MINUTES INTERNATIONAL COUNCIL MEETING
Amsterdam, 25-27 June 2004

IC Members Present: Clemens Vlasich (President, MSF Austria); Barbara Kerstiens (Vice-President, MSF Belgium); Soren Brix Christensen (President, MSF Denmark); Stefan Krieger (President, MSF Germany); Lisette Luykx (President, MSF Holland); Romain Poos (President, MSF Luxembourg); Atle Fretheim (President, MSF Norway); Emilia Herranz (President, MSF Spain); Pehr-Olof Pehrson (President, MSF Sweden); Isabelle Ségui-Bitz (President, MSF-Switzerland); Greg McAnulty (President, MSF UK); Joanne Liu (President, MSF Canada); Stefano Vajtho (President, MSF Italy); Ritsuro Usui (vice-president MSF-Japan, representing Saeko Terrada President, MSF Japan); Atle Fretheim (President, MSF Norway); Isabelle Ségui-Bitz (President, MSF-Switzerland); Greg McAnulty (President, MSF UK); Joanne Liu (President, MSF Canada); Stefano Vajtho (President, MSF Italy); Ritsuro Usui (vice-president MSF-Japan, representing Saeko Terrada President, MSF Japan); Darin Portnoy (President, MSF USA); Virginie Raisson (member of the board, MSF-France, representing Jean-Hervé Bradol President, MSF France); Elaine Lau (member of the board, MSF-Hong-Kong, representing Emily Chan, president MSF-Hong-Kong); Rowan Gillies (President, MSF Australia and President, International Council).

Executive Committee Members Present: Marine Buissonnière (MSF, Secretary General); on Saturday 26 June: Austen Davis (General Director, MSF Holland).

Additional participants: Kostas Papaioannou (President, MSF-Greece) – participating as an observer until MSF-Greece is re-integrated in the movement; Carol Etherington (former president, MSF-USA), Leslie Shanks (former president, MSF Canada). Although they are no longer president of their section, they have been invited to participate in this meeting as both have been a lot involved, as part of the internal rules working group or ICB. Kenny Gluck (Director of operations MSF-Holland) and Clair Mills (Medical director MSF-Holland) were both invited to participate in specific sessions (operations and HIV/AIDS policy).

Translator: Tim Fox.
Minutes: Laure Bonnevie.

Preliminary remarks

- Jean-Hervé apologized for not being present as he was still in Khartoum at the time of the meeting where he had a number of meetings scheduled with officials. He sent a message to IC members before the meeting (see below). Jean-Hervé’s perception is there is a risk of significant mortality in the coming weeks / months and that MSF needs to improve both advocacy and operations. NB: Tim read the message in English

Double click on icon below to open Jean-Hervé’s message

- Rowan apologized to IC members for the delay in preparing both the agenda of the meeting and all supporting documents. Initial plan was to have all documents ready a month before the meeting so as to leave IC members time to read them and eventually react to them. This could not happen this time.
• Rowan presented the various documents sent and agenda. It was proposed to move the session on operations from 27 June afternoon to morning as some IC members had to leave before the end of the meeting. Two other topics – user fees policy and TB – were to be discussed at this IC meeting. They unfortunately could not be included due to already packed agenda. On the user fees issue, it was nevertheless noted that there is problem in making a general statement because of the huge implication it would have on operations.

User fees issue will be included in next IC meeting agenda for discussion but not for a resolution as such. In the meantime, the existing document (developed by Christopher Stokes) will be circulated to IC members.

25-26 June – Arjan crisis

Most of the two days (25 late afternoon and 26 most of the day) were dedicated to a debate / discussion on Arjan crisis including the following three main topics:

• Explanation of recent events
• Broader issues arising from recent events
• Discussion on governance and decision-making process in MSF (how to take it further). As part of this discussion, IC members were requested to decide on Rowan’s proposed resignation (see letter below).

Generally, IC members regretted Jean-Hervé’s absence in this debate given his involvement in this dossier (as part of the advisory committee to the crisis cell and after Arjan’s release).

There was a clear consensus that at least a direction had to come out from the meeting and that the IC had to come up with a clear statement. Indeed, the crisis affected all sections and was discussed at all levels of MSF. But for that to happen, the debates should be structured. It was therefore decided on Friday 25 June night that discussions would not go into the details of the crisis but, after a brief reminder with a chronology, rather move ahead with general issues and principalistic discussions such as:

• Management of the information (leaks, etc)
• Civility and respect between individuals
• Response to crises
• Prevention of crises
• Process for a ransom policy
• Governance and how to go ahead
• Commitment to decisions and to bodies
• Role of the International Office
• Transparency
• Accountability and responsibility
Rowan also gave clarification on his letter and proposed resignation. He explained that the IO and himself went through difficult time over the past 4-5 months and that two issues in particular led him to write this letter:

- His involvement in decisions that led to significant criticism (further to the mandate given by ExCom / ICB)
- After GD18, he committed to come up with a press release by 10 June. He then changed his mind afterwards and decided to delay the press release after the mourning period (killing of the five MSF in Afghanistan). He made this decision on personal feelings and not on institutional reasons → the IC has to decide whether we can afford personal decisions at high level.

