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COMMUNICATION

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ATTN: MR EYAL BEN COHEN VERIFILE --- ACCREDIBASE	
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• Directorate or Secretariat	SECRETARY GENERAL
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An educational partner of the Economic Community of Western African States and the Islamic Chamber of Commerce and Industry, under the High Stewardship of Ambassador Mohamed Tohiri (Union of the Comoros).

The EUCLID name, flag and emblem are protected by treaty under International Law (Article 6ter of the Paris Convention for the Protection of Industrial Property).

< <http://www.wipo.int/ipdl/en/6ter/> >

Note: Correspondence may be received in English or French.



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RE: EVALUATION PROCEDURE WITH ACCREDIBASE

31 October 2011

Dear Mr Ben Cohen,

Thank you for your letter received on 26 October 2011. I am pleased to answer your questions and provide copies of (or links to) the supporting documentation.

AN "INTERNATIONAL/ REGIONAL INSTITUTION"

As you mention and obviously recognize, EUCLID (Pôle Universitaire Euclide / Euclid University) is listed by the "International Universities Bureau" (International Association of Universities at UNESCO House, which publishes the UNESCO/IAU International Handbook of Universities and the WHED) in the "regional / international institutions" category¹ because its status is like that of the other 4 institutions listed in that group, which includes:

- EUCLIDE (Pôle Universitaire EUCLIDE)
- European University Institute
- IMO International Maritime Law Institute
- United Nations University
- World Maritime University

Accordingly, EUCLID's status needs to be understood and evaluated in relationship and comparison to these other institutions, not in relationship to purely national institutions. Incidentally, it is on account of this particular status that IAU does not

¹ <http://www.iau-aiu.net/sites/all/files/international.pdf>



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include the “regional / international institutions” in the WHED database because it is a purely national database.

Regarding your specific questions, we will therefore illustrate this point by providing answers not only for EUCLID but also for the European University Institute, the United Nations University, and the World Maritime University. We will also add the University of Peace, even though its Headquarters State (Costa Rica) opted to register it under its national entry. The IMO International Maritime Law Institute will not be analyzed here because the establishment treaty between IMO and Malta (not between States) is not made available to the public.

“INTERNATIONAL LEGAL PERSONALITY” AND TREATY LAW

As you can immediately verify,² as EUCLID Secretary-General, I am recognized by the United Nations (and UNESCO is a specialized agency of the UN) as the depositary of an international treaty, and this role requires a brief explanation as a preliminary in order to answer your questions in the right context.

The screenshot shows the United Nations Treaty Collection website. The header includes the UN logo and the text 'UNITED NATIONS TREATY COLLECTION'. Below the header is a navigation bar with links: HOME, OVERVIEW, DATABASES, PUBLICATIONS, TRAINING, TREATY EVENTS, CONTACT. The main content area is titled 'DATABASES' and shows a search interface. The search criteria are set to 'Treaty' and 'Depository'. The list of historical/existing values includes 'EUCLID Secretary-General'.

² <http://treaties.un.org/pages/AdvanceSearch.aspx?tab=UNTS> > Search Objects “Treaty” > Attributes “Depository” – see EUCLID and EUCLID Secretary-General in the list of depositaries.



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“Treaties” are agreements among States that are binding upon them because they created “rights and obligations” and are “governed by international law” as well as by the Vienna Convention on the Law of Treaties of 1969:³

“treaty” means 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. (Article 2)

In this specific sense, treaties are distinguished from instruments that have no legal effect (binding vs non-binding agreements) and the difference is obvious from the text itself, as explained in Anthony Aust’s *Modern Treaty Law and Practice* (Appendix F/G), pasted below:

“treaty = creates rights and obligations under international law”	“Not governed by international law = less than treaty status”
‘article’	‘paragraph’
‘agree’	‘accept’ ‘approve’ ‘decide’
‘agreement’ or ‘undertaking’	‘arrangement’ or ‘understanding’
‘authoritative’ or ‘authentic’	‘equally valid’
‘clause’	‘paragraph’
‘conditions’	‘provisions’
‘continue in force’	‘continue to have effect’
‘Done’	‘signed’
‘enter into force’	‘come into operation’ or ‘come into effect’

³ http://untreaty.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf (Vienna Convention on the Law of Treaties of 1969)



