Communication with the European Commission

October 5, 2022, to April 21, 2023

*** There was no communication between DEMOS and the European Union, from July 1 to October 4, 2022. During this time, DEMOS prepared the Voices of the People website and petition campaign (in four languages) and drafted the Settlement Letter sent to the European Commission in October 2022.*

October 5

Email sent to the European Commissioner for International Partnerships, the EU agency that signed the contract with DEMOS to carry out Voices of the People project.

Miguel Carter <miguelcarter.4@gmail.com> Wed, Oct 5, 2022, 11:15 PM

Email Headline: The EU censors a unique academic study in Africa.

Ms Jutta Urpilainen
Commissioner
International Partnerships
European Commission
Brussels, Belgium

Dear Ms Jutta Urpilainen,

I am writing to notify the European Commission of a legal dispute arising from the European Union's decision to censor a groundbreaking academic study in Africa: "Voices of the People" initiative in Guinea-Bissau, carried out by DEMOS, a research center based in Paraguay and Guinea-Bissau.

This EU-funded project was designed to generate knowledge in support of Guinea-Bissau's democratic development. It organized the country's first national public opinion survey and crafted a unique study combining various scientific methodologies.

Ten scholars from Africa, Europe and the Americas collaborated in the preparation of an edited volume, *Voices of the People: Society, Politics and Public Opinion in Guinea-Bissau*. The book manuscript was reviewed and praised by EU officials.

In a striking turn of events, in November 2021, the EU decided to ban the publication of the book and its ancillary studies, despite a contractual obligation to publish and disseminate the research findings. No explanations were given for this unilateral decision.

As a result, the EU has not only censored a unique academic study but also violated its agreement to secure open access to the information produced.

The Voices of the People initiative created an innovative inquiry of exceptional value for understanding society and politics in Guinea-Bissau. The project was designed to empower Guineans with access to novel insights on their country, and to promote the use of this information to foster social accountability, inclusion and constructive dialogue.

Rather than bolster democracy and science in Guinea-Bissau, the EU's act of censorship has dis-empowered Guinean citizens, suppressed academic freedom and curtailed scientific progress.

In a perverse turnaround, a project paid for by the European people to advance knowledge and human rights in this West African nation, has led to the opposite outcome.

Enclosed you will find a copy of DEMOS' letter invoking the conciliation provisions established in the contract with the EU. We are also including a copy of the volume censored by the EU and information on the Voices of the People project.

We urge the EU to reach an amicable solution to our dispute and uphold its commitments to human rights and the advancement of science.

Sincerely, Miguel

*** This email was copied to the following officials in the EU Commission for International Partnerships:*

Koen Doens
Director-General

Myriam Ferran
Deputy Director-General

Ms Sandra Kramer
Africa Director

Ms Dolores Domínguez Pérez
Head of Unit – Legal Affairs

*** The email included four attachments: (1) The Settlement Letter, posted below; (2) The "Vozes do Povo" book in Portuguese, in print-ready format; (3) The table of contents of the Voices of the People book manuscript in English; and (4) a two-page synopsis of the Voices of the People project.*

*** In addition to the email, we delivered a print copy of the letter and attachments, which included a printed version of the "Vozes do Povo" book, in Portuguese. This was mailed in Brussels to Jutta Urpilainen and the four other EU officials cited above, on October 7, 2022.*

** This is the Settlement Letter:

Ms Jutta Urpilainen
Commissioner
International Partnerships
European Commission
Brussels, Belgium

Dear Ms Jutta Urpilainen,

I am writing to invoke the conciliation provisions specified in Annex I of the contract signed between the European Union ("the EU"), represented by the European Commission, and DEMOS – Center for Democracy, Creativity and Social Inclusion ("DEMOS"), with identification number FED/2019/406-596 ("the Contract"), as a result of the EU's breach of our agreement.

DEMOS and the EU signed the Contract on June 20, 2019, "to develop the Vozes do Povo [Voices of the People] data set, by drawing further insights from Guinea-Bissau's first public opinion survey through data mining, comparative assessments, focus group studies; and to disseminate these findings through publications, presentations and trainings, done in Guinea Bissau." The Contract involved the preparation and publication of an edited volume based on this scientific research. An addendum to the Contract, endorsed on August 27, 2020, agreed to the preparation of an English translation of the book manuscript, which would be submitted to an academic press.

These undertakings were devised to produce actionable knowledge for development strategies, democracy promotion and political risk assessments in Guinea-Bissau. All this was pursued with the goal of strengthening scientific capabilities and creating instruments for social accountability and evidence-based public dialogue and policy-making.

Per the Contract, DEMOS delivered three substantive reports: a focus group study and a comparative review of public opinion data in Africa, on July 14, 2020; as well as a data mining and analysis inquiry based on the 2018 survey, on May 15, 2021. On December 2, 2021, DEMOS supplied a complete, print-ready book manuscript, *Vozes do Povo: Sociedade, Política e Opinião Pública na Guiné-Bissau*. On May 29, 2022, DEMOS provided an English translation of this manuscript, *Voices of the People: Society, Politics and Public Opinion in Guinea-Bissau*. This 306-page volume was produced in collaboration with ten scholars from Europe, Africa and the Americas. As far as we know, no other country in Africa has carried out a public opinion study of this scope and originality.

An essential element of the project was the agreement to publish the work produced as a result of the Contract. This is specified in the subject of the Contract and in the Terms of Reference provided in Annex II. By refusing to allow publication, the contracting party is in breach of the agreement.

