

CHARTER

When creating MSF, in addition to the statutes of the association, one of the founders, Philippe Bernier, wrote a Charter. This charter stated that the members of the MSF association should be doctors or members of the medical profession only. Their “social mission” was to “bring relief to all the victims of natural catastrophes, collective accidents, and conflict situations, without racial, political, religious, or philosophical discrimination.”

The charter stated that members should “work in the strictest neutrality” and not be “influenced by or associated with any political, ideological, or religious power”. The members were to refrain from “any interference in States’ internal affairs” and abstain from “passing judgment or publicly expressing an opinion—either positive or negative—regarding events, forces, or leaders who accepted their assistance.”

This Charter was also designed to be the common reference for a future federation as it clearly mentioned the ‘international vocation’ of MSF.

As the association statutes stated that MSF was supposed to encourage the creation “in Europe and in all the countries in the world” of “similar associations with possibly separate statutes,” and a “similar spirit.” These associations would adhere to the principles of the charter and form a federation.



‘MSF Charter,’ December 1971 (in French).

Médecins Sans Frontières is a private, international association, operating temporarily under French law. This association is made up exclusively of doctors and other health care workers who, as members, agree to abide by the following principles:

1. Médecins Sans Frontières provides assistance to all victims of natural disasters, mass –scale accidents, and armed conflict, irrespective of race, political convictions, religion or creed.
2. Operating under on a strictly neutral and independent basis, refraining from any interference in the internal affairs of States, governments, and [political] parties in the areas where they are called to serve, the members of Médecins Sans Frontières demand, in the name of the association’s universal mission, full and unhindered freedom in the exercise of its medical functions.
3. The members do not accept and will not be subject to any allegiance or influence by any authority, political, ideological, or religious force whatsoever.
4. Members observe professional confidentiality and refrain from judging or publicly expressing an opinion, positive or negative, regarding events, forces, or leaders who have accepted their assistance.

5. As volunteers who do not seek recognition as individuals, they do not expect personal or collective benefits from performing their activities. They understand the risks and dangers of the missions they carry out and make no claim for themselves or their dependents for any form of compensation other than that which the association may be able to afford them.

In 1974, the MSF France Collegial Management Team (Comité de direction collégiale/CDC) asked for the charter to be translated in English, German, and Spanish. This was not done.



‘Minutes of the MSF France Collegial Management Committee Meeting,’ 27 May 1974, (in French).

Extract:

Internationalisation of MSF:

First, translate the Charter and the bylaws in English, German, and Spanish.

In 1985, when MSF France sued MSF Belgium for the rights to the MSF name, the charter version presented for the lawsuit omitted ‘operating temporarily under French law.’ At that time, MSF Belgium, MSF Switzerland, and MSF Holland were already created.



‘MSF Charter’ Presented by MSF France in the 1985 Lawsuit Against MSF Belgium.

Médecins Sans Frontières is a private, international association. This association is comprised exclusively of doctors and medical professionals that respect and honor the following principles:

1. Médecins Sans Frontières provides assistance to all victims of natural disasters, mass-scale accidents and armed conflict, irrespective of race, political convictions, religion or creed.
2. Operating under on a strictly neutral and independent basis, refraining from any interference in the internal affairs of States, governments, and [political] parties in the areas where they are called to serve, the members of Médecins Sans Frontières demand, in the name of the association’s universal mission, full and unhindered freedom in the exercise of its medical functions.
3. The members do not accept and will not be subject to any allegiance or influence by any authority, political, ideological, or religious force whatsoever.
4. Members observe professional confidentiality and refrain from judging or publicly expressing an opinion, positive

or negative, regarding events, forces, or leaders who have accepted their assistance.

5. As volunteers who do not seek recognition as individuals, they do not expect personal or collective benefits from performing their activities. They understand the risks and dangers of the missions they carry out and make no claim for themselves or their dependents for any form of compensation other than that which the association may be able to afford them.

In November 1988, the MSF France General Assembly planned to propose a new charter to all the sections at a 'European General Assembly,' to be organised in June 1989. The objective was to adapt the text of the charter to current realities.

In the following months, during the sections' board meetings and the inter-section meetings, various possible amendments to the charter were discussed.



'Minutes from the Intersection Meeting of Médecins Sans Frontières, 14 February 1989, (in French).

Extract:

5. Charter

Several sections thought it was time to adapt the charter's text to current realities. The objective was for clarity and to eliminate contradictions, notably regarding interactions with the 'white helmets' by new sections.

Rony Brauman [MSF France's President] proposes:

article 1: keep

article 2: delete

article 3: keep

article 4: keep only the 'professional confidentiality' clause.

article 5: delete 'anonymous and benevolent'

For the next meeting, each section should draft a charter according to national sensibilities (and submit to their respective Boards of Directors).