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“treaty = creates rights and obligations under international law”	“Not governed by international law = less than treaty status”
‘mutually agreed’	‘jointly decided’
‘obligations’	‘commitments’
‘Parties’	‘Governments’ or ‘Participants’
‘Preamble’	‘Introduction’
‘rights’, ‘have the right’	‘benefits’, ‘be permitted to’
‘shall’ ‘undertake to’ ‘agree to’ or ‘undertake’	‘will’ or ‘decide’
‘terms’	‘provisions’
‘undertake’	‘carry out’

For instance, the Organization for Security and Co-operation in Europe was established by a non-binding text that is not governed by international law, and therefore OSCE does not have international legal personality⁴ (unlike EUCLID) or a “.int” domain.

Further, there are two aspects of these intergovernmental agreements that must be noted: (1) States (legally represented by their governments) can only be bound by their Head of State, Prime Minister, Minister of Foreign Affairs, accredited ambassador to an international organization when the agreement is negotiated in that context. Other Ministers require permission by these so-called “big three”⁵ which is why the mention “duly authorized thereto” is required for them upon signature but not for the “big three”; (2) these agreements are legally binding on the State parties regardless of domestic legislation, except for conflict with the country’s constitution (Article 27 and 46 of the Vienna Convention).

⁴ <http://www.osce.org/secretariat/36184>

⁵ <http://books.google.com/books?id=kgZ5FRbMbs0C&q=big+three#v=snippet&q=big%20three&f=false>
(Anthony Aust, *Modern Treaty Law and Practice*)



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Finally, all intergovernmental agreements having legal effect should be registered by the States (or one of the State or a depositary) in application of Article 102 of the United Nations Charter which reads:

1. Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.
2. No party to any such treaty or international agreement, which has not been registered in accordance with the provisions of paragraph 1 of this Article, may invoke that treaty or agreement before any organ of the United Nations.

In the context of the above, EUCLID (Euclid University) was established, “defined” and “constituted” as an international intergovernmental organization by joint agreement of the Participating States, being granted international legal personality with a specific legal status and mandate (Article I) as well as Statutes (III). The initial agreement which is EUCLID’s legal charter entered into force on 16 April 2008, upon second definitive signature, and the first two Participating States (Saint Vincent and the Grenadines⁶ + Sierra Leone⁷) have further formally indicated in writing that both this initial agreement and a revised agreement are “governed by international law” and “eligible for registration under Article 102 of the UN Charter” in order to confirm this date of entry into force under international law for registration with the United Nations under Article 102 cited above.

The updated intergovernmental agreement (drafted to clarify “legal personality” as “international legal personality” and ensure EUCLID’s eligibility for protection under Article 6ter of the Paris Convention) entered into force in 2009, upon second definitive signature. As is normative, the EUCLID headquarters agreement⁸ what then

⁶ <http://www.euclid.int/documents/svg-nv102.pdf> (Communication from the Deputy Prime Minister and Minister of Education of St Vincent to the Permanent Representative of Eritrea and to the EUCLID Secretary-General)

⁷ <http://www.euclid.int/jointletter.pdf> (Joint Letter to the United Nations Legal Counsel by the Permanent Representatives of Comoros, Eritrea, and Sierra Leone with inclusion of statements by the Central African Republic and Senegal, transmitted to the United Nations Legal Counsel on 22 December 2010).

⁸ <http://www.euclid.int/documents/hq-fr.pdf> (Headquarters Agreement - French text with translation)



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negotiated in accordance with the Statutes (II.2) and likewise filed as treaty with United Nations.⁹

To date, 8 States are parties to the revised Framework Agreement and have (a) either directly confirmed treaty status of their approval of both agreements with the General Counsel of the United Nations, Mr O'Brien, as part of a request for confirmation during the registration process for both instruments (UN request of May 2010), in accordance with the practice of the UN Secretariat-General, or (b) issued a letter, protocol or instrument of adoption (based on the UN-provided model¹⁰) that specifies the same. In addition, 3 States (Benin, Uganda, and Vanuatu) are only parties to the initial agreement but have opted not to file the said agreement as treaty under the Article 102 procedure of the United Nations.

