A. Introduction

This Convention, which is an agreement on general principles, has been drafted in order to make more explicit the basic purpose and framework for the collaboration between the MSF-associations who are running the Operational Centre in Brussels (OCB), i.e. MSF in Belgium, Denmark, Hong Kong, Italy, Luxemburg, Norway and Sweden (hereafter referred to as Partner Sections).

Given the current structure of the MSF-movement, MSF-Belgium differs from the other Partner Sections in that it also constitutes the legal body for the OCB. This situation, which is part of MSF’s historical heritage, has led to confusion in the past and may hamper the future evolution of the partnership into a partnership of equal co-owners, unless clarified (see paragraph F below).

This convention has its focus on the running of the OCB and not the running of MSF-Belgium.

B. Goals

The purpose of the partnership as described in this Convention is to gather the Partner Sections in a joint associative effort to develop the vision, identity and role of the OCB as an actor of MSF and to guarantee the good governances of the OCB. The major goals are to:

1. secure the best possible environment for the operations undertaken by OCB for populations in danger,
2. secure the future of and the coherence within the movement by providing for all member’s participation in OCB decision making and thereby build a shared operational and organisational vision, and
3. provide a room for debate and cross fertilization between the partners.

C. Principles

1. The partnership is a tool in the construction of the international MSF-movement. The Partner Sections and the OCB are committed to the charter of MSF and aim to develop their respective sections according to the principles and goals as expressed in the Chantilly Statement (see annex I) and the Mission Statement (see annex II) and other reference texts that may be adopted by the International Council (IC).

2. All Partner Sections are therefore committed to:
   • develop a membership structure and an associative life (legally and/or in practice depending on national constraints) in their sections to ensure a strong link between MSF and the supporting civil societies,
   • increase public awareness of the plight of Populations in Danger and of humanitarian principles and actions, as well as of the work of MSF,
   • provide the OCB and thereby MSF with the appropriate human resources through the process of recruitment and training/continuing education,
   • mobilize and develop their financial resources, and thus engage themselves to raise private and institutional funds in order to enhance operational flexibility and reactivity of the OCB, and thereby MSF.
3. The partnership is based on the IC decision to limit the number of operational centres within the MSF-movement and on the concept that an operational centre is defined by a concentration of knowledge and means for:

- coherent operational decision making,
- field support,
- interaction, integration and training of volunteers,
- dissemination of information,
- developing awareness
- coordination and optimal use of resources.

The definition will be further elaborated in parallel to the review of the current organisational situation as foreseen in paragraph F below.

4. All Partner Sections share the responsibility to provide the human and financial resources necessary to the OCB. Partner Sections will therefore

- give priority to projects run by the OCB for placing its volunteers,
- give priority to the OCB in allocating its private funds. The allocation mechanism will be specified in the Executive Convention (see D below) and will be included in the budgetary process of the OCB in its application.

   The OCB will:

- give priority to volunteers from Partner Sections,
- subsidize the cost for activities in the Partner Sections except for costs that can be covered by the Partner Sections themselves.

5. The partnership is based on a vision of co-ownership of the OCB as opposed to a vision of co-management of OCB activities.

6. The partnership is based on the principle of delegation and a clear division of tasks and responsibilities in between the associative and the executive.

7. This convention does not exclude the possibility of conventions being signed between the sections mentioned herein and other MSF-sections as long as it does not conflict with the goals and principles of this functional partnership.

D. Running of the OCB

A consequence of the current structure of the MSF-movement is that the General Assembly and the Board of MSF-Belgium also constitute the General Assembly and the Board of the OCB. This convention has its focus on the running of the OCB and not the running of MSF-Belgium.

There are 2 main platforms for the Partner Sections to participate in OCB decision-making (see annex III):

1. The General Assembly: Any member of a Partner Section who fulfils the MSF-Belgium/OCB membership criteria is eligible for co-optation as a member of MSF-Belgium/OCB and when co-opted has the right to vote at the General Assembly under condition that they pay the annual membership fee. In addition each Partner Section (except Belgium) is a “membre partenaire”, represented by a person who has been given the right to act as proxy for the Partner Section.

