International Council
October 15-16, 1992 - Barcelona

Minutes

Participants:

MSF-BELGIUM
Reginald Moreels
Jean-Pierre Luxen

MSF-FRANCE
Rony Brauman
Bernard Pécoul

MSF-GREECE
Sotiris Papaspyropoulos

MSF-HOLLAND
Dick Van Geldere
Jacques de Milliano

MSF-LUXEMBOURG
Carlo Faber

MSF-SWITZERLAND
Benoit Tullen

MSF-Liaison Office Geneva
Robert Müller

MSF-International Office
Alain Destexhe
Agenda

1. Approval of the minutes of the Paris IC
2. Discussion with Mr. Lalumière, Director of the UN Department of Humanitarian Affairs (DHA), about the UN interventions in large scale humanitarian crisis.
3. Institutional fund raising
4. Independence (financial) of MSF
5. Logo
6. International development
7. "MSF international day" 25th November
8. Result of the Belgium presidency/ Objectives of MSF France's presidency
9. Relations with the EEC
10. International newsletter
11. Opérations
12. Sudan
14. "Electronic mail system" between the MSF offices
15. Robert Muller's indemnity
16. MSF-Spain
INTERNATIONAL COUNCIL  
Barcelona, 15th and 16th October

1. Approval of the minutes of the Paris IC

The minutes are approved with the following modification on p.4:

The whole conclusion is suppressed and replaced by:

En conclusion:

La communication de MSF est internationale et nationale. Les secteurs communications sont encouragés à coopérer et à envoyer des communiqués de presse conjoints chaque fois que c’est techniquement possible.

Chaque section peut avoir ses priorités nationales, mais on essaie d’avoir un profil plus international, notamment à l’occasion de quelques "événements institutionnels" ou sur des questions d’actualité.

2. Discussion with Mr. Lalumière, Director of the UN Department of Humanitarian Affairs (DHA), about the UN interventions in large scale humanitarian crisis.

After 6 months existence, the DHA is now being criticised by Western governments, NGOs and even other UN agencies. A critical analysis of UN interventions and operations during humanitarian crisis should be an important topic in MSF’s agenda in the coming year. It could also be the subject of the 1993 MSF report.

3. Institutional fund raising

6 months ago, Stéphane Devaux was appointed "grant coordinator" in the International Office for a six-months period.

3 objectives were aimed at:

1/ to diversify our sources of institutional funding in order to reduce the EEC share.

MSF has now really started to diversify its institutional financers. Funds from Canada, USA and Scandinavian countries have been multiplied by four in one year. Still, by far, the EEC is MSF’s major donor.

2/ To write of a guideline of "institutional fund raising" for desks officers and field coordinators.

The guideline is available in English and French.

3/ To explore new financing sources.

We know much better now the budget channels in Canada and in the USA. Institutional fund raising is becoming an important activity for those delegate offices. Exploratory missions were made in Australia, Japan and South-East Asia.
The overall results are very positive.

The IC discusses whether it is relevant to create a permanent position of "grant coordinator", or to extend the mandate.

MSF France is opposed to a grant coordinator permanent position. This activity should be directly carried out by the sections.

MSF Holland is ready to continue for six months and evaluate after that period.

MSF Belgium and MSF Switzerland agree to go for another period, but not to create now a permanent post.

Alain stresses that he fears the setting up of a similar post in every section which is precisely what the IC tried to avoid by this post in the international office. He thinks it would be counterproductive.

Finally, there is a consensus that the exploratory work should be finished and that the "system" should still be fostered for a while.

Stéphane Devaux' appointment in the international office as "grant coordinator" has been extended for 3 months (15th of January). After that this activity will be directly managed by the sections.

4. MSF's financial independence

Alain presents a "code on MSF financings", which is supposed to be a reference for MSF when dealing with institutional donors.

The independence of MSF is considered of utmost importance. Although MSF needs funds from governments to carry out its projects, these funds can only be accepted if in line with MSF's Charter and operational plans. A systematically critical attitude is requested. Furthermore, MSF considers that private donors and, to a lesser extent, an acceptable diversification of institutional funds are the warranty of its independence.

MSF Holland is in favour to fix a target of, for example, 50% institutional funds and 50% private ones, for MSF as a whole. They think that, without a clear objective, a code could be easily ignored.

MSF Belgium is opposed to that approach. Some programmes could only be carried out with institutional funds and there is an obvious limitation to the Belgian private market growth.

MSF France stresses that MSF needs a permanent critical attitude, with a case by case approach.

Reginald would like MSF to create a "reserve fund" common to all sections that could be used in case of "international emergency missions" or as a reserve for MSF international. He thinks that this is a good way to strengthen our international collaboration.