Research endeavors of this kind enable professional advancement in ways that cannot be captured by financial compensation alone. The EU was aware that the investigators were generating unique insights on Guinea-Bissau and developing an innovative approach to the study of public opinion in Africa, which could be replicated in other countries. Neither DEMOS

nor any of the scholars involved would have participated in the project if they believed it would not be published.

Rather than perform its obligations under the agreement, by either accepting the publication and dissemination of the work or suggesting modifications, the contracting party, instead, on December 15, 2021, sought to amend the Contract by establishing clauses that would allow for the non-publication of the work. For the reasons stated in DEMOS' correspondence with the EU – on January 17 and 18, 2022 – DEMOS rejected any modification of the contractual agreement to publish the work. Yet, the contracting party unilaterally implemented the very contractual provisions DEMOS rejected. Which raises the obvious question: why would the contracting party try to amend the agreement unless they knew they were in breach of it?

Contractual provisions established in Annex I, Article 14.2 make clear copyright vests upon *acceptance* of the project deliverables. However, rather than accept the deliverables as established in the contract, the EU has chosen to pay for work done but prohibited the publication, public presentation and dissemination of the study as required by the Contract. In doing so, the EU refused to accept key deliverables established in the Contract. These include at least 500 printed copies of the book, the internet publication of this volume and the three substantive project reports cited above, a public event to present the book, and a workshop on the research findings with Bissau-Guinean journalists.

If the contracting party found certain provisions of the book to be objectionable, they had an obligation to identify specific concerns so they could be addressed. DEMOS made repeated requests to the EU to clarify its concerns about the publication, in December 2021 and January 2022. Moreover, on December 14 and 28, 2021, January 18 and 25, and May 29, 2022, DEMOS proposed amendments that would allow for the study's publication. In its place, the EU implemented the rejected contractual changes, did not request alterations to the work, yet decided to retain copyright over the work in order to censor the research project and its publications.

The EU are in further breach by attempting to assert copyright over a work which they rejected for unspecified reasons, effectively prohibiting the publication and dissemination as established in the Contract. The contracting party is asserting this copyright for the sole purpose of censoring a unique academic study.

Contract Article 40.2, in Annex I, requires that a party notify the other party of a dispute, state its position on the matter and propose a constructive solution. For purposes of reaching an amicable settlement, we propose a reasonable compromise: that the contracting party relinquish any claims to copyright of the work and allow DEMOS to publish the work. To the extent desired by the contracting party, DEMOS will disassociate the contracting party from any link to the project in order to satisfy the EU's unspecified concerns. Given the extensive reputational harm and financial damage produced as result of the breach of contract and censorship imposed on the work, the contracting party will provide a monetary reparation to the aggrieved party, the amount of which will be determined in an amicable settlement.

Attached you will find an illustration of the academic study that was censored by the EU. This includes the *Vozes do Povo* book manuscript, an English translation of the volume's table of content, and a brief description of the Voices of the People project.

The Voices of the People initiative was founded on the principles of academic freedom, scientific integrity, and transparency. These values are broadly shared within the European community and undergird our contract with the EU. The effort to censor the book and restrict the dissemination of our study are an assault on these principles.

DEMOS believes the information produced by the Voices of the People initiative is of great importance to the people of Guinea-Bissau and their quest for peace, development, social inclusion, and democracy.

We urge the EU to reach an amicable settlement to our dispute by honoring its contractual obligations and upholding its commitments to science and human rights.

Sincerely,

Miguel Carter, PhD
DEMOS

October 10

FW: The EU censors a unique academic study in Africa.

STAUSBOLL Hans <hans.stausboll@ec.europa.eu> Mon, Oct 10, 2022, 9:30 AM

to me, LAHTI, DOENS, BORISSOVA

Dear Mr. Carter,
Thanks a lot for your mail addressed to Commissioner Urpilainen. We will look into the matter with the highest priority and revert to you as soon as possible and under all circumstances before 19 October.

Best regards,

Hans Christian Stausboll

Hans Christian STAUSBOLL
Acting Director and Head of Unit

European Commission
DG International Partnerships
Regional and Multi-Country Programmes for Africa

LOI 41 04/081
B-1049 Brussels/Belgium
[redacted]
hans.stausboll@ec.europa.eu

From: Miguel Carter <miguelcarter.4@gmail.com>
Sent: Wednesday, October 5, 2022 23:15
To: CAB URPILAINEN CONTACT; Jutta.URPILAINEN@eeas.europa.eu
Cc: KRAMER Sandra (EEAS-PRETORIA); Myriam.FERRAN@eeas.europa.eu; Koen.DOENS@eeas.europa.eu; SCHLEDE Simona (EEAS-DJIBOUTI)
Subject: The EU censors a unique academic study in Africa

Ms Jutta Urpilainen
Commissioner
International Partnerships
European Commission
Brussels, Belgium

Dear Ms Jutta Urpilainen,
I am writing to notify the European Commission of a legal dispute arising from the European Union's decision to censor a groundbreaking academic study in Africa: "Voices of the People" initiative in Guinea-Bissau, carried out by DEMOS, a research center based in Paraguay and Guinea-Bissau.

October 14

Miguel Carter <miguelcarter.4@gmail.com> Oct 14, 2022, 5:18 PM

to **STAUSBOLL**, **LAHTI**, **DOENS**, **BORISSOVA**

Dear Mr Stausboll,

Thank you for your response.