Accordingly, and at the direct request of the United Nations Treaty Section Chief Ms Goettsche-Wanli who contacted me personally as depositary of the multilateral treaty,¹¹ both instruments have been filed with the United Nations Secretariat General under reference LA 41 TR/16092008.

It is therefore established that EUCLID (Euclid University) is an international intergovernmental organization, having international legal personality and a clear university mandate and statutes governed by international law. Another way to express this summary is that the multinational agreements pertaining to EUCLID are recognized as having the legal effect of 'defining,' 'constituting,' and 'chartering' such an institution.

Having clarified the legal context, we are now in a position to provide adequate answers to points A-H below, starting with the other international universities and finishing with the EUCLID, to demonstrate that the same legal status and procedures apply, with the added point that only EUCLID has, in its constitutive agreement and charter, explicit accreditation by the ministries of education.

SPECIFIC ANSWERS TO QUESTIONS FOR EUROPEAN UNIVERSITY INSTITUTE

⁹ <http://www.euclid.int/documents/hqcarun.pdf> (Filing of the EUCLID Headquarters Agreement with the United Nations by the Permanent Representative of the Headquarters State)

¹⁰ <http://treaties.un.org/doc/source/publications/THB/English.pdf> (UN Treaty Handbook Annex 4)

¹¹ <http://www.euclid.int/documents/unts-to-pmer.pdf> (Letter from UNTS Chief to the Permanent Representative of Eritrea dated 4 May 2011)



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The European University Institute (www.eui.eu) was set up by means of an intergovernmental agreement in 1972.

(A): EUI State Parties: Belgium, Denmark, Germany, Greece, Spain, France, Ireland, Italy, Luxembourg, Netherlands, Austria, Poland, Portugal, Finland, Sweden, United Kingdom, Cyprus, Slovak Republic, Slovenia

(B): Charter: <http://www.eui.eu/About/Convention.aspx>

(C): National UNESCO Commission(s): Only the Headquarters State (Italy) accomplishes the listing with UNESCO.

(D): Not applicable

(E): Not applicable

(F): EUI is a degree granter under the intergovernmental agreement referenced in (B). For (a) the list is provided in (A), and (b) a copy of the agreement with signatures is not publicly posted but should be obtainable from EUI; (c) the EUI agreement is universally recognized and unchallenged as creating a university (the EUI), however not governed by national law but by international law (agreement among States and agreement between the institution as subject of international law with the Headquarters State). EUI is not similar to the University of Milan in terms of legal status, because EUI is an intergovernmental body subject to international law.

(G): See F above.

(H): All EUI Participating States have approved EUI's degree-granting authority in Article 14.2¹² of the intergovernmental agreement, which means that the degrees granted by EUI are legally authorized and valid by force of international law for the Participating States. Whether certain EUI States have issued additional clarifications or provisions regarding this point is not documented.

SPECIFIC ANSWERS TO QUESTIONS FOR UNITED NATIONS UNIVERSITY

¹² The Article reads: "(1) The Institute shall have the power, in the disciplines under which studies and research

are carried out at the Institute, to confer a doctorate of the European University Institute upon research students who have completed a minimum of two years' study at the Institute and have submitted an original piece of research of high quality approved by the Institute, which must be published in accordance with the provisions

laid down pursuant to paragraph 4. (2) The Institute shall also have the power to confer a degree lower than a doctorate on research students..."



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The United Nations University (www.unu.edu) was set up by means of an intergovernmental agreement (in the form of a UNGA resolution adopted by the Member States) in 1973.

(A): UNU State Parties: All UN Member States as of 2009 (current membership minus Southern Sudan), because UNU was established by a resolution of the UN General Assembly approved by the Member States in 1973. UNU only became degree granting in 2009 by amendment of the Resolution.¹³

(B): Charter: <http://unu.edu/about/charter> (approved by the States through their UN Permanent Representatives as a UNGA resolution)

(C): National UNESCO Commission(s): Only the Headquarters State (Japan) accomplishes the listing with UNESCO.

(D): Not applicable

(E): Not applicable

(F): UNU is a degree granter under the intergovernmental agreement referenced in (B). For (a) the list is provided in (A), and (b) a copy of the agreement with signatures is not publicly posted but should be obtainable from United Nations or UNU; (c) the UN resolution is universally recognized and unchallenged as creating a university, however not governed by national law but by international law (agreement among States and agreement between the institution as subject of international law with the Headquarters State). UNU is not similar to the University of Tokyo in terms of legal status, because UNU is an intergovernmental body subject to international law.

