

A detailed reply to the Verifile / Accredibase "Report" on Euclid University

Note: This document contains the entire Verifile / Accredibase "report" on EUCLID (published December 2011) and provides a paragraph by paragraph commentary which refers to authoritative government sources.

The EUCLID comments are in always in bold.

This document was completed and posted in November 2012.

Organization of Report

We treat Euclid University and the Euclid Consortium as separate but related entities, consistent with their own practice and the documentation provided. The question of degree-granting authority for the two entities is considered separately, in part because the entities themselves describe such a separation. Euclid University, also known as Pôle Universitaire Euclide, is the entity with which we are primarily concerned.

Comment: Who is this opening "we?" The report is unsigned (anonymous) but according to other public records, it can be established that:

Verifile/Accredibase is the "Private limited" business of the Israeli businessman Mr Eyal Ben Cohen. The business owner did not put his name on his "report" but has admitted elsewhere that he is in fact the author. This company's co-director appears to be a UK national of Indian descent, Mr Kapil Bhargava. These considerations are important to keep in mind when we consider that EUCLID's Secretary-General is a Pakistani Muslim and its High Steward Ambassador Mohamed Tohiri is an African Muslim from the Comoros. EUCLID is a partner of the Islamic Chamber of Commerce and Industry and was featured in the official Journal of the Organization of Islamic Cooperation (August 2011).

In addition, we must inquire about the credentials of the author and challenge his abilities to do research (such as detecting the existence of universities in 3 countries) and understand the basics of international law. Suffice it to say that the author has an MBA (which qualifies him as a businessman) but no credentials in either international higher education or international law.

Underlying principles

We begin with a brief look at the general environment of standards in which an evaluation of Euclid must take place.¹ There are certain basic principles used in the evaluation of college degrees issued in one country for the purpose of determining their use in another country. These principles are as follows.

1. The individual degree holder must have earned the degree lawfully under the standards of the nation. That is, the degree must not have been acquired through fraud, purchase or other nonacademic means.
2. The entity issuing the degree must have been granted the legal authority to issue degrees in its own name under the laws of at least one nation in which it is located.
3. The laws of the nation in which the degree-granter is located must be such as to ensure that degrees issued by its colleges are of sufficient quality and value for their stated purpose.
4. Those laws must have been applied in actuality to the degree-granting entity. That is, the approval must be demonstrably based on the college's merits and not the result of bribery, coercion or other factors unrelated to the college's academic programs.

No comments on this section.

The nature of degree-granting authority

The grant of degree-granting authority is a government monopoly. That is, the authority to issue degrees can only be obtained from a government, whatever the structure of that government may be. The laws of nations differ sufficiently that the actual requirements for obtaining degree-granting authority may be very stringent in one nation and very weak in another. The nature and content of degree programs also differs from nation to nation. That is one reason why degrees are not considered commodities and cannot be automatically transferred across national boundaries and used the same way that they were in their nation of origin. International compacts ameliorate this situation somewhat, but such compacts are only appropriate in situations in which there is enough similarity of standards and practices among nations.

In general, any claim by an entity that it is a degree-granting college, when that claim includes no proof of a government charter or license that expressly grants the authority to issue degrees in its own name, can be ignored, as such entities are fraudulent and best described as degree mills.

This general standard does not apply to educational entities that do not issue degrees. The rule thus does not apply to non-degree diplomas, certificates and a broad spectrum of educational activities that do not result in or lead to the award of a degree. The standards that are used for international degree evaluation are therefore not restrictions on educational activity or learning, they are purely limits on the issuance of government-backed credentials in the form of degrees. Another way of putting it is that there is no private right to issue degrees, because degrees are by definition credentials representing the standards imposed by a specific government. Educational credentials that are not degrees are not controlled in the same way.

Finally, the meaning of "government" for purposes of applying this general standard is not universally identical because the way that nations regulate colleges varies. Many countries have a highly centralized national approval process, some devolve the approval to semi-autonomous states and some have processes that might be described as hybrids. A few countries, e.g., the United States, Canada and Australia, devolve the

authority to license colleges to their constituent provinces or states. Also, this report necessarily includes a discussion of international organizations as though they were exercising certain powers of governments.

No comments on this section.

The term "accredit"

The United States is the only large country that splits postsecondary qualitative oversight between states and private membership associations called accreditors; it is important to keep in mind that the term "accreditor" in the U.S. always refers to a nongovernmental entity, and that such organizations cannot authorize a college to exist or offer degrees.

The term "accredit" is used all over the world to mean different things, and before treating the term as having a particular meaning it is necessary to examine what it means in the particular context in which it is used. Some of the Euclid documents use the term with the apparent meaning "approve," authorize or license. Other documents are more obscure.

Comment: Actually, "accreditation" has been a common international concept since the mid-2000s. In the case of EUCLID, "accredit" has been fully clarified.

The EUCLID "constitutive documents," (as they refer to themselves), in this case UNTS I-49006 and 49007 are very clear indeed, both in context and intent:

"In order to ensure the international usefulness of the programs offered, EUCLID is chartered to confer diplomas, degrees and completion certificates accredited by the ministries of Education of the Participating Parties. EUCLID, a member of the Euclid University Consortium, receives the mandate to facilitate universal access to higher education and to foster the acquisition of knowledge and competencies under the supervision of the ministries of Education and Foreign Affairs of the Participating Parties." (Article I, Open Memorandum of Understanding (MOU) between the Participating EUCLID Parties regarding their Participation in the Educational Framework defined herein, UNTS I-49006)

"In order to ensure the international usefulness of the programs offered, EUCLID already is and shall continue to be chartered to confer diplomas, degrees and completion certificates accredited by the ministries of education of the Participating Parties. EUCLID, a member of the Euclid Consortium, receives the ongoing mandate to facilitate universal access to higher education and to foster the acquisition of knowledge and competencies under the supervision of the ministries of Education and Foreign Affairs of the Participating Parties." (Article I, Updated Framework Agreement regarding the Parties' Participation in EUCLID as Constituted and Defined herein, I-49007)

This has been clarified in official statements as:

"full academic accreditation" (Central African Republic as Headquarters State and Comoros as High Steward State, letter to US State Department) and

"enjoys the foreign equivalent of US accreditation" (Burundi, letter to US State Department)

Degree-granting by international entities

Degrees are government-backed credentials. All valid degrees issued in the past few hundred years have been issued solely under the legal authority of specific national governments or, in a few cases, their designee subnational states. We are unaware of any legally binding decision by any judicial or other governmental body to the effect that an international entity can grant degrees in its own name without authorization from at least one nation-state.

Comment: This is where terminology and a sound understanding of international law are critical. "International entity" means nothing and everything. What we can say with certainty (unlike the author) is "We are aware of any many legally binding decisions by any judicial or other governmental body to the effect that an international (in the sense of intergovernmental or treaty-based) entity can grant degrees in its own name." Treaties are legally binding government instruments, and many such treaties exist.

Historically there was no such thing as a purely international degree-granting entity. Nonetheless, the United Nations and some European nations have established four degree-granting entities that apparently obtain their entire degree-granting authority from the U.N., one of its subsidiary bodies, or a consortium of European states. We consider this practice to be procedurally unfortunate, academically risky and generative of a high potential for confusion and dispute. Nonetheless, it has been done.

Comment: The above statement is simply amazing. The author, with no grounds or references whatsoever, claims that intergovernmental universities are "unfortunate, academically risky and generative of a high potential for confusion and dispute." Of course, the author, a self-appointed expert in higher education, does not seem aware that there are many more intergovernmental universities than the ones listed in IAU in that specific group. For more information on these other institutions, see EUCLID's article entitled "Understanding the Legal Status and Degree-Granting Authority of "Regional / International Universities."'¹

And since accuracy is critical in this matter, it should be clarified that the United Nations as an organization did not establish the UNU; it was established by the UN Member States through a joint resolution (recently amended in 2010 to make UNU degree-granting).² The World Maritime University was not technically speaking established by IMO (a treaty-based organization that is also a UN specialized agency, but not a "one of its subsidiary bodies"³) but legally speaking by the IMO Member States, through

¹ <http://www.euclid.int/documents/internationaluniversities.pdf>

² <http://documents-dds-ny.un.org/doc/UNDOC/GEN/N09/475/33/pdf/N0947533.pdf?OpenElement>

³ <http://www.un.org/en/aboutun/structure/index.shtml>

a formal resolution. The European University Institute was not properly created by a "consortium" of European States but rather by means of a multilateral convention approved and revised in succession between 1976 and 1992.⁴

In every case, the governments have formalized joint intergovernmental decisions having effect under international law and therefore legally binding domestically.

Euclid very recently was added to this list, maintained by the International Association of Universities, apparently on the basis of the opaque tangle of Memoranda of Understanding and similar documents under which it operates.

Comments: No, EUCLID was added in May 2011 on the basis of very well established procedures, or as the IAU indicates, through the "National Competent Bodies."⁵ The basis of the IAU listing consists of the following:

- Letter from the Permanent Mission of the CAR to the United Nations to IAU with communication of EUCLID/UN information⁶
- Letter from the Permanent Delegation of CAR to UNESCO with complete documentation of EUCLID status, followed by personal meeting⁷
- Letter from the National UNESCO Commission in Bangui to IAU with Ministry of Education certification⁸

In our view, the collection of MOUs and related documents are not sufficient to unambiguously establish a degree-granting entity. This is discussed further below.

