



HEADQUARTERS AND VISITING CAMPUS: CRM UNIVERSITE DE BANGUI, BP 157, BANGUI, CENTRAL AFRICAN REPUBLIC

TEL : (236) 21 61 52 80 * FAX : (236) 21 61 78 90

PERSONAL OFFICE OF THE SECRETARY-GENERAL: 55, FIRST FLOOR, FOUR SQUARE MALL, 21-A, BLOCK-2, PECHS, KARACHI, PAKISTAN

TEL : 92 (21) 452-8194 * FAX : 92 (21) 452-8195

WASHINGTON EXECUTIVE OFFICE: 1250 24TH ST. NW, SUITE 300 - WASHINGTON DC; 20037 - USA

TEL.: 1 (202) 263-3628 * FAX: 1 (202) 478-1690

INTERNET: WWW.EUCLID.INT * EMAIL: OFFICIAL@EUCLID.INT

COMMUNICATION

| | |
|---|--------------------------|
| Document Classification: | LEGAL INFORMATION |
| ATTN: MR EYAL BEN COHEN VERIFILE --- ACCREDIBASE | |
| Date and Time (US Format): | 1 February 2012 |
| • Sender (Auteur): Name (Nom) | SYED ZAHID ALI |
| • Directorate or Secretariat | SECRETARY GENERAL |
| Number of Pages: | 24 |

Notice: The message contained in this facsimile is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, or exempt from disclosure.

If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is prohibited. If you have received this communication in error, please notify us immediately by phone, fax or email. Thank you.

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.



EUCLID - EUCLIDE - أَقْلِيدِس
(Pôle Universitaire Euclide) (Euclid University)

HEADQUARTERS AND VISITING CAMPUS: CRM UNIVERSITE DE BANGUI, BP 157, BANGUI, CENTRAL AFRICAN REPUBLIC

TEL : (236) 21 61 52 80 * FAX : (236) 21 61 78 90

PERSONAL OFFICE OF THE SECRETARY-GENERAL: 55, FIRST FLOOR, FOUR SQUARE MALL, 21-A, BLOCK-2, PECHS, KARACHI, PAKISTAN

TEL : 92 (21) 452-8194 * FAX : 92 (21) 452-8195

WASHINGTON EXECUTIVE OFFICE: 1250 24TH ST. NW, SUITE 300 - WASHINGTON DC; 20037 - USA

TEL.: 1 (202) 263-3628 * FAX: 1 (202) 478-1690

INTERNET: WWW.EUCLID.INT * EMAIL: OFFICIAL@EUCLID.INT

Mr Eyal Ben Cohen
Verifile / Accredibase
Stannard Way, Priory Business Park
Bedford, MK44 3RZ
United Kingdom

Legally verified delivery: Fax: +44 (0) 1234 834671

Email: service@accredibase.com | ebc@verifile.co.uk

RE: REPLY TO "ACCREDIBASE REPORT"

1 February 2012

Dear Sir,

For some reason, I had not seen your email dated 19 December 2011 transmitting your report, but having been informed of its publication by other means and retrieved the email from December, we are now in a position to provide our reply and observations hereunder, and we still hope to reach a reasonable conclusion to this matter.

Of course, in the event that this reply would not convince you to reconsider the partial or total validity of your published report (which we hope it will do), we do expect this reply to be published on your site so as to provide any interested party and opportunity to consider EUCLID's response.

If there are factual errors in our reply, please let us know so that we may make appropriate corrections to this document.

Sincerely,

Syed Zahid Ali
Secretary-General

PS: the PDF of this report is downloadable at www.euclid.int/documents/reply.pdf



HEADQUARTERS AND VISITING CAMPUS: CRM UNIVERSITE DE BANGUI, BP 157, BANGUI, CENTRAL AFRICAN REPUBLIC

TEL : (236) 21 61 52 80 * FAX : (236) 21 61 78 90

PERSONAL OFFICE OF THE SECRETARY-GENERAL: 55, FIRST FLOOR, FOUR SQUARE MALL, 21-A, BLOCK-2, PECHS, KARACHI, PAKISTAN

TEL : 92 (21) 452-8194 * FAX : 92 (21) 452-8195

WASHINGTON EXECUTIVE OFFICE: 1250 24TH ST. NW, SUITE 300 - WASHINGTON DC; 20037 - USA

TEL.: 1 (202) 263-3628 * FAX: 1 (202) 478-1690

INTERNET: WWW.EUCLID.INT * EMAIL: OFFICIAL@EUCLID.INT

=== Beginning of Reply ===

A CONCERN WITH COMPETENCY AND ACCURACY

The report does indeed contain inaccurate, misinformed or counter-factual statement that will be documented in this response. The lack of authoritative references in the “report” is striking as it contains mostly reference to “our views” “seems” and other political opinions about the perceived ability of foreign government officials to understand basic legal documents and exercise any oversight.

The putative author, Mr Ben Cohen, (hereafter “the author”) does not seem to have any formal training in international law (he has an otherwise excellent MBA from Cranfield). The report also conveys strong personal opinions, one may even say dictates, on what foreign governments, the UN, the IAU and other officials should and should not do.

At one point, the author, acknowledging reluctantly that international universities do exist, writes:

“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.”

The author (“we”) “consider[s] this practice” (however well established under international and formally endorsed by every UN Member State) not to his liking and does not gain credibility by presenting himself as the self-appointed judge of proper practice by foreign governments, the United Nations, the UNESCO-based International Association of Universities, etc.

What this point illustrates is the contrast between legal facts and the personal opinions which ultimately defines this “report.

