Case 942/2024/MIK

DEMOS

KRAJEWSKI Michal <michal.krajewski@ombudsman.europa.eu> Wed, Jun 5, 2024, 6:10 PM
to me

Dear Mr Carter,

I am writing in reference to the complaint you submitted to the European Ombudsman and which we registered on 2 May 2024.

Due to the complexity of your complaint and the many attachments you provided, we need additional time to examine whether your complaint is admissible and whether there are grounds for the European Ombudsman to open an inquiry.

We will be in touch with you in this regard during the month of June 2024.

With kind regards,

Michał Krajewski

Inquiries Officer

European Ombudsman

Directorate of Inquiries

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B-1000 Brussels

www.ombudsman.europa.eu

M

Miguel Carter <miguelcarter.4@gmail.com> Jun 7, 2024, 7:00 AM
to **KRAJEWSKI**,

Dear Mr Krajewski,

Thank you for your email.

I appreciate your interest in making a thorough review of our complaint and fully understand your need for extra time.

It's a complex case and one that involves extensive correspondence with European Commission officials, as well as relevant contract documents.

Please let us know if you have any further questions or need for clarification.

As you know from the attachments sent, our volume *Voices of the People* was produced in Portuguese. However, we also prepared an English translation, which we have been unable to publish since mid 2022. If you would like to see this text, we can forward a copy of the manuscript.

Since we submitted the complaint, we have had scores of scholars, journalists and civic leaders sign our petition to EU authorities. We will soon be updating our website (vozesdopovo.org) with this new information. Below you will find a partial list of intellectuals who have signed our petition.

Again, thank you for looking into this matter with good care.

Kind regards, Miguel

Miguel Carter, PhD
Director

DEMOS
Democracia • Creatividad • Inclusión Social

Mobile & WhatsApp [redacted]
Email: miguelcarter.4@gmail.com
Website: www.demos.org.py

Supporters of the *Voices of the People* Petition

Over 450 scholars, journalists, artists and civic leaders from 45 countries have signed the *Voices of the People* petition to European Union authorities.

We urge EU authorities to:

- Lift all restrictions imposed on the publication of the *Voices of the People* book and facilitate broad access to this innovative study in Africa.
- Review the facts of the case and establish measures to prevent infringements of academic freedom in EU-funded projects.
- Support initiatives that strive to listen to the voices of the people and generate knowledge and ideas designed to strengthen democracy's *demos* and enhance civic capabilities.

AFRICA
Iva Maria Cabral, Rector, Mindelo University / Daughter of Amílcar Cabral (Cabo Verde)
Fantu Cheru, Bahirdar University (Ethiopia)
George M. Bob-Milliar, Kwame Nkrumah University of Science and Technology (Ghana)
Aristides Gomes, Former Prime Minister (Guinea-Bissau)
Nelvina Barreto, Author, Civic leader (Guinea-Bissau)
Dautarin da Costa, Former Minister of Education (Guinea-Bissau)
Reginald M. J. Odour, University of Nairobi (Kenya)
Chapane Mutiua, Center for African Studies, Eduardo Mondlane University (Mozambique)
Demba Moussa Dembele, ARCADE (Senegal)
Eltayeb Dawelbait, painter (Sudan / Kenya)
Issa G. Shivji, University of Dar es Salaam (Tanzania)