Comments: What the author calls a "collection of MOUs is classified and described as two multilateral treaties by the United Nations, which is well qualified to understand what these documents are:

<u>Registration Number</u>	<u>Title</u>	<u>Participants</u>	<u>Conclusion Date</u>	<u>Entry into Force Date</u>	<u>Treaty Type</u>
I-49007	Updated Framework Agreement regardi...	See Details	28/07/2009	03/09/2009	Open Multilateral
I-49006	Open Memorandum of Understanding (M...	See Details	05/03/2008	16/04/2008	Open Multilateral

⁴ <http://www.eui.eu/About/Convention.aspx>

⁵ <http://www.iau-aiu.net/content/list-heis>

⁶ <http://www.euclid.int/documents/rcaunesco.pdf>

⁷ <http://www.euclid.int/documents/rcaunesco.pdf>

⁸ <http://www.euclid.int/documents/rcaunesco.pdf>

Of course, the author is entitled to his views. There are those who believe that President Barack Obama was born in Kenya, those who believe that Neil Armstrong never walked on the moon,⁹ and those who believe that there are all kinds of international conspiracies. The actual text of the intergovernmental agreements and related documents has already been cited, and it is anything but ambiguous or "opaque." Here it is again:

"In order to ensure the international usefulness of the programs offered, EUCLID is chartered to confer diplomas, degrees and completion certificates accredited by the ministries of Education of the Participating Parties. EUCLID, a member of the Euclid University Consortium, receives the mandate to facilitate universal access to higher education and to foster the acquisition of knowledge and competencies under the supervision of the ministries of Education and Foreign Affairs of the Participating Parties." (Article I, Open Memorandum of Understanding (MOU) between the Participating EUCLID Parties regarding their Participation in the Educational Framework defined herein, UNTS I-49006)

"In order to ensure the international usefulness of the programs offered, EUCLID already is and shall continue to be chartered to confer diplomas, degrees and completion certificates accredited by the ministries of education of the Participating Parties. EUCLID, a member of the Euclid Consortium, receives the ongoing mandate to facilitate universal access to higher education and to foster the acquisition of knowledge and competencies under the supervision of the ministries of Education and Foreign Affairs of the Participating Parties." (Article I, Updated Framework Agreement regarding the Parties' Participation in EUCLID as Constituted and Defined herein, I-49007)

The "related documents" explain:

"full academic accreditation" (Central African Republic as Headquarters State and Comoros as High Steward State, letter to US State Department) and "enjoys the foreign equivalent of US accreditation" (Burundi, letter to US State Department)¹⁰

Degree Authority of the Euclid Consortium

The Euclid family consists of two related entities. Documentation suggests that the first established of these was the entity called the "Consortium." It was apparently intended to serve as a vehicle through which the University of Bangui and others could offer degrees outside their nations of origin. To the extent that it performs this function for those colleges and any others, it is of no further interest in this evaluation because it issues no degrees in its own name. It is simply a storefront for various legitimate degree suppliers. Euclid University recognizes this in its web site and other recent materials.

⁹ <http://www.apfn.org/apfn/moon.htm>

¹⁰ <http://www.euclid.int/documents/carcomoros2us.pdf>

For this reason we are not spending more time discussing the Consortium as an entity. In its role as a conduit for educational programs offered by legitimate nationally approved degree providers, it affronts no educational norms in its structure or intent. Likewise, its name appears on no degrees that do not carry the name of Bangui or another legitimate provider, so it is essentially irrelevant.

Therefore we can set aside any materials and discussions related to the Consortium, except insofar as it is frequently mentioned in the supporting documents and therefore serves to muddy the waters.

Comments: This is good news – the author seems to recognize the University of Bangui (among others) as a “legitimate degree supplier / nationally approved degree provider.” Consistency will be very important in testing this report for accuracy and validity. However, the Consortium is cited not to “muddy the waters” but because the programs developed by the Consortium were adopted by several governments and formed the academic basis of EUCLID as an intergovernmental degree-granting body. As the IAU information sheet (submitted by the National Competent Bodies”) explains:

“As an autonomous institution, EUCLID is the result of the adoption by the Participating States of academic programs developed by the “Pôle d’Extension Universitaire Euclide,” a consortium of universities (led by the University of Bangui and the University of N’Djamena) established in 2005.”¹¹

Degree Authority of Euclid University

Euclid University appears to be a California-based operation that uses a forwarding service in Belgium and perhaps from elsewhere while offering degrees primarily in Africa and south Asia. It also claims to have an office in Pakistan and in Washington, D.C., piggybacking on the Consortium’s offices, and apparently an office at the University of Bangui in the Central African Republic.

Comment: The above is an imaginative reconstruction of the facts. The government of the Central African Republic, as Headquarters State, has a very different perspective on this matter:

“EUCLID being an intergovernmental international organization with a university charter, headquartered in the Central African Republic”

First, EUCLID is not an “operation,” it is a treaty-based and treaty-protected organization with “international legal personality.” One authoritative way to verify such a precise status is (1) through the United Nations Treaty Section and (2) through the application of the Paris Convention on the Protection of Industrial Property, Article 6ter, to “international intergovernmental organizations.”¹² This treaty-based protection and therefore determination of

¹¹ <http://www.euclid.int/unescorca.pdf>

¹² <http://www.wipo.int/article6ter/en/igos.htm>

legal status is in legal effect both in the United Kingdom and Israel,¹³ so the point is (or should be) settled for the author. Moreover, EUCLID is listed by WIPO as based in Bangui, pursuant to its Headquarters Agreement finalized in March 2011.

Here is the accurate description: EUCLID is a public intergovernmental organization based in Bangui. Even ODA Administrator Alan Contreras had it almost right in 2009 in a now removed IHE article: it is "is really an enterprise in the Central African Republic."

The Secretary-General's office is located in Pakistan; there is an executive office of liaison in Washington DC because the EUCLID Participating States' diplomatic missions in Washington and New York need a point of contact there. Likewise, when the United Nations writes to EUCLID,¹⁴ a local liaison office is used to facilitate communications, which is the practice of most international organizations.¹⁵

EUCLID is represented by three senior officials in New York / Washington, as documented in the Administration page¹⁶ and visible in the News section.

There is an historic executive office in Brussels that indeed harks back to the transition from Euclid Consortium to EUCLID, and which also served to manage a European Commission funded project in Eritrea.¹⁷

There is also an important EUCLID staff member (International Faculty Coordinator) based in California, which does not make EUCLID California-based or Pakistan-based or Belgium-based. International intergovernmental organizations, by definition, have officials and staff everywhere.

If the author had taken the time to read the EUCLID statutes (considered as Annex and published in the United Nations Treaty Section, entry into force in 2008), he would have noticed Section II:

"The operational offices of EUCLID are allowed to remain in Brussels, Belgium and may be relocated or extended elsewhere upon recommendation of the Governing Board or by resolution of the Oversight Council. The Organization may establish or maintain operational offices and regional headquarters in other locations to support its activities."

The Headquarters Agreement was finalized with the Central African Republic in March 2011 with the University of Bangui serving as Visiting Campus (as the University of Malta serves as IMLI's Visiting Campus), and allocation of human and physical resources at the university and at the Prime Minister's office.

¹³ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=2

¹⁴ <http://www.euclid.int/documents/UNTStoSZANovember2011.pdf>

¹⁵ <http://www.un.int/protocol/bluebook/bb302.pdf>

¹⁶ <http://www.euclid.int/administration.asp>

¹⁷ <http://www.euclid.int/lot3.asp>

Euclid University was apparently brought into existence by an executive decision within the ownership of the original Euclid Consortium, which appears to consist primarily of Laurent Cleenewerck in Trinidad, California and Syed Zahid Ali in Pakistan, with perhaps some involvement by others.

Comment: The Euclid Consortium was indeed owned by its members, but not by private persons; the owner were the member universities plus IOSD as coordinator and administrator, Mr. Syed Zahid Ali being the Secretary-General of IOSD. The signatory for the University of Bangui was the Rector, Faustin Touadera, who would become his country's Prime Minister in 2008.

The original consortium agreement with Bangui and the University of N'Djamena in Chad does not and in fact could not create Euclid University, as one university cannot license and authorize another. Only a government can do that.

Comment: No one claims that "Euclid University" was created by these agreements. These agreements created the consortium, and the consortium developed the academic programs that were later on used by EUCLID. Granted, there was room for confusion back in 2006: "Pole d'Extension Universitaire Euclide" (the proper name of the Euclid Consortium) was sometimes referred to, in English, as "Euclid University" for short. But this was discontinued in late 2007 to avoid any such confusion, hence the formal name "Euclid University Consortium" or "Euclid Consortium."

This is spelled out in the EUCLID Statutes which are part of UNTS I-49006/49007. One thing is certainly correct in the above: "Only a government can do that." And this is what the Participating governments (and the United Nations) are telling the author. The governments have "defined and constituted" EUCLID by means of an intergovernmental treaty registered and published with the United Nations Treaty Section, under the authority of Article 102 of the UN Charter. These governments have approved the agreement which appointed Mr. Syed Zahid Ali as Secretary-General in Article X/4 of the Statutes.

