
UNDERSTANDING THE LEGAL STATUS AND DEGREE-GRANTING AUTHORITY OF THE “REGIONAL – INTERNATIONAL” UNIVERSITIES

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INTRODUCTION AND QUESTIONS

The International Universities Bureau (the Permanent Secretariat of the International Association of Universities at the UNESCO House) publishes a list of universities for each country, based on the information submitted by “the National Competent Bodies,”¹ which are in most cases the National UNESCO Commission of the UNESCO Member States. These institutions are the one included in the World Higher Education Database (WHED).

In addition to the purely national institutions listed in the WHED, the master list (“List of Universities of the World”) has a category called “regional / international institutions” which currently includes 5 entries:

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

Because these institutions are transnational in nature and governed by international law, the following questions may (and have recently been) asked – questions which are typically applicable to national universities but not always to international ones.

- (A) Which country or countries has/have chartered or licensed these institutions to grant degrees?
- (B) For each country, what is the evidence of the relevant Charter or License?
- (C) For each country, what is the evidence of that country's listing of the institution(s) with UNESCO as a chartered degree giver?
- (D) If the answer to (A) is "none," explain how the institution has gained degree granting status and provide appropriate documentation.
- (E) If the answer to (A) is "none," explain what is the oversight body responsible for the granting of degrees by the institution(s)?
- (F) If the institution claims to be a degree granter under a multi-national agreement, (a) state which nations are parties to this agreement; (b) provide a copy of the agreement and (c) provide evidence of a Charter or equivalent formal authorization to issue degrees in the same form as is used for other universities in at least one of those nations;
- (G) Provide evidence that the multi-national agreement has the legal effect of establishing a degree granting entity with powers and rights equivalent to those of that nation's other chartered degree-granters under the laws of at least one of the nations that signed it

¹ <http://www.iau-aiu.net/content/list-heis>

(H) Provide evidence that all degrees issued by the institution are valid for use in all of the member nations of the multinational agreement or, if authorization/charter is claimed for only one nation, that nation.

AN “INTERNATIONAL/ REGIONAL INSTITUTION”

The legal status and degree-granting authority of an international university needs to be understood and evaluated in relationship with and comparison to the other institutions that belong to this category, not in relationship to purely national (public or private) institutions. Incidentally, it is on account of this particular status that IAU does not include the “regional / international institutions” in the WHED database, because WHED is a purely national database.

This paper will therefore discuss, perhaps for the first time in a systematic manner, the legal status and degree-granting authority of these international universities by providing answers to the above questions for some of the institutions concerned.

This paper will also discuss the University of Peace, even though its Headquarters State (Costa Rica) seems to have opted to register it under its national entry. This study also reviews the case of the University of Central Asia (treaty published by the United Nations as UNTS I-37742), the University of Hamadan (UNTS I-13750), the Franco-Italian University, the Franco-German University (UNTS I-36482), Foundation University (UNTS-35898) and the Academy of European Law.

The University of the South Pacific and the University of the West Indies were established by an act of the British Crown, and are not considered international universities, even though they enjoy the support of several participating governments.

“GOVERNED BY INTERNATIONAL LAW”

International universities are, at least in most cases, like States and intergovernmental organizations, subject of international (not domestic or national) law.

“Treaties” (in their proper technical definition) 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 1969:²

“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 must be distinguished from instruments that have no legal effect (non-binding instruments) and the difference is always obvious from the text itself, as explained in Anthony Aust’s *Modern Treaty Law and Practice* (Appendix F/G:

| | |
|--|--|
| “treaty = creates rights and obligations under international law” | “Not governed by international law = less than treaty status” |
| ‘article’ | ‘paragraph’ |
| ‘agree’ | ‘accept’ ‘approve’ ‘decide’ |

² http://untreaty.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf (Vienna Convention on the Law of Treaties of 1969)

| “treaty = creates rights and obligations under international law” | “Not governed by international law = less than treaty status” |
|--|--|
| ‘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’ |
| ‘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, which is why the OSCE does not have international legal personality.³

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, Head of Government (Prime Minister), or Minister of Foreign Affairs. In addition, the accredited ambassador to an international organization (when the agreement is negotiated in that context) can also act on behalf of the State. Other Ministers and officials require permission by these so-called “big three”⁴ which is why either full powers or the mention “duly authorized thereto” is required for them upon signature but not for the “big three;” (2) generally speaking, these agreements are legally binding on the State parties regardless of

³ <http://www.osce.org/secretariat/36184>

⁴ Anthony Aust, *Modern Treaty Law and Practice*

domestic legislation, except for conflict with the country’s constitution (Article 27 and 46 of the Vienna Convention).

Finally, all intergovernmental agreements having legal effect should be registered by the States (or one of the States 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.”⁵

CATEGORIZING INTERNATIONAL UNIVERSITIES

As we shall see, not all “international universities” have the same legal status under international law.

The United Nations University, for instance, does not technically have a legal personality that is separate from the United Nations organization, which is why the “Agreement regarding the Headquarters of the United Nations University”⁶ was signed by the United Nations and Japan (not UNU and Japan).