   It is the duty of each Partner Section to promote participation to the MSF-Belgium/OCB General Assembly as wide as possible among the actual and potential members. Facilities will be provided by the OCB to favour this participation.

2. The Board: Each Partner Section is guaranteed one place at the MSF-Belgium/OCB board. This representative - appointed by the Partner Section - will, as a result of a
gentlemen’s agreement, be considered as voting members in decisions on matters of shared concern.

The daily management of the OCB is delegated to the OCB General Director and he/she is held accountable to the OCB Board. The OCB General Director has an obligation to integrate the directors of the different departments of the OCB and the General Directors of the Partner Sections in the OCB decision-making process.

The framework for the collaboration between the executive bodies of the MSF-sections who are running the OCB has to be elaborated in a separate Convention for the Functional Partnership between the Executives of the MSF-Sections running the Operational Centre in Brussels. The elaboration of this convention is delegated to the General Directors of MSF-Belgium/OCB and the Partner Sections. It has to be in conformity with the goals and principles set in this Convention and to decisions taken by the OCB Board. In case of conflict the Convention between MSF-associations supersedes the Convention between the Executives.

English is the working language of the OCB on all matters identified to be of shared concern.

E. Cross fertilization between sections

In order to ensure the input of operational centres into the Partner Section boards (except for the MSF-Belgium/OCB board which is dealt with above) the international MSF-movement should be guaranteed two places at each Partner Section board. At least one of the representatives, nominated by the Partner Section itself, should be a representative of the management of the OCB.

In order to further promote cross-fertilisation to the extent possible at the level of the Partner Sections, debates will be organised in line with the OCB agenda and through a physical or virtual interaction between the Partner Sections and OCB debates.

F. Organisational structure

The signatories to this convention commit to undertake a review of the current organisational situation in order to reach a set up, in year 2005 by the latest, where the OCB is functionally separated from MSF-Belgium. The goal - to be confirmed once the information available allows for a more in depth assessment of added value, additional costs and evolution of the international MSF-movement’s structural development - is to have such a separation translated into a legal set up with separate statutes for the shared OCB and the national section of MSF-Belgium.

G. Duration of the Convention

The partnership for the running of the OCB is a long-term commitment and the convention is valid from 1st of March 2002 until otherwise decided. Any of the signatories who wish to leave the partnership have to give a 3 years notice before such a decision enters into force. This Associative Convention should be reviewed every second year.

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1 To be defined by the OCB-board but should at least include the appointment of MSF-B/OCB president and general director and decisions on OCB budget/annual plan, timing and agenda of the OCB General Assembly, use of the project fund, temoignage and human resources and other OCB policies and matters regarding the international development of MSF.
WHO ARE THE MEDECINS SANS FRONTIERES

I THE PRINCIPLES
Médecins Sans Frontières (MSF) was founded to contribute to the protection of life and the alleviation of suffering out of respect for human dignity.

MSF brings care to people in precarious situations and works towards helping them regain control over their future.

1. Medical action first
The actions of MSF are first and foremost medical. This primarily consists of providing curative and preventive care to people in danger, wherever they may be. In cases where this is not enough to ensure the survival of a population - as in some extreme emergencies - other means may be developed, including the provision of water, sanitation, food, shelter, etc.

This action is mainly carried out in crisis periods when a system is suddenly destabilised and the very survival of the population is threatened.

2. Témoignage (Witnessing) - An integral complement
Témoignage is done with the intention of improving the situation for populations in danger. It is expressed through:

- the presence of volunteers with people in danger as they provide medical care which implies being near and listening
- a duty to raise public awareness about these people
- the possibility to openly criticise or denounce breaches of international conventions. This is a last resort used when MSF volunteers witness mass violations of human rights, including forced displacement of populations, refoulement or forced return of refugees, genocide, crimes against humanity and war crimes.