It might be noted that the Euclid Consortium was created by means of an agreement between IOSD, the ULI of Brussels, the University of Bangui and the University of N'Djamena, and all the documents have been publicly posted since 2006.

That is also why any relationship with Universite Libre, a Belgian entity with obscure degree authority, is irrelevant. A Belgian university, real or fake, cannot create a valid degree-granter in another country.

Comment: Again, the author has missed the whole point of the relationship between the Consortium and EUCLID as an intergovernmental institution, which is well explained in the Joint Letter (21 May 2010) of the Permanent Representatives to the United Nations of several EUCLID Participating States sent to the Under Secretary-General of the United Nations, Ms. Patricia O'Brian, to effect the registration of the EUCLID agreements with the United Nations:

"EUCLID, as an international organization, has international legal personality (Article I) and is not to be confused with the Euclid Consortium of Universities (a private association) which developed the academic programs;"

National Authority: The MOU cluster

Comment: there is no such thing as an "MOU cluster." The author has no training whatsoever in international law, and it shows. An MOU is a common heading for various kinds of agreement. There are MOU between private and public entities, and (as is the case here), between States. In this case, an MOU is either governed by international law (a "treaty" in the definition of the Vienna Convention of 1969) or not (in which case it is a mere political commitment with no effect under international law). Further, an MOU is either bilateral (between two States) or multilateral (between three or more States). Not all States sign at the same time, there is often a sequence of signatures as more States decide to agree to the MOU or international convention, after it has been adopted (text is finalized). The United Nations Treaty Handbook provides the authoritative definition:

"The United Nations considers M.O.U.s to be binding and registers them if submitted by a party or if the United Nations is a party."¹⁸

Euclid presents a lot of documents that purport to establish it as a degree-granter. The most common language used is that which appears below in the shaded box:

Comment: there is no such thing as "most common language" since there are only two international agreements and therefore a uniform, formal and official language as published in the Treaty Series. Amazingly, the author talks about "MOUs" here but then decides to provide the language from the Updated Framework Agreement (which is not called Memorandum of Understanding but rather Framework Agreement) rather than from the initial agreement. So let us put the record straight and once again cite the precise language of both agreements:

"In order to ensure the international usefulness of the programs offered, EUCLID is chartered to confer diplomas, degrees and completion certificates accredited by the ministries of Education of the Participating Parties. EUCLID, a member of the Euclid University Consortium, receives the mandate to facilitate universal access to higher education and to foster the acquisition of knowledge and competencies under the supervision of the ministries of Education and Foreign Affairs of the Participating Parties." (Article I, Open Memorandum Of Understanding (Mou) Between The Participating Euclid Parties Regarding Their Participation In The Educational Framework Defined Herein; UNTS I-49006)

¹⁸ UN Treaty Handbook, page 61

(<http://treaties.un.org/doc/source/publications/THB/English.pdf>)

"In order to ensure the international usefulness of the programs offered, EUCLID already is and shall continue to be chartered to confer diplomas, degrees and completion certificates accredited by the ministries of education of the Participating Parties. EUCLID, a member of the Euclid Consortium, receives the ongoing mandate to facilitate universal access to higher education and to foster the acquisition of knowledge and competencies under the supervision of the ministries of Education and Foreign Affairs of the Participating Parties." (Article I, Updated Framework Agreement Regarding The Parties' Participation In Euclid As Constituted And Defined Herein; UNTS 49007)

None of the MOUs can create a degree-granting institution because they appear to relate to an entity based in another country.

Comment: First of all, there are two intergovernmental agreement registered and published by the United Nations as I-49006 and I-49007, as cited above. Secondly, the very name of the said agreements leaves no doubt as to the intention:

- **Open Memorandum Of Understanding (Mou) Between The Participating Euclid Parties Regarding Their Participation In The Educational Framework Defined Herein**
- **Updated Framework Agreement Regarding The Parties' Participation In Euclid As Constituted And Defined Herein**

Unless the author wants to argue that the word "create" rather than "define" or "constituted" is required, this claim (which is central to the author's report) is utterly void. However much the untrained author wished to dismiss it, the Ambassadors and Permanent Representatives to the United Nations have made it very clear in their letter to the US government:

"EUCLID being an intergovernmental international organization with a university charter, headquartered in the Central African Republic. The constitutive text is now published in the United Nations Treaty Series (10/2011) under reference I-49006/49007... EUCLID (Pôle Universitaire Euclide / Euclid University) is duly chartered to confer degrees by its Participating States and enjoys full academic accreditation according to its constitutive mandate under international law (Article I)."

The MOUs refer to Euclid's authority as "accredited by the Ministries of Education of the Participating Parties". However, it is not clear that Euclid actually has such degree-granting authority from any of those ministries, and the MOUs don't establish that authority, they simply refer to its hypothetical existence in member nations.

Comment: This is the author's fatal misunderstanding: his claim that "the MOUs don't establish that authority." As discussed above, the "MOUs" – or rather the multilateral Memorandum of Understanding (I-49006) did just that, and this was confirmed and renewed in the Updated Framework Agreement (I-49007) which specifically used the term "constituted and defined herein." When initiating the filing procedures with the United Nations, the Minister of Foreign Affairs of Eritrea noted:

"The EUCLID MOU, being the instrument used to organize the EUCLID educational framework, is confirmed to have established the non-profit status, international legal personality and mandate of EUCLID (Euclid University)" (Article II)¹⁹

Unless the author wants to contend that the government ministers that approved these agreements are ignorant fools, or that these government's ambassadors are incapable of doing their job, he must explain why these governments consistently affirm the very contrary.

We are concerned that this chain of MOUs amounts to a shell game in which the various nations refer back and forth to a degree-granting authority as though it exists, when in fact none of the nations has granted that authority and listed Euclid with UNESCO as a degree-granting university.

Comment: 'We too are concerned' – to cite the author – that the author's total lack of knowledge of international law is making him blind.

First of all, EUCLID has been listed with UNESCO ("UNESCO" can refer here, it seems, to UNESCO proper or to the UNESCO-based IAU), which is why it is in the IAU HEIs list and the International Handbook of Universities. Furthermore, EUCLID has been submitted by two governments (Central African Republic²⁰ as Headquarters State and Gambia²¹ as most recent Participating State) for inclusion in the UNESCO Portal to Recognized Higher Education Institutions²² (when this useful program is resumed, in view of the tragic funds affecting UNESCO precisely because the UNESCO member states went against the wishes of the author's native country, Israel, and admitted Palestine).²³

The following table provides a small selection of this standard language used in intergovernmental agreements. Since the EUCLID agreement was first drafted in French ("both languages having equal force"), the French language is used below to make the point very clear. The present tense does not refer (as the author mistakenly believes) to "hypothetical existence" but rather, according the established legal practice, to the act of defining and constituting. The French language (which the author does not seem to master) is always used for this purpose²⁴ in the present tense and the English can be either the direct translation (present tense) or "shall." Recent European practice²⁵ has tended to favor the first approach (using the present tense in English as well) and this is the case of the Open Memorandum of Understanding.

¹⁹ <http://www.euclid.int/documents/protocol.pdf>

²⁰ <http://www.euclid.int/documents/unescportal-car.pdf>

²¹ <http://www.euclid.int/documents/unescportal-gambia.pdf>

²² <http://www.unesco.org/new/en/education/resources/unesco-portal-to-recognized-higher-education-institutions>

²³ <http://english.alarabiya.net/articles/2011/11/11/176469.html>

²⁴ See also Anthony Aust, *Modern Treaty Law and Practice*, 432

²⁵ Article: Is there a case for the abolition of 'shall' from EU legislation?

http://www.rgsl.edu.lv/images/stories/publications/1_cooper_final.pdf (see for example page 30)

Specific language (here in French)	Organization
"EUCLIDE... qui a [present tense] la personnalité juridique"	EUCLID (UNTS I-49006)
« l'organisation possède [present tense] personnalité juridique »	World Tourism Organization (UNTS I-14403)
"l'organisation a [present tense] personnalité juridique"	European Patent Organisation (volume-1065-a-16208-french.pdf)
"la Communauté a [present tense] personnalité juridique"	European Coal and Steel Community (volume-261-a-3729-french.pdf)
"l'Agence a [present tense] la personnalité juridique"	European Space Agency (volume-1297-i-21524-other.pdf)
"l'Organisation possède [present tense] la personnalité juridique"	Western European Union (volume-1258-i-20660-french.pdf)

This is also true in the language used to confer degree-granting authority to the international universities:

EUCLID	"EUCLIDE est [present tense] autorisée à conférer des diplômes, titres et certificats"
University of Peace	"L'Université décerne [present tense], entre autres, des degrés de maîtrise et de doctorat"
UNU	"L'Université délivre [present tense] des maîtrises, doctorats..."
EUI	"L'institut est [present tense] habilité"
WSU	Text not available

It is understandable that the non-specialist would misunderstand the use of the present tense as a reference to something already done ("hypothetical"), but this is simply not the case in normative legal practice. Unless the author wants to deny that all of these organizations were never constituted by this standard language but only have "hypothetical existence," the point is well established. Unless the author also wants to deny that the other international universities were never legally authorized as degree-granting by this standard language but only have "hypothetical existence," the same point is well established.

