MINUTES OF THE EXTRAORDINARY MEETING OF THE INTERNATIONAL COUNCIL ON 26 JANUARY 2000

An Extraordinary General Assembly of the International Association "International Office of Médecins Sans Frontières", abbreviated to "MSF International", whose headquarters are established at rue de la Tourelle 39, 1040 Brussels, was held at 14.30 on Wednesday 26 January 2000 in the offices of Médecins Sans Frontières/Artsen Zonder Grenzen, rue Dupré 94, 1090 Brussels.

I) Opening of the extraordinary general assembly (EGM)

No objections were raised to the formation of a provisional office composed of:

- President: Dr. J. Orbinski
- Secretary: Jens Hillingsoe
- Teller: Kostas Papaioannou
- Teller: Clemens Vlasich

Note: Kostas pointed out that not all the Presidents were present as has been customary at other IC meetings; he regretted this on ethical grounds.

After a preliminary verification of the voting rights of the members present or represented (list in annex), President James Orbinski proposed that the meeting proceed with the constitution of a definitive office.

II) Definitive office

A definitive office was established as follows:

- President: Dr. J. Orbinski
- Secretary: Jens Hillingsoe
- Scrutineer: Kostas Papaioannou
- Teller: Clemens Vlasich

The definitive office confirmed the voting rights of the members present or represented. No objection was raised to this, apart from the remark of MSF Greece concerning the composition of the assembly (see above).

The composition of the International Council was therefore established in conformity with the list of those present, which is attached to the present Minutes.

III) Opening statements by the President

James Orbinski read out the agenda, which was established as follows:
1. Vote on the exclusion of Médecins Sans Frontières – Greek section (MSF Greece) for the following reasons:

- violation of the resolution passed by the International Council meeting of 11 and 12 June 1999 calling on MSF Greece to immediately halt its operations outside Greek territory;

- MSF Greece's violations of the fundamental principles of the movement. The said violations are based on the report of Stephan Oberreit et Morten Røstrup of 3 June 1999

2. Other business

He stated that International Council’s members had been convoked by registered letter dated 5 January 2000, with acknowledgement of receipt.

The President pointed out that according to art. 6.2 of the International Office’s statutes, only two representatives of a member section are authorised to take part in an IC meeting. O. Boudouris explained that MSF Greece authorised a 4-person delegation. He therefore asked the IC to accept the presence of these 4 people, even if some of them would have to leave the room when voting took place.

The MSF Greece proposal was accepted by 15 votes in favour, 3 against and 1 abstention.

IV) Statement on the validity of the International Council EGM

The President’s opening remarks were recognised as correct by the meeting, which was validly constituted to deliberate on the different points on the agenda. However, Odysseas Boudouris for MSF Greece expressed reserve in regard to the validity of the proxies.

V) Summary of discussions

1) Statement by Morten Røstrup:

Morten Røstrup presented his report, a complete copy of which is to be found the annexes of the present Minutes.

2) Statement by the Greek party:

O. Boudouris declared that the report did not reflect reality. He invited members to take note of the memorandum distributed by MSF Greece and sent to IC members the previous day by e-mail (to be found in annex to the present Minutes). MSF Greece had been held at a distance from the MSF movement for 7 months. Information relative to the current situation of MSF Greece would therefore by given by Thanassis Papamichos, and the position held by MSF Greece in this dispute would be presented by Sotiris Papaspyropoulos.
a) MSF Greece over the past 7 months

MSF Greece has encountered difficulties in managing its projects and has therefore decided to create its own logistics base following the refusal of MSF Logistics to work with them at the time of the earthquake in Turkey. More than 20 volunteers were deployed in Turkey and in Greece. He reminded the meeting that MSF Greece has been present in Armenia since 1993 and in Georgia since 1994. A project was very recently started in Palestine on behalf of handicapped people, and another in Zambia. They also have a project in Malawi, and another working with illegal immigrants in Greece, including Albanians. In addition to local staff, over 40 volunteers are presently working in these projects. There are 17 people in the offices of MSF Greece. Their budget is 4 million euros. They have 110,000 donors. The number of donors has increased by 15% since the announcement of the exclusion of MSF Greece. In the office, everybody feels they are part of MSF and believes that they are respecting the statutes; they also hope to reintegrate with MSF missions. MSF Greece hopes that there is room for dialogue and for transparency.

b) Background

Sotiris used a metaphor to describe the relationship between MSF Greece and the rest of the movement (MSF should be seen as a country with a very small minority on its southern frontier, which is MSF Greece – see annex). He then developed the argument contained in the memorandum presented by MSF Greece and transmitted by e-mail to other members. A copy was distributed during the meeting.