EUROPE
Pedro Oliveira, Copenhagen Business School (Denmark)
Michel Cahen, Sciences Po Bordeaux / Emeritus Research Director CNRS (France)
William Fisher, The American University of Paris (France)
Vincent Foucher, Science Po Bordeaux / CNRS (France)
Donatella Della Porta, Faculty of Political and Social Sciences, Scuola Normale Superiore (Italy)
Mohammed Hashas, Tor Vergata University of Rome (Italy / Morocco)
Olle Törnquist, University of Oslo (Norway)
Olga Pombo, University of Lisbon (Portugal)
Orlando Rodrigues, Polytechnic Institute of Braganca (Portugal)
Clara Carvalho, ISCTE, University Institute of Lisbon (Portugal)
Andrés Malamud, Institute of Social Sciences, University of Lisbon (Portugal / Argentina)
Manuel Alcántara-Sáez, University of Salamanca (Spain)
Lars Rudebeck, University of Uppsala (Sweden)
Bo Rothstein, University of Gothenburg (Sweden)
Anders Sjögren, University of Uppsala (Sweden)
Naïma Maggetti, University of Geneva (Switzerland)
Pedro Cerdeira, University of Geneva (Switzerland)
Elísio Macamo, University of Basel (Switzerland / Mozambique)
Karel J. Van der Lelij, The Hague University of Applied Sciences (The Netherlands)
Dzodzi Tsikata, SOAS, University of London (United Kingdom / Ghana)
Toby Green, King's College London (United Kingdom)
Kathryn Hoschtetler, London School of Economics (United Kingdom)
Andrew Nickson, University of Birmingham (United Kingdom)
Fiona Macaulay, University of Bradford (United Kingdom)
Leslie Bethell, University of Oxford / Brazilian Academy of Letters (United Kingdom / Brazil)

LATIN AMERICA
Mario Pecheny, University of Buenos Aires / director, CONICET (Argentina)
Catalina Smulovitz, Torcuato Di Tella University / CONICET (Argentina)
Marcelo Saguier, San Martín National University / CONICET (Argentina)
Isidoro Cheresky, University of Buenos Aires / CONICET (Argentina)
Ignacio Telesca , National University of Formosa / CONICET (Argentina)
Renato Janine Ribeiro, President of the Brazilian Society for the Advancement of Science / Former Minister of Education (Brazil)
Leonardo Boff, State University of Rio de Janeiro, UERJ (Brazil)
João Pedro Stedile, Landless Rural Workers' Movement, MST (Brazil)
Leonilde Sérvolo de Medeiros, Federal Rural University of Rio de Janeiro, UFRRJ (Brazil)
Eduardo Viola, University of São Paulo (Brazil)
Bernardo Mançano Fernandes, State University of São Paulo, UNESP (Brazil)
Jurandir Malerba, Federal University of Rio Grande do Sul, UFRGS (Brazil)
Fábio Kerche, Federal University of the State of Rio de Janeiro, UNiRIO (Brazil)
Mara Telles, Federal University of Minas Gerais, UFMG (Brazil)
Aldo Dinucci, Federal University of Espírito Santo, UFES (Brazil)
Juan Pablo Luna, Pontifical Catholic University (Chile / Uruguay)
Claudia Heiss, Universidad de Chile (Chile)
Alberto J. Olvera, ITESO, Jesuit University of Guadalajara (Mexico)
Peter Rosset, ECOSUR (Mexico)
Ricardo Timm de Souza, Pontifical Catholic University of Rio Grande do Sul, PUCRS (Brazil)
David Velázquez, National University of Villarrica del Espíritu Santo, UNVES (Paraguay)
Rosa María Ortiz, Former Rapporteur, Inter-American Commission on Human Rights, IACHR (Paraguay)
Benjamín Fernández, Journalist and author, Radio Libre, 5Días (Paraguay)
Alfredo Boccia, Author and journalist, Última Hora (Paraguay)
Víctor-Jacinto Flecha, President, PEN Club (Paraguay)
María Pilar García-Guadilla, Simón Bolívar University (Venezuela)

UNITED STATES & CANADA
José Carlos Curto, York University / Former President of Lusophone Studies Association (Canada)
Mahmood Mamdani, Columbia University (USA / Uganda)
Anne Pitcher, President of the African Studies Association / University of Michigan (USA)
Kenneth Paul Erickson, City University of New York, CUNY (USA)
Deborah Bräutigam, Johns Hopkins University (USA)
Sidney Greenfield, University of Wisconsin-Milwaukee (USA)
Maxine L. Margolis, University of Florida (USA)
Ralph Della Cava, City University of New York, CUNY (USA)
Joshua B. Forrest, La Roche University (USA)
Marcela Gaviria, PBS Frontline (USA)
James M. Jasper, City University of New York, CUNY (USA)

Shepard Forman, New York University, Former Adviser to Head of UNIOGBIS in Guinea-Bissau (USA)
Javier Auyero, University of Texas at Austin (USA / Argentina)
Aníbal Pérez-Liñán, University of Notre Dame, (USA / Argentina)

OCEANIA
Anitra Nelson, University of Melbourne (Australia)

*** Institutional affiliation for identification purposes only.*

K

KRAJEWSKI Michal <michal.krajewski@ombudsman.europa.eu> Jun 10, 2024, 8:27 PM
to me

Dear Mr Carter,

I hope my message finds you well.