The EUCLID Statutes which are approved in Article III and published as Annex to the Open Memorandum of Understanding and Framework Agreement by the United Nations Treaty Section (at the request of the

Participating States and according to the practice of the Secretariat) leave no doubt regarding the intentions of the Parties:

PREAMBLE

Par. (1) Intention

These statutes define the operations of EUCLID, an international educational Framework and Institution.

The operations of the Euclid University Consortium (distinct from EUCLID) are defined by the individual participation agreements signed with the participating universities.

Par. (2) Context and Background

The signatories of the Memorandum of Understanding entitled 'PARTICIPATION IN THE EUCLID EDUCATIONAL FRAMEWORK (OPEN MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE PARTICIPATING EUCLID PARTIES REGARDING THEIR PARTICIPATION IN THE EDUCATIONAL FRAMEWORK DEFINED HEREIN), also referred to as 'the EUCLID MOU';

- Having considered the fact that the Euclid University Consortium was formed in 2005/2006 by means of international agreements between the *Université Libre Internationale* (Brussels, Belgium) / *Université Libre du Burkina*, the University of Bangui (Central African Republic), and the Ministry of Education of Chad / University of N'Djamena, under the High Stewardship of the Ambassador of the Central African Republic in Washington, D.C., Emmanuel Touaboy, and administered by the International Organization for Sustainable Development;
- Having considered the governmental-ministerial and intergovernmental accreditation or recognition granted to Euclid's programs and joint-degree issuance protocol by the Minister of Education of the Republic of Chad, Dr. Idriss Oumar Al-Farouk and confirmed by a Memorandum of Understanding between the Islamic Chamber of Commerce and Industry and the International Organization for Sustainable Development ;
- Having considered the high level of interest expressed by many governments and government officials regarding the programs offered;
- Noting that government officials from various countries have already benefited from Euclid's programs with full or partial scholarships;
- Desiring to ensure that the educational programs offered by this international framework should be globally recognized;
- Seeking to promote the Sustainable Development of their nations, especially by promoting accessibility to higher education;
- Having referred to the statutes and programs of the Academy of European Law (era.int) as a model of international cooperation in the field of specialized education;
- Desiring to take advantage of an international academic think-tank able to function as an advisory resource to the Participating Parties;

Are thus Participating Parties in the EUCLID collaborative framework.

THE EUCLID COLLABORATIVE FRAMEWORK

Par. (1) Name and Legal Personality

The Institution / Organization is known as Euclid University (in English) and Pôle Universitaire Euclide / Université Euclide (in French), or simply as "EUCLID". Its constitutive document is the "OPEN MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE PARTICIPATING EUCLID PARTIES REGARDING THEIR PARTICIPATION IN THE EDUCATIONAL FRAMEWORK DEFINED HEREIN" which grants EUCLID international legal personality (Article I), which implies such capacities as may be necessary to exercise its functions...

The Updated Framework Agreement (UNTS I-49007) simply built on the previous agreement to reaffirm EUCLID's constitution as an intergovernmental organization having not just "legal personality" but indeed "international legal personality," to be explicit about protection rights under Article 6ter of the Paris Convention, and to have a very clear clause regarding publication under Article 102 of the UN Charter.

There are some international organizations such as the OSCE (Organization for Security and Co-operation in Europe) that do not in fact have international legal personality,²⁶ and it was important to have this point fully spelled out for EUCLID to act as party to a registered treaty in the case of the headquarters agreement.²⁷

This legal framework and language is also what was done for the University of Peace, the European University Institute, etc. In short, EUCLID was established in the exact same way as the other international universities having a multilateral basis, and in all these cases only the headquarters state does the listing with UNESCO/IAU.

This is the way things work with intergovernmental organizations: first the constitutive instrument with multilateral entry into force, then the headquarters agreement (once the institution exists under international law) and registration with UNESCO by the headquarters State. A good example would be the headquarters agreements (UNTS) between the University for Peace²⁸ and the United Nations University²⁹ with Costa Rica and Japan respectively.

To state that "in fact none of the nations has granted that authority and listed Euclid with UNESCO as a degree-granting university" is simply misleading and irrelevant in view of the above. CAR had listed EUCLID with IAU in 2011, and since then CAR and Gambia have filed EUCLID with UNESCO itself. Has the United States listed UNU with UNESCO? Has Portugal listed EUI with UNESCO? Has Senegal listed University of Peace with UNESCO? The answer is of course no to all these questions. This listing is the task of the headquarters

²⁶ <http://www.osce.org/secretariat/36184>

²⁷ <http://www.euclid.int/documents/hqcarun.pdf>

²⁸ <http://treaties.un.org/Pages/showDetails.aspx?objid=08000002800e0597>

²⁹ <http://treaties.un.org/Pages/showDetails.aspx?objid=0800000280102344>

State, and this is the case of the EUCLID which has been listed with and by UNESCO/IAU.

It is therefore plain to see EUCLID was constituted under international law and granted degree-authority like the other international university, and was listed with UNESCO by the Headquarters State's competent authorities.

===== End of EUCLID comments and return to report =====

If Euclid wants to prove that its MOUs are useful, it needs to show that it has national authority from at least one nation, otherwise the assemblage of MOUs is without meaning because they are simply cross-referencing each other.

Comment: clearly, to the author's chagrin, the so-called "MOUs" are quite "useful" since (a) EUCLID is listed by IAU as a "regional / international" institution (in a rather exclusive group) as well as documented in the UNESCO Handbook and WHED, (b) is a full member in good standing of the Association of African Universities³⁰ (a UNESCO initiative)³¹, (c) is protected under international law under Article 6ter, (d) is eligible for a restricted ".int" domain (exclusively granted to treaty-based organizations³²), (e) is listed as treaty participant by the United Nations, etc. On this basis, EUCLID graduates are eligible to use their degree to work for intergovernmental organizations³³ and enjoy formal recognition under at least one UNESCO Convention on Recognition.³⁴

Also, some of these nations are clearly incapable of overseeing a university, so any reference to them as "chartering" or "accrediting" is without meaning. Three of the nine MOU nations have no true universities of their own, nor any oversight structure for universities, which strongly suggests that they viewed their participation in the MOU chain-letter as recognizing authorization issued somewhere else—but there is no somewhere else.

Comment: the author sinks to a new low in his demonstration of incompetence since the three countries in question (listed after) do in fact have at least one institution of higher education and a functioning Ministry of Education.

The author does not seem to understand that what he dismisses (once again with creative expressions) as an "assemblage of MOUs" is what the United Nations Treaty Section, acting under the clear instructions of the EUCLID Participating States, recognizes as "multilateral" agreements with precise dates of entry into force and signatures, as is the case in all intergovernmental agreements having treaty status and as is in the case some of the other international universities.

³⁰ <http://www.aau.org/membership/>

³¹ <http://www.aau.org/?q=about>

³² <http://www.iana.org/domains/int/policy/>

³³ For instance: http://www.unicef.org/about/employ/index_qualifications.html

³⁴ <http://www.pmcarg.org/euclide.asp>

In the case of the University for Peace, some (or perhaps most) of the Member States³⁵ would probably be described by the author as "clearly incapable of overseeing a university." Maybe the author considers that most nations are incapable of overseeing anything – these are very subjective ideas indeed.

When Argentina approved its participation in the University for Peace in 1997, it did not sign a "chain-letter as recognizing authorization issued somewhere else" but began formal participating in a multilateral agreement that had entered into force in 1981. When Spain added its signature to the EUI convention after 1972, it did not sign "chain-letter as recognizing authorization issued somewhere else" but acted in accordance with the most basic principles of international law.

As of the May, 2011 update of the IAU list of universities, none of the nine Euclid "chartering" nations shown on the college's web site list Euclid as a degree-granting institution in lists that they filed with the International Association of Universities.

Comment: As of May 2011 (and to date), the IAU list of universities includes EUCLID in the "regional / international" group, not under CAR. It cannot be in both places, just as UNU is not repeated under Japan, or EUI under Italy. EUCLID is in that group because (a) it is in fact international and (b) this was the request of the CAR authorities, as documented.

We see no evidence that is sufficient by itself, or in combination with other documents or other sources, to support a claim that Euclid has degree-granting authority in its own name sufficient to operate as a free-standing degree-granter in a given nation. The only possible exception is that of the Central African Republic, which in some documents states that Euclid University is an entity separate from the University of Bangui, and in other documents refers to it as connected to that university.

Comment: Actually, several governments have issued clarifications, but CAR is of course the Headquarters State, and one would expect Sweden (for instance) to make statements about WMU, or Malta about IMLI. And the statements are very clear indeed, as in the Joint Letter to the US Department of State³⁶ or to Oregon.³⁷ This is a good place to note that individual states (historically, notably Texas and Oregon) are notorious for rejecting international treaties (Texas having recently threatened to arrest OSCE election observers,³⁸ and Oregon having been condemned by the Supreme Court for "forbidden state activity"³⁹ when getting involved in foreign affairs).