MSF Greece would like to open up an unconditional dialogue with all subjects open for discussion. But the IC must make known whether it wishes to exclude the section or whether it wishes an intensive dialogue. If the IC wants an exclusion procedure, it cannot be prevented from this, but the problem will not be resolved; two conditions are required for this:

- there must be a serious breach of obligations, not merely a difference of opinion. In the recent history of MSF there have been greater failures of transparency and more serious violations of principles that those for which MSF Greece is reproached (he gave two examples: the article entitled “J’accuse” in Libération and the fact that 60% or more of MSF Belgium’s funding was institutional); each case was resolved by dialogue.
- the right of defence must be respected, which is not the case here as MSF Greece has been cut off from cc-mail system for 7 months and therefore cannot make its side of the dispute known.

Therefore, if the IC opts for exclusion, MSF Greece will contest this on the basis of the two points listed above. A procedure must be found to relaunch a dialogue, even if exclusion has to be postponed to a later date. He invited IC members to read the memorandum distributed to all participants.

3) Questions from the floor

Replying on behalf of MSF Greece to a question raised by J-P. Hurt representing MSF Italy, Sotiris confirmed that the memorandum is the same document as that sent over the
Interment the day before. It is a report, which completes a document already, sent out in June 1999.

Morten of MSF Norway recalled that the Greek mission had been prepared with a total lack of co-ordination or transparency, and also violated the principle of independence. He stated that Greece wanted to become the sixth operational centre and that Kosovo was an opportunity for realising this wish. The proposal offered to MSF Greece to remain as a partner section had been refused, even if this was a "suicide operation" (according to him). MSF decisions are very much more transparent today within the framework of the new IC, and this transparency has not been respected. We cannot waste too much energy and resources on this matter if there is no transparency.

Eric Vreede for MSF UK: it has been clear since '97 that MSF Greece could not be operational. It had the chance to become so via the common centre (Greece-Switzerland) The idea of operationality has changed. It is not true MSF Greece did not have the chance to defend itself because they decided to leave during the IC meeting of June '99 and have refused give an explanation.

Olivier Dechevrens for MSF Switzerland: the accusation that the IC lacks transparency is incorrect. Furthermore, Odysseas Boudouris was vice-president and should therefore have sent a mail to everybody to resolve the crisis over Kosovo. Odysseas replied that he had done so.

Miguel-Angel for MSF Spain: there were 5 hours of debate on the situation regarding MSF Greece during the IC meeting in June 1999. It is untrue to say that MSF never condemned the NATO bombings.

Vincent Janssens for MSF Holland: referring to Accusation 4 in the memorandum which mentioned that the Belgians did not succeed in obtaining visas "which was very much foreseeable." Why was this foreseeable?

Replies from MSF Greece (Sotiris Papaspyropoulos)

- In regard to the IC meeting of June '99: there was an extraordinary Board of Directors meeting at the beginning of June in the presence of Jean-Marie Kindermans, International Secretary. MSF Greece replied to all the questions put by S. Oberreit and M. Rostrup, even if they did not agree with the approach taken by the rapporteurs. They asked to receive the report before the IC meeting in order to have a Board meeting and have time to form an opinion. However, the report was received only two days before the IC meeting. Why was there so much hurry? They said that they were unable to defend their position in the time available.

- As regards a new era for MSF: it is the failure to have a common logistics centre, to have a common financial system, the failure of ET, the desire to transform MSF into a large federation. We will continue to state our case. There is an operational dialogue but no longer a decision-making organ: the partner sections cannot join international missions. MSF has not entered a new era.

- As regards the sixth operational centre: false, we respect IC decisions. Today, for historic reasons, there are only 5 centres, but we accept this. We just want to find
ways to integrate our existing operationality. There is a refusal to maintain commitments made by MSF International in regard to MSF Greece.

Other questions from participants

Eric Vreede for MSF UK: during the IC meeting of June ’99 there was no desire to expel MSF Greece, but rather to discuss the problem. If MSF Greece wanted to remain, they should have agreed to discussions and another IC meeting would very quickly have been organised.

Pascal Meeus for MSF Belgium: everything MSF Greece has done shows that they want to become the sixth operational centre. They say that they have been building the movement for 10 years, but we are all building it. However, for 10 years the rules put in place by the IC are continually flouted (i.e. the rules concerning the operationality of MSF Greece).

Response from Sotiris Papaspyropoulos for MSF Greece: the dialogue has gone the rounds, all the questions have had their turn. During the June ’99 IC meeting MSF Greece may have breached procedure, but this does not constitute a serious offence liable to lead to exclusion. The IC does not respect the agreements with MSF GREECE. To reply to V. Janssens’ question, in any case visas were not obtained. The Milosevic regime had identified certain MSF countries as countries supporting NATO’s actions because of statements made by some senior representatives of MSF. This is why visas have now been granted to MSF Switzerland (and perhaps to MSF Belgium?)