I am writing to ask you for a short phone call. I would like to ask two questions:
1) what was the original agreement and the subsequent addendum with regard to the publication of your study?
2) what are exactly the practical problems involved in the Commission's solution of granting you the permission to publish the study and distribute it free of charge, because of which you have found that solution unacceptable.

Please let me know if you are available for this phone call still today, tomorrow any time except 11-12 CET, or Thursday/Friday any time.

Looking forward to hearing from you,

Michał Krajewski

Inquiries Officer

European Ombudsman

Directorate of Inquiries

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M

Miguel Carter <miguelcarter.4@gmail.com> Mon, Jun 10, 2024, 9:46 PM
to KRAJEWSKI

Dear Mr Krajewski,

Thank you for your email and the opportunity to address your questions.

I am available for a call this week. I am currently in Paraguay. So we will have to coordinate a call across different time zones.

Is tomorrow Tuesday, 15 hours CET, good for you? It will be 9 hours in Paraguay.

Our Open Letter to EU authorities discusses ongoing restrictions to our volume's publication and broad distribution.

I will be happy to explain these points and clarify the terms of publication agreement we had with the EU.

Would you prefer to do the call via Zoom, Google Meets or WhatsApp?

Best regards, Miguel

Miguel Carter, PhD
Director



Mobile & WhatsApp [redacted]
Email: miguelcarter.4@gmail.com
Website: www.demos.org.py

K

KRAJEWSKI Michal <michal.krajewski@ombudsman.europa.eu>
to me

Jun 10, 2024, 10:00 PM

Dear Mr Carter,

Tomorrow at 15 p.m. my time/9 p.m. your time works well for me.

We don't use these services to contact the complainants. I will call your mobile phone from the Ombudsman's landline if that's ok for you? I should call the number in your signature: [number removed], is that right? In case I have problems connecting, I will let you know asap via email and then I will try to find an alternative solution.

With kind regards,
Michał Krajewski

> **From:** Miguel Carter <miguelcarter.4@gmail.com>
> **Sent:** 10 June 2024 15:46
> **To:** KRAJEWSKI Michal <michal.krajewski@ombudsman.europa.eu>
> **Subject:** Re: Case 942/2024/MIK
>
> Dear Mr Krajewski,

Thank you for your email and the opportunity to address your questions.

M

Miguel Carter <miguelcarter.4@gmail.com> Mon, Jun 10, 2024, 10:21 PM
to KRAJEWSKI

Dear Mr Krajewski,

Thanks. Looking forward to our call tomorrow.

The best number to call would be my Paraguay cell phone: [number removed].

Best wishes, Miguel

K

KRAJEWSKI Michal <michal.krajewski@ombudsman.europa.eu> Jun 11, 2024, 11:28 PM
to me

Dear Mr Carter,

As mentioned, I am sending you a short summary of the main points we discussed today during our phone call. Please feel free to add or clarify anything.

- The first contract you signed with the European Commission concerned the carrying out of the survey in Guinea-Bissau. The second contract concerned the carrying out of more profound research on the previously collected data. One of the goals of the second contract, specified already in its subject matter, was to publish the results of your research. The attached terms of reference described in detail the requirements concerning the publication.
- While carrying out the research under the second contract, your organisation realised that the results of your research are much more extensive, original, and academically salient than previously estimated. Therefore, you approached the European Commission to suggest publishing an academic book rather than a report only. The European Commission agreed to reallocate funds from certain events (which could not take place anyway due to the Covid pandemic and related restrictions) to further research work which would lead to the publication of the book. You signed an addendum to the contract with the Commission concerning this further work.
- Neither the contract nor the addendum provide for any funds that you could use to cover an 'open access' fee of an academic publisher for your book. This is why, in your view, the only option for you to publish your book with a commercial academic publisher is by allowing this publisher to sell the book after the publication. However, the authorisation by the European Commission (the copyrights holder) to publish your book is subject to the condition that the copies of the volume must be published and distributed free of charge. Also, your organisation may not receive royalties from the publication of the volume. You believe that this condition prevents you from publishing