³⁵ http://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XIV-6&chapter=14&lang=en

³⁶ <http://www.euclid.int/documents/carcomoros2us.pdf>

³⁷ <http://www.pmcars.org/docs/Oregon.pdf>

³⁸ <https://www.oag.state.tx.us/oagNews/release.php?id=4199>

³⁹ *Zschoernig v. Miller*

Obviously, EUCLID is connected to the University of Bangui, just as IMLI has the University of Malta as "visiting address."⁴⁰

Euclid has provided to Accredibase a document that is apparently from the IAU list of international entities, but that by itself cannot establish that Euclid is a Central African Republic college, because the IAU is not a government and because the CAR itself doesn't list it as a college in the IAU database.

Comment: It is amazing that the author did not obtain this list directly from the IAU or from the IAU web site. This lack of communication and fact-checking leads to absurd conclusions. CAR has submitted to IAU comprehensive documentation regarding EUCLID, indicating that it is an accredited intergovernmental university based in Bangui, with the University of Bangui acting as Visiting Campus. CAR has requested, in writing, that in view of the legal status of EUCLID, it should be listed where it belongs, in the "international" category. IAU has concurred,⁴¹ and updated the IAU HEIs list accordingly. In addition, IAU has added EUCLID under CAR in the WHED and International Handbook of Universities, which leaves no room for complaint to the author. This could also have been avoided if the author was fluent in French, which does not seem to be the case.

Other nations, such as Chad, also refer to Euclid as offering joint programs with recognized universities, which is really the Consortium model, not Euclid itself. This documentation is far too confusing and ambiguous to be the sole basis of a determination of national authorization as a degree-granter.

Comment: Chad has certified the Euclid Consortium program, not EUCLID, as is plain to see. There is nothing confusing here.

There is some evidence that several nations intended to grant Euclid the authority to issue degrees valid in their countries under an international partnership agreement.

Comment: Indeed, the "international partnership agreement" is UNTS-49006 and I-49007.

However, the materials supporting this conclusion are somewhat tangled and not always clear. The main problem is that these documents include language (shown above) that could be read to mean that each nation assumed that Euclid was approved to issue degrees in another nation, and was simply recognizing that approval for its own needs, via a sort of reciprocity concept.

Comment: "The main problem" to use the author's expression is the author's total lack of understanding of international law. He should have begun by studying the other intergovernmental universities, and consulted with an expert, but obviously this was not done.

However, in order for this kind of academic chain-letter to have any validity, there needs to be at least one "home" nation that has definitively chartered or licensed Euclid

⁴⁰ <http://www.imli.org/content/contact-details>

⁴¹ <http://www.euclid.int/documents/iaureply.pdf>

as a degree-granter in a clear, unambiguous way, unless the intent is to establish the college as an international provider. That appears to be what Euclid claims to be.

Comment: The author has clearly no understanding of the law of treaties, and how international law applies to intergovernmental organizations and universities. A patient explanation is in order. According to the Vienna Convention on the Law of Treaties (1969), a treaty is "an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation." First, a proposed treaty is drafted, then circulated, then adopted. It is then signed by an authorized official. Often, the adoption and signature ("ratification" in the sense of the Vienna Convention) take place on the same day. The agreement typically indicates when it enters into force. In most cases, entry into force takes place at the second signature, and the treaty become multilateral at the third signature. In the case of the EUCLID Updated Framework Agreement for instance, Article VI specifies "it shall enter into force on the date of signature by two Parties." Taking the European University Institute as an example, 6 States (represented by their governments) approved the 1972 Convention which immediately entered into force. Over the years, 14 additional States have become parties to the Convention, but it does not follow that "each nation assumed that [EUI] was approved to issue degrees in another nation, and was simply recognizing that approval for its own needs, via a sort of reciprocity concept." The same can be said of the country that have become parties ("joined") the University for Peace over the years. Legally speaking, every incoming State grants its own legal authority to issue degrees under international law when it becomes a party, knowing that the others have done the same.

Here is for instance the United Nations entry for University for Peace treaty:

Participant	Accession(a), Succession(d), Definitive signature(s)
Argentina	29 Dec 1997 a
Bangladesh	8 Apr 1981 s
Bosnia and Herzegovina ³	1 Sep 1993 d
Cambodia	10 Apr 1981 s
Cameroon	16 Aug 1982 a
Chile	2 Mar 1981 s
Colombia	18 Mar 1981 s
Costa Rica	5 Dec 1980 s
Cuba	9 Aug 1985 a
Cyprus	15 Mar 1983 a
Dominican Republic	21 Nov 1983 a
Ecuador	18 Mar 1981 s
El Salvador	7 Apr 1981 s
Guatemala	14 Sep 1981 s
Guyana	9 Aug 2001 a

Honduras	10 Apr 1981 s
India	3 Dec 1981 s
Italy	27 Nov 1981 s
Liberia	16 Sep 2005 a
Mexico	15 May 1981 s
Monaco	9 May 2011 a
Montenegro ⁴	23 Oct 2006 d
Nicaragua	3 Apr 1981 s
Pakistan	30 Mar 1981 s
Panama	20 Mar 1981 s
Peru	9 Apr 1981 s
Philippines	20 Mar 1984 a
Republic of Korea	11 Jun 2010 a
Russian Federation	23 Dec 1987 a
Senegal	1 Apr 1981 s
Serbia	12 Mar 2001 d
Slovenia	6 Jul 1992 d
Spain	21 Apr 1981 s
Sri Lanka	10 Aug 1981 s
St. Lucia	2 Sep 1986 a
Suriname	3 Jun 1981 s
Togo	3 Jun 1981 s
Turkey	27 Nov 1995 a
Uruguay	19 Nov 1985 a
Venezuela (Bolivarian Republic of)	5 Dec 1980 s

Euclid's claim of establishment by an international body

Comment: Again, the title is incorrect and misleading. "International body" means nothing; the claim (and fact) is that EUCLID was established (as in "constituted and defined herein") by a group of States.

It is not clear that Euclid claims to be authorized to issue degrees by a specific country, despite the web of cross-referencing MOUs, which appear to lead nowhere.

Comment: Let's make this clear. EUCLID is authorized to issue degrees by all its Participating States, on the basis of a multilateral treaty published by the United Nations, and which leads somewhere: to a Headquarters Agreement and State: the Central African Republic. The Prime Minister of that country (who holds two doctorates in mathematics) was the Rector of the University of Bangui until 2008. It is the very same thing as for the other intergovernmental universities, some of which are listed by IAU under "regional / international," others (such as University for Peace) under their Headquarters States.

The entity appears to take the position that it has degree-granting authority as a partnership-based degree-granter serving the needs of its member states, without a

campus in any of them or being listed through UNESCO by any of them, and that its listing by the International Association of Universities as an international university establishes it as an internationally approved degree-granter.

Comment: "The entity" is legally described as "an international intergovernmental organization" under the laws of Israel and the United Kingdom, under Article 6ter of the Paris Convention which is in force there. The fact that IAU lists EUCLID as "an international university" on the basis of well-established procedures and due verification does in fact show that EUCLID is "an internationally approved degree-granter," which is why the IAU list is authoritative.

EUCLID has in fact a campus in its Headquarters State (as EIU has a campus in Italy or IMLI in Malta) and EUCLID is listed with IAU by its Headquarters State as is proper. Additional offices are being formalized in the Prime Minister's office complex, on the 6th floor, as of November 2012. In addition, EUCLID has been listed with UNESCO proper (as opposed to IAU which is a UNESCO-based association) by its Headquarters State and by its most recent Participating State, Gambia.

The questions we must ask are therefore:

1. Can an international body create a legitimate degree-granting institution that otherwise exists in no country at all, and

Comment: A completely absurd question since EUCLID obviously exists in its Headquarters State, in the Secretary-General's office, in the National Points of Contact appointed for each State. IMLI in Malta does not 'not exist' because it has a visiting campus (the University of Malta) rather than its own campus.

2. Has that happened in Euclid's case?

Comment: the real question then is: "Can sovereign States acting through an international body agreement governed by international law create a legitimate degree-granting institution" and the answer is obviously yes.

Euclid was listed by UNESCO/International Association of Universities in the same category as the United Nations University and the European University Institute sometime in the past year.

Comment: as the IAU correctly notes in the letter (31 May 2011) to the Permanent Delegation to UNESCO of the filing State, "Because of the nature of this institution, it will appear under ' Regional / International Institutions".

It appears on that list on the IAU web site, as of the "2012" listing, and Euclid provided Accredibase with a paper document that appears to be from hard copy of the same listing, with expanded information.

We must therefore ask what that list means and what are the consequences of a college being on that list, which consists of only five providers, three of which are effectively internal U.N. entities and the fourth a European consortium with support from several governments.

Comment: Details matter to actually provide accurate and usable information. UNU is indeed an institute of the United Nations established by UNGA resolution. WMU is an institute of the World Maritime Organization which is actually an organization that is distinct from the United Nations. EUI is not a "European consortium" but an intergovernmental organization with a university charter and many Member States in Europe.

This being said, the question about the "consequences of [] being on that list" is quite relevant, as will be discussed. In brief, being on the list means:

- (1) That IAU has validated the institution with the National Competent Bodies**
- (2) That the institution will be included in the UNESCO/IAU Handbook**
- (3) That the degrees conferred by the listed institution will be usable at a very large number of universities and employers.**

Several questions arise from this situation under question 1:

- a. Can a group of nations establish a degree-granting entity?
- b. Does such an entity have to have a physical presence anywhere on the ground?
- c. Does such an entity require IAU listing to become a valid degree-granter?
- d. Does IAU listing automatically make such a consortium college a valid degree granter?
- e. Who is responsible for qualitative oversight of such an entity?
- f. Are degrees issued by such an entity automatically acceptable outside its member states?

