Discussion on current difficulties between sections

Introduction by Rowan: The movement has recently been through a number of difficulties / disagreements. The objective of this session is to understand everyone’s point of view on what did or did not happen and to keep on the discussion. In particular, Jean-Hervé expressed some concerns on what is going on in the movement.

Main concern for Jean-Hervé is on the functioning / governance of the IC (much more than on tensions and disagreements - which are anyway usual on Great Lakes and Caucasus and can even be considered as a strong asset for the movement). He considers that the IC faces an institutional crisis and that its functioning is at stake because consensual resolutions approved by ICB or IC - even when unanimously approved - are poorly implemented. He illustrated his point with two recent examples:

- Commemoration of the Rwandan genocide
- Arjan crisis

He asked the ICB to acknowledge failure in implementing resolutions and recognize mistakes have been made.

1. Commemoration of the Rwandan Genocide:

Reminder on decisions taken by ExCom and ICB:

Extract from ICB minutes - 07 Feb 2004
Re. Rwanda
Clarification of the excom position on commemoration of the Rwandan genocide has been requested by a number of sections.

The ICB spent some time clarifying MSF position as regards the "Commemoration of the Genocide".

- It is not MSF responsibility to commemorate the Genocide - there are other organisations whose mandate it is to do so, and it is not our responsibility to speak in the name of the victims: there are survivors groups which vocation it is to do so. (This does not mean that we won't show support to our National Staff in their private initiatives)
- We do not wish to do any proactive communication to "commemorate" the Rwandan Genocide. It does not mean that MSF should refrain from speaking about it, it means that we shall not proactively go into public communication to commemorate the genocide.
- Some sections are likely to be asked about MSF position back then. It is not our mandate to comment on the general situation in Rwanda today, but as a Humanitarian organisation, we can speak of the dilemmas and questions we faced, the assistance we brought etc.
In any case, one needs to keep in mind the respect of the victims and ensure that we are not violating their dignity by promoting MSF institutional interest through this anniversary.

As all the commemoration ceremonies organised by the Rwandese Government will likely be highly political in nature, MSF should refrain from participating in such politically minded events and be aware of the risks of going into a political analysis of the situation.

Extract from ExCom minutes - 18 Dec 2003

Re. Rwanda: 10 years

Some messages / proposed initiatives have appeared in the movement as the 10th anniversary of the Rwandan genocide approaches. The DirComs have asked the ExCom for some guidelines on how to tackle this commemoration. A discussion followed on whether our communication should be simply reactive and base itself on the TCB (which demonstrates the dilemmas faced by MSF and MSF's experience of the genocide). Some felt that it is not our responsibility as an NGO to proactively take part in commemorations. Nevertheless, media attention will be there and we are bound to get some of the attention - we do need to be prepared.

MSF's approach was therefore defined as follows:

1) We will be looking at the ramification / consequences of the genocide 10 years on as part of our preparation to the media requests we will be facing (to communicate on this issue).
2) It was suggested that the TCB be used as the main tool in pointing out the dilemmas faced at the time
3) The SecGen will be working with the DirComs on creating a communication guideline / framework (including what not to do)

Finally, Austen to give some feedback on the Canadian initiative.

Jean-Hervé’s point:

He reminded that the issue of the commemoration had been discussed in all recent international fora and that decision had been made to not commemorate the genocide (ExCom decision in Dec 2003 followed by an ICB resolution in Feb 2004).

A photo exhibit with MSF logo on « les Blessures du Silence » (done some years ago by MSF-B) is currently displayed at the Mémorial de la Shoah in Paris. The same exhibit was arranged near Grenoble by Survie, a group supporting Kagame, but with a mention of MSF name → MSF can de facto be associated to the Genocide commemoration. This questions the value of the international resolutions taken by the IC/ICB and the way they are relayed to the executive and practically implemented. It also raises the issue of the content of MSF-B communication during the commemoration (referring to papers released after the February ICB meeting) and on what meaning is given to the “commemoration”. Jean-Hervé acknowledges that there was an effort this year by MSFB not to commemorate but also wants the ICB to recognize that it failed in implementing the ICB decision, as these exhibits are touring in France with MSF logo.