Likewise, the World Maritime University does not technically have a legal personality that is separate from the International Maritime Organization, which is why the “Agreement regarding the World Maritime University”⁷ was signed by the IMO and Sweden (not WMU and Sweden).

The following table gives a summary (sorted by year of establishment) of the legal status of the institutions being considered:

| Institution | Est. | ILP? ⁸ | Legal Status | Parent IGO ⁹ | Charter | HQ ¹⁰ |
|-------------------------------|------|-------------------|--------------------------------------|-------------------------|--|------------------|
| European University Institute | 1972 | Yes | Intergovernmental university | Self | Agreement between several EU Member States (no UNTS) ¹¹ | Italy* |
| United Nations University | 1973 | No | Autonomous institution within the UN | United Nations | UN GA Resolution | Japan* |

⁵ Notably the International Court of Justice

⁶ <http://treaties.un.org/Pages/showDetails.aspx?objid=0800000280102344>

⁷ <http://treaties.un.org/Pages/showDetails.aspx?objid=08000002800d3f72>

⁸ “ILP” means “international legal personality”

⁹ “IGO” means “intergovernmental organization”

¹⁰ “HQ” means “headquarters State” and the * indicated that a formal agreement has been signed between the institution (or parent IGO) and the State

¹¹ “No UNTS” indicates that no State or depositary has registered the constitutive text with the United Nations under the provisions of Article 102 of the UN Charter.

| Institution | Est. | ILP? ⁸ | Legal Status | Parent IGO ⁹ | Charter | HQ ¹⁰ |
|--|------|-------------------|---|---|--|---|
| University of Hamadan | 1973 | Yes | Intergovernmental university | Self | Agreement between France and Iran (UNTS) | Iran |
| University of Peace | 1980 | Yes | Intergovernmental organization and international university | Self | Agreement between several UN Member States (UNTS) | Costa Rica* |
| École Supérieure Multinationale des Télécommunications | 1981 | Yes | Intergovernmental organization and international university | Self (UNDP project) | Agreement between several AU Member States (no UNTS) | Senegal* |
| World Maritime University | 1983 | No | Institution within the IMO | International Maritime Organization | IMO GA Resolution | Sweden* |
| IMO International Maritime Law Institute | 1988 | No | Unclear, probably Institution within the IMO | IMO | Agreement between Malta and IMO (no UNTS) | Malta* |
| Academy of European Law | 1992 | No | Public Foundation | Not an IGO | International Statutes (no UNTS) | Germany |
| Franco-German University | 1997 | Yes | Network of Universities | Self | Agreement between France and Germany (partial UNTS) | France and Germany |
| Franco-Italian University | 1998 | No | Bi-national institution | Self | Agreement between France and Italy (no UNTS) | France and Italy |
| University of Central Asia | 2001 | Unclear | International university | Self (sponsored by Aga Khan Foundation) | Agreement between 3 UN Member States (UNTS) | Tajikistan, the Kyrgyz Republic, and Kazakhstan |
| African Virtual University | 2003 | Yes | Intergovernmental organization and international university | World Bank (sponsor) | Agreement between 8 AU Member States (no UNTS) | Kenya* |

| Institution | Est. | ILP? ⁸ | Legal Status | Parent IGO ⁹ | Charter | HQ ¹⁰ |
|----------------------------|------|-------------------|---|-------------------------|--|---------------------------|
| South Asian University | 2007 | Yes | International non-profit university | SAARC | Agreement between 8 UU Member States (no UNTS) ¹² | India |
| EUCLID (Euclid University) | 2008 | Yes | Intergovernmental organization and international university | Self | Agreement between several UN Member States (UNTS) | Central African Republic* |
| Foundation University | 2010 | Undocumented | Binational institution | Self | Agreement between Turkey and Germany (partial UNTS) | Turkey |

A RECENT CASE: EUCLID

To illustrate the information presented above, a recent case may be considered. EUCLID (Euclid University, Pôle Universitaire Euclide) was established, “defined” and “constituted” as an international intergovernmental organization by joint means of two intergovernmental agreements approved by the duly authorized representatives of the Participating States. The “constitutive text” granted the institution 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 Grenadines¹³ + Sierra Leone¹⁴) 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 (revised to clarify “legal personality” as “international legal personality” and to 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 agreement¹⁵ was then negotiated in accordance with the Statutes (II.2) and likewise filed as treaty with United Nations.¹⁶

¹² Agreement posted at: <http://www.orissalinks.com/acts/Inter-Governmental%20Agreement%20on%20Establishment%20of%20SAU.pdf>

¹³ <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)

¹⁴ <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).

¹⁵ <http://www.euclid.int/documents/hq-fr.pdf> (Headquarters Agreement - French text with translation)

¹⁶ <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)

To date, 8 States are parties to the Updated Framework Agreement and have (a) either directly confirmed treaty status of their approval of both agreements with the General Counsel of the United Nations, Mrs Patricia 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 model¹⁷) that specifies the same. In addition, 3 States (Benin, Uganda, and Vanuatu) are only parties to the initial agreement and have opted not to file the said agreement as treaty under the Article 102 procedure of the United Nations.