Based on our understanding of the way education fits into international structures, we think that the answers are as follows.

A. If nations can establish and "charter" degree-granters, then we see no reason why groups of nations can't. Thus the answer to question "a" is YES. However, any authority that the U.N. has to charter colleges comes from its member nations, not from its status as an international organization.

Comment: The above is valid.

B. We see no reason why a degree-granter has to have a continuing physical presence anywhere in order to provide legitimate educational services, so the answer to question "b" is NO.

Comment: EUCLID has a physical presence, so the point is moot and the distracting intention is obvious.

C. IAU listing is merely a list, not an authoritative grant of powers, so the answer to number "c" is NO.

Comment: Nobody claims that being on the list is a "grant of powers." EUCLID is on the IAU list because the IAU (being housed by UNESCO and able to physically meet the Delegations of the Member States in the building)

has received the proper documentation from the National Competent Body and done proper verifications, including a personal meeting with the Deputy Permanent Delegate at the IAU offices in Paris.

D. Question number "d" is NO for the same reason as "c".

Comment: Actually, the IAU list extremely reliable and authoritative because the HEI list is the master list from which the International Handbook and WHED are extracted. It is reliable because IAU does check everything with the national authorities, and its list does not contain any unrecognized or unaccredited institutions. This is why degrees issued by IAU listed institutions are eligible for employment within the United Nations system, UNICEF being a good example since they specifically mention the IAU list.

E. The responsibility for qualitative oversight of any degree-granting entity lies with the governments that created it, not with its own ownership or directors, therefore the member nations of any partnership are responsible for ensuring that its degree provider meets standards that those governments set and enforce.

Comment: yes and no. How does the United Kingdom or Israel do qualitative oversight in the case of WMU and EUI (for the UK). The government has representation on an organ of the institution, and the institution has an internal quality assurance mechanism. Furthermore, the "ownership" is identical, by definition "with the governments that created it."

F. Degrees are never automatically acceptable outside the nation that gave the degree-granter its authority, so the answer is clearly NO. Even in the United States, degrees issued by colleges licensed to issue degrees in one state are not necessarily usable in other states. Degrees issued by a college created by a partnership of nations are therefore not necessarily valid for use outside the member states.

Comment: no comment on the above which is correct.

Because there is no actual oversight body responsible for the degrees issued by Euclid, we think that the IAU listing of Euclid as an international university results from a misunderstanding of the nature of its legal status within the nations involved in the MOU cluster.

Comment: This is claim is simply false: there is very clear and documented oversight in EUCLID's case, as documented in the constitutive texts, Statute (which the author does not seem to have read).

We do not think that the MOU cluster establishes a degree-granter, and there is some evidence that not all of the national documents provided by Euclid are valid. In particular, Senegal has expressed doubt about whether the documents issued under its name are valid.

Comment: we have already shown that the author's opinion on the "MOU cluster" is simply false and the result of a combination of incompetence and ill-will. Regarding Senegal, the source of this "doubt" is a mystery so far. EUCLID does not know what agency, ministry or person was contacted. What we do know is that Senegal became a Participating State in EUCLID following the

ICCI conference of 2008. In the case of Senegal, the Minister of State to the President of the Republic (also being the Administrator of the ruling party) signed the convention on behalf of Senegal, which is a unique case in that the EUCLID agreements were more typically signed by the Head of Government (Prime Minister), Head of Diplomacy (Minister of Foreign Affairs), or by authorization by the Minister of Education. Since we do not have the question asked by the author to the unspecified Senegal agency, we refer the reader to the statement of the Presidency of the Republic of Senegal issued on 10 May 2010 as part of the United Nations filing process. This is the authoritative document that settles the matter.⁴²

We think that the IAU has accepted Euclid's status in error. This error should be corrected pending an appropriate investigation by international authorities.

Comment: People think a lot of things which is fine. But the fact is that the IAU has (obviously) not made an error and has maintained the EUCLID listing after receiving a copy of the Verifile "report," even noting for several months that the EUCLID listing was duly requested by the Permanent Delegation of the Headquarters State to UNESCO. Since then, EUCLID has become a full member of the Association of African Universities and continues its intergovernmental mandate with the support of "international authorities."

Consequences of the Euclid structure

The final step in determining the validity of any degrees issued by Euclid University is to filter what we know about the entity through the partnership picture noted above and through the normal principles for evaluating degrees discussed at the beginning of this report. Thus:

1. The individual degree holder must have earned the degree lawfully under the standards of the nation. That is, the degree must not have been acquired through fraud, purchase or other nonacademic means.

We have no such case, so this is not an active question.

2. The entity issuing the degree must have been granted the legal authority to issue degrees in its own name under the laws of at least one nation in which it is located.

The material provided contains insufficient documentation that the entity Euclid University is a degree-granting institution in any one nation under its own name. Examples of such documentation would include a valid charter or license that takes the same form as those issued to other colleges or universities in the home nation of the college.

Comment: The Ambassador of the Headquarters State to the United Nations, being the former Minister of Education, has explained this point quite clearly:

"Degree-granting authority": For the Central African Republic, EUCLID has received degree-granting authority in virtue of Article I of the

⁴² <http://www.euclid.int/documents/senegal-un.pdf>

intergovernmental accord approved for the Central African Republic by the Prime Minister and Head of the Government (Vienna Convention on the Law of Treaties, Article 7a) with entry into force on 31 May 2010. This accord was duly filed with and published by the United Nations in accordance with Article 102 of the UN Charter in 2011, and has legal force in virtue of Title V of the Constitution of the Central African Republic.”⁴³

We would expect any legitimate college offering degrees at the bachelor’s level or above to be listed with the IAU, and Euclid is not listed by any nation.

Comment: EUCLID is listed with the IAU, as anyone can verify online and as the author elsewhere admits, and EUCLID has been listed by its Headquarters State, as documented.⁴⁴ The case is therefore settled.

In this case, the “home nation” is somewhat obscure. The college appears to be administered from Laurent Cleenewerck’s home at 873 Kahlstrom Ave, Trinidad, California 95570, although it may have offices in the CAR, Pakistan and Washington, D.C.

Comment: EUCLID has a chief officer and Secretary-General whose offices are in Karachi, Pakistan. In this capacity and under the EUCLID Statutes, the Secretary-General is empowered to hire and appoint EUCLID officials and staff. The organization’s chart is published every year in the Annual Report⁴⁵ and there is an Administration page on the EUCLID site. Laurent Cleenewerck is a salaried employee of the organization with the post of International Faculty Coordinator. The Director of Administration and Operations for international operations is Rodrigo Aguero. Headquarters operations at the University of Bangui and the Prime Minister’s Office are managed by Apollinaire Molaye and Guy Ankoguy, by decision of the Prime Minister, in coordination with EUCLID. Other EUCLID officials are documented on the EUCLID site.

There is no evidence that it has any operational presence as a degree-granting institution in any other nation besides these. Its Belgian business license is a front for the California address and has no other visible function, according to research done by Accredibase.

Comment: Let’s ask the question for the WMU or IMLI. Where do they have a presence? In their Headquarters State and that satellite locations for external staff and secondary campuses and offices. This is completely standard. The Brussels executive office is not “a business license,” it had a two-fold purpose: (1) According to EUCLID’s founding Statutes, (2) EUCLID was retained by B&S (based in Brussels) and the European Union to be the academic partner for an education program in Eritrea supervised and approved by the Ministry of Education. This program lasted between 2008 and 2012, and on the EUCLID side, the program coordinators were Chad D’Amore and Laurent Cleenewerck.

⁴³ <http://www.pmcar.org/docs/Oregon.pdf>

⁴⁴ <http://www.euclid.int/documents/rcaunesco.pdf>

⁴⁵ <http://www.euclid.int/annualreports.asp>

Euclid, under the name Pôle Universitaire Euclide, is listed by the IAU solely as an international organization, but without any reference to whether it has degree-granting authority in its own name or from what nation, other than the fact that it supposedly operates out of the U. of Bangui. It is therefore not possible to determine from that listing whether the "Pôle" entity claims to have degree-granting authority or whether this listing simply refers to the older Euclid Consortium.

Comment: IAU is well informed and only lists degree-granting institutions. The information sheet communicated to IAU by the authorities of the Headquarters State is very clear on the distinction between EUCLID and the extension program. Again, we refer the reader to the documents filed by the Central African Republic with IAU as they leave no doubt as to the nature of EUCLID in relationship with the older Consortium.⁴⁶

IAU appears to refer to Euclid University as a label for programs developed under the original Consortium, but calls it both a chartered university (without saying what nation issued the charter) and an intergovernmental organization.

Comment: No, this simply false. IAU refers to EUCLID as "a chartered university (without saying what nation issued the charter) and an intergovernmental organization" which is correct, and it indicates the certifying nation in WHED. IAU is well aware that the academic programs used by EUCLID were developed by the original consortium, and the difference between where the program came from and what institution is degree-granting is well established.