Barbara’s position:

Further to the ICB resolution and despite strong internal and external pressure to communicate around the 10th anniversary of the Genocide, MSF-B did not pro-actively communicate on the subject and did not make a whole campaign to commemorate. They have only internally commemorated in Rwanda the 200 MSF staff killed during the Genocide. On the photo exhibit itself, Barbara didn’t know about it and therefore proposed to get information/clarification from her section and come back to the ICB.

Barbara also stated that if there is a difference in opinion or if a section is not implementing a decision, it should first be addressed internally before it goes public (referring to Jean-Hervé’s interview posted on MSF website).

Decision:

- The ICB, except Jean-Hervé, feels that more information is needed before decision can be made on whether or not this was a failure in implementing an ICB resolution. The ICB therefore asks MSF-B to provide the movement with explanation on the photo exhibit: on how it potentially
relates to the 7th April commemoration and whether MSF-B has been actively involved in it. Feedback from MSF-B to the ICB is expected in one-week time.

- It was decided to organise the internal conference on Rwanda in September 2004 to debate on issues and dilemmas faced by MSF back then.

2. Arjan crisis:

Jean-Hervé’s point:
All sections had approved the crisis cell leadership and had committed to provide full support to the crisis cell’s decisions. According to Jean-Hervé, in two occasions (August 2003 and March 2004 - decision on a public campaign to stress that Russian officials are involved in the kidnapping and that the Dutch government was not doing anything serious for Arjan’s liberation), MSF-H did not support the work of the crisis cell, and at times took a contrary position. This is again a question of cooperation and discipline within the movement. He disagreed with the way the case has been dealt with since the beginning but respected the decisions made. But then, when the crisis cell decided on another strategy (which was closest to his), MSFH did not accept it and did not respect it.

This also raises the problem of a lack of confidence in working with the Dutch section (also referring to Kenny Gluck's abduction in 2001 and the fact that MSFH has hidden Bassaev’s letter - claiming responsibility for the kidnapping - to the network after Kenny’s liberation. The letter was posted on a website by Bassaev himself some months later): there are disagreements on key security issue for our teams; right before Arjan’s liberation there were two different lines and this has been ongoing since February 2001.

Lisette’s position:
MSFH had to face specific problems, as the section was the closest to the family and felt that MSF could not afford to break with the family and to have them against MSF. The family felt a lack of confidence with MSF and this was raised by MSFH to the crisis cell but the feeling was that they were not heard: MSF did not undermine and did not deliberately obstruct the crisis cell but was under a particular pressure and wanted to make sure that the family was clearly involved and informed. Over the past 20 months, Lisette acknowledges that there was lack of communication internally and that mistakes have been made and asks for the evaluation to take place and have things coming out before making decisions.

Rowan’s position:
The crisis cell was clearly in charge of the operations related to Arjan. When they have decided to go ahead, we all agreed to support the decision. There has been an obvious problem within the executive in Holland: the section was not fully informed of the decision and the line taken. This was due to a number of factors including poor communication from the crisis cell, both to the family (the letter) and to MSF Holland. As well, the line taken in the Le Monde article was not in complete accordance with what was propagated throughout the movement by the crisis cell, however the contents of the interview were completely endorsed by the crisis cell. MSF Suisse has already acknowledged this mistake. However the Dutch section responded inappropriately to this apparent discordance, sending around an internal communication suggesting MSF should retract part of the article. There have been assurances from the Dutch section that this suggestion was purely internal and not discussed with any journalists. However, the functional result was that the implementation of the decision of the crisis cell was not fully backed in the section and the message sent around saying Jean-Hervé was wrong (referring to the article published in Le Monde - in line with crisis cell’s decision) was a mistake.
Since January 2004, it is a fact that the crisis cell had the feeling that more energy has been spent at convincing / fighting internally than externally. Arjan’s crisis also unveiled significant dysfunction in MSFH and MSFCH (knowledge / level of information at board vs. executive level).
Should this issue be discussed at the associative level:
Leslie raised the fact that since the decision to give leadership to the crisis cell was an operational decision (ExCom level), this discussion should not take place at the associative level but at the executive level - unless it is proven that the MSFH board itself was involved in obstructing the work and decision of the crisis cell. Clemens added to that the fact that neither the IC nor the ICB have been involved in decisions related to Arjan (no resolution, etc). This was an operational issue on which the associative was only kept informed. This raises the question of the ICB legitimacy on such issues.
It was objected to this that since the beginning, Arjan was considered as a central campaign for the whole movement and that support to the crisis cell has also been discussed and decided at IC level. Although it was clearly an operational issue, the fact that a section has or has not supported the crisis cell clearly becomes an associative issue.