The "code" is adopted with slight modifications (see annex 1). It will be widely spread in the sections.
5. **Logo**

The logo story is not over. Every section, except MSF Holland, has accepted the new logo "MSF". The board of MSF Holland refused it.

The Belgian and Dutch communication department don't like the logo and sent a letter to the IC.

MSF France is ready with the final lay-out.

It has to be noted that we have been discussing this for already one year and that we promised the ICRC to change our logo.

**Decision:**

1/ The definitive lay-out will be presented by MSF France to the different sections for final approval before the end of this year.

2/ A final decision must be taken before the end of the year.

3/ In case of disagreement, MSF France, holding the presidency, will take an initiative to find a solution.

6. **International development**

MSF has now an office in London (Gabriella Breebaart). Another one will be opened in Japan (Dominique Leguillier) before the end of the year and another in Scandinavia (Camilla Bredholt) in the beginning of next year. Still no plan for Germany.

We also have a correspondent in Australia (Peter Hakwill, who worked with MSF and the UNHCR).

7. "**MSF International day**" 25th November

The report on "Populations in Danger" is ready. It will be published in English, French and Spanish.

It will be handed to Jacques Delors and Boutros Boutros-Ghali during an official ceremony. Many national events will be organised in every section and our London office will be inaugurated in the presence of Lord Owen, the MSF-UK chairman.

The IC discusses the communication approach.

It is decided to put forward Sudan, Yugoslavia, Somalia and Burma and to stress two topics: refugees and access to the victims.

8. **Result of the Belgium presidency/Objectives of MSF France's presidency**

Reginald (B) comments on his presidency (see annex 2)

Bernard (F) presents the following 3 objectives.

1/ reflexion on MSF general objectives:
   - Public statement
   - UN role in crisis
   - Team security
2/ to strengthen the relations between the sections (in relation with the international office):
- operations meetings,
- regional meetings in the field,
- logistics (procurement centers, general politics,...)
- meetings of the departments (at least one every 6 months)
  Rony and Bernard's visit to the sections

3/ international development (a better definition of the section's, role the delegate offices, ...)

A working group, animated by the international office, will study this problem for the next IC (Alain, Bernard, Jacques, Jean-Pierre). Everybody can present his opinion to the working group.

MSF France thinks that to comply with these objectives, they will have to extend their presidency for 6 months (proposal).

The IC agrees on the extension of MSF-France's presidency for a period of 6 months.

9. Relations with the EEC

- A new director has been appointed in ECHO

- The emergency aid budget was 100 MECU in 90, 200 in 91 and already 400 this year, mainly because of Yugoslavia.

Alain and Robert attended a meeting in Geneva with the ICRC, SCF and UNHCR. These organisations, which channel 80% of the EC emergency aid, have exactly the same problem with the EC. There is a feeling that the EC approach in humanitarian operations is more and more politically orientated and that administrative constraints are growing.

These 4 organisations will ask the new director to organize a meeting to discuss those topics.

10. International newsletter

The International Office edited and published the international newsletter 4 times a year. 10,000 are distributed in English and 5,000 in French. It is destined to "opinion leaders": journalists, politicians, members of international organisations,..

Jean-Pierre criticizes the letter. He doesn't see the use.

Jacques thinks that it is absolutely necessary to continue, at least in English.

Rony and others have heard positive comments on the letter, among others in the USA. He also thinks that there is a good balance between the analysis and operational aspects. The last letter "Never again" was particularly appreciated.

Alain stresses that, on the one hand, we have very little publications in English and, on the other hand, that we consider improving our image in English speaking countries as an important objective. But it is a big constraint (in time, deadlines,...) for Anne-Marie Huby to have a bilingual version.
After discussion it has been decided to continue the international letter in '93 (4 issues). The French version is temporarily suppressed. The letter will be exclusively edited in English.

11. Operations

A general meeting of operations departments was organised in Brussels, on October 2nd. Debate on security.

The International Office will organize (with the kind support of MSF Belgium) in May '93 an international meeting in Brussels for all countries' and all sections' coordinators.

12. Sudan

Alain proposes to write a report humanitarian principles and rights. Accurate information is greatly needed to try to change the situation. He believes that our efforts until now were not successful, partly because they were spread out. A good "fact-finding" report, such as in Amnesty, could be an instrument to organise a big campaign to mobilize the "world" on Sudan at the beginning of '93. He identified a journalist, Nick Cater who has reported extensively on Sudan for the last ten years and who was previously in touch with MSF Holland to write a report "Sudan, Secret, Slaughter".

Jean-Pierre and Jacques think the priority is to relaunch operations in Sudan.

Alain thinks that whatever we might like to do, it risks being largely symbolic in Sudan and that maybe only an "international campaign" on Sudan could change things.