your book with a reputable commercial academic publisher. The publisher would not be able to make any profit by publishing your book or even recover the costs of production.

- The version of your study that is available online now is a less extensive report from your studies in Portuguese. The book will contain a more extensive and robust study adjusted to the rigorous requirements of academic publishing. This version of your work is not publically available because it must be original (unpublished) at the moment of publication with a commercial academic publisher.
- In your exchanges with the Commission you asked for the copyright on your work to be transferred to you, to which the Commission did not agree. However, another solution which would allow you to publish your work with a commercial academic publisher would be acceptable to you too (such as, for instance, the covering of an 'open access' fee by the Commission).

I would be grateful if you could send us, in reply to this email, the English version of your study report for our office to better understand the wider context of your complaint.

With kind regards,
Michał Krajewski

> **From:** Miguel Carter <miguelcarter.4@gmail.com>
> **Sent:** 10 June 2024 16:22
> **To:** KRAJEWSKI Michal <michal.krajewski@ombudsman.europa.eu>
> **Subject:** Re: Case 942/2024/MIK
>
> Dear Mr Krajewski,
>
> Thanks. Looking forward to our call tomorrow.

M

Miguel Carter <miguelcarter.4@gmail.com> Wed, Jun 12, 2024, 12:43 AM
to KRAJEWSKI

Dear Mr Krajewski,

Thank you for our good exchange earlier today and sharing your notes with me.

I will review these carefully and provide feedback soon.

As promised, enclosed please find a copy of the English book manuscript for *Voices of the People*, based on the translation of the volume sent to your office.

As you will see, it is an extensive and solid text. We don't know what revisions, if any, would need for the academic press edition. This would depend on the review process and the editor's decisions.

In any event, we will be in touch.

Again, thank you for your careful review of our case.

One attachment • Scanned by Gmail

M

Miguel Carter <miguelcarter.4@gmail.com> Jun 12, 2024, 12:45 AM
to KRAJEWSKI

P.S., Please confirm that you received the book manuscript in English.

M

Miguel Carter <miguelcarter.4@gmail.com> Thu, Jun 13, 2024, 12:57 PM
to KRAJEWSKI

Dear Mr Krajewski,

Thank you for our good exchange yesterday and for sharing your notes with me.

I have reviewed these carefully and provide feedback below. In addition, as promised, yesterday I sent you a copy of the book manuscript in English, which we had hoped to submit to an academic publisher two years ago. But have not been able to do so due to restrictions imposed by the European Commission.

My comments to your notes are posted below each paragraph in blue.

Again, I really appreciate the opportunity to have an earnest, intelligent and constructive conversation with an EU official. Moreover, I admire your good diligence. I think our problems with the Commission could have been resolved much earlier if we had had officers of your caliber on the other side of the table.

Our complaint with the European Ombudsman, however, is not just about resolving our dispute. Over the last two and a half years, we have been able to discern issues that, in our understanding, weaken the Commission's ability to safeguard academic freedom in EU-funded research projects.

We would hate to see other scholars, especially in the developing world, fall through these cracks as easily as we did. We think the Commission can improve efforts to protect human rights within the scientific community. We hope our petition can contribute to this.

Sincerely, Miguel

Miguel Carter, PhD
Director

Democracia • Creatividad • Inclusión Social

Mobile & WhatsApp [redacted]
Email: miguelcarter.4@gmail.com
Website: www.demos.org.py

Dear Mr Carter,

As mentioned, I am sending you a short summary of the main points we discussed today during our phone call. Please feel free to add or clarify anything.