Rowan also added that for this job to be done some basic requirements are needed (see second part of his letter): over the past month the IO and the ICP position have been abused. Therefore IC is requested to make first a decision on Rowan and second on how to go ahead.

1. Chronology of events:

Double click on icon below to get the detailed chronology

"Brief Chronology IC.doc"

Rowan gave a brief and dispassionate overview of the chronology. This presentation was then followed by various comments:

• **50/50 option**: the 13 April conference call was attended by all ExCom except Pierre + Jean-Christophe Azé, Lisette, Kenny, Jean-Hervé, Barbara, Peter Casaer. Thomas Linde mentioned for the first time the 50/50 option. Perception on what this call was meant for differs. Nevertheless, it was reminded that primary objective was to discuss on how to communicate on Arjan’s release and that this call was not a decision-making forum about follow up of ransom. Despite the fact the 50/50 option was mentioned on several other occasions, there was no major response to this, however some concerns were expressed. Greg pointed out that this could be explained by the fact that what MSF position should be was unclear to everyone. Thomas Linde thought he was acting in the best interests of MSF when he decided to keep it quiet and based his decision on legitimate concerns (see his message to Eric Linder before the letter was sent). But subsequent response was then passionate and destructive (sense of betrayal, feeling that the issue has been intentionally misled, etc). Indeed majority of ExCom and ICB felt that such an issue impacts on the whole movement and that such a decision should have therefore involved the movement / the IO.

• **Mechanisms between international movement and MSFCH during Arjan abduction**: it was generally felt that the way the movement was involved was too informal and that clearer mechanisms should have been put in place. OCs have responsibility to deal with operational line but strategic line should be decided in coordination with the movement. Rowan raised the fact that along with this is the unclear role of the crisis cell advisory group. Was it an advisory group or a steering committee? It was clearly very influential especially at the end when Geneva was no longer in a position to make a decision (decision to start replacing people in the crisis cell came too late + slow response from the movement). In addition, Marine reminded there were strong functional problems within the crisis cell when decision was made to go public in March (e.g., the crisis cell did give different briefings to different people) → identified as a starting point of the internal crisis.

→ In such situation, in the future, clear sense that there will need to be a much better structure in place.
• **Jean-Hervé’s reaction and behaviour** were raised several times by different IC members throughout the discussion (referring to his message calling his collaborators to only discuss Arjan issue in international meetings, etc): Virginie responded that JHB’s message was not in-depth discussed in the French board. On the vocabulary used, JHB argued to his board that his intention was to get clarification on responsibilities re. some lies or omissions → do we focus on the vocabulary as such or on the reasons why these words were used: in the end, the letter and 50/50 option were not acceptable for the movement and a crisis was maybe necessary to make the international debate happen. In that sense, the French board thanked JHB for having provoked the crisis and therefore fully assumes their responsibility. Rowan argued that even if things had to be stopped, there were other ways to do it → one may agree with JHB’s position but refuse to go along with the message because of the methods. Lisette also regretted that MSFF board relied only on Jean-Hervé’s views without consulting MSFH board to know their position (NB: MSFF board was OK to meet with MSFH board – this meeting did not happen as the Dutch section was then very busy with the Afghanistan killing). Marine added that if one wants to speak about disrespect and bad behaviour, all sections have some part of responsibility → not a single one should be pointed out.

2. **Update on communications and legal aspects:**

Marine debriefed the IC members on the **communication and outcomes of the press release** that went out on 15 June and that focused on the no-pay line and the responsibility of the States:

- International coverage was good: either neutral or favourable to MSF.
- In the Swiss side, there were first some catchy titles (focusing on the internal MSFCH crisis) in the French-speaking press and more favourable papers → apparently no negative impact on donors.
- There was very little coverage in Russia.
- In Holland, coverage was negative especially on TV (prime time with Arjan commenting negatively on MSF’s position). Later on, coverage was more balanced (Austen gave a lot of interviews to bring MSF’s points) even if overall it was negative. So far, 200 donors proactively stopped supporting MSF out of 700,000 (Goma issue: 45 donors had stopped their support)

**Legal aspects:**

MSFCH retained the services of a lawyer in Geneva (experienced, very good reputation, connections in Holland). He for the time being suggests a wait-and-see position: it is up to the Dutch government to react (can’t start a legal procedure before the fall for administrative reasons in Switzerland). In the meantime, the lawyer has started working on various strategies / hypotheses although his feeling is that the Dutch government won’t sue MSFCH (don’t have a case, reluctancy to go to court outside their country, would provoke victimisation of MSF). Hypotheses are:

- Dutch government decides to sue and go to Swiss court
- Neither MSFCH nor the government move → the case does down
- The case is brought up to arbitrage
- MSFCH proactively sues Dutch government to get the Euros 230,000 back.

The lawyer also advised MSFCH to publicly make a clear separation between the details of the case (there are already enough of them in the press → damaging to MSFH) and the principalistic debate (status of aid workers, ransom, etc).