Decision:
- The ICB, except Jean-Hervé, acknowledged that the crisis cell has not received expected support from MSF-H but that there are mitigating circumstances. Also, the ICB, at the exception of Jean-Hervé, considers that as presidents they don’t have enough information to make a decision on to what extend there was an MSFH decision made to obstruct crisis cell’s work. It is felt that further investigation is needed to understand the insights before ICB can make a decision.
- The ICB, except Jean-Hervé, therefore proposes to organise in the coming weeks a meeting with presidents, general directors and directors of operations of the three sections involved (CH-H-F) in the case. The objective of this meeting is to “talk things through” and come back to the ICB with a statement and proposed solution to this issue. Rowan will contact people and follow up on this meeting.

NB on the evaluation (Marine’s feedback from the ExCom’s decision):
In March 2004, the ExCom decided to go for an evaluation of the management of the kidnapping of Arjan and that MSFCH would lead it. It has not yet started but it was made important that this is done and achieved before Thomas Linde’s departure [addendum from Eric].
The evaluation will again be raised and discussed at next ExCom meeting (26 April) as well as at next dirops meeting (23 April).

3. “Tentative” conclusions of the discussion:
ICB members acknowledged that the ICB group is still under building process and that despite procedures, we are sometimes losing way. Jean-Hervé’s point is taken into consideration and the group will work at solutions to rebuild confidence among the group.

Jean-Hervé stated that he disagrees with both the process proposed and this meeting’s decisions to postpone final decisions of the ICB on these two issues, namely:
- The fact that, despite real efforts made by the Belgian section to control external communication on commemoration, mistakes have been made (exhibition currently in Paris)
- The fact that the crisis cell was not given support by the Dutch section on two occasions (August 2003 and March 2004) despite commitment from all the movement to support their decisions;
He therefore stated that he will participate in next IC/ICB meetings only as an observer and considers any decision made in these fora no longer binding for his section until commitment is made by IC/ICB to assess whether unanimously voted decisions are implemented or not.
Further to Jean-Hervé’s position, subsequent topics were discussed but no formal decisions were made.

Finance

1. Implications of the International Combined Accounts

Rémi Obert (IFC) and Bruce Mahin presented the implications of the International Combined Accounts and raised the main issue related to this project: is it just an accounting tool or more than this? Publication of approved international accounts will have consequences that should be taken into account. Indeed, accounts are just a measure of means and therefore not an efficient tool to know whether objectives have been reached → joint operational and financial analysis is therefore needed.

After a short introduction on the process and levels of responsibilities involved in the national and combined accounts approval, Rémi and Bruce presented the different consequences and problems encountered:

- Internally:
  - Re. common financial language → common goal for transparency should be translated into action and international policies should be defined.
  - Re. Monitoring → international policies should be implemented and followed up. Moreover, joint analyses / assessments will be needed. This process indeed took quite a lot of energy to be set up and for the time being, the only information that can really be analysed related to money spent on staff or medical items or countries. But on what activities or type of projects precisely is not extractable for want of sustainable common projects typology: consensus was reached on financial aspects and on country typology but not on a grid that categorizes our operations. This could be of interest and could therefore be looked into.
  - Certification: should increase the credibility of our organisation and allow to adapt what we have to what we need.