We look forward to hearing from you next week.

Sincerely, Miguel

October 20

Miguel Carter <miguelcarter.4@gmail.com> Oct 20, 2022, 7:15 AM

Email Headline: A unique academic study in Africa censored by the European Union

Dear Ms Maud Arnould,

I am writing to inform your office of the European Union's decision to censor a groundbreaking academic study in Africa: the “Voices of the People” initiative in Guinea-Bissau, carried out by DEMOS, a research center based in Paraguay and Guinea-Bissau.

This EU-funded project was designed to generate knowledge in support of Guinea-Bissau’s democratic development. It organized the country’s first national public opinion survey and crafted a unique study combining various scientific methodologies.

Ten scholars from Africa, Europe and the Americas collaborated in the preparation of a 306-page edited volume, *Voices of the People: Society, Politics and Public Opinion in Guinea-Bissau*. The book manuscript was reviewed and praised by EU officials.

In a striking turn of events, in November 2021, the EU decided to ban the publication of the book and its ancillary studies, despite a contractual obligation to publish and disseminate the research findings. No explanations were given for this unilateral decision.

As a result, the EU has not only censored a unique academic study but also violated its agreement to secure open access to the information produced.

The Voices of the People initiative created an innovative inquiry of exceptional value for understanding society and politics in Guinea-Bissau. The project was designed to empower Guineans with access to novel insights on their country, and to promote the use of this information to foster social accountability, inclusion and constructive dialogue.

Rather than bolster democracy and science in Guinea-Bissau, the EU’s act of censorship has disempowered Guinean citizens, suppressed academic freedom and curtailed scientific progress.

In a perverse turnaround, a project paid for by the European people to advance knowledge and human rights in this West African nation, has led to the opposite outcome.

Enclosed you will find a copy of the volume produced by DEMOS and censored by the European Union. You will also find further information Voices of the People project, carried out under the identification number FED/2019/406-596.

We urge the EU to reach an amicable solution to our dispute and uphold its commitments to human rights and the advancement of science.

Sincerely, Miguel

*** On October 20, DEMOS sent Maud Arnould a print copy of the letter and attachments, including a copy of the book in Portuguese, via UPS.*

October 22

STAUSBOLL Hans <hans.stausboll@ec.europa.eu> Oct 22, 2022, 5:45 PM

to **PALMERO**, **HADMAN**, **Artis.BERTULIS@eeas.europa.eu**, **Richard.YOUNG@eeas.europa.eu**, me

Dear Mr. Carter,

I refer to my previous e-mail and hope that this email finds you well.

I would like to inform you that my services together with the EU Delegation have made a thorough analysis of the book "Vozes do Povo" during the last week. From the analysis conducted, we concluded that the book presents an analytical reflection on the political and social reality of Guinea-Bissau, based on public opinion surveys and documentary analysis. Its publication can therefore go ahead with a proper disclaimer mentioning that the opinions expressed do not reflect the position of the EU. We saw that the physical copy you shared with us already includes such a disclaimer as indicated in the ToR.

We remind you that the remains the owner EU of the copyright of this book. We would also ask you to stop the social networks campaign against the EU that you launched regarding the publication of this book.

Best regards,

Hans Christian STAUSBOLL
Acting Director and Head of Unit

October 23

Miguel Carter <miguelcarter.4@gmail.com> Oct 23, 2022, 10:23 PM

to **STAUSBOLL**, **PALMERO**, **HADMAN**, **Artis.BERTULIS@eeas.europa.eu**, **Richard.YOUNG@eeas.europa.eu**,

Dear Mr Stausboll,

We are pleased to see that the EU believes that our book is of analytic value in the assessment of Guinea-Bissau. We believe this understanding will help facilitate a resolution to our dispute.

Your brief letter, however, fails to address a number of issues necessary to any settlement. The correspondence notes that the publication can go forward but fails to identify mechanisms needed to enable and safeguard the book publication. It also ignores contractual provisions that guarantee the online publication of three ancillary studies described in our previous correspondence, as well as public presentations of our book and a workshop on the Voices of the People research project.

Restarting the project after nearly a year of censorship of the book will compel us to incur extra expenses, in order to put us back in the position prior to the EU's refusal to publish the work. All this will require additional compensation by the EU to make up for forfeited air tickets, arrangements for print and online publications, air shipments of the books, and the organization of public events in Bissau, scheduled originally for December 2021. Much of the labor involved will have to be recreated at significant cost, as our team members have moved on to other projects. In sum, we would need funds to resume and adequately complete the project, and to deal with the financial damages suffered as a result of the sponsor's contractual breach.

Finally, your communication failed to address the circumstances in which this publication became censored. As your position is that the EU owns the copyright, how do we ensure that publication of the Voices of the People volume, in Portuguese and English, and its ancillary studies will not be censored going forward given that the grounds for refusal to publish were never identified?

We would like to work out an amicable solution to this matter. We are encouraged by your response and look forward to a constructive dialogue, preferably through an online call. Upon reaching an agreement, we will be pleased to revise our social media communication on this matter.

On this score, it is important to note that DEMOS has never waged a "campaign against the EU." To the contrary, our efforts to overcome the censorship imposed on our study have been motivated by the quest to uphold the value of science and academic freedom, and respect for contractual obligations, which are widely shared within the European community.