'Report of MSF France's Collegial Management Committee Meeting, 24 March 1989, (in French).

Extract:

At the last MSF [France] General Assembly, the 'Médecins Sans Frontières and Europe' Commission envisioned a European General Assembly in Toulouse (June 3-4, 1989), at which, a new charter project would be proposed to all the sections. This work on a new charter, started already. Rony Brauman [MSF France's President] proposes charter modifications that will be submitted at the next European meeting in Barcelona on April 21st. Existing Charter Modification Project [...].

A debate ensued and new modifications were proposed.

Introduction:

Modification a: Médecins Sans Frontières is a private international association. This association is *primarily composed of doctors and medical professionals, but is also open to members of other professions that help the association fulfill its mission.* All subscribe to the following principles:

Modification b: Médecins Sans Frontières is a private international association. This association is composed of doctors and medical professionals or professions useful to the mission of the association, who adhere to and honor the following principles:

For the first paragraph:

Modification a: Médecins Sans Frontières members provide assistance to all populations in distress, to victims of natural disasters, man-made disasters, and armed conflict irrespective of race, politics, religion, or creed.

Question on the man-made disasters: a) is the term 'population' redundant? b) what does it mean exactly?

For the second paragraph:

Modification a: Operating under strict neutrality and complete independence, Médecins Sans Frontières demands, ~~for their actions,~~ in the name of universal medical ethics, full and unhindered freedom in the exercise of its medical functions.

Modification b: Operating under strict neutrality and complete independence, Médecins Sans Frontières demands, in the name of their humanitarian profession, full and unhindered freedom in the exercise of its medical functions.

Modification c: Operating under strict neutrality and complete independence, Médecins Sans Frontières demands, in the universal nature of their profession, full and unhindered freedom in the exercise of its medical functions.

For the 3rd paragraph:

Modification a: The members do not accept and will not be subject to any allegiance or influence by any authority, power, political, economic, ideological, or religious force whatsoever.

Modification b: The members do not accept ~~and will not be subject to any~~ influence by or submission to any authority, political, ideological, or religious force ~~whatsoever~~.

For the 4th paragraph:

Modification a: Members do not seek recognition as individuals, they do not expect personal or collective benefits from performing their activities. They understand the risks and dangers of the missions they carry out and make no claim for themselves or their dependents for any form of compensation other than that which the association may be able to afford them.

Modification b: Members do not seek material gain as individuals, they do not expect personal or collective benefits from performing their activities. They understand the risks and dangers of the missions they carry out and make no claim for themselves or their dependents for any form of compensation other than that which the association may be able to afford them.

Modification c: ~~Members do not seek recognition as individuals, they do not expect personal or collective benefits from performing~~

their activities. They understand the risks and dangers of the missions they carry out and make no claim for themselves or their dependents for any form of compensation other than that which the association may be able to afford them.

Modification d: Members do not expect many personal or collective benefits from performing their activities. They understand the risks and dangers of the missions they carry out and make no claim for themselves or their dependents for any form of compensation other than that which the association may be able to afford them.

Rony Brauman asked each person to continue thinking about this and send all proposals and modifications to him before April 21, the date of the next European meeting in Barcelona.

 **Minutes** of the international meeting of MSF, 21 April 1989 (in French)

Extract:

1. Charter

Each section presented its proposal to amend the charter drawn up in 1971, generally drawing on the conversations held by the respective boards. The fundamental question is whether or not to remove the principle of non-interference.

Since it is clear that the Charter often serves as a 'business card' for the authorities of the country where we want to begin working, we agreed that it needs to be somewhat open and, at the very least, non-aggressive. This eliminates propositions such as 'MSF reserves the right to condemn...'. We also agreed that it should be based on the principle of 'right to humanitarian assistance'.

MSF Holland defends the idea of keeping the principle of non-interference in the Charter. The five other sections agreed to remove it (i.e. take out point 4 completely and the related part in point 2), on condition that we create:

- a code of good conduct defining the procedures to apply, in the case of one of the sections interfering in the internal affairs of a given country, to factor in the repercussions on other MSF sections before action is taken,
- a set of internal rules to 'control' personal desires to speak out at any given moment.

Rony [Brauman, MSF France's President] is in charge of the actual formulation of this agreement and faxing it to the others, if possible in time to present the final text to the respective boards, the first meeting in Brussels the last weekend in May.

 **Minutes** of the MSF France Management Team Committee Meeting, 26 May 1989 (in French)

Extract:

Several points have been added to the Charter that has been given a new title to convey its European scope and is as follows:

Draft Charter observed by the national sections of Médecins Sans Frontières: France, Belgium, Switzerland. The Netherlands [Holland], Spain, Luxembourg.

