

**EUCLID****أقليدس**

EUCLID (Euclid University) : an intergovernmental organization with a university mandate

EUCLIDE (Pôle Universitaire Euclide): une organisation internationale intergouvernementale qui est aussi une université spécialisée

The Secretary General

COMMUNICATION COVER PAGE

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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 Diplomatic High Stewardship of Ambassador Roubani Kaambi (Permanent Representative of the Union of the Comoros to the United Nations).

The EUCLID convention and statutes are duly registered under the provision of the Article 102 of the United Nations Charter and published in the United Nations Treaty Series under reference I-49006 and I-49007. < <http://treaties.un.org/Pages/UNTSONline.aspx?id=2> >

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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Verifile / Accredibase

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Dear Sir:

It has recently been brought back to my attention that three years have now passed since you authorized and published your report "Report on the Status of Euclid University and the International Utility of its Degrees" which is dated December 2011 and still to be found at:

<http://www.accredibase.com/index.php?section=871&page=5175>

<http://www.accredibase.com/index.php?section=871&page=6001>

http://www.accredibase.com/upload/documents/accredibase_reportonthestatusofeucliduniversityandtheinternationalutilityofitsdegrees.pdf

However, since December 2011, much has happened, and we believe that under your own Terms and Conditions ("every effort is made to ensure accuracy") and FAQ, the time has come to revisit this issue, especially in view of Verifile's registration with the UK Information Commissioner's Office and the requirement of both the Data Protection Act 1998 as well as EU Directive 95/46/EC:

5. How up-to-date is the information you provide?

We endeavour to keep Accredibase as up to date as possible by consulting sources on a regular basis and constantly researching and updating the information we provide. However, the information on the database is only truly current on the date that we last carried out the research, which means that changes may have occurred to the data subsequently. This date is always recorded on the database, for your reference.



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6. How can you be sure that the information you are providing is accurate?

We endeavour to ensure that the information held on Accredibase is accurate, and we have a team of researchers constantly checking and enriching the facts.

PART1: UPDATES

The relevant updates, with verifiable sources provided, are as follows:

TREATY STATUS CONFIRMATION

Since December 2011, the United Nations (Treaty Section) has registered and published the full text (including Statutes as Annex and signature pages) of the EUCLID charter for all the UN Member States that have certified the treaty status and requested the UN Secretariat to process this registration under Article 102 of the UN Charter. This United Nations procedure was a lengthy process and it is to be noted that the filings entered by The Gambia in 2013 are posted but pending for UN publication. Also, the information posted by the United Nations Treaty Section is very specific, including what type of treaty the “Open Memorandum of Understanding” and “Updated Framework Agreement” are classified as by the UN, which “Open Multilateral” with specific dates of legal entry into force.

Verification at:

- <https://treaties.un.org/Pages/UNTSONline.aspx?id=2> (search EUCLID)

Moreover, it is established and confirmed that UNTS 49006, updated and confirmed by 49007, as published in full by the United Nations, are identified and confirmed as being the organization’s proper constitutive text:

- 49007 Annex: Statutes Section II Par. (1): “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,” subsequently updated under the designation “UPDATED FRAMEWORK AGREEMENT REGARDING THE PARTIES’ PARTICIPATION IN EUCLID AS CONSTITUTED AND DEFINED HEREIN,” which grants EUCLID international legal personality (Article I), and which implies such capacities as may be necessary to exercise its functions and fulfill its objectives”



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- Official Circular of the Ministry of Higher Education of The Gambia dated 27 June 2013: "EUCLID (www.euclid.int) is an international intergovernmental organization constituted by international convention (United Nations Treaty Series 1-49006/49007) with entry into force on 17 April 2008, and with the participation of The Gambia (instrument signed by Dr Mamadou Tangara, Minister of Higher Education, which is attached as Annex, with effect from July 2012). According to the normative practice of international law regarding intergovernmental universities, EUCLID was granted degree-granting authority under Article 1 with a clause of accreditation by the Ministries of Education"

UNITED NATIONS CONFIRMATION OF ACCREDITATION STATUS

Since the publication of your report which incorrectly alleged that EUCLID was not established by a constitutive treaty (properly defined as "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") and should somehow be considered as "unaccredited," the United Nations has issued a letter dated 10 December 2012 stating that "both IAU/UNESCO and the UN Secretariat recognize Euclide - Pole Universitaire Euclide and the other four UN institutions you mentioned as being accredited."

Verification at:

- <http://www.pmcar.org/docs/EUCLIDE%20INSPIRA%20UN%20reponse.pdf>

CERTIFICATION IN AND TO THE UNITED KINGDOM

We have verified that the Government of the United Kingdom officially and legally protects EUCLID's name and emblem precisely because of its legal status as an "international intergovernmental organization" (Trademark Act of 1995 with reference to Article 58 and the application of Article 6ter of the Paris Convention in the UK).