If we treat the entity as an unaccredited U.S. provider (which would not be listed in the IAU Handbook), we must then ask whether it holds a license to grant degrees from any U.S. state, the federal government or Indian tribe. There is no evidence of this in the material provided. It was not on the list of approved California degree-granters on August 31, 2011.

Comment: The absurdity of this statement is quite amazing. EUCLID is listed in the IAU Handbook under Central African Republic as its Headquarters State. The fact that it has staff and officials in Pakistan, the United States and in fact in more than 12 countries is irrelevant.

Given that Euclid does not have an unambiguous charter from a specific nation, we must therefore consider the effect of its apparent establishment by an international agreement.

Certainly a group of nations can establish a university if they choose to, and all of them recognize its degrees and treat the university as genuine for domestic purposes.

Comment: Yes, this is exactly the case of the intergovernmental universities studied in the EUCLID paper "Understanding the Legal Status and Degree-Granting Authority of "Regional / International Universities." The reader can compare the scholarship of that paper with the Verifile report.

⁴⁶ <http://www.euclid.int/documents/rcaunesco.pdf>

However, it is not clear that Euclid was established this way. The lack of a formal charter or founding document equivalent to those used for other universities in the MOU nations that actually have universities is fatal to Euclid's assertion of authority.

Comment: What is "fatal" here is the author's insistence that an intergovernmental organization need to have the same exact legal status or type of charter as a national public institution. This does not work for any international university. However, international universities are created by instruments of international law that have legal effect domestically, as was explained by Ambassador Doubane: "has legal force in virtue of Title V of the Constitution of the Central African Republic."⁴⁷

The failure by any MOU nation to list Euclid with UNESCO as a chartered degree-granter is also a significant factor in leading us to conclude that Euclid is not a degree-granter for international purposes.

Comment: As documented, two nations have listed EUCLID with UNESCO in addition to IAU (the author seems confused over the relationship between UNESCO and IAU).

The fact that the IAU erroneously listed Euclid as an international degree granter cannot establish it as one because the IAU is not a governmental agency capable of chartering a university itself, so its listing has no legal effect.

Comment: The author is going on thin legal ice when claiming that "the IAU erroneously listed," but IAU can dismiss Verifile for what it is: a small business front with no standing whatsoever.

3. The laws of the nation in which the degree-granter is located must be such as to ensure that degrees issued by its colleges are of sufficient quality and value for their stated purpose.

As of August 31, 2011, Euclid on its web site claims to be accredited as a degree-granter by the ministries of education of the following nine nations: This is a slightly different list than Euclid has used elsewhere, but we will treat it as the current list because it is the one currently on the Euclid web site. We have not read the laws of these nine nations, but we think certain basic assumptions can be made, subject to correction.

Comment: The list is published by the United Nations. Gambia is not listed because the process takes several months. Benin, Uganda and Vanuatu are not listed because they are not parties to the Updated Framework Agreement which calls for UN registration.

First, according to the IAU, upon which Euclid relies for its claim of an international authority, there are no domestic universities in the usual sense of the term in the Comoros, Saint Vincent/Grenadines or Vanuatu. It is therefore extremely unlikely that those nations have any capacity whatsoever to determine whether an entity wanting to issue degrees has the capacity to do so. Any "accreditation" by ministries of education

⁴⁷ Letter to the Attorney General and Governor of Oregon dated 20 March 2012

in such places is therefore purely nominal, a kind of courtesy recognition perhaps intended to create international reciprocity.

Comment: Here, we do see is that the author has no "capacity whatsoever to determine whether" there are universities in these countries. Did he not notice that the University of the Comoros is a member of the Euclid Consortium (Comoros is a EUCLID Participating State) and that EUCLID Secretary-General travelled there in 2009? It does not seem so. So much for the guarantee of accuracy of Verifile / Accredibase... There are in fact universities in these countries, as anyone able to use Google can quickly confirm.

Of the other six Euclid consortium nations, Timor-Leste has one university, the CAR has two, Sierra Leone two, Burundi six, Uganda 18 and Senegal 19.

Comment: More inaccurate language: "Euclid consortium nations" is confusing; the proper expression is EUCLID Participating States. Actually, Timor-Leste has more than 1 university.

Therefore only a few of the MOU nations even have the capacity to oversee a college.

Comment: The "therefore" flow from completely inaccurate data, and therefore the conclusion is false.

There is insufficient evidence that any of them issued Euclid a charter in the usual way.

Comment: In fact, all the EUCLID Participating States (what are "MOU nations?") have institutions of higher learning, and they have participated in the EUCLID charter exactly as they have participated in other international universities such as the UNU, WMU, University for Peace, etc. This is "the usual way." Again, we refer the interested reader to the EUCLID articles on International Universities.

4. Those laws must have been applied in actuality to the degree-granting entity. That is, the approval must be demonstrably based on the college's merits and not the result of bribery, coercion or other factors unrelated to the college's academic programs.

No evidence of an independent evaluation and appropriate oversight of Euclid by any government has been provided. The various MOUs and ministry approvals that Euclid claims to have do not, by themselves, provide any evidence of how the member nations oversee the college, or even if they do.

Comment: the above is simply inaccurate. Oversight mechanisms are very well documented and deemed very important:

- in the constitutive agreement (Article I: "EUCLID, a member of the Euclid University Consortium, receives the mandate to facilitate universal access to higher education and to foster the acquisition of knowledge and competencies under the supervision of the ministries of Education and Foreign Affairs of the Participating Parties.")

- in the Statutes (Section VIII)

- in the Instrument of Approval used after 2011 (Timor-Leste; Gambia). Timor-Leste did a two-step process which called for EUCLID program

evaluation by the Ministry of Education prior to certification of full effect. Here is the exact text:

"subject to the future issuance of a related protocol listing the programs that will have been reviewed and approved by the Ministry of Education, the degrees issued by EUCLID upon completion of the required coursework will be legally valid for use within Timor-Leste by the graduates"⁴⁸

"the proper department of the Ministry of Education has completed its academic review and validation of the EUCLID programs, with the result that no requests for modifications or improvements are presented by the Ministry. Therefore, point (3) of the said Instrument is now fully settled for EUCLID's academic programs, this Note Verbale serving as confirmation Protocol"⁴⁹

- in the UNESCO filings (CAR; Gambia: Section 4 "Quality assurance mechanisms")

- in the specific appointment of an experience Academic Coordinator by the Headquarters, specifically to "Manage supervisory access to the EUCLID database to ensure academic monitoring and continuity of compliance with national and international accreditation standards..."⁵⁰

5. All degrees issued by the entity in its own name must be valid for use for their stated purpose inside the nation in which they were issued.

No evidence of the use of Euclid degrees on the same terms as other degrees issued by colleges in the MOU nations has been provided.

Comments: This is quite false, as in document herein. The "MOU nations" have specified that the EUCLID degrees are valid and usable on the same terms as national degrees. It is exactly the same as with the degrees issued by the other intergovernmental universities.

Absent an acceptable set of responses to these principles, degrees issued by Euclid should not be accepted outside its own Partnership nations because there is no way to know whether degrees issued by Euclid can be treated as comparable to degrees issued in other countries. Whether the degrees are allowable for use inside the Partnership is a purely local matter that does not involve any international evaluation.

Comment: The above statement is as absurd as the rest of the report, in view of the fact that the EUCLID Participating States have gone the extra mile to clarify their international evaluation intentions:

"In order to ensure the international usefulness of the programs offered" (Article I); "Desiring to ensure that the educational programs offered by this international framework should be globally recognized" (Statutes, I)

⁴⁸ <http://www.euclid.int/documents/timorleste.pdf>

⁴⁹ <http://www.euclid.int/documents/timorleste.pdf>

⁵⁰ <http://www.euclid.int/documents/decision-ankoguy.pdf>

Conclusions

a) Validity of Euclid degrees

Any entity that claims to have degree-granting authority has an obligation to provide proof of that authority. The original Euclid Consortium did not claim to have degree-granting authority in its own name and therefore that issue need not be discussed.

Degree-granting authority can only come from a sovereign nation or an appropriately assigned subunit of such a state or a body assigned that authority by a state. Euclid University (also known as Pôle Universitaire Euclide) claims to have degree-granting authority under a multi-government agreement authorizing it to issue degrees.

Comment: The above is correct.

Assuming that international organizations and groups of nations have the legal authority to establish degree-granters, a concept that has not been tested in law to our knowledge, but which appears to be accepted by the United Nations and some European nations, Euclid University still needs to provide proof that it is a degree-granter under a multi-national agreement.

Comment: this concept has been fully tested in law since these treaties are fully and legally binding. No one (except the author) has ever questioned or disputed the existence of intergovernmental universities.

Whether this is the case cannot be determined from the available material because no charter comparable to the charters of other universities has been provided.

Comment: A charter fully comparable to the other international universities has been provided, and the EUCLID article on "International Universities."⁵¹

MOUs and similar material cannot replace a charter or formal authorization in the same form as used for other universities in at least one member nation.

Comment: The above is ridiculous. What the EUI convention? It obviously does not have the same form as the University of Milan because it is an intergovernmental charter associated with an intergovernmental university. On this basis, the author would dismiss every single international university, which may indeed be his position.