Médecins Sans Frontières is a private, international association. The association is made up mainly of doctors and health sector

workers and is also open to all other professions which might help in achieving its aims. All of its members agree to honour the following principles:

1. Médecins Sans Frontières provides assistance to populations in distress, to victims of natural or man-made disasters and to victims of armed conflict. They do so irrespective of race, religion, creed or political convictions.
2. Médecins Sans Frontières observes neutrality and impartiality in the name of universal medical ethics and the right to humanitarian assistance and claims full and unhindered freedom in the exercise of its functions.
3. Members undertake to respect their professional code of ethics and maintain complete independence from all political, economic or religious powers.
4. As volunteers, members understand the risks and dangers of the missions they carry out and make no claim for themselves or their assigns for any form of compensation other than that which the association might be able to afford them.

In Toulouse on 3 & 4 June 1989, the first European convention of the 'Médecins Sans Frontières' which brought together associative and executive members of the various MSF sections, a group worked on the amendments of the charter. The debates focused on the appropriateness of keeping concepts of refraining from public denunciation and non-interference in the charter, as policy regarding territories and states where MSF operates. MSF France provoked the discussion with a statement regarding the Khmer Rouge's posing threat in Cambodia. MSF Holland asserted that a MSF section should not speak out on a country without permission of the other MSF sections working in the same country. They asked for a modification of the code of conduct to reflect this proposal. MSF Holland also pleaded for the concept of non-interference to remain in the charter. MSF France disagreed, fearing that it would give too much visibility to the issue.

 **'Minutes** from the Médecins Sans Frontières' European Convention,' Toulouse, 3 and 4 June 1989 (in French).

Extract:

Working group on charter [...]

Amendments to the charter: Three important points were discussed concerning articles 2 and 4 of the charter: non-interference in the internal affairs of states (article 2) and reporting of human rights abuses (article 4) on the one hand, and the right of intervention for humanitarian reasons on the other hand. This last point, unanimously agreed in this group, should be added to the charter. Regarding the first point (non-interference), there was not much discussion on the need to remove this article given that it is no longer observed in practice. Regarding the second point (public denunciation), there is a huge divide between Médecins Sans Frontières France on one side and Médecins Sans Frontières Holland and Médecins Sans Frontières Belgium on the other. While MSF France wants to remove this article, which no longer reflects actual practice, the other two sections were less inclined to do so. MSF Holland is totally against the idea, along with some representatives of MSF Belgium. We discussed the idea of whether it would be acceptable by everybody

to delete this article on the understanding that it would be replaced by a code of 'témoignage' on the denunciation of human rights abuses. All the representatives agreed on the need to have a charter adopted by everyone that would serve as a common denominator. [...]



Minutes of the MSF International Council¹ meeting, 5 October 1989 (in French)

Extract:

1 - Charter

J[ean]P[ierre]L[uxen] [MSF Belgium's General Director] said that for internal reasons (other priorities, in particular internal restructuring) this matter was not addressed in Belgium. The revision of the Charter according to the terms formulated in Barcelona has been added to the agenda of the next extended board meeting of MSF Belgium taking place on 8 October.

O[livier] S[trasser] [MSF Switzerland's President] said that the new charter was voted at MSF Switzerland's last AGM with the reservation of adopting a code of good conduct and internal regulations, in line with what was said in Barcelona (see in the appendices the letter dated 26/5/89 from Rony [Brauman, MSF France's President] to Reginald Moreels [MSF Belgium's President] on this matter).

R[oelf]P[adt] [MSF Holland's President] said that a consultation meeting was held in Amsterdam: the principle of adopting this new charter was agreed upon with some regrets, since the Netherlands still stands by the non-interference articles: in the interests of not hampering MSF's European development, the motion was carried.

R[oelf]P[adt] reminded us that the internal regulations on speaking out and the international code of good conduct are an integral part of the process, which was unanimously agreed by all participants.

J[osep]V[argas] [MSF Spain's President] shared his regret that the European spirit of MSF was not more clearly enshrined at MSF Spain's AGM, during which Europe wasn't represented, and said that a majority was in favour of revising the charter.

Discussions on several detailed amendments: J[osep]V[argas] remarked to O[livier] S[trasser] that the latest version of the charter is slightly different from the version voted in by the Swiss: in particular the addition of 'political (so irrespective of...) in §1 and "impartiality" after neutrality in §2. These few isolated amends are not significant since they don't change the general meaning of the new charter, on the one hand, and because it [the charter] needs to be made statutory, i.e. passed through the Extraordinary General Meeting on the other hand. R[ony] B[rauman] [MSF France's President] thinks that following repeated requests, it is preferable to add the word 'political' to §1, even if the idea is contained in the word philosophie (in the French version). However, regarding the addition of 'impartiality', even though the meaning is different from 'neutrality', the word just makes the sentence longer without reinforcing the meaning. Agreement in principle on these points.