Rony points out that Sudan is an important subject in the book "Populations in danger". A report can help us effectively. We can also collaborate with human rights organisations such as "Africa Watch".

Conclusion:

We are waiting for the publication of "Populations in danger". A decision for a specific report will be taken in December.


Françoise Saulnier is preparing a manual to explain the key points on the Geneva convention, the refugees conventions and the "right of initiative" for humanitarian organizations. It will be ready at the end of November.

Françoise and Alain are worried by the numbers of "sans frontières" organisations which are being created in France (more than 15 in one year including some in the medical field). MSF is legally the owner of the name "sans frontières".

MSF France thinks that no particular action is to be taken.

It has been stressed that all requests for Françoise Saulnier should be screened first by the International Office.
14. "Electronic mail system" between the MSF offices

The IC states that an "electronic mail system" between the sections should be installed, if possible before the end of the year. It asks the people in charge to find the best solution to have a compatible system for all offices.

15. Robert Muller's indemnity

The IC accepts the increase from SF 1,500 to SF 2,000.

16. MSF Spain

The IC regrets the absence of the MSF Spain representatives.

Next IC:
The next IC will be held on Thursday 4th and Friday 5th of February 1993 in Geneva and will mainly discuss cooperation between the sections, international development of MSF and MSF international.

Alain Destexhe
October 29th 1992
CHARTE DES FINANCEMENTS DE MSF

- MSF est une organisation privée, "indépendante à l'égard de tout pouvoir ainsi que de toute force politique, économique, ou religieuse".

- MSF a besoin de sources de financements pour mener ses opérations. Outre les fonds de personnes privées, MSF accepte des fonds des gouvernements, des organisations internationales, des entreprises, des Eglises et des Fondations, aux conditions suivantes:

  - Les projets financés :
    - poursuivent un but strictement humanitaire,
    - sont définis, proposés et mis en œuvre par MSF conformément aux principes de la Charte,
    - ne peuvent correspondre à un bénéfice politique, financier ou économique évident pour le donateur.

  Ces critères s'appliquent particulièrement aux relations entre une section MSF et le gouvernement de son pays.

- L'indépendance de MSF, et notamment l'indépendance financière, est garantie par:
  - une attitude permanente d'esprit critique qui vise à assurer le libre choix des projets par MSF quels que soient le projet, le bailleur de fonds ou les relations entre MSF et le donateur,
  - les fonds d'origine privée, en particulier ceux des citoyens qui constituent une partie substantielle des ressources de l'organisation,
  - la diversité des financements institutionnels,

  MSF s'efforce qu'aucun bailleur de fonds ne soit en mesure, par le niveau de ses contributions, de lui suggérer une politique.
Exemple de situations

Dans tous les cas, on suppose que MSF considère le projet conforme à sa Charte et à ses objectifs.
Il s'agit de cas réels ou imaginés.

Même si a priori, on est contre un financement que fait-on si on considère le projet indispensable et qu'on n'a pas d'alternative.

Of course, chaque cas se discute, mais je suis curieux de voir si vous donnez la même réponse aux questions suivantes:

Faut-il accepter les financements suivants ?
OUI/NON

Du gouvernement américain pour l'Afghanistan (du temps de la guerre froide) ?

Du gouvernement américain pour les Kurdes (maintenant) ?

Du gouvernement US pour une zone contrôlée par le KPNLF au Cambodge ?

Du gouvernement allemand pour les Croates ?

Du gouvernement allemand pour les Serbes ?

Du gouvernement français pour Madagascar ?

Du gouvernement belge pour le Zaïre ?

De l'Arabie Séoudite pour la Somalie ?

De l'Arabie Séoudite pour les Kurdes ?

De l'OLP pour des Yéménites ?

De l'Italie pour la Somalie ?
RECOMMENDATIONS ON MSF FINANCINGS

- MSF is a private organization, "independent of any authority and of any political, economic or religious creed".

- MSF needs funding sources to carry out its operations. In addition to funds from private individuals, MSF accepts funds from governments, international organizations, companies, Churches and Foundations, subject to the following conditions:

  The projects funded
  - have a strictly humanitarian aim
  - are defined, proposed and implemented by MSF in accordance with the principles of the Charter.
  - must be as far removed as possible from any direct interest (political, financial or economic, etc.) for the donor to avoid compromising the teams' security or the credibility of the mission.

  These criteria apply in particular to the relations between any MSF section and the government of its country.

- MSF's independence, and particularly its financial independence, is guaranteed by:
  - a continuous critical attitude which strives to ensure free choice of projects by MSF whatever the project, the grantor or the relations between MSF and the donor,
  - funds from private donors, in particular those from citizens. They are a substantial part of the organization's resources,
  - The institutional funding diversity.