As a matter of fact, the United Nations as an organization did not establish the UNU; it was established by the UN Member States through a joint resolution (recently



EUCLID - EUCLIDE - اقليدس

(Pôle Universitaire Euclide) (Euclid University)

HEADQUARTERS AND VISITING CAMPUS: CRM UNIVERSITE DE BANGUI, BP 157, BANGUI, CENTRAL AFRICAN REPUBLIC

TEL : (236) 21 61 52 80 * FAX : (236) 21 61 78 90

PERSONAL OFFICE OF THE SECRETARY-GENERAL: 55, FIRST FLOOR, FOUR SQUARE MALL, 21-A, BLOCK-2, PECHS, KARACHI, PAKISTAN

TEL : 92 (21) 452-8194 * FAX : 92 (21) 452-8195

WASHINGTON EXECUTIVE OFFICE: 1250 24TH ST. NW, SUITE 300 - WASHINGTON DC; 20037 - USA

TEL.: 1 (202) 263-3628 * FAX: 1 (202) 478-1690

INTERNET: WWW.EUCLID.INT * EMAIL: OFFICIAL@EUCLID.INT

amended in 2010 to make UNU degree-granting).¹ The World Maritime University was not technically speaking established by IMO (a treaty-based organization that is also a UN specialized agency) but legally speaking by the IMO Member States through 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 1992.²

All of these documents formalize joint intergovernmental decisions having effect under international law. There are other similar universities (University for Peace, perhaps 14 in all worldwide³) created by joint government action under international law, but IAU only has 5 in that particular category, including EUCLID.

A CONCERN WITH NEUTRALITY

EUCLID is concerned with the ability of the likely author to write a neutral report in view of the context. One may say that reading the report produced by Mr Elyal Ben Cohen (assumed to be the main author) would be like reading a report written by an Israeli discussing ‘On the Statehood of Palestine and the international utility of its passports.’ In the context of the support offered by the Central African Republic and most African governments to Palestine’s full membership in UNESCO, and considering the article August 2011 featuring EUCLID in the Journal of the Organization of Islamic Cooperation,⁴ the issue of neutrality must be raised.

LEGAL FACTS AND OPINIONS

After admitting that international universities do exist and that they are globally recognized, the author decides to criticize this well-established practice of international law (the creation of international universities) on the grounds that it is “procedurally unfortunate, academically risky and generative of a high potential for confusion and dispute.” This statement is absolutely unjustified and there has never been any known issue with international universities. This objection is a mere political viewpoint without any factual backing or references to specific disputes, and this type of unfounded claim should alarm the reader.

¹ <http://documents-dds-ny.un.org/doc/UNDOC/GEN/N09/475/33/pdf/N0947533.pdf?OpenElement>

² <http://www.eui.eu/About/Convention.aspx>

³ See EUCLID’s paper on International Universities

⁴ http://issuu.com/oic-journal/docs/journal_issue18_english/50



EUCLID - EUCLIDE - اُقْلِيدِس

(Pôle Universitaire Euclide) (Euclid University)

HEADQUARTERS AND VISITING CAMPUS: CRM UNIVERSITE DE BANGUI, BP 157, BANGUI, CENTRAL AFRICAN REPUBLIC
TEL : (236) 21 61 52 80 * FAX : (236) 21 61 78 90

PERSONAL OFFICE OF THE SECRETARY-GENERAL: 55, FIRST FLOOR, FOUR SQUARE MALL, 21-A, BLOCK-2, PECHS, KARACHI, PAKISTAN
TEL : 92 (21) 452-8194 * FAX : 92 (21) 452-8195

WASHINGTON EXECUTIVE OFFICE: 1250 24TH ST. NW, SUITE 300 - WASHINGTON DC; 20037 - USA

TEL.: 1 (202) 263-3628 * FAX: 1 (202) 478-1690

INTERNET: WWW.EUCLID.INT * EMAIL: OFFICIAL@EUCLID.INT

In fact, international universities, precisely because they are established by agreements governed by international law, have the International Court of Justice and other international organs as mechanisms for dispute resolution, if such disputes were to occur.

A more objective conclusion would have been that all UN Member States are involved in international universities (degree-granting under international law), and that this has been standard practice since the 1970s.

The “review” continues:

“Euclid very recently was added to this list [of international universities], 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. In our view, the collection of MOUs and related documents are not sufficient to unambiguously establish a degree-granting entity.”

The above statement is inaccurate and misleading: EUCLID was added to the list upon the request of the “National Competent Bodies”⁵ after the Permanent Delegate of the Headquarters State to UNESCO personally delivered the file (they are all in the same UNESCO building) to IAU Director Mrs Turmaine, who also received concurrent confirmation and documentation from the Permanent Mission to the United Nations and from the National UNESCO Commission at the Ministry of Education. The basis of IAU’s inclusion of EUCLID is nothing “opaque” but the result of a well-established procedure since all the documents are publically posted, including on the United Nations’ own web site.

MISREPRESENTATION OF LEGAL FACTS

To refer to EUCLID’s constitutive agreement as a “collection of MOUs” is misinformed and misleading. It would be like referring to the EUI or University of Peace charters as a mere ‘collection of conventions’ or the Copenhagen Accord as ‘a bunch of note verbales.’

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



EUCLID - EUCLIDE - أَقْلِيدِس

(Pôle Universitaire Euclide) (Euclid University)

HEADQUARTERS AND VISITING CAMPUS: CRM UNIVERSITE DE BANGUI, BP 157, BANGUI, CENTRAL AFRICAN REPUBLIC
TEL : (236) 21 61 52 80 * FAX : (236) 21 61 78 90

PERSONAL OFFICE OF THE SECRETARY-GENERAL: 55, FIRST FLOOR, FOUR SQUARE MALL, 21-A, BLOCK-2, PECHS, KARACHI, PAKISTAN
TEL : 92 (21) 452-8194 * FAX : 92 (21) 452-8195

WASHINGTON EXECUTIVE OFFICE: 1250 24TH ST. NW, SUITE 300 - WASHINGTON DC; 20037 - USA

TEL.: 1 (202) 263-3628 * FAX: 1 (202) 478-1690

INTERNET: WWW.EUCLID.INT * EMAIL: OFFICIAL@EUCLID.INT

We are dealing here with two intergovernmental agreements governed by international law (and both are published in the United Nations Treaty Series) named **“Open Memorandum of Understanding (MOU) between the Participating EUCLID Parties regarding their Participation in the Educational Framework defined herein”** (UNTS I-49006) and **“Updated Framework Agreement regarding the Parties' Participation in EUCLID as Constituted and Defined herein”** (UNTS I-49007) respectively.