Sincerely, Miguel Carter

October 24

ARNOULD Maud <Maud.ARNOULD@ec.europa.eu> Mon, Oct 24, 2022, 1:08 PM

to **Rita.LARANJINHA@eeas.europa.eu**, **Bernard.QUINTIN@eeas.europa.eu**, **Artis.BERTULIS@eeas.europa.eu**, me

Many txs for your email. I have also received a copy of the book.

My colleagues in copy will provide an answer to your email as soon as possible.

Best regards,

Maud ARNOULD

From: Miguel Carter <miguelcarter.4@gmail.com>
Sent: Thursday, October 20, 2022 6:16 AM
To: ARNOULD Maud (CAB-BORRELL FONTELLES) <Maud.ARNOULD@ec.europa.eu>
Subject: A unique academic study in Africa censored by the European Union

October 24

Miguel Carter <miguelcarter.4@gmail.com> Oct 27, 2022, 5:16 PM

to **ARNOULD**, **Rita.LARANJINHA@eeas.europa.eu**, **Bernard.QUINTIN@eeas.europa.eu**, **Artis.BERTULIS@eeas.europa.eu**

Dear Ms Maud Arnould,

Thank you for your email.

We look forward to hearing from your colleagues.

Best wishes, Miguel

October 27

Miguel Carter <miguelcarter.4@gmail.com> Oct 27, 2022, 5:26 PM

to ARNOULD

Dear Maud,

Would it be possible for us to have an informal call on this matter?

I promise I won't take much of your time.

I would like to find a constructive, win-win solution.

It's an idea that could fortify our shared commitment to democracy and human rights in Africa.

Thank you, Miguel

*** There was no response to this request for a phone call.*

October 27

Email headline: Voices of the People - a call for your support

Miguel Carter <miguelcarter.4@gmail.com> Oct 27, 2022, 6:36 PM

to Chiara.adamo@ec.europa.eu, patrick.costello

Dear Ms Chiara Adamo,

I am writing at the suggestion of Patrick Costello to ask for your support in arranging an informal call with Mr Hans Stausboll.

We have been in touch with Mr Stausboll regarding a groundbreaking study we produced for the European Union in Guinea-Bissau: the "Voices of the People" initiative, which was effectively censored by the former EU ambassador in Bissau.

This EU-funded project was designed to generate knowledge in support of Guinea-Bissau's democratic development. It organized the country's first national public opinion survey and crafted a unique study combining various scientific methodologies.

Ten scholars from Africa, Europe and the Americas collaborated in the preparation of a 306-page edited volume, *Voices of the People: Society, Politics and Public Opinion in Guinea-Bissau*. The book manuscript was reviewed and praised by INT-PA officials as well as the EU ambassador.

In a striking turn of events, in November 2021, the ambassador decided to ban the publication of the book and its ancillary studies, despite a contractual obligation to publish and disseminate the research findings. No explanations were given for this unilateral decision.

As a result, the EU not only censored a unique academic study but also violated its agreement to secure open access to the information produced.

Mr Stausboll and his team have recently reviewed the book and indicated that it is fit to print. We are very pleased with this; however, we would like to discuss arrangements that would allow for a successful conclusion of our project. One that would help us overcome our predicament in a way that reinforces our shared commitment to democratic values.

A brief, informal conversation could help clarify and resolve pending issues and end this affair on a positive note. I would be very grateful for your help in making this connection.

Attached you will find a two-page description of the Voices of the People initiative, which allowed us to create an innovative instrument for understanding society and politics from the perspective of the people. We designed the project to empower citizens and leaders with access to novel insights on their country, and to promote the use of this information to foster

social accountability, inclusion and constructive dialogue. As far as we know, no other country in Africa or Latin America has produced a study of this kind.

The former EU ambassador's decision to bar the publication and dissemination of our academic research was, as you can imagine, devastating news to all those involved in the project.

We deeply appreciate your interest in helping us resolve this dilemma. Kind regards, Miguel

November 4

ADAMO Chiara <Chiara.ADAMO@ec.europa.eu> Nov 4, 2022, 8:28 PM

to **patrick.costello@ec.europa.edu**, **RAMAKERS**, me

Dear Mr Carter,

Thank you for your message.

I was in contact with Mr Stausboll, who informed me that you have also written to him and of his intention to reply to you in the coming period.

Mr Stausboll also confirmed his readiness to further discuss the matter with you.

Yours sincerely,

Chiara Adamo

> **From:** Miguel Carter <miguelcarter.4@gmail.com>
> **Sent:** Thursday, October 27, 2022 5:37 PM
> **To:** ADAMO Chiara (INTPA) <Chiara.ADAMO@ec.europa.eu>
> **Cc:** patrick.costello@ec.europa.edu
> **Subject:** Voices of the People - a call for your support

November 7

Miguel Carter <miguelcarter.4@gmail.com> Nov 7, 2022, 7:35 AM

to **STAUSBOLL**,

Dear Hans,

Greetings from Paraguay.

I am writing to see if there would be a chance for us to meet in Brussels on Friday, November 18, and talk about the issues arising from the Voices of the People project in Guinea-Bissau in a more personable manner.

I think this could help resolve the matters involved with the publication of our academic study. But most importantly, it could allow us to find an arrangement where both parties are able to come out of this situation looking good and feeling positive with regards to the contributions made through our project.

In sum, I believe we can find a way to turn our predicament around and create a win-win solution; in the spirit of Shakespeare's adage: "all is well that ends well."

If you prefer, we can discuss this over an online call.