(G): See F above.

(H): All UN Participating States (as of 2009) have approved UNU's degree-granting authority in Article I.8¹⁴ of the Resolution, which means that the degrees granted by UNU are legally authorized and valid by force of international law for the Participating States. Whether certain UNU States have issued additional clarifications or provisions regarding this point is not documented.

SPECIFIC ANSWERS TO QUESTIONS FOR WORLD MARITIME UNIVERSITY

The World Maritime University (www.wmu.se) was set up by means of an intergovernmental agreement (IMO resolution adopted by the Member States) in 1983.

¹³ <http://www.euclid.int/documents/external/unu2009.pdf> (UNGA Resolution of 2009)

¹⁴ The Article (as amended) reads: "The University shall grant and confer master's degrees and doctorates, diplomas, certificates and other academic distinctions under conditions laid down for that purpose in the statutes by the Council."



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(A): WMU State Parties: All IMO Member States (170¹⁵) are Parties to the Resolution which has the legal status of multinational agreement (1983, revised 2009).

(B): Charter: <http://www.wmu.se/sites/default/files/field/files/charter.pdf>

(C): National UNESCO Commission(s): Only the Headquarters state (Sweden) accomplishes the listing with UNESCO.

(D): Not applicable

(E): Not applicable

(F): WMU is a degree granter under the intergovernmental agreement referenced in (B). For (a) the list is provided in (A), and (b) a copy of the agreement with signatures is not publicly posted but should be obtainable from WMU or IMO; (c) the resolution approved by the representatives of the IMO Member States is universally recognized and unchallenged as creating a university, however not governed by national law but by international law (agreement among States and agreement between the institution as subject of international law with the Headquarters State). WMU is not similar to the University of Malmo in terms of legal status, because WMU is an intergovernmental body subject to international law.

(G): See F above.

(H): All IMO Participating States (as of 2009) have approved WMU's degree-granting authority in Article 5(c)¹⁶ of the Resolution, which means that the degrees granted by WMU are legally authorized and valid by force of international law for the Participating States. Whether certain WMU States have issued additional clarifications or provisions regarding this point is not documented.

SPECIFIC ANSWER TO QUESTIONS FOR UNIVERSITY OF PEACE

The University for Peace (www.upeace.org) was set up by means of an intergovernmental agreement (UNGA resolution adopted by the Member States) in 1980.

(A): UOP State Parties: 40 State Parties¹⁷

(B): Charter: <http://www.upeace.org/pdf/agreement.pdf>

¹⁵ <http://www.imo.org/About/Membership/Pages/MemberStates.aspx>

¹⁶ The Article reads: "the University shall have the power... to grant and confer, under conditions laid down for that purpose, degrees, diplomas, certificates and other academic distinctions to and on persons who shall have pursued courses of studies approved by the University..."

¹⁷ http://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XIV-6&chapter=14&lang=en



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(C): National UNESCO Commission(s): Only the Headquarters State (Costa Rica) accomplishes the listing with UNESCO.

(D): Not applicable

(E): Not applicable

(F): UOP is a degree granter under the intergovernmental agreement referenced in (B). For (a) the list is provided in (A), and (b) a copy of the agreement with signatures is not publicly posted but should be obtainable from the United Nations Treaty Section, the UOP or the Government of Costa Rica; (c) the intergovernmental (“multi-national”) agreement approved by the UOP State Parties is universally recognized and unchallenged as creating a university, however not governed by national law but by international law (agreement among States and agreement between the institution as subject of international law with the Headquarters State). UOP is not similar to the University of Costa Rica in terms of legal status, because UOP is an intergovernmental body subject to international law.

(G): See F above.

(H): All UOP Participating States have approved UOP’s degree-granting authority in Article 15.2¹⁸ of the agreement, which means that the degrees granted by UOP are authorized and valid by force of international law for the Participating States. It seems that the Government of Costa Rica has issued additional clarifications or provisions regarding this point by integrating UOP in the regional accreditation system.

SPECIFIC ANSWERS TO QUESTIONS FOR EUCLID

EUCLID (Euclid University / Pôle Universitaire Euclide) (www.euclid.int) was set up by means of an intergovernmental agreement (filed with the United Nations as explained above) in 2008.