This second agreement (which is designated as “Framework Agreement”) simply clarifies and expands the first.

As will be documented below in further details, an MOU (Memorandum of Understanding) is described in the United Nations Treaty Handbook as “binding” and MOUs are registered in the UN Treaty Series under Article 102 of the UN Charter.

In addition, there is the headquarters agreement between EUCLID and the Government of the Central African Republic, also filed with the United Nations Treaty Section in 2011,⁶ due for publication in 2012.

The European University Institute, for instance, is also the result an initial agreement amended by a second one, which is why this institutions offers a “consolidated version of the Convention... without legal value.”⁷ This is obviously not a mere “collection” of documents.

That the intergovernmental agreement entitled “Open Memorandum of Understanding (MOU) between the Participating EUCLID Parties regarding their Participation in the Educational Framework defined herein” did establish EUCLID with its mandate is legal personality is plain from the language of Article I, and clear in EUCLID’s Statutes approved in Article III (considered as Annex and included in the United Nations publication). This is also referred to in the Protocol signed by the Minister of Foreign Affairs of Eritrea to initiate the registration process with the United Nations Treaty Section:

“The Institution / Organization is known as Euclid University (in English) and Pôle Universitaire Euclide / Université Euclide (in French), or simply as

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

⁷ <http://www.eui.eu/About/Convention.aspx>



EUCLID - EUCLIDE - اُقْلِيدِس

(Pôle Universitaire Euclide) (Euclid University)

HEADQUARTERS AND VISITING CAMPUS: CRM UNIVERSITE DE BANGUI, BP 157, BANGUI, CENTRAL AFRICAN REPUBLIC

TEL : (236) 21 61 52 80 * FAX : (236) 21 61 78 90

PERSONAL OFFICE OF THE SECRETARY-GENERAL: 55, FIRST FLOOR, FOUR SQUARE MALL, 21-A, BLOCK-2, PECHS, KARACHI, PAKISTAN

TEL : 92 (21) 452-8194 * FAX : 92 (21) 452-8195

WASHINGTON EXECUTIVE OFFICE: 1250 24TH ST. NW, SUITE 300 - WASHINGTON DC; 20037 - USA

TEL.: 1 (202) 263-3628 * FAX: 1 (202) 478-1690

INTERNET: WWW.EUCLID.INT * EMAIL: OFFICIAL@EUCLID.INT

“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 and fulfill its objectives”⁸

The “Updated Framework Agreement” is equally clear on the above, and denying the main point (that EUCLID’s was duly constituted under international law) is an untenable opinion.

“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...”⁹

In EUCLID’s letter to Mr Ben Cohen and in the EUCLID article entitled “Understanding the Legal Nature and Degree-Granting Authority of the Regional - International Universities,”¹⁰ the standard language used by governments to create intergovernmental bodies and “international universities” has been documented and is consistent. Additional clarification will be provided below.

If these two UN-registered multilateral agreements which are formally described in the text as EUCLID’s “constitutive document” do not establish its legal existence and degree-granting authority, then what does? If the intention of these governments is not to “ensure the international usefulness of the programs offered” by declaring that “herein,” “EUCLID is chartered to confer diplomas, degrees and completion certificates accredited by the ministries of Education of the Participating Parties”

⁸ UNTS I-49006, Annex (Statutes II.1)

⁹ UNTS I-49007, Annex (Statutes II.1)

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



HEADQUARTERS AND VISITING CAMPUS: CRM UNIVERSITE DE BANGUI, BP 157, BANGUI, CENTRAL AFRICAN REPUBLIC

TEL : (236) 21 61 52 80 * FAX : (236) 21 61 78 90

PERSONAL OFFICE OF THE SECRETARY-GENERAL: 55, FIRST FLOOR, FOUR SQUARE MALL, 21-A, BLOCK-2, PECHS, KARACHI, PAKISTAN

TEL : 92 (21) 452-8194 * FAX : 92 (21) 452-8195

WASHINGTON EXECUTIVE OFFICE: 1250 24TH ST. NW, SUITE 300 - WASHINGTON DC; 20037 - USA

TEL.: 1 (202) 263-3628 * FAX: 1 (202) 478-1690

INTERNET: WWW.EUCLID.INT * EMAIL: OFFICIAL@EUCLID.INT

then what will do? One may be reminded of US President Barack Obama having to constantly defend the fact that he was born indeed a US citizen.¹¹

It is on the record that the Ambassador of the Comoros to the United Nations and to United States, an academic man with a Doctorate from a French university, who has taught in France, the Comoros, and the United States, has written a clear reply to Verifile,¹² but the issues and concerns raised regarding the author's ability to produce an adequate report must once again be brought forward.

“OPAQUE”

The author poetically talks about an “opaque tangle,” but the only thing “opaque” (meaning “dark”) in this case seems to be the skin color of the government officials who approved the intergovernmental agreements in question. This seems to be the ultimate factor in this “review” since the author, in the final analysis, will be willing to dismiss even their clearest language as irrelevant and useless when issued by senior officials of “incapable” “nations.”

In fact, the constitutive intergovernmental agreement (a 2 page document in French and English with the Statutes as Annex) is both standard and crystal-clear:

OPEN MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE PARTICIPATING EUCLID PARTIES REGARDING THEIR PARTICIPATION IN THE EDUCATIONAL FRAMEWORK DEFINED HEREIN

The Participating Parties,

Building on various Euclid-related agreements signed in 2005, 2006 and 2007;

Seeking to promote the Sustainable Development of their nations, especially by promoting accessibility to higher education for special service groups such as Women, eligible government officials and staff, as well as for the general public;

Have agreed as follows:

Article I

The Parties are participating in EUCLID (also properly called Pôle Universitaire Euclide and Euclid University) which has legal personality, not-for-profit status, and such capacities as may be necessary to exercise its functions and fulfill its objectives.