In the event of a Brussels meeting, I would appreciate a confirmation rather soon. I will be traveling from South America to Africa, hence the stopover in Europe, and will need to make travel plans in the next few days. I could also consider alternate dates close to November 18.

I appreciate your kind interest in our conversation.

Best regards, Miguel

November 7

Miguel Carter <miguelcarter.4@gmail.com> Nov 7, 2022, 4:16 PM

to **ADAMO**, **patrick.costello@ec.europa.edu**, **RAMAKERS**

Dear Ms Chiara Adamo,

Thank you for your email and reaching out to Mr Stausboll.

I have written to him and proposed a meeting in Brussels or an online call so we can have a more personable exchange and find a positive resolution, benefiting all parties involved.

Again, I appreciate your kind gesture.

Best regards, Miguel

November 8

STAUSBOLL Hans <hans.stausboll@ec.europa.eu> Nov 8, 2022, 10:29 AM

to **ENGELEN**, **PALMERO**, **Artis.BERTULIS@eeas.europa.eu**, **RAMAKERS**, **KONG**, me

Dear Mr. Carter,

I acknowledge receipt of your e-mail dated 23 October as well as the one of 7 November.

I am obviously happy to meet around 18 November if you pass through brussels or virtually which may be more efficient. I put mu colleagues Gaelle in copy to look for a suitable slot.

However, for the sake of good order I would like to outline the position of the Commission

The EUD delegation to Guinea Bissau representing the Commission as contracting authority (CA) to the global price service contract signed with Demos, has decided that it no longer requires some of the deliverables not yet implemented as foreseen in the service contract. The CA did however make a final and full payment and considers the contract completed and closed.

As previously mentioned should Demos wish to publish the ancillary studies and the book (including the printing of a maximum of 500 hard copies), it can do so while ensuring a proper and clearly visible disclaimer stating that the views expressed in the documents do not reflect the position of the European Union.

Should you decide to go forward with such, given that the contract is considered completed and closed, it can no longer be considered as a contractual activity and therefore cannot be renumerated by the CA.

Yours sincerely,

Hans Christian Stausboll

> **From:** Miguel Carter <miguelcarter.4@gmail.com>
> **Sent:** Monday, November 7, 2022 5:35 AM
> **To:** STAUSBOLL Hans (INTPA) <hans.stausboll@ec.europa.eu>
> **Subject:** Re: The EU censors a unique academic study in Africa

November 11

Miguel Carter <miguelcarter.4@gmail.com> Nov 11, 2022, 1:45 AM

to **STAUSBOLL**, **Artis.BERTULIS@eeas.europa.eu**, **ENGELEN**, **KONG**, **PALMERO**, **RAMAKERS**,

Dear Mr Stausboll,

Thank you for your email and willingness to meet.

While we have different perspectives on the issues at stake, I believe we can reach an agreement through constructive dialogue.

I have made travel plans to be in Brussels on Monday, November 21. I will reach out to Gaelle to arrange a convenient time to meet.

Again, thank you for your good disposition.

Best regards, Miguel

On Tue, 8/11/2022 at 04:29 STAUSBOLL Hans <hans.stausboll@ec.europa.eu> wrote:

November 11

Miguel Carter <miguelcarter.4@gmail.com> Nov 11, 2022, 1:59 AM

to Gaelle.KONG

Dear Ms Gaelle Kong,

I am writing to follow up on a recent communication with Mr Stausboll to request your help in setting up a meeting with Mr Stausboll on Monday, November 21.

I will be arriving from South America the previous day and departing for Africa on Tuesday.

Please let me know if the are any scheduling problems on the 21st, by tomorrow Friday so I can adjust travel plans accordingly.

I appreciate your kind help.

Best wishes, Miguel

KONG Gaelle <Gaelle.KONG@ec.europa.eu> Nov 11, 2022, 11:40 AM

to me

Dear Mr. Carter,

Indeed, Monday 21 November seems a bit difficult to fit a meeting in.

May I suggest to met on **Tuesday 22 November from 9am to 9.45am**? Should this timeslot suit your agenda, I will be happy to block it with a calendar invitation.

Kind regards, Gaëlle

Miguel Carter <miguelcarter.4@gmail.com> Nov 11, 2022, 4:08 PM

to KONG

Dear Ms Kong,

Tuesday at 9 AM should be fine.

Best regards, Miguel

November 21

Miguel Carter <miguelcarter.4@gmail.com> Nov 21, 2022, 6:20 AM

to KONG

Dear Gaelle,

Unfortunately, I will not be able to be in Brussels for our Tuesday meeting with Mr Stausboll.

My flight to São Paulo was diverted to Rio de Janeiro due to bad weather, and I was unable to make the connection to Europe.

I would appreciate it if we could reschedule the meeting and do it online instead.

Tuesday would be difficult since I will be arriving to Nairobi at 2 AM.

Thursday and Friday would work better.

Thanks again your kind understanding.

Best regards, Miguel

KONG Gaelle <Gaelle.KONG@ec.europa.eu> Nov 21, 2022, 11:55 AM

to me

Dear Mr. Carter,

I can propose you to postpone the meeting on Friday 25/11 at 11.15. Would it work for you?

Thank you and best regards,

Nov 21, 2022, 8:31 PM

Miguel Carter <miguelcarter.4@gmail.com>

to KONG

Dear Ms Kong,

This should be fine with me.