(A): EUCLID State Parties: States that have indicated their intention to be bound under international law, in alphabetical order: Burundi, Central African Republic, Comoros, Eritrea, Senegal, Sierra Leone, St Vincent and the Grenadines, and Timor-Leste. Benin, Uganda and Vanuatu participate in EUCLID without such a formalized intention and are not parties to the Updated Framework Agreement.

(B): Charter: <http://www.euclid.int/documents/charter.pdf>

¹⁸ The Article reads: “The University shall, inter alia, grant master’s degrees and doctorates under terms and conditions established by the Council.”



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(C): National UNESCO Commission(s): Only the Headquarters State (Central African Republic) accomplishes the listing with UNESCO.

(D): Not applicable

(E): Not applicable

(F): EUCLID (Euclid University) is a degree granter under the intergovernmental agreement referenced in (B). For (a) the list is provided in (A), and (b) a copy of the agreement with signatures is publicly posted¹⁹ and is also obtainable from the United Nations Treaty Section; (c) the intergovernmental ("multi-national") agreement approved by the EUCLID State Parties, based on the pattern now established, can be universally recognized and unchallenged as creating a university, however not governed by national law but by international law (agreement among States and agreement between the institution as subject of international law with the Headquarters State). EUCLID (Euclid University / Pôle Universitaire Euclide) is not similar to the University of Bangui in terms of legal status, because it is an intergovernmental body subject to international law.

(G): That the multi-national agreement has indeed in the effect of establishing an international (intergovernmental) organization has been established above and can be verified:

- through the Joint Letter filed with the UN Legal Counsel and directly with the Office of the Under Secretary-General and UN Legal Counsel of the United Nations
- by the application of Article 6(ter)²⁰ of the Paris Convention to EUCLID by the World Intellectual Property Organization, a UN specialized agency. This application has legal effect in all 170 State Parties, and some of the States, such as Switzerland,²¹ maintain a public listing of the legal effect of Article 6(ter) notifications.

(H): All EUCLID Participating States have approved EUCLID's degree-granting authority in Article I²² of the intergovernmental agreement, which means that the degrees granted by EUCLID are authorized and valid by force of international law for

¹⁹ <http://www.euclid.int/documents.asp>

²⁰ http://www.wipo.int/article6ter/en/legal_texts/article_6ter.htm and clarification of the meaning of this provision at http://www.wipo.int/article6ter/en/legal_texts/guidelines.htm

²¹ <http://www.admin.ch/ch/f/ff/2010/2913.pdf> and <https://www.ige.ch/en/legal-info/legal-areas/trademarks/protected-abbreviations.html>

²² The Article reads: "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." The Updated Agreement reads: "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." See also Statutes IX.



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the Participating States. The Government of Timor-Leste has also issued additional clarifications or provisions regarding this point by issuing an additional protocol in August 2011.²³

The above illustrates (a) why IAU lists EUCLID (under its French name in very of the Headquarters official language) in the "international / regional" category, and (b) why EUCLID is fully similar to these other bodies in complete legal uniformity.

I believe that the above also answers your questions 1-4, except for #2. Regarding this point, you may refer to our page <http://www.euclid.int/lot3.asp> which contains detailed information about this EU-funded project.

It is my perception that Verifile/Accredibase's goal is excellence and credibility, and that the elements presented above will be both clear and satisfactory. You can be sure that IAU would never include EUCLID in their listing without having a full understanding of the matter at hand. The World Intellectual Property Organization would never extend Article 6(ter) rights to EUCLID and bind its 173 States to protect EUCLID's name and emblems without due consideration.

Finally, I attach as first Annex the recent communiqué issued by His Excellency Professor Faustin Touadera, Prime Minister of the Central African Republic and former rector of the University of Bangui (who incidentally holds two doctorates in mathematics²⁴), which offers a very succinct summary of the above.

Thanking in advance for your attention to this matter and looking forward to your reply, I assure you, Dear Sir, of my sincere consideration.

Syed Zahid Ali
Secretary-General

²³ <http://www.euclid.int/documents/timorleste.pdf>

²⁴ http://en.wikipedia.org/wiki/Faustin-Archange_Touad%C3%A9ra



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