¹¹ <http://www.whitehouse.gov/blog/2011/04/27/president-obamas-long-form-birth-certificate>

¹² <http://www.euclid.int/documents/mtverifile.pdf>



EUCLID - EUCLIDE - اُقْلِيدِس

(Pôle Universitaire Euclide) (Euclid University)

HEADQUARTERS AND VISITING CAMPUS: CRM UNIVERSITE DE BANGUI, BP 157, BANGUI, CENTRAL AFRICAN REPUBLIC
TEL : (236) 21 61 52 80 * FAX : (236) 21 61 78 90

PERSONAL OFFICE OF THE SECRETARY-GENERAL: 55, FIRST FLOOR, FOUR SQUARE MALL, 21-A, BLOCK-2, PECHS, KARACHI, PAKISTAN
TEL : 92 (21) 452-8194 * FAX : 92 (21) 452-8195

WASHINGTON EXECUTIVE OFFICE: 1250 24TH ST. NW, SUITE 300 - WASHINGTON DC; 20037 - USA

TEL.: 1 (202) 263-3628 * FAX: 1 (202) 478-1690

INTERNET: WWW.EUCLID.INT * EMAIL: OFFICIAL@EUCLID.INT

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.

The same language is used in all treaties and intergovernmental resolutions, and notably in those establishing the other international universities, as documented in our article on “international universities.”

Let us ask: do the other international universities not have degree-granting authority? After, the author may now point out that the EU governments failed to register the EUI convention with the United Nations Treaty Section for Article 102 registration (which is true), and that United Nations and IMO General Assembly resolutions do not quite have the same legally binding force as a multilateral agreement registered with the United Nations Treaty Section (which is also true). But EUCLID is, like Barack Obama, of “African descent” and therefore suspect.

EUCLID’S CONSTITUTIVE INSTRUMENT

The author continues:

“Euclid University was apparently brought into existence by an executive decision within the ownership of the original Euclid Consortium... 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.”

What is ‘apparent’ here is that the author has not carefully read or understood the documents in question. The legal fact is that EUCLID (Euclid University) was brought into existence by an intergovernmental agreement between the governments who signed the multilateral agreement through their authorized officials (ministers of foreign affairs, ministers of education, etc.), which indicated that EUCLID is defined and constituted HEREIN.



HEADQUARTERS AND VISITING CAMPUS: CRM UNIVERSITE DE BANGUI, BP 157, BANGUI, CENTRAL AFRICAN REPUBLIC
TEL : (236) 21 61 52 80 * FAX : (236) 21 61 78 90

PERSONAL OFFICE OF THE SECRETARY-GENERAL: 55, FIRST FLOOR, FOUR SQUARE MALL, 21-A, BLOCK-2, PECHS, KARACHI, PAKISTAN
TEL : 92 (21) 452-8194 * FAX : 92 (21) 452-8195

WASHINGTON EXECUTIVE OFFICE: 1250 24TH ST. NW, SUITE 300 - WASHINGTON DC; 20037 - USA

TEL.: 1 (202) 263-3628 * FAX: 1 (202) 478-1690

INTERNET: WWW.EUCLID.INT * EMAIL: OFFICIAL@EUCLID.INT

What was established in 2005 was the Euclid Consortium or Euclid Extension, an association of universities, not EUCLID (Euclid University) as should now be obvious. Although “Euclid University” was sometimes used in 2006 as a possible short English translation of the French name “Pôle d’Extension Universitaire Euclide,” this was not a formal name and the expression “Euclid University” was not used after 2007 to avoid any risk of perception that the “Pôle d’Extension Universitaire Euclide” had its own degree-granting authority.

“HYPOTHETICAL EXISTENCE”

The author continues:

“[the] MOUs don’t establish that authority, they simply refer to its hypothetical existence in member nations. 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.”

The section of the agreement pasted by the author is from the Updated Framework Agreement, not the Open Memorandum of Understanding, which serves to create confusion in the reader’s mind.

The above statement is legally and factually incorrect. The Open Memorandum of Understanding did establish that authority by stating that “defined herein” is EUCLID’s legal charter and mandate, exactly in the same language that is always used when an intergovernmental body is established.

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 to the established legal practice, to the act of defining and constituting.** The French language (which Mr Ben Cohen may not be conversant with) is always used for this purpose¹³ in the present tense and the English can be either the direct translation

¹³ See also Anthony Aust, Modern Treaty Law and Practice, 432



EUCLID – EUCLIDE – اُقْلِيدِس

(Pôle Universitaire Euclide) (Euclid University)

HEADQUARTERS AND VISITING CAMPUS: CRM UNIVERSITE DE BANGUI, BP 157, BANGUI, CENTRAL AFRICAN REPUBLIC

TEL : (236) 21 61 52 80 * FAX : (236) 21 61 78 90

PERSONAL OFFICE OF THE SECRETARY-GENERAL: 55, FIRST FLOOR, FOUR SQUARE MALL, 21-A, BLOCK-2, PECHS, KARACHI, PAKISTAN

TEL : 92 (21) 452-8194 * FAX : 92 (21) 452-8195

WASHINGTON EXECUTIVE OFFICE: 1250 24TH ST. NW, SUITE 300 - WASHINGTON DC; 20037 - USA

TEL.: 1 (202) 263-3628 * FAX: 1 (202) 478-1690

INTERNET: WWW.EUCLID.INT * EMAIL: OFFICIAL@EUCLID.INT

(present tense) or “shall.” Recent European practice¹⁴ 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.

| 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 |

¹⁴ 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)



