penthes, Geneva, 4 May 2015, Decision 8

Minister (Hon.) Al-Hadid and Minister Stenbäck undertook a joint mission to Jerusalem and Ramallah between Oct 19 and 21, 2015. They met with Ambassador Aharon Leshno-Yaar of the Israeli Foreign Ministry who orally conveyed the strong commitment of the Israeli government to support MDA in the finalization of the implementation of the MoU. The representatives of the Movement asked the Ministry to define a timetable for implementation and urged the Israeli government to take legal action against those settlements in the occupied Palestinian Territory that misuse the MDA symbol on their ambulances. As a result of this conversation, the Ministry has sent a letter to the Standing Commission (attached as annex 1).

In two meetings with MDA Chairman Dr Noam Yifrach, the Chairman admitted that MDA ambulance traffic still takes place in the West Bank and had not been stopped, due to political difficulties. Minister (Hon.) Al-Hadid and Minister Stenbäck strongly emphasized the need for MDA to finally fulfil its commitment from 2005 and cease all its activities in the Occupied Territory. Dr Yifrach promised to outline his commitment towards implementation of the MoU and cooperation with the PRCS in writing.

In a letter received on 24 November, the state of the cooperation with the PRCS and the nature of the support provided to ensure that the Palestinian population residing in Gaza, East Jerusalem, and the West Bank, and moving to/from Jordan have unimpeded access to health services in East Jerusalem and, when required, Israel proper was spelled out in detail.

Minister (Hon.) Al-Hadid and Minister Stenbäck discussed the prevailing situation with PRCS President Younis Al-Khatib who expressed his deep disappointment with the non-implementation and with the lack of a positive prospect and time-frame for said implementation. He also referred to operational problems caused by Israeli authorities, hampering the work of PRCS for the victims of the present unrest.

In conclusion, the two representatives of the Standing Commission note developments during 2015 represented by the doubling, with Israeli government and MDA support, of the number of Palestine Red Crescent Society ambulances in East Jerusalem from 5 to 10, in accordance with the AOA.

The Standing Commission representatives also conclude that no additional steps since 2013 have been reported as having been taken in regard to the geographical scope provisions of the MoU. The Council of Delegates is reminded by what was contained in the verbal report delivered to the CoD in 2013 by the then-Independent Monitor Minister Stenbäck, including observations made on the West Bank in October of that year which confirmed that many of the ambulances transferred to Israeli authorities by MDA in 2011 actually had been repainted or had their markings otherwise made to resemble those of MDA. The observations also showed that the new, neutral ambulance symbol, negotiated by the then-Independent Monitor, was partly in use. Finally, it was observed that several standard MDA ambulances were also witnessed operating outside Israel proper. In the discussions with the parties in 2015, no changes to these realities have been recorded or confirmed by the representatives of the Standing Commission.

The Standing Commission expresses its strong concern over the situation in a period when pragmatic cooperation between the two humanitarian organisations is much needed in the field operations. MDA and PRCS have been able, to a large extent, to coordinate their operations, in the interest of the victims and in accordance with the Agreement on Operational Arrangements signed in 2005, but the continuing failure to implement fully the MoU will no doubt endanger this cooperation.

Annex 1

State of Israel
Ministry of Foreign Affairs



מדינת ישראל
משרד החוץ

November 15th, 2015

H.E. Dr. Mohammed Al-Hadid,
President of the JNRCS
the Standing Commission of the
Red Cross and Red Crescent

Minister (Hon.) Pär Stenbäck,
the Standing Commission of the
Red Cross and Red Crescent

Dear Dr. Al-Hadid and Minister (Hon.) Stenbäck,

I am writing further to our constructive meeting on October 19th, 2015.

As we discussed, the current security and political reality in our region and the territories in particular, means that the role of the MDA and PRCS, and the cooperation between them, is as vital as ever.

Accordingly, although the Israeli government is not a signatory to the MoU, it is ready to support the MDA to ensure the full implementation of its commitments. It has commenced and will continue a close dialogue with MDA with a view to facilitating implementation of any outstanding issues – while ensuring that medical services to all residents of the area continue to be provided at the highest practicable level.

The Israeli government is committed to working with MDA to facilitate additional programs and measures to improve existing cooperation between MDA and PRCS, and to ensure that Palestinian medical needs are met.

Additionally, Israel has taken significant steps, even in the context of the challenging current security situation, to provide medical services to Palestinians. Many of these initiatives go well beyond the commitments undertaken by MDA in the MoU.

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מדינת ישראל
משרד החוץ

Within the next few days I hope to send you additional information detailing some of the extensive efforts that have been made by the Government of Israel and the MDA to ensure that, even in the context of a challenging security situation, health care and medical services to the Palestinian population and cooperation with the PRCS continue to operate at the highest possible level.

Finally, recognizing the importance of the membership of MDA in the RCRC movement, Israel reiterates its commitment to provide any assistance and support to enable MDA to play an active and constructive role as a member of the movement.

Sincerely,

A handwritten signature in black ink, appearing to read 'אהרן' (Aharon).

Aharon Leshno-Yaar

Deputy Director General for U.N and International Organizations

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