**Follow up with actors approached during the crisis:**

All are wondering what MSF position is → need to go back to them for individual briefings so as to proactively inform them of our position: process is going on (Austen with Dutch NGOs, Marine will do at SCHR, etc.)
Arjan:
Contact with him is difficult: clear failure from MSF side to inform him on time (he has been informed by the Dutch government → was upset → refused to come for his debriefing in Geneva). Contact is now re-established and agreed to come to Geneva at a later stage as he is aware that he only has one side of the picture.
He is still under contract with MSFCH

Evaluation:
ToR have been done, they are not perfect → comments / input is welcome.
The evaluation will look into:
- What led to the kidnapping
- The management of the case over 20 months
It will be carried out by two people (one outsider → already recruited, one insider but not CH, H or F → still to be found → suggestions welcome.)

Stefano commented on the ToR and suggested that:
- post-crisis is included in the evaluation
- methodology is modified: senior evaluator should lead the evaluation
- the role of the steering committee is clarified

Next steps re. evaluation:
→ It was emphasised on the fact that this time the steering committee of the evaluation has a clear role and that the decision-making process is clearly defined → IO will come back to Stefano for further advise.
IC also decided that the evaluation would be included in the IO budget (and therefore shared by all sections.

3. Debate:

- Management of information:
The fact that payment to the Dutch govt was first mentioned in the French AGM was perceived by Atle in particular as a bypass of international decision. Barbara’s feeling is that the decision to discuss ransom publicly (early in the year, pre release) was a serious issue which should have been discussed and clearly decided beforehand in international platforms → it indeed has an impact (put price tag on aid workers, etc). On the other hand, it may sound politically naïve to consider that this became public only because it was published in Le Monde when every body knows ransoms are paid in Caucasus. Worth noticing as well that we were not the ones making ransom issue public: it was first in the Le Monde article and then confirmed by the Dutch Government. Virginie’s point is that a difference should be made between “communicating on ransom” and “communicating on payment by a Government to another one upon agreement that we did not have control on”. Is this playing with words? For Atle, this indeed raises the issue of the perception of our communication by recipients which should be taken into account.
→ Three issues here:
- Ransom policy
- Communicating or not about it
- How far do we go in informing our association on confidential operational information and at what stage do we do it? Basically when internal information can become external information? Are there things that we should keep from our associations? For Joanne, if as a president you feel
strongly about something, it should be your right as presidents to share it with our board / association

Dissemination of information: Stefan’s feeling is that information flow is so important that responsible behaviour is needed to handle (e.g., if one wants to speak out, others should be informed). Shouldn’t sections involved have to involve the IO who then decides what the appropriate forum to address it is? Shouldn’t IO be the starting point for distribution of the information? Barbara suggested that in the case of issues affecting the whole movement, there should be an obligation to inform the IO or ExCom or ICB. When both ExCom and ICB are dysfunctional, as this was perceived to be the case by the majority of participants, Leslie feels that the role of the IO should be to ensure that that people sit together and they get functional again, and push the issues at these levels.

• Role of the IO:
Can this question be summarised on whether the role is administrative or politic? Austen’s view is that the question stands on whether the IO can make a decision and can explain afterwards arguments supporting it. Responsibility as Austen sees it in any international discussion is to:
  a. Define and put forward the decision
  b. Explain and defend the position
  c. Listen to alternatives
  d. Consider reformulation of the position
  e. Remain engaged in dialogue.

IO is built not only to encourage confrontation / debate but also dialogue. When ExCom is dysfunctional, is it to IO to take over? In that case, there was no other solution. Usually, the movement goes through the first three points but the fourth one is already a problem (e.g., “my association did vote and I cannot come back on that vote”) → real difficulty in reformulating positions.

The IC statement should make the point that we don’t want to lose our ability to confront.

• How do we respond to crisis
This question goes along with the following questions:
  - National vs. international decisions
  - Operational vs. principalistic decision

→ How do we decide? How do we decide whether it is something for ExCom or for ICB?
  - Greg proposed to base judgement on the charter to see what is acceptable or not (Cf. decision related to MSF-Gr and Kosovo) and use charter to decide whether national or international decision → but this then raises the question of who does the interpretation of the charter.
  - Some proposed to do crisis prevention rather than crisis management: when we foresee a problem, urge the ICP / IC to think of how crisis can be prevented → not always possible. Also experience of Virginie: whatever crisis prevention mechanisms in place, if there are strong political reasons, there is always an opportunity for a crisis (cf. Bosnia) → mechanisms do not avoid root of the conflict. Lisette also raised the fact that the ICP should maintain neutral grounds rather than make decisions → ICP to represent the movement externally but internally to create space for discussion / facilitate dialogue.
  - What when quick / urgent decision is needed which implies principles? Get ICB involved in making proposals for IC → clear need and legitimacy for ICB as a counter-power to ExCom for the associative (for accountability and follow up on implementation of IC decisions + to make decisions) + easy-mobilisable forum within the associative + added value of representation of Partner sections → make the ICB a true board for the IC and a better tool for next time in order to avoid having IO taking over and making decisions.

→ General consensus that there is a need to reinforce ICB (and to clarify role and power)
(NB Joanne reminded that there is then a risk that ICB then be too involved in executive)

• Other “chantiers” that should be looked into by the various structures we have:
  - Role and weight of partners sections
- Constitution → tackle the question of the reasons why we have so much confrontation
→ Get external experts to support us?

- **On governance in general:**

  This was not discussed a lot over the past years as a lot of time was spent on discussing issues such as DNDi, TCB policy, etc.