Thanks, Miguel

November 25

** *Comments on the online video call held with Mr. Hans Stausboll.* The meeting lasted 46 minutes. Stausboll was accompanied by three EU lawyers, apparently, the same ones copied in previous email exchanges with Stausboll.

DEMOS offered to end the dispute on a "high note" – in the spirit of "all is well that ends well" – by completing the project as spelled out in the contract and presenting the book jointly in Bissau. This would allow both parties to overcome bad feelings created by the impasse over the book's publication. Stausboll responded that the EU was not interested in this and had already closed the project.

Carter and Stausboll then discussed ways of moving forward. DEMOS reiterated its interest in securing the copyright to the Voices of the People study, a point raised in various exchanges with the EU, since December 2021. Stausboll said he had no problems with this and would instruct his lawyers to examine the legal actions necessary to achieve. He also indicated he would be willing to sign off on any request for publication or use of the data. Carter explained that it would be a lot more practical for DEMOS to have the study's copyright, as this would avert the problem of having to go back to the EU for every authorization required to publish or use the Voices of the People study.

Stausboll indicated that the EU would look into the procedure for transferring the copyright and get to DEMOS after the New Year. Carter stressed the importance of this assignment to ensure the study's wide dissemination.

The original intent behind this meeting was to have an informal dialogue with Stausboll and see if this could lead to an amicable resolution. However, the conversation proved to be more formal and guarded than expected, given the presence of three EU lawyers on the call. At various times, it felt that Stausboll was more interested in "performing" for his lawyers than in listening to the other side. DEMOS did not expect the exchange would be so formal and thus did not include its attorney on the call.

2023

January 6

Miguel Carter <miguelcarter.4@gmail.com> Jan 6, 2023, 12:59 PM

to **STAUSBOLL**, **Artis.BERTULIS@eeas.europa.eu**, **ENGELEN**, **PALMERO**, **RAMAKERS**, KONG,

Dear Mr Stausboll,

Greetings and best wishes for the New Year.

I am writing to follow up on our November 25 exchange, in which you confirmed the EU's disposition to allow for the publication of the Voices of the People study of Guinea-Bissau, including its two book manuscripts.

During the conversation you indicated that the EU would be willing to transfer the copyright of the study to DEMOS. As we explained, this would be necessary to allow unrestricted use of the information produced. We would like to finalize that understanding.

Over the last few weeks, we have conferred with a wide range of partners – including our colleagues in the Voices of the People project, journalists, academic publishers, think tanks, and international development agencies – and have reached the conclusion that the only reasonable way for us to move forward with the publication is to have the copyright of the Voices of the People study transferred to DEMOS.

These exchanges substantiated our concerns over the fact that we would need specific EU authorizations – rather than a blanket agreement – to carry out the bulk of the publications and other uses of our study. As such, we could conceivably have to forward several dozen forms for you to sign in a year's time, to satisfy the requirement of publishers and other partners involved in supporting our research work.

Needless to say, this would be a major inconvenience for all parties involved. Any EU lapse in providing a timely response would risk triggering renewed apprehension over EU "censorship" of our scientific research. This would re-instill efforts to revert any undue restriction of our academic freedom.

Thus, in the interest of transparency and practicality, we reiterate our longstanding request that the EU transfer the copyright of the Voices of the People study, including the book manuscripts, to DEMOS so we can expedite these publications.

We look forward to hearing from you soon so we can close this matter in a proper and timely way.

Best regards, Miguel

January 21

Miguel Carter <miguelcarter.4@gmail.com> Jan 21, 2023, 3:25 PM

to STAUSBOLL, Artis.BERTULIS@eeas.europa.eu, ENGELEN, KONG, PALMERO, RAMAKERS,

Dear Mr Stausboll,

We would appreciate a response to the email sent on January 6, so DEMOS can move ahead with the publication of the *Voices of the People* book and ancillary studies.

Best regards, Miguel

January 23

ENGELEN Kris <Kris.Engelen@ec.europa.eu> Jan 23, 2023, 10:13 AM

to **STAUSBOLL**, **Artis.BERTULIS@eeas.europa.eu**, **KONG**, **PALMERO**, **RAMAKERS**, me

Dear Mr Carter,

Thank you for your mail and your request, which has not been forgotten. Unfortunately assigning IPR rights is not a straightforward operation in our procedures and requires extensive consultation within our services to check on the actual regulatory possibility of doing such. We will come back to you as soon as we know more on the regulatory side, including the administrative steps to be taken.

We hope that our agreement for you to continue with the book publication ensures already that your main objective can be achieved.

Yours sincerely
Kris Engelen

Deputy Head of Unit INTP A6
Finance, contracts and audits for Sub Saharan Africa

February 6

Miguel Carter <miguelcarter.4@gmail.com> Feb 6, 2023, 11:58 AM

to ENGELEN, STAUSBOLL, Artis.BERTULIS@eeas.europa.eu, KONG, PALMERO, RAMAKERS,

Dear Ms Engelen,

Thank you for your email.

As explained in our January 6, 2023, email to Mr Stausboll, we cannot publish the Voices of the People book and its ancillary studies without the EU's copyright transfer to DEMOS.

This issue has been raised repeatedly in our exchanges with the EU since January 2022. Time and again, the EU has written back indicating that it "was looking into the matter." Since then, in more than a year's time, we have not been able to publish our edited volume and other research reports.

We thought we would have had these issues resolved by now.