Verification at:

- <http://www.ipo.gov.uk/pro-types/pro-tm/t-law.htm>
- <http://www.wipo.int/ipdl/en/6ter/search-struct.jsp>

The United Kingdom government has also been officially informed at the level of the Ambassador to the United Nations with acknowledged transmission to ERIC/NARIC



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UK containing official and accurate information about EUCLID with the notification that “Verifile / Accredibase a private UK label is to be dismissed” (page 2.)

Verification at:

- <http://www.pmpcar.org/docs/J001-2013-PMUK.pdf>
- <http://www.un.int/wcm/content/site/comoros/pid/32110>
- <http://www.comorosembassy.org/documentation/LettreEuclideRUJan2013.pdf>

UPDATED HEADQUARTERS INFORMATION

Due to the period of instability that began in the Central African Republic in December 2012, EUCLID relocated its headquarters to The Gambia, an English-speaking country with a good reputation and solid Commonwealth background of common law.

This permanent relocation is without prejudice to the standing legal effect of the Headquarters Agreement with the Government of the Central African Republic and to the premises and staff still assigned to EUCLID, but situation in Bangui required effective relocation of EUCLID’s headquarters. It is to be noted that EUCLID’s new headquarters is now fully operational with a staffed office headed by Mrs Cobola John, former Deputy Head of Finance of the International Court of Justice.

In addition, the agreements signed between EUCLID and the Government of The Gambia (Minister of Foreign and Minister of Foreign Affairs) have treaty status and address every point of doubt or confusion, including:

- Confirmation that EUCLID was granted degree-granting authority under Article 1 of its Charter (MFA Article 10)
- Specific status of EUCLID as a university in The Gambia (MFA Article 10)
- Statement of accreditation and oversight by the Ministry of Higher Education (MoHERST Article 02)
- Statement of ongoing participation in Quality Assurance mechanisms in The Gambia (now AQAA) (MoHERST Article 02)
- Acknowledgement of EUCLID’s academic standards as Annex (MoHERST Article 02)

Verification at:

- <http://www.euclid.int/documents/NV-UNTS-Gambia-2013.pdf>
- <http://www.euclid.int/documents/gambiahq-mfa.pdf>



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Subsequently, the Ministry of Higher Education issued an Official Circular confirming that:

- "EUCLID (www.euclid.int) is an international intergovernmental organization constituted by international convention (United Nations Treaty Series 1-49006/49007) with entry into force on 17 April 2008"
- "According to the normative practice of international law regarding intergovernmental universities, EUCLID was granted degree-granting authority under Article 1 with a clause of accreditation by the Ministries of Education"
- "Integration and Oversight: In view of the above, and without prejudice to its legal status under international law and under the terms of the Headquarters Agreement, and in the same manner as similar intergovernmental universities, EUCLID is to be considered integrated in the system of higher education of The Gambia."

Verification at:

- <http://www.euclid.int/documents/GambiaOfficialCircular.pdf>

Finally, in November 2013 during the UNESCO General Assembly and in application of the agreed UN/IAU process to reclassify intergovernmental universities to ensure inclusion in country-driven databases, EUCLID was properly registered with UNESCO and IAU under the geographical entry for The Gambia, in accordance with the practice which you yourself noted in your Report (page 15).

Verification at:

- <http://www.unesco.gm/information/>

COMPLETION OF OREGON ODA PROCESSES

Verifile / Accredibase was undoubtedly influenced by the Oregon ODA list of unaccredited institution which since 2008 has Euclid University in pending status. However, you should be made aware of the result of the administrative legal processes engaged by EUCLID against ODA and its Administrator, under the legal representation of Tollefsen Law, which have publically documented that:

- ODA or DOJ did not in fact have an going investigation (21 January 2014)
- ODA violated Oregon Statutes regarding Public Records (22 June 2012)
- ODA was acting in violation of US Federal Law, leading Oregon to remove the offending list and to implement drastic changes in the agency (27 May 2013 with reply dated 26 June 2013 and finally 16 December 2013).



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As a result, the offending and illegal ODA list was removed in December 2013 and EUCLID was also notified that the ODA person responsible what no longer with ODA and further that the agency had undergone significant staffing and institutional changes. It is not our intention or desire to name names here in order not to make matters worse for the concerned individuals who have moved on, but the end result is that after due process, it was ODA that was exposed and EUCLID was vindicated by the Oregon Department of Justice. We note here that Michigan and Maine had also reached the same conclusion.

Verification at:

- <http://www.euclid.int/documents/Joint-Letter-ODA-2013-Public.pdf>
- <http://www.euclid.int/documents/OregonDOJreply-June2013.pdf>
- <http://www.euclid.int/documents/DOJreplyDec2013-Public.pdf>
- <http://www.euclid.int/documents/DOJreplyJan2014-Public.pdf>

CALIFORNIA STATUS CONFIRMATION

In your 2011 Report, you misinterpreted the forwarding of mail from Brussels to California (for purpose of coordinating the completion of the LOT3 European Commission project). Soon after your 2011 Report was published (November 2011), you contacted the State of California with an 'anonymous' complaint that Euclid University was operating violation of California, as the Report insinuated on page 6. However, the State of California (BPPE), after consultation with EUCLID and the US Department of State, predictably concluded that the Verifile/Accredibase allegation was false and unfounded. It should also be pointed out that publishing a person's personal address with such unfounded allegations is generally considered as unprofessional and unethical.