  It was proposed to open a debate cycle on governance in order to solve some un-resolved issues:
  - Choose 2 or 3 significant issues to move ahead with
  - Work on a plan

  It was also mentioned that extra work will be needed to clarify statutes and internal rules

**Specific next step to brief Jean-Hervé:**

It was decided that not only Rowan should debrief Jean-Hervé → several IC members to debrief him on outcomes of IC meeting.

4. **Resolutions:**

At the end of the debates, three resolutions were passed:

**Resolution 1 (Position Statement) – Crisis**

The IC expresses its relief for the safe return of Arjan Erkel after 20 months. We recognise and deeply appreciate the dedication and sacrifice made by all those involved in achieving this goal.

A longstanding strength and value of MSF has been its ability to internally debate, disagree, and challenge one another. During and after the kidnapping crisis, however, words and accusations as well as acts of omission and commission related to information sharing led to unprecedented levels of mistrust, suspicion, anger, confrontation and confusion. The IC recognizes and finds it unacceptable that such behaviours could and did lead to an internal conflict impacting the movement.

We therefore support the plan for a review of the crisis with respect to the governance issues raised and commit to preparing a report for the November 2004 IC meeting.

With regard to potential future conflict, members of the IC commit themselves to engage constructively in efforts that can prevent or at least limit negative impact on the whole movement. It is understood that the IC role and responsibility is distinct and apart from Executive bodies but we fully expect the following to be respected throughout the movement:

- Demonstration of full and complete transparency on issues of common concern
- Consistent commitment to respectful dialogue, especially in times of conflict and dissent
- Adherence to agreed-upon international positions and strategies; debate must be internal before external.

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Each IC member commits to actively promoting the spirit and content of this resolution.

16 in favour, 1 abstention, 1 against

**Addendum on specific discussion around resolution 1:**

Discussion took place on whether there is a need for this resolution as it is phrased given that the resolution on Rowan’s resignation letter (see resolution 3) refers also to the second part of his letter and
therefore recognizes the basic requirements for the ICP job to be done. Moreover, a debate arose on whether there shouldn’t be first the evaluation before such a resolution. According to the majority of the IC members, the feeling is that the movement cannot wait November IC to recognize problems and for a resolution. On the side of MSFF, the feeling is that the resolution as it is phrased is not the way to go forward. The resolution should indeed focus on the process rather than on principles which should come out from the evaluation, and therefore in a resolution at a later stage.

**Resolution 2 – ICB**

In times of urgency, the IC mandates the ICB to act on its behalf.

*Unanimously in favour*

**Resolution 3 – Rowan Gillies’s resignation offer**

The IC unanimously declines to accept the resignation offered by Rowan Gillies as president of the IC. We reaffirm our support for him as IC president. We appreciate the transparency underlying his offer to resign. We recognize the difficulties and appreciate the efforts he has made in negotiating the current crisis, and we commit to following the essentials highlighted in his letter.

*Unanimously in favour*

*Additional comment:*
IC thanks both Rowan Gillies and Marine Buissonnière, and the International Office, for the time, energy they devoted and commitment they showed in addressing this crisis.

**Extraordinary International Council meetings**

Within the framework of legally formalizing the transfer of the International Office from Brussels to Geneva, two extraordinary International Council meetings took place on 26 June for:
- The constitution of the Swiss entity – and validation of the new Statutes
- The dissolution of the Belgian entity.

Indeed, the move of the IO is not only physical, it also has legal implication: to move to Geneva, there is a need to create a new entity (under Swiss law) and dissolve the old one in Belgium.

In order to create a new entity, the International Secretary had to go through the exercise of drafting statutes which are almost similar to the older ones but with some differences due to specificity of the Swiss law. The *new statutes* were done by a lawyer and are as close and accurate as possible from the spirit and wording of the older ones. They are for the time being in French as they have to be submitted in French to the Swiss administration but will be translated in English.

Marine went through the new statutes and explained the differences.
Double click on icon below to get the new statutes

"New statutes.doc"

Question was raised re. Art 12.2 (voting right):

12.2 Tout membre est privé de son droit de vote dans les décisions relatives à une affaire ou un procès de l’Association, lorsque lui-même, son représentant, le conjoint de son représentant ou les parents ou alliés en ligne directe de son représentant sont parties en cause.

Will this mean that if the Dutch government engages a legal procedure against MSFCH, the president of MSFCH can no longer have a voting right at the IC?

Answer from the Swiss lawyer who has been contacted after the meeting to clarify this point:
Voting right will be suspended only if a decision / resolution related to the case or prosecution is to be voted by the IC → the MSFCH president would still have a voting right on other decisions / resolutions even during the time of the case / prosecution.

The consistency of current statutes with regards to governance issue was raised. It was also proposed that new [Swiss] statutes are ratified by all sections through AGM. It was answered to the first point that Rowan had already planned to raise in the next six months the issue of the consistency of current statutes with regards to governance. Therefore it was felt inappropriate to engage in a ratification process by sections / AGM for new [Swiss] statutes: it was instead proposed to wait for revised statutes and then go through ratification.

Official minutes for the two extraordinary meetings will come in separate documents.