- Externally:
  - Combined accounts will increase MSF credibility and may also increase MSF attractiveness to big donors. But to reach this level of credibility, MSF standards and requirements have to be met.
  - Accountability / transparency: national accounts do not give the true picture of what we do → Bruce and Rémi propose as a policy that national figures are not longer given without the international figures. This also relates to the social mission ratio (also improperly called “efficient ratio”) - See graph 1 of the presentation.

Double click on icon below to get the whole presentation

"Rémi Combined accounts.ppt"
Next steps:

- Projects typology (at least to agree on 4-5 basic categories and allow analysis and annual comparison): this issue will be raised by Marine at next dirops meeting (23 April) and next ExCom meeting (26 April). ICB member presidents also to bring this back to their respective director of operations and DG.
- Accountability / transparency (national figures to be quoted alongside with latest international ones): ICB members to get back to their executive.

2. ToR of the ICB treasurer:

International combined accounts have to be signed off at IC level (ICB treasurer and ICP). In practical terms, this signature means that accounts are correct and according to international standards, and that the person signing certifies that all sections have given a true picture (⇒ credibility).

ICB treasurer: draft ToR have been circulated to ICB members prior to the meeting. The following were considered as key elements to be taken into account for the recruitment of the treasurer:

- Knowledge of the MSF movement
- Significant financial knowledge (to be able to understand the process + given the amount of money involved and therefore the huge responsibility going along with it) ⇒ Being an OC board treasurer could be an advantage (prior experience of the process, etc).
- 20-30% contract - on the IO budget
- To start during 2004 to be already involved in the 2004 process
- ICB treasurer to be co-opted and therefore not a voting member of the ICB
- It was proposed to evaluate the ToR of the treasurer after a year
- ICB treasurer will be responsible to the ICP.

Next steps:
Rowan to finalise the ToR including comments received from the ICB members and identification of potential candidates to start.

Executive update

Q&A on the executive update sent prior to the meeting.

Double click on icon below for full text of the executive update

"Executive update
April 2004.DOC"

1. User fees:

Christopher Stokes is finalising the document ⇒ All sections more or less share a common view. This document reflects an internal position but raises a number of questions:

- How do we want to be at institutional level ⇒ question of external lobby
- How far will we go in the implementation of the paper in the field → denouncing user fees in countries we work? How and how much do we advocate and what alternatives do we propose?
- What do we commit for in terms of implementation → assess the feasibility and necessary time to comply to the document (should not be too long)
- MSF should first be self-critical as in countries such as Yemen, MSF has implemented project supporting the national health system including user fees.

As implementation will be both difficult and costly, it was felt important to be together on this issue and therefore to know at this point if sections have some questions / concerns on the paper and the position proposed. Indeed, this position, if approved, will impact our operations. The evaluation of the impact on the operations is based on a clear choice made between two contradictory principles / approaches:
- Public health (majority has access)
- Humanitarian approach (no one can be discriminated)

**Next steps:**
In addition to discussion that have taken place at executive level (to evaluate the impact on the operations), this issue should also be discussed at board level as final decision will be taken on medical and philosophical grounds (IC).

Proposal:
- A debate will be organised at next IC meeting (25-27 June 2004) - potential participation of external “experts” to feed the debate.
- Questions / concerns raised by board will be communicated to the ICP prior to IC meeting.

### 2. Mid-term evaluation of the Pharmacist coordinator’s position:

**Background:** at last executive committee meeting (16&17 March 2004), Jean-Michel Caudron (Pharmacist coordinator) started to uncover that quality of generics is decreasing because major producers are getting out of the essential drugs market as a major outcome of the evaluation. The pharmacist coordination is working hard on securing quality of sources. This is becoming all the more important given the share of local supply (either forced by national health authorities or easy solution used to overcome importation obstacles). See full report of the evaluation below + commitment from the executive committee.

Jean-Hervé raised a question on the phrasing of the commitment of the executive committee which seems rather radical and does nor reflect on the reality of what the Access Campaign has been advocating for and what we have been able to achieve in the field. It would be more appropriate to state that we are striving for safe and quality drugs rather than “to commit to provide drugs which are no more toxic and no less efficient than the ones used in our countries”.