Accordingly, both instruments have been registered with and published by the United Nations Secretariat General under reference LA 41 TR/16092008 and UNTS Registration Numbers I-49006 / I-49007.

EUCLID is therefore technically speaking an “international intergovernmental organization,” having international legal personality together with a 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.

DEGREE-GRANTING INSTITUTIONS

Having clarified the legal context and provided specific information on the so-called “international universities,” we are now in a position to provide adequate answers to the questions mentioned in the introduction to this paper, which will demonstrate that the same overall legal status and procedures apply. Before doing so, let us list the institutions that are (either explicitly or implicitly) degree-granting:

| Institution | Degree-granting | Comments |
|--|------------------------|---|
| European University Institute | Yes | Explicit in constitutive text |
| United Nations University | Yes, since 2010 | Explicit United Nations General Assembly Resolution |
| University of Hamadan | Yes | No mention in the agreement but implicit in the intention |
| University of Peace | Yes | No mention in the agreement but implicit in the intention |
| École Supérieure Multinationale des Télécommunications | Yes | Agreement not publicly available |
| World Maritime University | Yes | Explicit in IMO GA Resolution |
| IMO International Maritime Law Institute | Yes | Agreement not publicly available |
| Academy of European Law | Yes | Operates under German Law |
| Franco-German University | Yes | Explicit in constitutive text |
| Franco-Italian University | Unclear | Not implied in constitutive text |
| University of Central Asia | Yes | Explicit in constitutive text |
| African Virtual University | No | Not implied in constitutive text |
| South Asian University | Yes | Explicit in constitutive text |

¹⁷ <http://treaties.un.org/doc/source/publications/THB/English.pdf> (UN Treaty Handbook Annex 4)

| Institution | Degree-granting | Comments |
|----------------------------|-----------------|----------------------------------|
| EUCLID (Euclid University) | Yes | Explicit in constitutive text |
| Foundation University | Yes | Agreement not publicly available |

Even though it would be of interest to study every single one of the institution in great details, we will provide detailed answers to questions A-H only for some of the universities listed above:

SPECIFIC ANSWERS TO QUESTIONS FOR EUROPEAN UNIVERSITY INSTITUTE

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): The Charter is the constitutive text itself: <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 14.2¹⁸ 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

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 2010 (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 2010 by amendment of the Resolution.¹⁹

¹⁸ 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. (2) The Institute shall also have the power to confer a degree lower than a doctorate on research students...” The English text uses the “shall” form where the French uses the present tense (“L’institut est habilité...”)

¹⁹ <http://www.euclid.int/documents/external/unu2009.pdf> (UNGA Resolution of 2009)

(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 2010) have approved UNU’s degree-granting authority in Article I.8²⁰ of the Resolution, which means that the degrees granted by UNU are legally authorized and valid under 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.

(A): WMU State Parties: All IMO Member States (170²¹) 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 Malmö University 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 2010) have approved WMU’s degree-granting authority in Article 5(c)²² of the Resolution, which means that the degrees granted by WMU

²⁰ 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.” The English text also uses the “shall” form where the French uses the present tense: (“L’Université délivre des maîtrises, doctorats...”)

²¹ <http://www.imo.org/About/Membership/Pages/MemberStates.aspx>

²² 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...”

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 Parties²³

(B): Charter: <http://www.upeace.org/pdf/agreement.pdf>²⁴

(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 15.2²⁵ 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 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>

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

(D): Not applicable

(E): Not applicable

²³ http://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XIV-6&chapter=14&lang=en

²⁴ <http://treaties.un.org/doc/publication/UNTS/Volume%201223/v1223.pdf>

²⁵ The Article reads: “The University shall, inter alia, grant master’s degrees and doctorates under terms and conditions established by the Council.” The French uses the present tense : “L’Université décerne, entre autres, des degrés de maîtrise et de doctorat...”

(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 posted²⁶ 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, resulting in the publication of these agreement in the United Nations Treaty Series.

- by the application of Article 6(ter)²⁷ 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,²⁸ 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 I²⁹ of the intergovernmental agreement, which means that the degrees granted by EUCLID are authorized and valid by force of international law for 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 2011.³⁰

CONCLUSION

The existence of international universities reminds us the variety of structures used by governments and private individuals to meet their educational needs.

Over the past 50 years, there has been a proliferation of intergovernmental institutions, with the result that the Yearbook of International Organizations considers that several hundred may be in existence today.³¹

International universities are a specialized form of intergovernmental body, and it may be expected that more institutions of this type will appear in the years to come.

²⁶ <http://www.euclid.int/documents.asp>

²⁷ 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

²⁸ <http://www.admin.ch/ch/f/ff/2010/2913.pdf> and <https://www.ige.ch/en/legal-info/legal-areas/trademarks/protected-abbreviations.html>

²⁹ 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.” Here both the French and the English use the present tense (in accordance with more recent EU practice) – the French reads: “EUCLIDE est autorisée [present tense] à conférer des diplômes...”

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.

³⁰ <http://www.euclid.int/documents/timorleste.pdf>

³¹ <http://www.uia.org/statistics/organizations/types-2004.pdf>