Approval and clarification of documents

- Chantilly documents: it was decided to stand-by on the approval of the English and Spanish translation of the French original document. This will be discussed at next ICB for approval at next IC meeting in November 2004.
- Charter: there is an ambiguity as to whether the first paragraph in the charter document is part of the charter itself or is a preamble to the four last paragraphs. It was reminded that the IC approved a year ago three versions (French, English, Spanish) of the whole text. But charter is four paragraphs – 1st paragraph being a preamble.
- Approval Nov 2003 IC meeting minutes: the IC members approved the minutes.

Operations / context explanation

NB: Kenny Gluck presented the two updates on Afghanistan and Darfur.

1. Afghanistan:

- Process of mourning and support to the teams and families:
Kenny gave account of the recent tragic events in the Baghis province. Further to the assassination of five members of MSFCH team, a lot of ceremonies were organised including in Afghanistan (one was organised by the MoH). Both the staff and the population have been very affected by the event. Families of the deceased have told MSFCH that killing should not lead to closing activities in Afghanistan.
A memorial ceremony is planned in Amsterdam around mid-July and the section is also assessing the possibility of organising one in Afghanistan. We had to convince teams not to go back to the projects and a psycho support was put in place (4 psychologists left for Afghanistan to work with all teams – all sections). The biggest worry is when the teams will come back to Europe and will no longer be together. Follow up with Afghan teams is even more difficult. Among all five sections in Afghanistan received, support and collaboration have been phenomenal: people did pool together.

- **Process to get clarity on the murders:**
  Taliban claimed for the murders but credibility of the claim is questioned by MSFH as it came after the news was released on radios and it included factual errors on the event itself. This claim was repeated a week later by the same Taliban group when they claimed for the murder of 11 Chinese road workers. But again credit to be given is questioned. Indeed there are other possible interpretations:
  - Regional scenario: a regional commander was deposited some times back. He threatened to take vengeance and to take action that would destabilise the region.
  - Local scenario: in immediate area, people who might have be dissatisfied with our work (e.g., a patient who had made threats to MSF staff few days before the killing).
MSFH former HoM in Somalia will take the lead of this process to get clarity (i.e., who did it and what was the mobile of the killing). The objective is not to conduct an investigation as such but rather to collect information from the various investigations carried out (police, UN, etc) and make sure as a condition that we will be able to evaluate whether we can continue to work or not.
There seems to be low capacity and low willingness from the police to confront their own allies (considered as too powerful) → MSF will need to put pressure on the government to make sure that investigation will happen. So far a lot of “witnesses” (very likely that people saw what happened) as well as suspected people have been arrested. Obviously whatever we find out will be a key determinant of the analysis and on the future of our activities.

On the side of Taliban, they have clearly threatened MSF → we want them to publicly retract their threats and allegations. One problem for that is that we don’t know how organised the Taliban structure of commandment is (very possible that they have no other mean of communication than through the media) and we don’t know if the person who claimed, even if official spokesperson, does carry authority or not.

- **Update on MSF Operations:**
MSFH: project is functioning without expatriates. There are currently five expatriates in Kabul. The same applies to other sections. All NGOS that were present in Baghdis have left (some will go on working and some will pull out).
MSF has entered an interim period which will last until we have clarity on the nature of the killing as well as some sense of threats retracted by Taliban. If Taliban don’t retract, we will pull out from the whole region.
In that sense, the killing is a real tragedy beyond the death of five people as this event can potentially be the death of humanitarian aid in the region. MSF has been working in Afghanistan since the early 80s, in particular in areas where others were not → if loss of protection can happen in Afghanistan it can happen every where…
In any case, if threats are not clarified, all sections agreed to pull out.
**Questions for clarification:**
- What reaction at political level? → Clear condemnation by Karzai but we have to remember that this is a country of war and there is not a lot of political structure in place outside Kabul.
- Will the outcomes of the clarity process be public? → This review is meant to give us a sense of credibility of the investigation. It is meant for internal purposes. Moreover, we have to be careful giving security advises to others: we are not responsible for security of others.
- If we leave, do we do it quietly or do we slam the door? → If we leave we would have to do it publicly which doesn’t mean that we would slam the door as it is very unlikely that we will have full clarity.
- What if the Taliban retract their threats? → this will be the most difficult scenario to deal with but this is very unlikely to happen.
- Killing in a broader context: are “US-coalition” NGOs targeted? → Attacks mainly target road reconstruction activities, election work and mine seeping. But one has to remember the attack on the ICRC delegate in March 2003 which was also a clear assassination. There is a clear difference in the pattern now:
  - UN agencies which are clearly under the US banner
  - Other NGOs – mainly Afghans – overwhelmed with funds from the coalition
  But NGOs involved in food for example are very little targeted.
- What does national staff think of the reasons why this happened? → They also talk of the above-mentioned scenarios. They continue to carry on a low level of activity but MSF has now to start thinking of level of insecurity for them as well. Indeed, some received threats and as a result left the region (meaning that these threats are taken seriously). It is hard to distinguish between the risk they take and the fact that we potentially raise or decrease the risk for them by allowing them to work for an NGO.
- Visibility of MSF: not sure MSF is that distinguishable from others (white cars, etc.), despite thousands of consultations we have done over the past 20 years (we are known as an NGO rather than as MSF as such). Definitive consciousness of affiliation with the French Government who took Massoud.