EUCLID - EUCLIDE - اُقْلِيدِس

(Pôle Universitaire Euclide) (Euclid University)

HEADQUARTERS AND VISITING CAMPUS: CRM UNIVERSITE DE BANGUI, BP 157, BANGUI, CENTRAL AFRICAN REPUBLIC

TEL : (236) 21 61 52 80 * FAX : (236) 21 61 78 90

PERSONAL OFFICE OF THE SECRETARY-GENERAL: 55, FIRST FLOOR, FOUR SQUARE MALL, 21-A, BLOCK-2, PECHS, KARACHI, PAKISTAN

TEL : 92 (21) 452-8194 * FAX : 92 (21) 452-8195

WASHINGTON EXECUTIVE OFFICE: 1250 24TH ST. NW, SUITE 300 - WASHINGTON DC; 20037 - USA

TEL.: 1 (202) 263-3628 * FAX: 1 (202) 478-1690

INTERNET: WWW.EUCLID.INT * EMAIL: OFFICIAL@EUCLID.INT

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 to be degree-granting by this standard language but only have “hypothetical existence,” the 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



EUCLID – EUCLIDE – اُقْلِيدِس

(Pôle Universitaire Euclide) (Euclid University)

HEADQUARTERS AND VISITING CAMPUS: CRM UNIVERSITE DE BANGUI, BP 157, BANGUI, CENTRAL AFRICAN REPUBLIC

TEL : (236) 21 61 52 80 * FAX : (236) 21 61 78 90

PERSONAL OFFICE OF THE SECRETARY-GENERAL: 55, FIRST FLOOR, FOUR SQUARE MALL, 21-A, BLOCK-2, PECHS, KARACHI, PAKISTAN

TEL : 92 (21) 452-8194 * FAX : 92 (21) 452-8195

WASHINGTON EXECUTIVE OFFICE: 1250 24TH ST. NW, SUITE 300 - WASHINGTON DC; 20037 - USA

TEL.: 1 (202) 263-3628 * FAX: 1 (202) 478-1690

INTERNET: WWW.EUCLID.INT * EMAIL: OFFICIAL@EUCLID.INT

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 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



EUCLID - EUCLIDE - اقليدس

(Pôle Universitaire Euclide) (Euclid University)

HEADQUARTERS AND VISITING CAMPUS: CRM UNIVERSITE DE BANGUI, BP 157, BANGUI, CENTRAL AFRICAN REPUBLIC
TEL : (236) 21 61 52 80 * FAX : (236) 21 61 78 90

PERSONAL OFFICE OF THE SECRETARY-GENERAL: 55, FIRST FLOOR, FOUR SQUARE MALL, 21-A, BLOCK-2, PECHS, KARACHI, PAKISTAN
TEL : 92 (21) 452-8194 * FAX : 92 (21) 452-8195

WASHINGTON EXECUTIVE OFFICE: 1250 24TH ST. NW, SUITE 300 - WASHINGTON DC; 20037 - USA

TEL.: 1 (202) 263-3628 * FAX: 1 (202) 478-1690

INTERNET: WWW.EUCLID.INT * EMAIL: OFFICIAL@EUCLID.INT

personality,¹⁵ 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.

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 institutions 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 Peace¹⁶ and the United Nations University¹⁷ 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. 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 State.

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.

The headquarters agreement was likewise registered in 2011 with the United Nations by the Permanent Mission of the Central African Republic. Yes, the Participating States could build on the work accomplished by the Euclid Consortium in terms of program development (the same pattern is seen in the African Virtual University for instance), is clearly an institution constituted on the model of the other international universities.

¹⁵ <http://www.osce.org/secretariat/36184>

¹⁶ <http://treaties.un.org/Pages/showDetails.aspx?objid=08000002800e0597>

¹⁷ <http://treaties.un.org/Pages/showDetails.aspx?objid=0800000280102344>



HEADQUARTERS AND VISITING CAMPUS: CRM UNIVERSITE DE BANGUI, BP 157, BANGUI, CENTRAL AFRICAN REPUBLIC

TEL : (236) 21 61 52 80 * FAX : (236) 21 61 78 90

PERSONAL OFFICE OF THE SECRETARY-GENERAL: 55, FIRST FLOOR, FOUR SQUARE MALL, 21-A, BLOCK-2, PECHS, KARACHI, PAKISTAN

TEL : 92 (21) 452-8194 * FAX : 92 (21) 452-8195

WASHINGTON EXECUTIVE OFFICE: 1250 24TH ST. NW, SUITE 300 - WASHINGTON DC; 20037 - USA

TEL.: 1 (202) 263-3628 * FAX: 1 (202) 478-1690

INTERNET: WWW.EUCLID.INT * EMAIL: OFFICIAL@EUCLID.INT

ON “CHAIN LETTERS” AND INTERGOVERNMENTAL AGREEMENTS

By using the expression “chain of MOUs,” the author seems to have failed to grasp the procedure in which intergovernmental agreements enter into force: bilaterally upon two signatures and multilaterally upon three. The agreement remains into force under international law as long as it has at least two parties. The author may have missed this part of the text:

“The constitutive and participatory instrument (‘EUCLID MOU’) enters into force on the day upon which at least two signatories have approved it” (Article III, Statutes XI. par1) and “it shall enter into force on the date of signature by two Parties” (Framework Agreement, Article VI).

ON BEING “INCAPABLE” AND “WITHOUT MEANING”

The article goes on:

“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. Also, some of these nations are clearly incapable of overseeing a university, so any reference to them as “chartering” or “accrediting” is without meaning.”

Of course, the same language could be used for the United Nations University, the European University Institute, the University for Peace, etc.

What is also very concerning is that the author feels empowered to dismiss all legal terms, however clear and plain, based on the subjective determination that some nations are incapable of oversight.