If the EU cannot provide a firm date by the end of February 2023, by which it will assign the copyright to DEMOS, we will be obliged to invoke article 40.3 in our original contract and request a settlement through conciliation by a third person. If this were to take place, we would be compelled to revisit all the concerns raised in our October 5, 2022, letter to Ms. Jutta Urpilainen.

We will expect your response by Friday, February 10, 2023.

Sincerely, Miguel Carter

February 10

Voices of the People Study, Guinea-Bissau

STAUSBOLL Hans <hans.stausboll@ec.europa.eu> Feb 10, 2023, 10:02 AM

to me, SARAZIN, ENGELEN, PALMERO

Dear Mr. Carter,

I refer to your email of 6th January 2023 in which you requested that the European Commission transfer the copyright ownership of the result of the contract FED 2019/406596 (i.e. the Voices of the People study, including the book manuscripts) to DEMOS.

We have consulted with our colleagues in the EC's central service for intellectual property rights (Joint Research Centre) and, after much consideration, have made the decision not to transfer copyright ownership of the study to DEMOS, given the extremely arduous and lengthy internal procedure required to transfer copyright ownership to another party.

However, we reiterate our previous authorisation to publish the ancillary studies and the book online, as well as to print a maximum of 500 hard copies of the book, provided that a clear and proper disclaimer is included stating that the views expressed in the documents do not

reflect in any way the position of the European Union. We notice that the physical copy you shared with us already includes such a disclaimer as indicated in the Terms of Reference.

Furthermore, DEMOS is free to use and share the underlying data from the study, under the same condition that the EU is not referred to and it is in no way suggested that the study reflects the position of the EU. DEMOS may also replicate similar work in other countries, using the same or similar methodology, if it receives funding from other institutions, provided that the EU is not referred to in any such work.

Finally, we remind you that this authorisation shall not represent an instruction or order by the EU, and the EU shall not be held liable for any additional costs that may be incurred.

Yours sincerely,

Hans Christian Stausboll

February 23

Miguel Carter <miguelcarter.4@gmail.com> Feb 23, 2023, 3:06 PM

to **STAUSBOLL**, **SARAZIN**, **ENGELEN**, **PALMERO**,

Dear Mr Hans Stausboll,

Following up on our previous exchanges, we would like to find a constructive resolution to our dispute.

As we understand it, a key sticking point is that you believe transferring copyright is cumbersome. To resolve this issue, we would remove our request that the European Union transfer copyright to DEMOS, provided that the European Union eliminate its restrictions on the number of book copies that can be printed and offer written assurances that will allow DEMOS to publish, distribute and develop the Voices of the People study.

We have attached a draft proposal which reflects this understanding and incorporates the concerns noted in your previous letter. Please let us know if this can serve as a basis for settlement.

We hope we can reach a timely agreement based on this proposal. If not, then we believe we will need to move to the next step in the dispute settlement process, as set in article 40, paragraph 3, of Annex I, General Conditions of our original contract.

If we are unable to reach an agreement by March 14, 2023, please consider this to be our request for formal conciliation.

In the meantime, we are available to discuss these issues through a phone call, if this can help expedite a constructive solution.

Sincerely, Miguel Carter, PhD

*** This is the proposal for a licensing agreement included in the attachment to this letter.*

We are prepared to settle our dispute provided DEMOS and European Union sign an agreement setting the terms under which DEMOS will publish, distribute and develop the Voices of the People study. This will include a separate statement, based on the agreement, to be signed by the European Union, which DEMOS will use to negotiate relevant contracts with publishers, distributors and institutions interested in partnering with DEMOS to further develop the Voices of the People study.

Agreement to be Signed by DEMOS and the European Union

The European Union hereby authorizes DEMOS to:

- Publish unlimited copies the Voices of the People volume, or parts of the book, its ancillary studies, underlying data, or any study derived from this research; in any language, including Portuguese and English; in any format, including print and digital; in any part of the world.
- Translate the Voices of the People volume, or parts of the book, its underlying data and ancillary studies, into any language.
- Distribute, market or sell the books or any other study or underlying data derived from the Voices of the People study, independently, through a publisher or retailer.
- Receive royalties from these publications or any future publication.
- Use the same or similar research methodology developed for the Voices of the People study in any part or country of the world and receive earnings for any activity carried out using this methodology.
- Use any portion of the data collected in the Voices of the People study for research and publication and allow scholars, journalists or development practitioners to do the same.

DEMOS agrees to issue a clear and proper disclaimer stating that the views expressed in the Voices of the People volume in Portuguese do not reflect in any way the position of the European Union.

DEMOS will not refer to the European Union or in any way suggest that the study reflects the position of the European Union, in all other uses of the Voices of the People study, its underlying data or methodology.

The European Union agrees to sign any copyright license forwarded to its attention for publication of the Voices of the People book, ancillary studies, underlying data or any parts thereof, within 10 business days of days of having received communication from DEMOS. Failure to do so would constitute a violation of this agreement.

Any violation of this agreement or withdrawal of authorization will be resolved through an amicable settlement. If this agreement cannot be reached in 30 days' time, following notification of the dispute, it will be address through formal mediation. This will consider

penalties and reparation for harm inflicted on the aggrieved party, as result of the violation of this agreement.

The European Union will deliver signed copies of this agreement and the statement to be used by DEMOS with publishers, distributors and other institutional partners, in digital and paper format. The paper copy will be sent by courier to DEMOS at the following address: XXXX.