R[oelf]P[adt] shared a question raised during an internal discussion at MSF Holland on §3: can we, when working on long-term programmes in true cooperation with the country's official authorities, claim 'complete independence from...all powers'.

R[ony] B[rauman] believes there is no fundamental contradiction here. The notion of 'political independence' relates to control over major decisions such as setting up missions, the main principles of running them, the possibility of bringing them to an end for ethical reasons. This is not incompatible with collaboration, even close, with regard to action.

Everyone acknowledged much to their satisfaction that, in this area that was still quite sensitive until recently, we have made great strides and are now at the verge of completion.

Next step: adoption of a common Charter by the national sections.

In October 1989, the MSF Belgium board of Directors proposed to replace 'natural' by 'environmental' disaster, and to integrate a reference to 'témoignage' by adding 'reserving the right to speak out if they cannot carry out their operations.'



'Report from the MSF Belgium Board of Directors,' 9 October 1989 (in French).

Extract:

1. Discussion and votes on the original charter, proposal from MSF Switzerland, Luxembourg, and Spain, the proposal from Reginald Moreels [MSF Belgium's President] follows here, on the basis of the intersection proposition of 26 May 1989:

Article 1: Consensus on the content with the following additions:

- ecological disasters
- irrespective of any ... political

Article 2: Discussion of the notion 'témoignage [witnessing]', absent from the text, and not reflecting the reality of actual activities of the organisation. The Board of Directors votes (5 in favour/2 against) for the integration of the new text on the notion of témoignage [witnessing], parallel to the charter's annexed text, the internal usage and limits of the term should be clearly explained.

Note: The advice of co-opted members present is largely against what was adopted by management.

Article 3: General consensus.

Article 4: The phrase in article '5' of the old 'charter' about anonymity and volunteering should be deleted. The Board of Directors votes (6 in favour/1 against) for the new integrated 'charter' to include the notion of selflessness (over 'volunteer'). The Board of Directors votes (4 in favour/2 against/1 abstention) that the new 'charter' integrates the spirit of anonymity. A remark regarding the word 'compensation': the Board of Directors wishes that this text be included in a by-law and signed by every person going to the field.

2. New text proposed by MSF Belgium's board:[...]

Reserving the right to speak out if they cannot carry out their operations.

1. Though the International Council was formally created in early 1991, the minutes of the intersection meetings were titled 'International Council Meeting' since 1989.

In October 1990, the proposals to replace 'natural' by 'ecological' disaster as well as a proposal to include 'gender discrimination' were rejected by the International Council.

 **Minutes** of the MSF International Council Meeting, 11-12 October 1990 (in French).

Extract:

Charter and internal regulations [...]

B. Declaration of intent

MSF E [Spain] : Charter accepted at the General Assembly with one small amend:

- Change: add 'gender': ... Irrespective of gender...
- Best practice code is important
- Fully agreed on direct advocacy

MSF S[witzerland]: Charter accepted at General Assembly

- An Extraordinary General Meeting is required to accept the proposed amend

MSF Belgium: not yet officially accepted by the General Assembly

MSF Holland: on the agenda for the General Assembly in November 1990

MSF Greece: first General Assembly for founding members to take place on 13 November 1990 where they will decide on statutes and the official legal status. Regarding the charter, no problems envisaged.

MSF F[rance]: proposed deleting 'environmental disasters'.

Conclusion:

- 'Gender' in: 'Irrespective of gender...' was not added to the charter. The IC accepts that MSF Spain is the exception.
- 'Environmental disasters' has been deleted

The charter will be distributed around the sections

Eventually, the final version of the MSF new charter was unanimously accepted by the MSF International Council in February 1991.

 **Minutes** of the MSF International Council meeting, 31 January and 1 February 1991 (in French):

Extract:

Final version of the MSF Charter, unanimously accepted: [...]

Médecins Sans Frontières Charter

Médecins Sans Frontières is a private, international association. The association is made up mainly of doctors and health sector workers and is also open to all other professions which might help in achieving its aims. All of its members agree to honour the following principles:

a. Médecins Sans Frontières provides assistance to populations in distress, to victims of natural or man-made disasters and to victims of armed conflict. They do so irrespective of race, religion, creed or political convictions.

b. Médecins Sans Frontières observes neutrality and impartiality in the name of universal medical ethics and the right to humanitarian assistance and claims full and unhindered freedom in the exercise of its functions.

c. Members undertake to respect their professional code of ethics and maintain complete independence from all political, economic or religious powers.

d. Volunteers understand the risks and dangers of the missions they carry out and make no claim for themselves or their assigns for any form of compensation other than that which the association might be able to afford them. [...]