“USEFUL”

That the “MOU” (not MOUs, as updated by the Framework Agreement) is “useful” are obvious to everyone but the biased author: useful to secure registration and publication in the United Nations Treaty Series, useful to be validated for a “.int” domain name, useful to have its name and emblem protected under treaty law in more than 150 countries, useful to sign a formal headquarters agreement, useful to be classified as one the world’s 5 international universities, useful to be approved and funded by the European Commission to provide high education to 60 teachers of



HEADQUARTERS AND VISITING CAMPUS: CRM UNIVERSITE DE BANGUI, BP 157, BANGUI, CENTRAL AFRICAN REPUBLIC
TEL : (236) 21 61 52 80 * FAX : (236) 21 61 78 90

PERSONAL OFFICE OF THE SECRETARY-GENERAL: 55, FIRST FLOOR, FOUR SQUARE MALL, 21-A, BLOCK-2, PECHS, KARACHI, PAKISTAN
TEL : 92 (21) 452-8194 * FAX : 92 (21) 452-8195

WASHINGTON EXECUTIVE OFFICE: 1250 24TH ST. NW, SUITE 300 - WASHINGTON DC; 20037 - USA

TEL.: 1 (202) 263-3628 * FAX: 1 (202) 478-1690

INTERNET: WWW.EUCLID.INT * EMAIL: OFFICIAL@EUCLID.INT

the Eritrea Ministry of Education. Incidentally, completing this project was the primary role of the EUCLID Diegem-Brussels liaison secretariat, which the author seems to have misunderstood.

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 signature, as is the case in all intergovernmental agreements having treaty status and as is in the case some of the other international universities.

In the case of the University for Peace, some (or perhaps most) of the Member States¹⁸ would probably be described by Mr Ben Cohen 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, it did not sign “chain-letter as recognizing authorization issued somewhere else” but acted in accordance with the most basic principles of international law.

A MATTER OF CONSISTENCY

The author’s difficulty with consistency appears in the next paragraph:

“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.”

And neither do the other 4 international universities, of course. Only the headquarters state does the listing, and the institution should be under “regional / international” as is the case of the international universities and for EUCLID.

¹⁸ http://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XIV-6&chapter=14&lang=en



EUCLID - EUCLIDE - اُقْلِيدِس

(Pôle Universitaire Euclide) (Euclid University)

HEADQUARTERS AND VISITING CAMPUS: CRM UNIVERSITE DE BANGUI, BP 157, BANGUI, CENTRAL AFRICAN REPUBLIC

TEL : (236) 21 61 52 80 * FAX : (236) 21 61 78 90

PERSONAL OFFICE OF THE SECRETARY-GENERAL: 55, FIRST FLOOR, FOUR SQUARE MALL, 21-A, BLOCK-2, PECHS, KARACHI, PAKISTAN

TEL : 92 (21) 452-8194 * FAX : 92 (21) 452-8195

WASHINGTON EXECUTIVE OFFICE: 1250 24TH ST. NW, SUITE 300 - WASHINGTON DC; 20037 - USA

TEL.: 1 (202) 263-3628 * FAX: 1 (202) 478-1690

INTERNET: WWW.EUCLID.INT * EMAIL: OFFICIAL@EUCLID.INT

The “review” continues on the same fundamental lack of understanding which treats EUCLID one way, and the other 4 international universities in another way:

“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. 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.”

The matter at hand is rather simple. EUCLID began as an academic initiative sponsored by the rector of the University of Bangui, Faustin Touadera. When the Euclid programs were adopted by several governments to train their staff, EUCLID was formally constituted as an international intergovernmental organization for this primary purpose. When the rector of the University of Bangui, the same Faustin Touadera became Prime Minister (Dr Touadera holds two doctorates in mathematics), he signed the instrument of participation on behalf of the Central African Republic and EUCLID naturally chose Bangui for its headquarters agreement which was approved after Dr Touadera was reappointed as Prime Minister for the third time, following democratic elections. The University of Bangui is the national university; EUCLID is an international organization (like the UN, the World Bank, NATO or the European University Institute) headquartered in that country with the University of Bangui as visiting campus, exactly as the IMO International institute has the University of Malta as visiting campus.

That “Euclid University is an entity separate from the University of Bangui” is obvious to everyone, since EUCLID has signed a formal and standard headquarters agreement with the Government of the Central African Republic.

‘Euclid is NOT a Central African Republic college’ to paraphrase and correct the author’s statement, just as UNU is not a Japanese college and not listed in the UNESCO/IAU under Japan but under “regional / international.” EIU is not an Italian College and WMU is not a Swedish college. It is that simple.



HEADQUARTERS AND VISITING CAMPUS: CRM UNIVERSITE DE BANGUI, BP 157, BANGUI, CENTRAL AFRICAN REPUBLIC
TEL : (236) 21 61 52 80 * FAX : (236) 21 61 78 90

PERSONAL OFFICE OF THE SECRETARY-GENERAL: 55, FIRST FLOOR, FOUR SQUARE MALL, 21-A, BLOCK-2, PECHS, KARACHI, PAKISTAN
TEL : 92 (21) 452-8194 * FAX : 92 (21) 452-8195

WASHINGTON EXECUTIVE OFFICE: 1250 24TH ST. NW, SUITE 300 - WASHINGTON DC; 20037 - USA

TEL.: 1 (202) 263-3628 * FAX: 1 (202) 478-1690

INTERNET: WWW.EUCLID.INT * EMAIL: OFFICIAL@EUCLID.INT

The review continues on the same vein, and the author now calls a UN-registered multilateral agreement an “academic chain letter” which again shows a complete lack of understanding of international law as well as a complete disdain for the competency and legal expertise of the participating governments.

It is unclear what consultants and experts in international law the author has consulted to produce his “report.” By contrast, the EUCLID Secretary-General, in his function as depositary of a multilateral agreement, has in the past retained Anthony Aust (author of the classic textbook “Modern Treaty Law and Practice”) as legal consultant and can rely on the expertise of the former Executive Director of the Treaty Secretariat of Australia’s government as faculty member.