**Proposal:**
Jean-Michel to present the quality issue at next IC meeting

*Double click on icon below for integral text of the evaluation*

NB: the text of the evaluation was not available to ICB members at the time of the meeting.
3. International AIDS conference in Bangkok (July 2004):

50-60 abstracts have been submitted - feedback on approval is expected by end of April.
An estimated 50 MSF people have already registered and will attend the conference. This represents a lot
of money and as a movement, it was felt that MSF should be looking at that. The issue was also raised at
ExCom level but as people have already registered, little can be done at this stage.
Several comments were expressed:
- Issue of the objective for participation
- Participation of local staff
- The fact that local staff is rather absent from the abstracts
- Lack of internal communication / coordination within sections on participation

These issues should be taken up for next conference.

4. Shared operationality:

Few sections now have desks in place. First remark was done on the variety of speed in implementing
shared operationality. Moreover, it was felt important for the IO to have early 2005 a critical look at what
happened so far and whether the shared operationality benefits the field and the movement as a whole (as
previously stated by the IC in June 2001 and reiterated in Nov 2002).

Update from sections:
MSF-H: 5 desks in total including one in Berlin - the desk in Berlin is in charge of Nigeria and
Bangladesh. All decisions are under Amsterdam final responsibility. Common board is
taking place on the last week of April to see how it works. Berlin will increase human
resources → need to look at cost-effectiveness.

MSF-B: MSF-Italy to make decision at their General Assembly (NB: by the time of the ICB
meeting, General assembly took place and confirmed the decision of taking up projects)

MSF-F: Japan currently operates Burma + plan to also include an African country in the course of
2004. US deals with Uganda and a small project in the US + plan to include Guatemala
(course of 2004). Australia: no desk is planned but setting up a supportive structure on a
specific field (on the model of the Manson Unit at MSF-UK) is under discussion. In
general executives of US, Japan and Australia are more involved in the planning of
MSFF which is also considered as a constructive way to be involved in operations.

MSF-CH / Austria: only discussion at this stage. There is a proposal to set up a working group on
violence in which MSF-Austria could take part.

Specific discussion on the reintegration of MSF-Greece:
MSF-Spain has prepared a proposal for a framework for the integration process. This proposal has been
sent to MSF-Greece: the Spanish section was waiting for feedback from MSF-Gr at the time of the ICB
meeting. This document was sent to the ICB members prior to the meeting for feedback and comments.
This proposal was agreed on by the Spanish DG, director of operations and president. It reminds the three
pre-conditions to the re-integration. It also shows the main concerns and challenges related to the
integration that have been identified throughout the meetings which have already taken place between
both sections in order to build on the same line at all department levels. In particular, MSF-Greece has
been out of the movement for the past 5 years and therefore out of the main debates that took place in the
movement → how to stimulate effective debate, bring them up to speed and go through integration
process integration not only at technical level but including also reflection on MSF principles? Debate
should be encouraged at both executive and associative levels. They are willing to have these debates but
need support to go further. General feeling is that they are on the way to comply with the first pre-
condition. Another concern relates to systematic negotiations on the integration process and therefore tensions: indeed, MSF-Greece has been operational and working alone for the past 5 years and they are not like any other partner section.

**Decision:**
- The ICB agrees to provide support to MSF-Spain in the integration process
- Sections are requested to invite MSF-Greece executive (not only DG) to participate in their General Assemblies and to invite MSF-Greece staff / expatriates to HoM weeks.
- It was also mentioned that the process of integration should go both ways: it cannot only be them being self-critical → there needs to be a dialogue and also an effort from the movement to look back at the decisions made at that time and be also self-critical.

### Update on the Access Campaign and discussion on the role of IC/ICB in this international project:

Karim has officially applied to the director’s position. A meeting will be organised between him and a panel of both ExCom and steering committee early May.