The Nobel Prize vindicates MSF’s history and we should therefore not be excluded from it. What would be the sense of this exclusion? MSF Greece has an obligation towards its donors and towards the populations for which it has a responsibility to continue to exist. Within MSF Greece there is a desire to find a formula for continuing with 5 operational centres. If we are excluded, we wish to continue for several years as MSF. We propose that all legal procedures should be terminated and a working group nominated to find possible solutions to the existing problem, which began 8 months ago.

Pascal for MSF Belgium: does this proposal imply that all operations would be ended?

Sotiris for MSF Greece: the proposed working group would have the possibility of discussing all proposals and we are only calling for a working group to be nominated to hold a dialogue.

Odysseas for MSF Greece: the proposal of MSF Greece must be submitted to a vote.

Romain for MSF Luxembourg: the procedures are clear: operationality must be halted and the June ’99 IC decision respected.

Sotiris for MSF Greece: the proposal of 11/12 June ’99 could not be discussed; we want to have this possibility now. He repeated his proposal.

Jean-Marie Kindermans, International Secretary: the IC has begun an administrative procedure, not a legal procedure.
Pascal for MSF Belgium: MSF Greece has had the chance to explain and must therefore be ready to comply with the June IC 99 resolutions.

Sotiris for MSF Greece: the MSF Greece AGM put forward a counter proposal that it wishes to have discussed, even though no dialogue has never been held.

Olivier for MSF Switzerland: instead of responding, MSF Greece always puts another question, this is becoming tedious.

Morten for MSF Norway: it was clear at the June '99 IC meeting that if the resolution regarding Greek operationality was not respected, MSF Greece would be excluded from the movement. However, you have opted in favour of your operationality.

VI) Summing up

Odysseas Boudouris for MSF Greece raised a procedural question about the proposal of MSF Greece, which must, according to him, be put to the vote. Sotiris Papaspyropoulos: the proposal from MSF Greece is an alternative to exclusion and must therefore be voted on before the exclusion itself.

Lawyers debated over the procedure: should the proposal by MSF Greece be regarded as an alternative to the vote on the exclusion procedure (view promoted by the lawyers of MSF Greece) or a new point on the agenda (view promoted by Mr. Druylans, lawyer for the International Office)?

Sotiris for MSF Greece undertook to respect IC decisions and defend them to MSF Greece. That was the extent of the undertaking that could be taken by those present for MSF Greece. But, IC decisions are binding on all sections, unless a national AGM decides otherwise.

Romain for MSF Luxembourg reminded the meeting that either a vote should be held on exclusion or MSF Greece should immediately accept the June '99 IC decisions.

James Orbinski asked the meeting if the proposal of MSF Greece should be voted on, as well as a second vote on point 1 on the agenda on the exclusion of MSF Greece.

The lawyer for MSF Greece rejected this and said that each member present at the EGM should be able to submit a proposal.

P. Druylans, lawyer for the IO: an AGM decides on the points on the agenda. There is disagreement on whether or not the proposal of MSF Greece is contained in the agenda so the International Council must, as an AGM, rule on this matter.

Sotiris Papaspyropoulos proposed that his proposal should be reformulated:
- MSF Greece not to be excluded this day;
- all legal or administrative procedures by on side or the other to be halted;
- a committee to be formed to undertake a dialogue.
James Orbinski then reformulated the motion on the agenda. Odysseas Boudouris refused to vote.

⇒ The President asked the International Council if it agreed to add a new point to the agenda, which would be the new 3-point proposal of Sotiris Papaspyropoulos. Objection from Sotiris Papaspyropoulos who said that this was not another subject on the agenda.

Voting: 2 in favour, 1 abstention, 16 against.

Odysseas Boudouris expressed reservations regarding the legality of this vote.

⇒ Then, on a proposal put forward by the President, the following resolution was submitted to a vote:

“The International Council votes to exclude Médecins Sans Frontières – Greek section, on the basis of a violation of the fundamental principles of the movement and a violation of the International Council’s resolution passed at the meeting of 11 and 12 June 1999.”

Voting: This resolution was adopted by 18 votes in favour, 1 vote against and no abstention.

Odysseas Boudouris asked for the list of participants and expressed reservations on the voting.

No other point was discussed.
VII) Closing of the meeting

The International Council meeting was closed at 17.00.

The Minutes were established the same day at 17.30 and signed by the following members:
List of annexes:

Annex 1: list of members present and their voting rights
Annex 3: memorandum presented by MSF Greece
Annex 4: MSF Greece’s position as developed by Sotoris Papaspyropoulos.