UNDERSTANDING INTERNATIONAL LAW AND INTERNATIONAL UNIVERSITIES

Finally, the article has a good section with questions a – f and answers A – F. These good points appear to be taken from EUCLID’s October 2011 letter to Mr Ben Cohen, which is fine.

All of these points actually confirm that EUCLID (like the other 4 “regional / international”) is a perfectly valid degree-granter that was established and functions like the other international universities. If the author did not dismiss developing nations and their governments as “incapable,” the matter would be settled.

However, the author then writes:

“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.”

There is no such misunderstanding and there is no such thing as an “MOU cluster.” When the UN processes a Memorandum of Understanding for filing under Article 102 of the Charter, it may seek clarification and confirmation from the contracting States to proceed.¹⁹ IAU was duly informed that that the clarification procedure had been

¹⁹ United Nations Treaty Handbook
(<http://treaties.un.org/doc/source/publications/THB/English.pdf>), pages 27, 61.



HEADQUARTERS AND VISITING CAMPUS: CRM UNIVERSITE DE BANGUI, BP 157, BANGUI, CENTRAL AFRICAN REPUBLIC
TEL : (236) 21 61 52 80 * FAX : (236) 21 61 78 90

PERSONAL OFFICE OF THE SECRETARY-GENERAL: 55, FIRST FLOOR, FOUR SQUARE MALL, 21-A, BLOCK-2, PECHS, KARACHI, PAKISTAN
TEL : 92 (21) 452-8194 * FAX : 92 (21) 452-8195

WASHINGTON EXECUTIVE OFFICE: 1250 24TH ST. NW, SUITE 300 - WASHINGTON DC; 20037 - USA
TEL.: 1 (202) 263-3628 * FAX: 1 (202) 478-1690

INTERNET: WWW.EUCLID.INT * EMAIL: OFFICIAL@EUCLID.INT

completed in December 2010 (which is why it takes long time for the UN to register and publish international agreements) and that the Participating States (through their Permanent Representatives in New York) had confirmed to the UN Legal Counsel that they viewed EUCLID as an international organization. There is no “misunderstanding” at the IAU; rather the proper application of factual, non-political, non-biased and well-defined rules and procedures.

Again, we see that the same mechanism that operates with UNU, EUI, SWU applies here – there is oversight by the Participating Governments who have done their homework when approving their participation. A case in point is the Government of Timor-Leste which did a two-step process to ensure that all the programs and processes were adequate, as is documented.²⁰

The mention of “Senegal” is extremely vague – there is no reference to the particular person who replied to the ‘Accredibase’ query (and the query may itself have been misleading) – and one can only speculate as to the nature of the “doubt” that may have been expressed. It is a matter of public record that the official letter (reference 00117 dated 10 May 2010) of the Presidency of the Republic of Senegal is on file at the United Nations Treaty Section (and the Presidency of Senegal). Senegal, it should be pointed out, is a Participating State in 4 of the 5 international universities (UNU, University for Peace, WMU, IMO and EUCLID).

ON THE CONCERNING LACK OF FACT-CHECKING

There is more counter-factual information in the review, for instance the statement that 3 EUCLID Participating States do not (allegedly) even have a university: Comoros, Saint Vincent and Vanuatu.

This is of course absurd and illustrates the poor quality of the research conducted: Comoros has the national University of the Comoros located in Moroni and mentioned in the EUCLID News page; Vanuatu has the University of the South Pacific (technically another type of international university with a campus in Port Vila); Saint Vincent has several colleges²¹ and participates in the University of the West Indies (almost considered as an international university as well).

²⁰ <http://www.euclid.int/documents/timorleste-noteverbale.pdf>

²¹

http://www.iesalc.unesco.org/ve/index.php?option=com_fabrik&c=form&view=details&Itemid=434&fabrik=10&rowid=26&tableid=10 and <http://allsaintsu.org/>



HEADQUARTERS AND VISITING CAMPUS: CRM UNIVERSITE DE BANGUI, BP 157, BANGUI, CENTRAL AFRICAN REPUBLIC
TEL : (236) 21 61 52 80 * FAX : (236) 21 61 78 90

PERSONAL OFFICE OF THE SECRETARY-GENERAL: 55, FIRST FLOOR, FOUR SQUARE MALL, 21-A, BLOCK-2, PECHS, KARACHI, PAKISTAN
TEL : 92 (21) 452-8194 * FAX : 92 (21) 452-8195

WASHINGTON EXECUTIVE OFFICE: 1250 24TH ST. NW, SUITE 300 - WASHINGTON DC; 20037 - USA

TEL.: 1 (202) 263-3628 * FAX: 1 (202) 478-1690

INTERNET: WWW.EUCLID.INT * EMAIL: OFFICIAL@EUCLID.INT

The author did not realize – it seems – that UNESCO/IAU includes national and international entries when requested to do so by the competent national bodies, and that these three countries have not opted to do so.

“PARTNERSHIP NATIONS”

The author continues this “review” with the same refrain: “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.”

The existence of international universities and intergovernmental organizations is a constant denial of Mr Ben Cohen’s doctrine on this matter. It might be appropriate to cite the United Nations’ own Treaty Handbook:

“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.”²²

There are exactly 1434 MOUs registered and published in the United Nations Treaty Series, one reason being that “memorandum of understanding” is the preferred designation within the Commonwealth. In 2009, ASEAN nations used an MOU to create the ASEAN-China Center under international law²³ and the Commonwealth itself constituted through an “Agreed Memorandum.” Moreover, the second agreement is called “Updated Framework Agreement,” not MOU. “Framework Agreement” is another standard designation for bilateral and multilateral treaties: the UN Treaty Series database lists 78 such agreements.