· The first contract you signed with the European Commission concerned the carrying out of the survey in Guinea-Bissau. The second contract concerned the carrying out of more profound research on the previously collected data. One of the goals of the second contract, specified already in its subject matter, was to publish the results of your research. The attached terms of reference describe in detail the requirements concerning the publication.

** Agreed.

· While carrying out the research under the second contract, your organisation realised that the results of your research are much more extensive, original, and academically salient than previously estimated. Therefore, you approached the European Commission to suggest publishing an academic book rather than a report only. The European Commission agreed to reallocate funds from certain events (which could not take place anyway due to the Covid pandemic and related restrictions) to further research work which would lead to the publication of the book. You signed an addendum to the contract with the Commission concerning this further work.

** Agreed. The reallocation of funds in the August 2020 addenda were to support the preparation of a book manuscript in English that would be submitted for publication with a reputable academic press. We worked nearly two years beyond the time-frame agreed in the original contract, at no cost to the EU, to produce an innovative study that far exceeded our initial expectations. This involved preparation of an English book manuscript. None of the scholars involved in producing the volume would have done so without the promise of publication, as set in our 2019 contract and addenda signed with the European Commission.

· Neither the contract nor the addendum provides for any funds that you could use to cover an 'open access' fee of an academic publisher for your book. This is why, in your view, the only option for you to publish your book with a commercial academic publisher is by allowing this publisher to sell the book after the publication. However, the authorisation by the European Commission (the copyright holder) to publish your book is subject to the condition that the copies of the volume must be published and distributed free of charge. Also, your organisation may not receive royalties from the

publication of the volume. You believe that this condition prevents you from publishing your book with a reputable commercial academic publisher. The publisher would not be able to make any profit by publishing your book or even recover the costs of production.
** Correct. Academic publishers do not produce and distribute books for free. DEMOS is a non-profit organization. Any revenue generated from book sales would cover expenses involved in preparing, printing, transporting, distributing and promoting the book through public events. EU subsidies helped pay for only 300 paperback copies of the book. (Printing prices had increased substantially by the time we were able to publish the Portuguese volume, nearly four years after signing the 2019 contract. Also, the text had increased in size substantially).
We are very happy to donate these 300 copies and wish we could offer more. Ours, no doubt, is a very small edition for a pathbreaking volume. To meet added demand for the Portuguese edition in Guinea-Bissau, Portugal and elsewhere, especially among the Bissau-Guinean diaspora, we would need to print and transport additional copies. From our perspective, the only reasonable way we have to recover the added expenses involved would be through book sales, in particular, by working with established book retailers / distributors. DEMOS would not make a profit, but simply recover costs involved in ensuring the volume's wide availability.
This would allow DEMOS to provide both free-of-charge access (through online publication and book donations) and allow citizens to obtain print copies of the volume through book retailers. In this way, we would fulfill the project's original goal of disseminating our study as widely as possible.
· The version of your study that is available online now is a less extensive report from your studies in Portuguese. The book will contain a more extensive and robust study adjusted to the rigorous requirements of academic publishing. This version of your work is not publicly available because it must be original (unpublished) at the moment of publication with a commercial academic publisher.
** This statement needs some clarification and revision based on the following observations. The current volume published in Portuguese evolved from an extensive report into a substantive book, as can be seen in the print copy that was mailed to your office and available digitally on our websites (vozesdopovo.org and demos.org.py). This publication, however, did not go through a peer review process and (usually considerable) revisions that take place with academic publishers. As detailed in the August 2020 addenda, we expected to go through this rigorous process with the English edition, since our goal was to publish with a respectable academic press.
Publishing in English would have allowed us to reach a much broader audience and help disseminate our novel approach to the study of public opinion. Moreover, it would have enhanced our professional prestige as editors and contributors to the volume.
By working with an academic publisher, we would have no doubt produced a stronger text. The extent of the revision process, of course, would depend on the suggestions made by peer reviewers and our publisher. At this point, assuming we are allowed to publish the book with an academic press, we

would probably be asked to update some information, given the two-year delay since we finished the English text.
In sum, you are correct in pointing out that a publication with an academic press would involve a different text, more polished and effective. But this should not detract from the fact the current volume in Portuguese is both substantive and of high quality – and deserves much better accessibility.