**General comments on security and food for thought for Rwanda conference:**
Some members of the IC raised the fact that we have to reconsider the way we guarantee the security of our teams. Our security management is:
- Firstly conceptual
- Secondly based on our contacts with the population.
As a result, if we are disconnected from the population, there is a problem.
In Afghanistan, the problem is also that Taliban are not easy to find → difficult to have contact with Taliban commanders and discuss or negotiate security with them. It has become difficult on a practical sense and we are de facto loosing our ability to work in half of the world (Cf. also Chechen context). This will have consequences on projects such as:
- Pakistan already
- Kashmir → we received threats and reduced teams
- Somalia
- Iraq.
The question is to what extend threats will cross borders or go through the media (see for example threats in Afghanistan that are now on line on Somalian websites).

**Next steps:**
As IC, there needs to be a formal recognition of the outcomes of the process in place (to assess whether the paradigm has changed).
→ Isabelle and Barbara to work on a draft resolution for next ICB meeting.
2. Darfur:

- **Context:**
  Sudan has been in war for the past 50 years (mainly North vs. South). The peace process for the North vs. South conflict is going on although there are still some incidents (e.g., in the Malakal region). There are fears that the peace process will change the context of the whole region and potentially change the focus of the war.

  In Darfur, chronic problems have been ongoing (traditional conflict between farmers and pastoralists?). Conflict restarted at the beginning of 2003. Janjaweed are not an ethnic group (the word rather describes a phenomenon and refers to armed groups). Neither is the Sudanese Liberation Army. Therefore the conflict cannot be reduced to an opposition between Arabs vs. Africans.

  The Darfur is an area where violence perpetrated against civilians has been horrible including periods of intense displacement (September 2003, November 2003 till Feb-March 2004) with extremely wide spread campaigns of terror (burned villages, destruction of grain stores, etc.). As MSF, we don’t know the number of displaced people → UN agencies speak of about one million IDPs and 150,000 refugees in Chad.

  Aid in Chad is very inadequate: in UNHCR camps, water and food supply and health care are reported to be insufficient → we have to keep on following up on quality of the assistance we provide.

- **Situation in Darfur:**
  Darfur is traditionally a very poor area where malnutrition threshold is very low → malnutrition goes on very quickly as soon as a problem arises. In this particular situation, food exists → famine is caused by forced displacements. General food distribution have started in certain areas but the problem is that WFP has no distribution mechanisms up to the end of the chain, and that quantities are unlikely to suffice.

  IDPs go in existing villages because of the fear and insecurity going on outside (even if violence goes on also in town) → families send kids to collect firewood at night as they feel kids will be less targeted by violence.

- **MSF in Darfur:**
  We were able to get some data (nutritional study, retro-active mortality study, etc). Main outcomes:
  - High acute malnutrition → increasing
  - Degree of mortality as a result of violence is over 60%

  → Need to testify of the situation.

  Kenny gave an overview of our operations with:
  - MSFB in the North
  - MSFF in the West
  - MSFH in the South
  - MSFCH – MSFS to start soon.

  → There will soon be over 200 MSF expatriates on the ground but still no way we will be able to cover all needs. And with the rainy season, we will be forced to stop some activities in remote areas which will no longer be reachable.

  Why has humanitarian community failed so much? In many areas, there is no aid at all although some of these areas are accessible → no excuse for not having got there. So far we have decided not to target UN agencies but have we been aggressive enough at UN and have we been vocal enough?
We also have to ask ourselves why we have been so slow even if we were four months ahead from the others. Another problem is that when we are alone on the ground, we work in environments where there is no water, no food distribution, etc.

- **Questions for clarification:**
  - **Level of support from GoS:** Gos has been very obstructive to aid from May till recently (this is now the excuse given by the UN for the slow response). It is unclear how far the GoS took advantage of the absence of witnesses to conduct the “operations” on the ground. Indeed, there are several conflicting agendas going on (including on the militia side) → difficult to have a clear picture of the situation. There are now worries that GoS organises forced returns in unsafe areas → we have to make sure IDPs can return on a voluntary basis: so far they are forced by despair and lack of aid to do very risky things (they basically have the choice between dying of starvation or taking the risk of being raped / murdered).
  - **Lack of humanitarian response:** even now that GoS has moved ahead and that the level of obstruction has decreased, most NGOs have already reached their maximum capacity. In general humanitarian actors disengage from emergency response to focus on development, campaigning, peace-promotion activities. This is a problem for us as we have lost competences / expertise in some fields (e.g., watsan) as some NGOs were doing better than we did. At last, even if humanitarian community may fear that GoS manipulates aid, this should not refrain from engaging the process and then challenging the government. In that case, UN agencies and most NGOs did not even engage the process or have engaged it too late. Aid is all the more important now that GoS is forcing IDPs back: in order to ensure freedom of movement, aid has to be available and sufficient.

- **Debate on the “genocide” issue:**
  Many UN careers are built on the North/South peace process: including the Darfur issue in the peace negotiations could have undermined the whole process → UN did not push Darfur issue with the GoS (neither did we). UN basically slept on the problem for a long time. They suddenly became vocal by talking of “genocide” but still without doing anything.