Let us be very clear: EUCLID is not Karachi or Brussels or California or New York or Washington DC based because it has officials or faculty based in these locations, and one would think that in an era when telecommuting and distributed organizations are commonplace, this point would not have to be mentioned. As far as California is concerned, EUCLID has a key employee based in the state who is recognized as being duly employed by an international intergovernmental organization in full and verified compliance with US Federal and State law, as validated by BPPE after a 6-month long verification process.

Verification at:

- <http://www.euclid.int/documents/bppe-initial.pdf>
- <http://www.euclid.int/documents/bppe-final.pdf>



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UPDATED INSTITUTIONAL MEMBERSHIP INFORMATION

EUCLID is a full member in good standing of the Association of African Universities which requires validation of the proper authorities for membership to be approved by the AAU Board.

Verification at:

- <http://www.aau.org/page/membership>
- <http://www.aau.org/Members%20in%20Good%20Standing>

The EUCLID SG is also a member of the International Association of University Presidents (IAUP) which requires that only Chief Executive Officers of accredited / recognized institutions be admitted.

Verification at:

- <http://iaup.org/about-iaup/what-is-iaup>
- <http://iaup.org/membership/member-list>

PART 2: REQUEST FOR UPDATE AND CLARIFICATION

In view of the above, we would like to ask the following specific questions:

- Is Verifile / Accredibase willing, at this time, to update/remove its 2011 Report and to acknowledge that it is now clarified and established that EUCLID (Euclid University) is indeed an international intergovernmental organization constituted a by a treaty described as its “constitutive text” and duly registered with and published by the United Nations?
- Is Verifile/Accredibase willing, at this time, to acknowledge that the 2011 Report’s allegation that EUCLID could be treated as California-based operation following the complaint you filed on 22 November 2011 was duly investigated and dismissed by the State of California BPPE?
- Is Verifile / Accredibase now willing to note and acknowledge that EUCLID has now been duly registered with UNESCO under the national entry for The Gambia, which directly addresses your concern that no country had not that?
- Is Verifile/Accredibase willing, at this time, to acknowledge that the Circular issued by the Ministry of Higher Education of the Gambia in 2013 together with the terms of the Headquarters Agreement address all the issues raised in your 2011 Report, including constitutive charter, degree granting authority and oversight?
- Is Verifile/Accredibase willing, at this time, to acknowledge the letter from the United Nations Secretariat stating that “both IAU/UNESCO and the UN



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Secretariat recognize Euclide - Pole Universitaire Euclide and the other four UN institutions you mentioned as being accredited?"

If the question addressed by your report was "What is the legal status of EUCLID (Euclid University)?" this issue is now settled by every possible means of validation: it is an international intergovernmental organization with international legal personality, constituted by treaty with a university charter and mandate. As a 'consortium of States' (under public international law), it is to be distinguished from the 'consortium of universities' (under private international law) which initially developed the programs. Yes, the relationship between the original consortium and EUCLID may seem confusing, but the documentation provided by EUCLID, the Participating States and the United Nations establishes without doubt the legal status of EUCLID (Euclid University) and its relationship with the previous Euclid consortium of universities.

Regarding the "utility of its degrees" which is also part of the 2011 Report title, the United Nations has confirmed in the cited letter that EUCLID degrees are acceptable for employment within the UN system, since the United Nations has vetted and published the EUCLID treaty which precisely states that the intergovernmental agreement exists "to ensure the international usefulness of the programs offered" (Article I).

It is primarily in view of the high cost of litigation in the United Kingdom that EUCLID has been patient and has opted to use the passing of time to address every conceivable concern or objection.

PART 3: COMPLIANCE WITH DATA PROTECTION ACT AND EU DIRECTIVE 95/46/EC

In view of the above, it can be documented to the UK Information Commissioner's Office that Verifile / Accredibase is in serious and multi-faceted violation of both of the above-cited texts. EUCLID is prepared to commence procedures with ICO should this be necessary.

In addition, similar procedures may be conducted with the bodies Verifile is affiliated with to inquire into Verifile's professionalism, accuracy and compliance with applicable standards in the EUCLID case.

EUCLID will begin these procedures on **02 June 2014** absent of satisfactory response to this communication.



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We believe that these updates are sufficient to turn the page on the Verifile / EUCLID dispute, but in addition to the above we reserve the right to have recourse for formal litigation in any jurisdiction where your Report is or has been accessible from, should this prove absolutely necessary.

However, we hope that you will see for the sake of your own credibility, a mutually agreeable resolution is possible at his time.

Should a mutually satisfactory resolution be found, EUCLID would agree not to maintain and escalate its range of options for proportional response vis-à-vis Verifile / Accredibase's past or ongoing publishing of a false and defamatory report.

Of course, please contact me should you require any details or other relevant documentation or information on any of the above.

Sincerely,

Syed Zahid Ali
Secretary General
Treaty Depositary
secgen@euclid.int