Statement to be Signed by the European Union

In accordance with the agreement signed between the European Union hereby and DEMOS, on XX date, the European Union hereby authorizes DEMOS to:

- Publish unlimited copies of the Voices of the People volume, or parts of the book, its ancillary studies, underlying data, or any study derived from this research; in any language, including Portuguese and English; in any format, including print and digital; in any part of the world.
- Translate the Voices of the People volume, or parts of the book, its underlying data and ancillary studies, into any language.
- Market and sell the books or any other study or underlying data derived from the Voices of the People study, independently, through a publisher or retailer.
- Receive royalties from these publications or any future publication.
- Use the same or similar research methodology developed for the Voices of the People study in any part or country of the world and receive earnings for any activity carried out using this methodology.
- Use any portion of the data collected in the Voices of the People study for research and publication and allow scholars, journalists or development practitioners to do the same.

DEMOS agrees to issue a clear and proper disclaimer stating that the views expressed in the Voices of the People volume in Portuguese do not reflect in any way the position of the European Union.

DEMOS will not refer to the European Union or in any way suggest that the study reflects the position of the European Union, in all other uses of the Voices of the People study, its underlying data or methodology.

March 20

STAUSBOLL Hans <hans.stausboll@ec.europa.eu> Mon, Mar 20, 11:38 AM

to me, SARAZIN, ENGELEN, PALMERO

Dear Mr. Carter,

I refer to your email of 23 February 2023.

With reference to your additional requests concerning the contract FED 2019/406596 Voices of the People Study, Guinea-Bissau, please note the following:

The European Commission authorises DEMOS to publish unlimited copies of the Voices of the People volume, or parts of the book, and its ancillary studies instead of a maximum 500 hard copies that was previously agreed upon in Section 4.2 of Addendum II to the Terms of Reference of the contract. As requested by you, the European Commission accepts these publications to be in any language, including English and Portuguese, and in any format, including print and digital.

This authorisation to publish is subject to the condition, mentioned in my previous email of 10 February 2023, that a clear and proper disclaimer is included stating that the views expressed in the documents do not reflect in any way the position of the European Union.

However, copies of the volume must be published and distributed free of charge, in accordance with the purpose of the service contract, as laid out in Section 2.2 of the Terms of Reference, which includes generating public awareness of the main research findings, as well as promoting awareness and knowledge about Guinea-Bissau to the broader international community, as objectives. The service contract has also been fully paid, including the cost of printing 500 copies of the Voices of the People volume, and does not provide for the possibility of DEMOS selling the copies of the volume. Therefore, DEMOS may not receive royalties from the publication of the Voices of the People volume or its ancillary studies.

At the same time, as I previously mentioned, DEMOS is authorised to use and share any portion of the underlying data from the study, or any study derived from this research, under the same condition that the EU is not referred to and it is in no way suggested that the study reflects the position of the EU. Furthermore, DEMOS may replicate similar work in other countries, using the same or similar methodology developed for the Voices of the People study, provided that the EU is not referred to nor the donor in any such work.

I am confident that the above adequately addresses the concerns expressed in your last email and previous correspondence without the need to resort to a formal process and agreement.

As always, I remind you that this authorisation shall not represent an instruction or order by the EU, and the EU shall not be held liable for any costs that may be incurred.

Yours sincerely,

Hans Christian Stausboll

March 30

Miguel Carter <miguelcarter.4@gmail.com> Mar 30, 2023, 10:13 PM

to **STAUSBOLL**, **SARAZIN**, **ENGELEN**, **PALMERO**

Dear Mr Stausboll,

The terms of your proposal are unacceptable. No academic publisher would want to collaborate with DEMOS under such conditions.

As noted in our February 23, 2023, letter, and pursuant to article 40, paragraph 3, of the General Conditions, we are requesting formal conciliation of the dispute over breach of contract and censorship of the Voices of the People book and its ancillary studies.

Any settlement from this point onwards will have to consider the substantial damages inflicted on DEMOS by the European Union.

Sincerely, Miguel Carter

April 21

004: Voices of the People Study, Guinea Bissau

STAUSBOLL Hans Fri, Apr 21, 9:36 AM

to me, SARAZIN, ENGELEN, PALMERO, INTPA-A6-SUPPORT-FCA-DELEGATIONS@ec.europa.eu

Dear Mr. Carter,

I refer to your email of 30 March 2023 requesting a formal conciliation of the dispute concerning the contract FED 2019/406596 Voices of the People Study, Guinea-Bissau.

The European Commission has further analysed the case and considers that there is no contractual provision or legal basis that obliges the EC to accept your request. Furthermore, the EC does not see any added value in entering into further negotiations, and we consider that our proposal as formulated on 20 March is the best we can do in this particular case.

Yours sincerely,

Hans Christian Stausboll

From: Miguel Carter <miguelcarter.4@gmail.com>
Sent: Thursday, March 30, 2023 9:14 PM
To: STAUSBOLL Hans (INTPA) <hans.stausboll@ec.europa.eu>
Cc: SARAZIN Laurent (INTPA) <Laurent.Sarazin@ec.europa.eu>; ENGELEN Kris (INTPA) <Kris.Engelen@ec.europa.eu>; PALMERO VAQUERO Maria Pilar (INTPA) <Maria-Pilar.PALMERO-VAQUERO@ec.europa.eu>
Subject: Re: Voices of the People Study, Guinea Bissau

Dear Mr Stausboll,

The terms of your proposal are unacceptable. No academic publisher would want to collaborate with DEMOS under such conditions.