In exceptional cases, it may be in the best interests of the victims for MSF volunteers to provide assistance without speaking out publicly or to denounce without providing assistance, for example when humanitarian aid is “manipulated”.

3. Respect for medical ethics
MSF missions are carried out in respect of the rules of medical ethics, in particular, the duty to provide care without causing harm to either individuals or groups. Each person in danger will be assisted with humanity, impartiality and in respect of medical confidentiality.

In other respects, this ethical consideration provides that no one will be punished for carrying out medical activities in accordance with the professional code of ethics, regardless of the circumstances or the beneficiary of the action.
Finally, no person carrying out a medical activity can be forced to perform acts or operations in contradiction to the professional code of ethics or the rules of international law.

4. Defence of human rights

Médecins Sans Frontières ascribes to the principles of Human Rights and International Humanitarian Law. This includes the recognition of:

- the duty to respect the fundamental rights and freedoms of each individual, including the right to physical and mental integrity and the freedom of thought and movement, as outlined in the 1949 Universal Declaration of Human Rights;

- the right of victims to receive assistance, as well as the right of humanitarian organisations to provide assistance. The following conditions should also be assured: free evaluation of needs, free access to victims, control over the distribution of humanitarian aid and the respect for humanitarian immunity.

5. Concern for independence

The independence of MSF is characterised above all by an independence of spirit which is a condition for independent analysis and action, namely the freedom of choice in its operations, and the duration and means in carrying them out.

This independence is displayed at both the level of the organisation and of each volunteer.

- MSF strives for strict independence from all structures or powers, whether political, religious, economic or other. MSF refuses to serve or be used as an instrument of foreign policy by any government.

The concern for independence is also financial. MSF endeavours to ensure a maximum of private resources, to diversify its institutional donors, and, sometimes, to refuse financing that may affect its independence.

- From their side, MSF volunteers are expected to be discrete and will abstain from linking or implicating MSF politically, institutionally or otherwise through personal acts or opinions.

6. A founding principle: Impartiality

Impartiality is fundamental to the mission of MSF and is inextricably linked to the independence of action. Impartiality is defined by the principles of non-discrimination and proportionality:

- non-discrimination in regard to politics, race, religion, sex or any other similar criteria.

- proportionality of assistance as it relates to the degree of needs - those in the most serious and immediate danger will receive priority.

7. A spirit of neutrality

MSF does not take sides in armed conflicts and in this sense adheres to the principle of neutrality.

However, in extreme cases where volunteers are witness to mass violations of Human Rights, MSF may resort to denunciation as a last available means in helping the populations it assists. In these cases, simple assistance is rendered in vain when violations persist. For this reason, MSF will drop its strict observance of the principle of neutrality and will speak out to mobilise concern in an attempt to stop the exactions and improve the situation for these populations.
8. Accountability & Transparency

Faced with populations in distress, MSF has an obligation to mobilise and develop its resources.

Aiming at maximum quality and effectiveness, MSF is committed to optimising its means and abilities, to directly controlling the distribution of its aid, and to regularly evaluating the effects.

In a clear and open manner, MSF assumes the responsibility to account for its actions to its beneficiaries as well as to its donors.

9. An organisation of volunteers

MSF is an organisation based on volunteerism. This notion principally implies:

- an individual commitment to people in precarious situations. The responsibility of the organisation is based on the responsibility taken by each volunteer;
- disinterest, attested to by the non-lucrative commitment of volunteers.

Volunteerism is a determining factor in maintaining a spirit of resistance against compromise, routine and institutionalisation.

10. Operating as an association

The commitment of each volunteer to the MSF movement goes beyond completing a mission; it also assumes an active participation in the associative life of the organisation and an adherence to the Charter and Principles of MSF.