IC members first noted that genocide is a legal term. MSF is now present in a number of locations and collected a lot of information / data and we therefore know of extensive violence, rape, torture, etc. Nevertheless, we have neither the expertise nor the ability to make legal analyses and qualify the situation. Our position (dirops – March 04) was rather to communicate on what we could observe including consequences of violence on health statute of the population (data collection). Declarations such as the one Jean-Hervé did in Le Monde may put MSF in a difficult position as these declarations may be used by the GoS.

At IC level, we have to recognize that this is a big crisis and that there is a massive need for assistance. But some IC members regretted that Jean-Hervé did this declaration without any internal debate having taken place beforehand, especially at IC level where principles should be debated.

**Next steps:**
It was noted that this issue highlighted what was perceived as a recurrent problem. It was decided that Rowan would first speak to Jean-Hervé to understand his position and then send information around to the IC for discussion.
**Election of a new ICB member**

One position was left vacant after Leslie Shanks’ departure. Rowan reminded that this was a three-year commitment including three to four meetings a year (in addition to IC meetings) and additional work on specific dossiers to prepare for IC, etc. Three candidates presented their motivation in joining the ICB.

Greg McAnulty (president MSF-UK) was elected by a majority of IC members.

**HIV/AIDS policy**

Clair Mills (medical director MSF-H) first reminded the gravity of the crisis and the gaps particularly in Sub-Saharan Africa (e.g., 70,000 on treatment vs. 70,000 new infections each week). She then briefly presented MSF’s response to the crisis and raised a number of questions related to:

- Strategic choices for MSF, e.g., common strategy vs. various approaches, quality vs. coverage, advocacy for fundamental changes, direct impact vs. catalysing actions by others, advocacy for access to drugs vs. for access to adequate health care, etc.
- Research and treatment challenges e.g., monitoring, resistance, opportunistic infections, etc.
- Organisational challenges e.g., human, financial and technical resources needed.

She then concluded on the question of sustainability in the context of life-long treatment: “are we honest about resources it takes to do this?”

*Double click on icon below to open Clair’s presentation*

"HIV/AIDS Clair Mills – IC June 2004.ppt"

**The debate that followed Clair’s presentation focussed on various topics included:**

- **Treatment + prevention:** the discourse of HIV covers a lot from the Access Campaign. In the field, we do a lot of prevention, provide information and care as well as treatment, but in public eyes, we became the “treatment people” or the “generic guys”. Since the international community has long focused on prevention and written off treatment from the agenda → we wanted to challenge that and focused our messages on treatment in addition to prevention.
  → Need to remind of the package: treatment + prevention.

- **Resistance** – how do we look into this also in terms of cost: Access Campaign is looking at second-line treatment. The issue of resistance is discussed at various levels (MSF, WHO 3x5, etc). We have to remember that resistance is linked to bad adherence → the most important is therefore to insure adherence to treatment, continuous procurement. On the other hand, the more treatment the more resistance: this also raises the question of the availability of medical skills and tools (VL) to follow up on this.

- **PEPFAR** (US President’s Emergency Plan For AIDS Relief), WHO 3x5, etc – what is MSF’s position: will countries where PEPFAR plans will be implemented be able to use generics? Also PEPFAR is a five-year plans only, what after? Are we planning to put pressure? To these questions, it was answered that MSF acts through the Access Campaign for these issues. It was also reminded that a number of meetings took place since the beginning of the year (Washington, Botswana) and that the point of pressure was to get generics pre-qualified → a top priority for the
Campaign. It was also reminded that some pre-qualified drugs are still not registered in some countries → generic companies don’t do what we expect from them either. We were a bit associated to WHO 3x5 at some point (World AIDS day 2003) but how far do we go? → We shouldn’t screw them up (US does it) but we should be careful.

• **Scaling up and quality of health care service**: we want to scale up and we want others to scale up but there are huge gaps in the health care services → integrating ARV in all projects and at all levels is a great goal but there are huge challenges going along that are related to quality of health care services (also because donors refuse to give money for health services e.g., Malawi, Uganda) → do we want to take this on? When we started challenging perception on treatment why didn’t we challenge the fact that there was not enough money for health services? Campaigning efforts could be focussed on more patients on ARV outside our projects and including money for health care services.

• **Partnership**: MSF’s objective is to change individual’s life but on HIV, there is a need to push things to happen → need to develop partnerships and to work with others to take advantages of existing expertise. This is for the time being very limited in MSF (cf. Treatment Action Campaign – TAC – in South Africa) although all agree this is very important.

**What role for MSF?**
Shouldn’t we first get rid of our own orthodoxies?
- “we don’t make long-term commitment” → we have been working in Congo for 20 years.
- “we don’t do scaling up” → HIV/AIDS is the first epidemic of such magnitude so can we accept the status quo?

Notion of pilot projects is already outdated: we are now dealing with HIV in complicated contexts (including ARV treatment in areas such as Bukavu). But what we don’t want to do is treatment in specific HIV projects only: we want treatment in normal PHC in the future and we therefore have to find ways to make this happen. We also want to be able to treat paediatric patients, etc. So far we have been quite conservative in our strategies by fear of being accused to contribute to development of resistance. But others have gone further and have been more progressive. The question is on the level of public risk we want to engage in.