Several comments were made related to Graciela’s resignation including:
- More explanation on this resignation will be requested by the steering committee at next SC meeting.
- Campaign is in a difficult time - no clear leadership for the past six months + the usual tensions between what we do for our patients and what for all patients → leading also to rather inconsistent initiatives (e.g., proposal for a revolving fund for artemisinin, communication line for World AIDS Day, etc)
- Given that Graciela is the most medical and the most MSF within the coordination team, her resignation is a deep sign that both evaluation and director are urgently needed. It is still agreed that the evaluation will be carried out (will be one of the topics to discuss between Karim and joint ExCom/SC panel - including timeline).

**Next steps:**
- Rowan to keep the ICB updated on the outcomes of the meeting ExCom/SC with Karim
- The role of the IC/ICB is to discuss / debate on the limits and boundaries of such a tool: what do we want to do with it in the future → Preliminary outcomes of the evaluation to be presented at the IC.
- Proposal to also have a debate on the Campaign in each section to feed in the evaluation process and the definition of new objectives. This debate can potentially be organised around the following question: “Why are we campaigning?”. The debate can be organised around two different views (ICP to look at documents to support the debate).

### Malaria and ACT implementation:

It had been agreed that there would be a snapshot of the situation in January 2004. Rowan presented what Th. Nierle had prepared for March ExCom (NB: in the absence of Th. Nierle, this was in the end not presented at the ExCom).

*Double click on icon below to get the whole presentation*
Main outcomes from Th. Nierle’s presentation:
- Data is incomplete
- Implementation seems to be going on well but data collection is proven a problem → to what extend are we really in a position to check whether and how decisions taken are implemented? Are we on the right track or not and do we have the right tools to say so? Executive decision was made in Oct 2002, 18 months later we are still not in a position to answer basic questions.
- Snapshot: is it the right methodology to describe what we do and where we are up to?

Next steps:
- The ICB asks to ExCom to provide explanation on the current situation with data collection and level of ACT implementation → Marine to relay this request at next ExCom (26 April).
- Each ICB member will individually bring this issue back to their executive.
- ICB members are requested to come back to the IC with where they are up to and what problem their section has potentially encountered
- The medical coordination is requested to push medical directors to work on data collection and reporting.

Relationship between MSF and DNDi:

Rowan submitted a document prior to the meeting on the relationship between MSF and the DNDi. This document looks into:
- DNDi board member
- Relationship as such

1. DNDi Board member:

Morten was appointed for two years (in principle until June 2005). Regarding Morten’s decision to withdraw, Yves Champey expressed concerns that one board member would already change and that it would be detrimental to the DNDi at this point. Morten finally agreed to continue strictly as board member but mentioning that he would not be available to do all the rounding about within the movement → Rowan can support Morten in this task.

Next steps:
- ToR DNDi board member to be approved at next IC
- IC to decide on whether to confirm Morten as DNDi board member

2. Relationship MSF and DNDi:

Comments were made on the phrasing of the text submitted re. relationship between the DG of the DNDi and the ExCom: as an independent structure, the DG of the DNDi does not report to the ExCom. Moreover, some ICB members expressed the feeling that the relationship between MSF and the DNDi should be more channelled through the Board member. On the other hand, given the particular financial /operational implication of MSF in the DNDi and current concerns on potential overlapping on advocacy, the understanding is also that MSF has an obvious
executive role to play and that the ExCom should as such be involved and progress reports be requested on a regular basis (every six months?). Having current president and DG closed to MSF and current treasurer and board member from MSF should ease circulation of information. Moreover, DNDi newsletter should be circulated within MSF (seems that this is not systematically happening → ICP to look at that).

Levels of responsibility within the movement:
- IC/ICB in charge of appointing treasurer, board member
- ExCom in charge of financial and operational aspects
- International office to play mediation role if a problem / conflict occurs with one particular section.

Next step:
Rowan will include comments and correct the document for next IC meeting.

Internal Rules Working Group
Rowan has put together a paper taking on what is in the principles. IC resolution of last year upset MSF-H → more transparency is needed.

The draft paper will be sent around for discussion and comments.

Upcoming meetings
- IC 25-27 June Amsterdam

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LB / 28 April 2004