Nonetheless, Partnership nations may allow use of Euclid degrees for some purposes inside their nations, subject to the laws of those nations.

b) International use of Euclid degrees

It is unknown whether the partnership member nations have sufficient academic standards or oversight over the quality of Euclid's programs.

Comment: No, it is very well known that the Participating States, including the EUCLID HQ State, have both sound standards as well as documented oversight mechanism. The real concern should be, at this point, with the standards and oversight of Verifile, which has obviously none.

⁵¹ <http://www.euclid.int/documents/internationaluniversities.pdf>

It is unknown whether all degrees issued by Euclid solely in its own name are accepted within its member nations.

Comment: No, the Participating States have certified that EUCLID degrees are authorized and accredited, which would be obvious from the very intention of the EUCLID intergovernmental agreements. Indeed, the most recent Participating States have additionally certified (under the signature of the Minister of Education), that "the degrees issued by EUCLID in accordance to its charter, upon completion of the required coursework will be legally valid for use within the [Country] by the program graduates."

Because of this incomplete information, degrees issued by Euclid should not be accepted outside its Partnership nations until these questions can be answered to the satisfaction of educational authorities in any other nation where such degrees are presented for use.

Comment: There is no incomplete information, and the entire conclusion reflects only the lack of knowledge and political partisanship of the author.

In order for Euclid degrees to be treated internationally (that is, outside its Partnership nations) as equivalent to degrees issued under the authority of nations, it is necessary for Euclid to prove the following.

1. That it has a standard charter or authorization to issue degrees comparable to charters for other authorized universities in at least one Partnership nation.

Comment: this reply has shown that as an international intergovernmental organization, EUCLID is exactly like the other international universities, and not like the purely national universities located in its Participating States. It would be like asking the EUI to show that it has a charter exactly comparable to the University of Torino, or the World Maritime University that it has a charter exactly comparable to the Stockholm University. The absurdity of this question has been amply demonstrated in this reply. However, the Government of the Central African Republic, through its Ambassador to the United Nations (and former Minister of Education), has fully clarified this point by stating (letter filed with the US Department of State, Oregon, and Texas):

"For the Central African Republic, EUCLID has received degree-granting authority in virtue of Article I of the intergovernmental accord approved for the Central African Republic by the Prime Minister and Head of the Government (Vienna Convention on the Law of Treaties, Article 7a) with entry into force on 31 May 2010. This accord was duly filed with and published by the United Nations in accordance with Article 102 of the UN Charter in 2011, and has legal force in virtue of Title V of the Constitution of the Central African Republic."⁵²

It may be useful to point out that the Ambassador and former Minister is a graduate of the French Ecole Nationale d'Admission (which ranks #9 in the world as a leading institution of higher education⁵³) and holds a post-graduate

⁵² Letter to the Attorney General and Governor of Oregon dated 20 March 2012

⁵³ <http://www.mines-paristech.fr/Actualites/PR/Ranking2011EN-Fortune2010.html#7>

DEA in public law from the University of Paris. Here is a photo of Ambassador Doubane with the Chief of the United Nations Treaty Section, Ms. Gabriele Goettsche-Wanli, taken in October 2012:



2. That the Partnership documents have the legal effect of establishing a degree-granting entity under the laws of the nations that signed them.

Comment: Or what about asking NATO to prove that it functions "under the laws" of Poland or Turkey? Again, the absurdity of this question, when applied to intergovernmental organizations governed by international law, has been amply demonstrated in this reply. The document cited in #1 fully answers this point. The letter filed with the US Department of State by 3 EUCLID Participating States also makes this point very clear:

"EUCLID, a public international organization, is authorized according to the intergovernmental agreement to confer degrees by its Participating States and enjoys the foreign equivalent of US accreditation..." (Burundi)

"EUCLID (Pôle Universitaire Euclide / Euclid University) is duly chartered to confer degrees by its Participating States and enjoys full academic accreditation according to its constitutive mandate under international law..." (Central African Republic, Comoros)⁵⁴

EUCLID's reply has also demonstrated that the "Partnership documents" which are in fact international agreements governed by international law (the technical definition of treaty) and published as such by the United Nations Treaty Section are legally binding and do create an international intergovernmental organization with a degree-granting mandate.

⁵⁴ Posted at: <http://www.euclid.int/documents/carcomoros2us.pdf>

3. That the nations that established Euclid have sufficient academic standards and oversight to show that their authorizations are meaningful.

Comment: Unless the author wants to become the final arbitrator of what international agreements are meaningful based on his opinion of the oversight capacity of certain national leaders, this question reveals how far one may be willing to go to demean and disparage these nations in order to maintain an untenable position. Are the authorizations of Cuba and Guyana for the University of Peace meaningful? Are the authorizations of Tajikistan and Kazakhstan for the University of Central Asia meaningful? These authorizations are legally binding under international law, and unless one wants to move from legality to completely subjective academic evaluations, this point is completely settled.

4. That all degrees issued by Euclid are valid for use in all of the member nations, or, if authorization or charter is claimed for only one nation, within that nation. Such evidence would include, for example, the acceptability of Euclid degrees as faculty credentials for teaching in the nation's other universities or qualification for any kind of screened employment.

Comment: EUCLID's degrees are as valid as the degrees conferred by the European University Institute, the World Maritime Institute, the United Nations University, because they are granted under the same legal framework, unless the author wants to dismiss these institutions as well, as he seems to have dismissed all the universities located in EUCLID's Participating States.

The State Parties to the EUCLID Memorandum of Understanding and Framework Agreement have made it clear that their intention is to train their own government officials through the EUCLID program (which they are doing), which obviously establishes that these degrees are used for official employment and professional development within those nations. And the language used is perfectly clear: "In order to ensure the international usefulness of the programs offered..." "Desiring to ensure that the educational programs offered by this international framework should be globally recognized..."

The Government of Timor-Leste was even more explicit by stating: "(2) Timor-Leste has an adequate system of postsecondary approval system meeting accepted international standards, which applies to these programs, (3) subject to the future issuance of a related protocol listing the programs that will have been reviewed and approved by the Ministry of Education, the degrees issued by EUCLID upon completion of the required coursework will be legally valid for use within Timor-Leste by the graduates)"⁵⁵ followed by the result of the review: "(I am pleased to inform you that the Ministry of Education has completed its academic review of the EUCLID programs and that no requests

⁵⁵ <http://www.euclid.int/documents/timorleste.pdf>

for modification or improvement are presented by the Ministry)."⁵⁶ The same language was used by Gambia.

In addition, the UNESCO filings by Central African Republic⁵⁷ and Gambia⁵⁸, include EUCLID under the section for "recognized higher education institutions" and define it as "an institution or program has been validated to meet the national standards and whose degrees are valid for use for public employment."

It is Euclid's obligation to provide this information if it wants its degrees to be accepted outside its member states. When Euclid provides adequate answers to these questions, its degrees can be considered for wider acceptability, but not before.

Comment: EUCLID and several of its Participating States have done just that, which is why EUCLID degrees are nationally valid, recognized by treaty under UNESCO Convention, and usable for employment in intergovernmental organizations. The onus, it would seem, is on the author of this "report."

Of course, no nation is ever obligated to accept degrees issued in another nation unless compelled to do so by treaty or agreement, and no employer, agency or individual can ever be compelled to accept for use a degree which, in their opinion, does not meet their needs, whether or not covered by an agreement or treaty.

Comment and Conclusions:

The author has failed to recognize, among others, several key points:

- That the Memorandum of Understanding is a "constitutive" text, reaffirmed in the subsequent Framework Agreement.
- That these multilateral agreements, published by the United Nations Treaty Section, are governed by international law and binding upon the Participating States.
- That the use of the present tense does not refer to "hypothetical existence" but rather to the standard language used to constitute an institution.
- That governments always sign intergovernmental agreements in sequence, which does not amount to a "chain letter" to rather to the process of accession to an agreement that enters into force after a specific number of signatures.

In summary, EUCLID expresses the concern that the author has an axe to grind against a particular international university listed by IAU and against UNESCO / IAU, for reasons that the reader must evaluate in view of the information provided in this reply.

EUCLID has been vetted by the United Nations Office of Legal Affairs (not to mention WIPO for the application of Article 6ter of the Paris Convention), but could it be that EUCLID is perceived negatively by the author for other

⁵⁶ <http://www.euclid.int/documents/timorleste-noteverbale.pdf>

⁵⁷ <http://www.euclid.int/documents/unescportal-car.pdf>

⁵⁸ <http://www.euclid.int/documents/unescportal-gambia.pdf>

reasons? The issue of neutrality, compounded with the lack of training in international law, cannot be dismissed in this instance.

A photo is often more telling than a 1,000 words: here is the Prime Minister of the Central African Republic, PhD in Mathematics from a French National University, former Rector of the University of Bangui, presenting a EUCLID degree to the wife of an Ambassador to the United Nations, in the presence of the former Minister of Education (now Ambassador to the United Nations), and the Ambassador of the Comoros (as EUCLID High Steward). The event took place at UN Plaza, New York, in April 2012.



We sincerely hope that the report's author consider the information presented herein and will take a course in international law and consider the impact of this unprofessional publication, mostly for the sake of the credibility of the Accredibase label.

=== End of Reply ===