· In your exchanges with the Commission you asked for the copyright on your work to be transferred to you, to which the Commission did not agree. However, another solution which would allow you to publish your work with a commercial academic publisher would be acceptable to you too (such as, for instance, the covering of an 'open access' fee by the Commission).

** Our request for a copyright transfer sensed from the outset that which would have been the case had the European Commission given us a correct contract: a subvention or grant rather than a service agreement. As I explained in our call, we only learned about this in late 2023, from a conversation with the EU Delegation officer who signed our 2019 contract. He acknowledged during our call that he made a mistake in setting up our agreement. Our request for EU support to produce the Voices of the People should have led to a grant contract, not a service agreement. A grant would have vested copyright to DEMOS. Had this been the case, the EU Delegation in Bissau would not have been able to suppress our publication by claiming copyright ownership. In light of this explanation, our request for a copyright transfer has gained validity and relevance.

We are prepared to examine various ways of facilitating the study's publication and wide dissemination, in different languages and formats. As noted above, DEMOS is keen on providing open access. Adequate support for this, of course, would be most welcome and needed.

In all this, we would insist on making sure readers can access print copies of the book. Ours is a unique study, displayed in an elegant volume, with hundreds of graphs and images. For a text of this kind, a digital copy alone is insufficient. We believe many readers would really prefer to have a paperback copy. In Guinea-Bissau, people seldom read digital books. As such, we would like to find the best way of making print copies available. Practical solutions can be found through a constructive exchange with the Commission.

The key point to consider in all this is that "free copies" and "open access" do not necessarily ensure wider dissemination and greater accessibility. Book markets perform a unique service that writers, NGOs and international organizations are unable to accomplish well on their own. They tap into the law of supply and demand to help produce, promote and distribute books in a more effective way, and thus play a vital role in disseminating knowledge. Book publishers and retailers, then, should be considered essential allies in the effort to publicize the *Voices of the People* initiative.

K

KRAJEWSKI Michal <michal.krajewski@ombudsman.europa.eu> Jun 14, 2024, 9:19 PM
to me

Dear Mr Carter,

I acknowledge the receipt of the manuscript. Thank you. We will be in touch soon.

With kind regards,
Michał Krajewski

> **From:** Miguel Carter <miguelcarter.4@gmail.com>
> **Sent:** 11 June 2024 18:43
> **To:** KRAJEWSKI Michal <michal.krajewski@ombudsman.europa.eu>
> **Subject:** Re: Case 942/2024/MIK
>
> Dear Mr Krajewski,
>
> Thank you for our good exchange earlier today and sharing your notes with me.
>
> I will review these carefully and provide feedback soon.
>
> As promised, enclosed please find a copy of the English book manuscript for *Voices of the People*, based on the translation of the volume sent to your office.

M

Miguel Carter <miguelcarter.4@gmail.com> Jun 24, 2024, 8:34 AM
to KRAJEWSKI

Dear Mr Krajewski,

I hope this email finds you well.

I am writing to provide a couple of updates and a point of clarification.

The Latin American Studies Association (LASA), which congregates over 13,000 scholars, has taken an interest in our case. They have asked to review our complaint and could issue a public statement in the next few weeks.

In recent years, LASA has taken a special interest in promoting academic collaboration between Latin America and Africa, which is what we accomplished in Guinea-Bissau.

Also, we have updated the list of petition supporters on our Voices of the People website, as you can see on this link: https://vozesdopovo.org/en/

Finally, on the question of nationalities, it is worth noting that three of the authors of the *Voices of the People* volume are EU citizens: Philip J. Havik is Dutch, Birgit Embaló is German and Ismael Salidú Sanhá is Portuguese.

We look forward to hearing from you.

Kind regards, Miguel

Miguel Carter, PhD
Director



Mobile & WhatsApp [redacted]
Email: miguelcarter.4@gmail.com
Website: www.demos.org.py