→ If we want to have an impact on HIV/AIDS, we need to find totally new ways:
  - MSF has a role to play in operational research for paediatric patients, for treatment interruption, etc.
  - MSF has a role to play in reaching and treating most neglected patients who won’t be taken care of by big initiatives such as PEPFAR, WHO 3x5, etc.
  - MSF has to get more familiar with grassroots issues: we have a lot to learn and a lot to share and we therefore have to break with isolationism, be more proactive in networking with others.

**Public health vs. treatment issues, where do we stand**: this debate is going on in the Access Campaign. There is no consensus but a trend to extend the concept of access.

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**MiniAG 2004**

1. **Women’s health:**

*Double click on icon below for all syntheses on women’s health*

Women’s health.zip
Two main topics were presented and discussed among the list proposed by the IC in November 2003:

- **Sexual violence:** Darin presented a summary of the outcomes of the MiniAG. He emphasized in particular on 1) existing protocols for victims of rape are not systematically implemented in the field (problem of information), 2) MSF has a medical and moral obligation to treat victims of rape, 3) numerous suggestions to develop partnerships, 4) idea of a minimal package.

  → Decision on this is ethical but also operational → IC could push executive to look into the issue – IC’s responsibility is to decide on what is acceptable and what is not, and push boundaries of what we are doing.

  Question was raised as to whether a working group had finally been set up (Cf. minutes Nov 2003 IC meeting).

- **Abortion:** abortion happens in the field but there are no guidelines → it all depends on individual positions. The field asks for minimum guidance / policy.

### Next steps / timeline:
- **Abortion:** IC requests the executive to come up with lines of discussion for next ICB meeting. Next IC meeting will then make a decision on a policy
- **Sexual Violence:** it was made clear that this was an associative issue. The ExCom is requested to provide Rowan with a sectional update on activities including:
  - Obstacles, strengths and constraints
  - Update on the working group on sexual violence

Rowan will then circulate the update to IC members.

### 2. General:

Apart from Women’s health, outcomes from the MiniAG 2004 include a number of other topics: a lot of information is indeed brought in the reports.

*Double click on icon below for the general synthesis on MiniAG and list of topics discussed*

### MSF-Greece reintegration process

Emilia presented an update / progress report on the reintegration process since decision was taken by the IC in November 2003.

*Double click on icon below to get Emilia’s presentation and final framework for re-integration*
Among others, Emilia informed the IC members that the framework for the re-integration process was ratified by both MSF-S and MSF-Gr AG, and that MSF-Gr AG unanimously voted to give the MSF-Gr name and logo back to the movement.

There are two levels of re-integration:
- MSF-Greece into the International Movement
- MSF-Greece into MSF-S operations

Emilia explained the operational structure that is being put in place:
- One director of operations for both sections (Eric Thomas)
- In Greece, one cell is being put into place on the same model than in Spain. Each component of the cell is recruited by the director of operations and is responsible to his technical interlocutor in Spain for operational issues. The responsible for the cell is responsible to the director of operations.
- MSF-Gr projects (Serbia, Zambia, Ethiopia, Palestine, Malawi, etc) are under evaluation
- Advocacy unit and emergency desk remain in MSF-S but are supported by MSF-Gr.
- Channels are created to share policy → the cell is therefore not the only point of contact

Next operational steps include: finalisation of MSF-Gr project evaluation, work on finances and logistics, and shared human resources. Final report will be presented for November 2004 IC for final decision on the re-integration. It is expected that by 2006, both sections should have normal working conditions.

Emilia then presented risks and difficulties linked to the re-integration process:
- Fear in MSF-S of being overloaded by support work to MSF-Gr
- Issue of the difference in management culture in the field
- Individual resistance
- Lack of adequate HR for management
- Fear of losing authority
- Etc.

Emilia also specifically requested that other sections be involved in the re-integration process (in particular for the re-integration in the international movement).

**Conclusion and next steps:**
The IC concluded that both executive and associative from operational centres and partner sections should go and spend time in MSF-Greece → Rowan will send a message to the sections calling for that.

**Internal conference on Rwanda**

Rowan very briefly presented his first thoughts on what this conference would include. The initial idea is that this conference would first address Rwanda commemoration and dilemmas and then move on to broader questions such as our response to the crisis in Darfur, humanitarian space, etc.

Final date: 18-19 October 2004.
Location: Geneva.

*Due to lack of time, this topic could not be further discussed.*
Thank you!

On behalf of the IC, Rowan thanked Carol and Leslie for their strong commitment and valuable input in the IC / ICB. Rowan also thanked Lisette, Rianne and MSFH for having hosted this IC meeting and facilitated the organisation / preparation of the whole meeting.

Next IC meeting

Date: 19-21 November 2004
Location: Geneva

NB: next ICB meeting is scheduled on 08-09 October 2004 in Paris.

NB: due to lack of time, the following could not be discussed:
- Relationship between MSF and the DNDi (including ToR DNDi board member)
- ToR ICB treasurer
- TCB diffusion policy

Approval of the minutes:

Rowan Gillies
President
International Council

Isabelle Segui-Bitz
President MSF-Switzerland
ICB Member