The educated reader now understands that “MOUs and similar material” actually refers to intergovernmental agreements binding under international law recognized as such by the United Nations after consultation with the Participating Parties. These agreement, in accordance with Article 102 of the UN Charter, can be invokes by the UN Member States before the organs of the United Nations, especially the International Court of Justice.

²² UN Treaty Handbook, page 61 (<http://treaties.un.org/doc/source/publications/THB/English.pdf>)

²³ <http://www.asean.org/15thsummit/MoU-Establishing-ASEAN-China.pdf>



HEADQUARTERS AND VISITING CAMPUS: CRM UNIVERSITE DE BANGUI, BP 157, BANGUI, CENTRAL AFRICAN REPUBLIC
TEL : (236) 21 61 52 80 * FAX : (236) 21 61 78 90

PERSONAL OFFICE OF THE SECRETARY-GENERAL: 55, FIRST FLOOR, FOUR SQUARE MALL, 21-A, BLOCK-2, PECHS, KARACHI, PAKISTAN
TEL : 92 (21) 452-8194 * FAX : 92 (21) 452-8195

WASHINGTON EXECUTIVE OFFICE: 1250 24TH ST. NW, SUITE 300 - WASHINGTON DC; 20037 - USA

TEL.: 1 (202) 263-3628 * FAX: 1 (202) 478-1690

INTERNET: WWW.EUCLID.INT * EMAIL: OFFICIAL@EUCLID.INT

The reader also knows that this legal mechanism is exactly how the other “international universities” were established, which the author describes as “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.” Of course, we have seen that every single UN Member State accepts this concept (through UNGA resolutions, membership in UNU and WSU, among other elements) and that the legal case of quite clear: international law always has precedence of domestic provision as the Vienna Convention on the Law of Treaties explains:

Article 27 - Internal law and observance of treaties: A party may not invoke the provisions of its internal law as justification for its failure to perform a treaty.²⁴

It may perhaps be said that the concept has “never been tested” because it is in full operation internationally and cannot in fact be legally challenged.

However, the author wishes to be lenient with what he will allow the world’s governments to do on the international plane:

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

Having now invented the new term “partnership nations,” the author mercifully grants them permission (“may”) to exercise their sovereign prerogatives.

ANSWER TO THE AUTHOR’S “REQUEST FOR PROOF”

The author concludes his “review” by requesting that the following questions be answered:

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

We have shown that as an international intergovernmental organization, EUCLID is exactly like the other international universities, and not like the purely national

²⁴ <http://untreaty.un.org/cod/avl/ha/vclt/vclt.html>



EUCLID - EUCLIDE - اُقْلِيدِس

(Pôle Universitaire Euclide) (Euclid University)

HEADQUARTERS AND VISITING CAMPUS: CRM UNIVERSITE DE BANGUI, BP 157, BANGUI, CENTRAL AFRICAN REPUBLIC

TEL : (236) 21 61 52 80 * FAX : (236) 21 61 78 90

PERSONAL OFFICE OF THE SECRETARY-GENERAL: 55, FIRST FLOOR, FOUR SQUARE MALL, 21-A, BLOCK-2, PECHS, KARACHI, PAKISTAN

TEL : 92 (21) 452-8194 * FAX : 92 (21) 452-8195

WASHINGTON EXECUTIVE OFFICE: 1250 24TH ST. NW, SUITE 300 - WASHINGTON DC; 20037 - USA

TEL.: 1 (202) 263-3628 * FAX: 1 (202) 478-1690

INTERNET: WWW.EUCLID.INT * EMAIL: OFFICIAL@EUCLID.INT

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.

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

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.

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.

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

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.”



HEADQUARTERS AND VISITING CAMPUS: CRM UNIVERSITE DE BANGUI, BP 157, BANGUI, CENTRAL AFRICAN REPUBLIC
TEL : (236) 21 61 52 80 * FAX : (236) 21 61 78 90

PERSONAL OFFICE OF THE SECRETARY-GENERAL: 55, FIRST FLOOR, FOUR SQUARE MALL, 21-A, BLOCK-2, PECHS, KARACHI, PAKISTAN
TEL : 92 (21) 452-8194 * FAX : 92 (21) 452-8195

WASHINGTON EXECUTIVE OFFICE: 1250 24TH ST. NW, SUITE 300 - WASHINGTON DC; 20037 - USA

TEL.: 1 (202) 263-3628 * FAX: 1 (202) 478-1690

INTERNET: WWW.EUCLID.INT * EMAIL: OFFICIAL@EUCLID.INT

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. 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..."

CONCLUSION

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

- (1) That the Memorandum of Understanding is a "constitutive" text, reaffirmed in the subsequent Framework Agreement
- (2) That these multilateral agreements, published by the United Nations Treaty Section, are governed by international law
- (3) That the use of the present tense does not refer to "hypothetical existence" but rather to standard language to constitute an institution.
- (4) 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, we still express 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 for other reasons? The issue of neutrality,



EUCLID - EUCLIDE - أَقْلِيدِس
(Pôle Universitaire Euclide) (Euclid University)

HEADQUARTERS AND VISITING CAMPUS: CRM UNIVERSITE DE BANGUI, BP 157, BANGUI, CENTRAL AFRICAN REPUBLIC

TEL : (236) 21 61 52 80 * FAX : (236) 21 61 78 90

PERSONAL OFFICE OF THE SECRETARY-GENERAL: 55, FIRST FLOOR, FOUR SQUARE MALL, 21-A, BLOCK-2, PECHS, KARACHI, PAKISTAN

TEL : 92 (21) 452-8194 * FAX : 92 (21) 452-8195

WASHINGTON EXECUTIVE OFFICE: 1250 24TH ST. NW, SUITE 300 - WASHINGTON DC; 20037 - USA

TEL.: 1 (202) 263-3628 * FAX: 1 (202) 478-1690

INTERNET: WWW.EUCLID.INT * EMAIL: OFFICIAL@EUCLID.INT

compounded with the lack of training in international law, cannot be dismissed in this instance.

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 ===