  MSF endeavours to ensure that no grantor is able, through the amount of his contribution, to impose a policy or a programme to it.
UNIVERSITE DE CAEN  

DEPARTEMENT JURIDIQUE DE MSF

Bilan et Objectifs

Conseil International du 15/16.10.92

Françoise Bouchet-Saulnier

Après une première phase de mise en route voici un premier état d'avancement des travaux entérins au sein du département juridique de Médecins sans Frontières.

Structure du Mouvement MSF.

- La mise au point des structures juridiques permettant à MSF de se structurer en tant que mouvement est en cours d'achèvement avec la participation à la rédaction des nouveaux Bureaux : ( MSF UK? Japon. Italie ) et les propositions d'amendement des statuts des Bureaux existants ( Canada, USA).

- La protection unifiée de la marque Médecins sans Frontières par le Bureau International est en cours d'achèvement. Toutes les procédures ont été initiées, il faut respecter maintenant les délais de procédure.

Cette protection concerne dans les pays concernés: MSF, Médecins sans Frontière et la traduction locale. La liste des produits et services protégés a été rationalisée et harmonisée. ( Cette protection prend donc en compte de façon anticipée la décision de communiquer sur le thème MSF et d'en faire le nouveau logo.)

La liste des pays a été élargie pour faire face à l'ouverture de nouveaux Bureaux et aux risques de "contrefaçon" dus à l'accroissement de la notoriété de l'organisation dans le monde.

Ce travail d'épicerie-bénédictin ne sera terminé qu'avec la rédaction d'une charte d'usage de la marque Médecins sans Frontières qui devra être adoptée par le CI et signée par tous les utilisateurs de ce nom.

Je reste à votre disposition pour cette dernière phase.

Mise à jour de notre cadre juridique d'intervention.

Ce domaine a fait l'objet de nombreux ordres et contrordres entrainant à leur tour des contretemps.

La restructuration du nouvel office européen d'aide humanitaire a empêché tout travail de renégociation de contrat type faute de partenaire autorisé.

Par contre les problèmes soulevés par le fonctionnement des centres logistiques de MSF a absorbé un certain temps. la réponse juridique
semble actuellement disponible. Elle attend son heure dans son carton.

Les problèmes du partenariat opérationnel avec le HCR et les Nations Unies font l'objet d'articles à paraître courant novembre. Un débat interne à MSF sera nécessaire avant de formuler des propositions de réforme des contrats type avec le HCR.

Dans le cadre d'une meilleure collaboration avec le CICR, Frédéric Maurice et moi même avons entrepris un travail commun MSF/CICR sur la sécurité des équipes humanitaires. Malgré sa mort, le CICR a décidé de poursuivre cette piste. Une rencontre des responsables des opérations et responsables juridiques est prévue entre MSF et le CICR en novembre prochain. Une réunion préparatoire sera organisée en Octobre au sein des différentes sections MSF sur ce sujet. Le service juridique a mis au point un questionnaire qui devrait nous permettre, après cette rencontre, de disposer de "monographies sécurité" sur les pays étudiés.

le service juridique de MSF effectuera un travail préparatoire sur les problèmes posés par les missions de maintien de la paix et la présence de casques bleus pour la sécurité et la neutralité de l'action humanitaire indépendante.

Rédaction de guides pratiques

les guides pratiques initialement prévus se sont transformés en manuel de droit humanitaire à l'usage des MSF de terrain.

De conception simple et thématique, il répondra aux questions pratiques rencontrées dans la mise en œuvre de nos activités. Pour ne pas alourdir le texte, ni effrayer les non juristes, une série d'annexes techniques permettra une mise à jour et une densification du contenu.

Il sera disponible pour le 25 novembre... dans toutes les langues.

Le rapport sur le droit d'initiative humanitaire a été revu et simplifié pour être plus facilement diffusé et lu. Il est disponible en français.

Formation

Suite à ma participation à la semaine des coordinateurs dans les trois grandes sections, un document de synthèse de quatre pages a été réalisé. Il présente de façon rapide les règles de bases de notre utilisation du droit humanitaire dans l'action quotidienne des missions. Il est disponibles en français et anglais.

Un exercice de simulation a été préparé pour le PSP de cette année sur le droit et les réfugiés.( 2 heures).

P.S.: Les propositions de stages sont très nombreuses et dépassent mes capacités d'encadrement. C'est démoralisant pour moi de
former des gens que je ne peux pas garder plus de deux mois (gratuité oblige). La dynamique européenne de ce secteur exigerait qu'un ou une assistante me soit adjoint dans une autre section, sous autorité du Bureau international. [Barbara à MSF-NL ?]. Sinon chaque section développera ces compétences en interne. (multiplication de logiques juridiques concurrentes.) et moi je me fatiguerais sans prise sur la réalité.