Within the different representative structures of MSF, the effective participation of volunteers is based on an equal voice for each member, guaranteeing the associative character of the organisation.

MSF also endeavours to constantly integrate new volunteers to maintain spontaneity and a spirit of innovation.

Linked to the idea of volunteerism, the associative character of MSF permits an openness towards our societies and a capacity for questioning ourselves.

II. PRACTICAL RULES FOR OPERATING

1. Organisation and decision-making

MSF is made up of 19 national sections, with overall coherence ensured by an International Council.

The majority of members are volunteers who work or have worked for MSF. They constitute the General Assemblies of each section, and they elect a Board of Directors whose members are mainly doctors or medical professionals. Almost all are unsalaried.

The Board of Directors names the executive team. The Board guarantees respect for the MSF Principles, ensures that decisions taken at the General Assembly are executed, and controls the management of the organisation.
2. Non-profit

Each section is founded on the not-for-profit principle.

The principle of disinterest is part of the commitment of all MSF personnel. In their work for MSF, staff are not entitled to additional remuneration from the organisation, its satellites, suppliers, or any other individuals or legal entities with whom the organisation has relations, other than salaries or allowances. By choice, the proportion of salaried positions remains limited. Management staff salary levels are lower than those in comparable sectors of the employment market. All salaries are public.

The financial reserves of MSF are intended to ensure the smooth functioning of the organisation and to allow the organisation to rapidly react to emergencies and periodic shortfalls. In no case will they constitute a means for perpetuation. For this reason, the reserves, including property holdings, never exceed the annual operational expenses.

3. Management of Resources

At least half of the global resources of MSF must come from private funding.

MSF directly carries out its operations for populations in danger, so 80% of the resources of the organisation are exclusively dedicated to operations.

MSF retains continuous and direct control over the management and delivery of its aid.

Funds received by MSF are allocated as the organisation considers them most useful, in conformity with its principles. However, if a donor wishes his or her donation to be used in a specific mission, MSF will respect this request.

4. Financial Control and Transparency

The use of MSF funds is regularly controlled. In addition, each section makes public its audited financial reports.

Different categories of expenses are clearly identified in the accounts, clearly showing the disbursement of funds. It is therefore easy to distinguish the expenses for operations, administration, communications or fund-raising.

The accounts are then published and provided to all donors through different newsletters and communications support materials produced by MSF. The accounts are also available to anyone upon request.
MSF Mission Statement

MSF works in situations of crisis, and carries out its actions to relieve human suffering from unmet medical needs, and to create a place for humanity. MSF works to provoke a social and political response that meets the essential needs, and respects and protects the dignity of people in danger. MSF strives to innovate and incite change through its medical action, its témoignage, and its active reflection on the situation of populations in danger. Committed to its Charter and shared principles, MSF is an independent movement of citizen associations that interact openly with their societies. In a spirit of volunteerism, proximate and in solidarity with assisted peoples, MSF’s members adhere to humanitarian principles and respect for medical ethics.
B. Members as provided for by the statutes.

Membre associé: Each person who announces to the "Comité de ballotage" that they are a candidate to become associate member and who fulfill the one of the following criteria can become a voting member at the GA:
- who during the previous 3 calendar years have worked as expatriate for at least 6 months within one or several projects run by any recognised MSF-section and of which at least 3 months for the Belgian or Luxemburgese sections;
- who during the previous 3 calendar years have worked at least 18 months at the head quarter of MSF in Belgium, Denmark, Hong Kong, Italy, Luxemburg, Norway and Sweden;
- who during the previous calendar year have been elected member of the board, CI or president of a local antenna.

A. Members as provided for by the statutes.

Les membres partenaires: 1 person from MSF-Denmark, Hong Kong, Italy, Luxemburg, Norway and Sweden.

National membership criteria
Slightly different in different PS. Many of these members (but not all) also fulfill the OCB/MSFB membership criteria and can thus participate in OCB/MSFB General Assembly.