

The illegally operating “universities” in the occupied areas of the Republic of Cyprus. Position of the Government of the Republic of Cyprus

Summary

- The “universities” operating in the area of the Republic of Cyprus which remains under Turkish military occupation since 1974, are unlawfully operating “educational institutions”, since they are not in compliance with the relevant Laws and Regulations of the Republic of Cyprus on Higher Education. Therefore, these “institutions”, as well as the “qualifications” they award, are not recognized by the Republic of Cyprus. In addition, these “universities” operate under the purported “law” of the so called “Turkish Republic of Northern Cyprus” (“TRNC”) which, according to the relevant United Nations Security Council resolutions and international law, is an illegal entity not recognized by the international community with the sole exception of Turkey.
- Currently, there are six “universities” in the occupied area. One of them (“Eastern Mediterranean University”) has the status of the “state university” of the “TRNC”. A second “university” is the “Middle East Technical University Northern Cyprus campus”, which is a Turkish university that has established a “campus” in the occupied areas. In addition, two more Turkish universities (Istanbul Technical University and the University of Cukurova) will be establishing “campuses” in the occupied area in the near future. It is stressed that Turkey is in no way legitimized to establish “campuses” of its universities in the occupied areas, or use its institutional framework on higher education in order to provide legitimacy to the higher education activities taking place in the “TRNC”, since the control it exercises in the occupied areas of the Republic of Cyprus stems from its illegal military occupation of those areas.
- The evaluation, accreditation and recognition of these “universities” are provided by the so-called “institutions” of the illegal “TRNC”. Consequently, they cannot be accepted by internationally recognized educational organizations or members of the international community in general, since establishment of these “institutions” constitutes a violation of the relevant UN Security Council resolutions and of international legality. In addition, the direct or indirect recognition of the “universities” or the “qualifications” they award is contrary to the conditions and goals of important current European initiatives on Higher Education, since a prerequisite of these initiatives is cooperation on a national level and a national recognised institutional framework.
- The “universities” were built on property belonging mostly to Greek Cypriot displaced persons who were forced to flee their homes because of the Turkish invasion in 1974 and the military occupation of 36,2% of the territory of the Republic of Cyprus to this day. According to Cyprus’ Criminal Code, any fraudulent dealings in immovable property belonging to another are illegal. Greek Cypriot property owners may bring civil legal actions against trespassers to their properties in the Turkish-occupied area. It is noted that Turkey has been found responsible by the European Court of Human Rights for violations of the property rights of Greek Cypriot owners of land and property in the occupied area of Cyprus.

1. The illegal “universities” in the occupied areas operate outside the legal and institutional framework of the Republic of Cyprus on Tertiary Education and Accreditation of Higher Education

- The “universities” have not applied to be registered in the Universities Registry kept by the Ministry of Education and Culture, nor have they been issued a license for operation, in accordance with any relevant Law of the Republic of Cyprus. In addition, they have not been evaluated, neither have their “programs of study” been approved by the competent authorities of the Republic of Cyprus. Therefore, these “institutions”, as well as the “qualifications” they award, are not recognized by the Republic of Cyprus.
- These “educational institutions” operate under the purported “law” of the so-called “turkish republic of northern Cyprus” (“TRNC”), which according to international law is an illegal entity. United Nations Security Council resolutions 541 (1983) and 550 (1984) state clearly that the declaration of the so-called “TRNC” is legally invalid. The said resolutions call for the immediate withdrawal of the declaration and call upon all states not to recognize the purported state of the “TRNC” set up by secessionist acts and not to facilitate or in any way assist the aforesaid secessionist entity. The international community in its totality, does not recognize the illegal secessionist entity in the occupied part of Cyprus, Turkey being the sole exception.
- The six “universities” are: the “Eastern Mediterranean University” in the occupied city of Famagusta, the “American University of Cyprus”, situated in occupied Kyrenia, the “Cyprus International University”, situated in the occupied part of Nicosia, the “European University of Lefke” in occupied Lefka, the “Near East University”, situated in occupied Kioneli and the “Middle East Technical University Northern Cyprus campus”, situated in the occupied village of Kapouti in Morfou. The establishment of two more “universities”, the “campus of the Istanbul Technical University” and the “campus of the University of Cukurova” is expected in the near future. The last three “universities” are branches of Turkish universities.
- It is noted that the “Eastern Mediterranean University”, apart from functioning under the purported “law” of the “turkish republic of northern Cyprus”, has the status of the “state university” of the “TRNC”, as it has become a “state-trust university” by “law” passed by the so-called “TRNC Parliament” in 1985. It is, therefore, directly linked to and dependent on the illegal regime. Furthermore, its funding derives entirely from the “government” budget and the members of its “administration board” are appointed by the “ministerial council” of the “TRNC”.
- It is stressed that Turkey is in no way legitimized to establish “campuses” of its universities in the occupied areas, or use its institutional framework on higher education in an effort to provide legitimacy to higher education activities taking place in the “TRNC”. The control it exercises in the occupied areas of the Republic of Cyprus stems from its illegal military occupation of those areas.
- It is noted that, within the Republic of Cyprus, the operation of Schools of Tertiary Education and Universities is governed by the Laws of the following Bodies which come under the Ministry of Education and Culture of the Republic. Based on the principle of no discrimination among any institution in Cyprus, the

Ministry of Education and Culture of the Republic of Cyprus is willing to accept relevant applications for accreditation by Turkish Cypriot institutions. It is noted that the relevant legislation does not prevent the competent authorities from appointing renowned Turkish Cypriots or Turkish Cypriot academics in the evaluation committee for these institutions.

- The Council of Educational Evaluation-Accreditation (CEEA/SEKAP) is, in accordance with the provisions of the Institutions of Tertiary Education Laws 67(1)/96 – 198(1)/2007, responsible for the establishment, operation and control of the Private Institutions of Tertiary Education (PITE). The CEEA is a member of the European Association for Quality Assurance in Higher Education (ENQA), the International Network for Quality Assurance Agencies in Higher Education (INQAAHE), the European Universities Association (EUA) and the European Association of Institutions in Higher Education (EURASHE).

- The Evaluation Committee of Private Universities (ECPU) is the competent authority in the Republic of Cyprus, stipulated by the Private Universities (Establishment, Operation and Control) Laws 109(1)/2005 and 197(1)/2007, for the examination of the applications submitted for the establishment and operation and control of private universities. It is noted that the operation of public universities is regulated by separate relevant Laws for each University.

- The Council of Recognition of Higher Qualifications (KYSATS), is, in accordance with the provisions of the Recognition of Higher Education Qualifications and the Provision of Relevant Information Laws 68(1) of 1996 to 2009, the competent authority of the Republic of Cyprus for the recognition of Higher and Tertiary Education qualifications, such as degrees, diplomas or qualifications obtained home and abroad, awarded by recognized Higher Education Institutions or from Institutions whose programs of study have been evaluated and accredited. KYSATS is an official member of the European Network of National Information Centres on academic recognition and mobility (ENIC) and the National Academic Recognition Information Centres (NARIC). Both these networks aim at improving academic recognition of diplomas and periods of study in the Member States of the European Union (EU) and in other countries.

2. The evaluation, accreditation and recognition of the “universities” is provided by the “institutions” of the illegal “TRNC”

- The “universities” in the occupied areas operate under the “laws” and “institutions” of the illegal “TRNC”. The evaluation, accreditation and recognition of the “higher education institutions”, as well as of their “programs of study” are provided through the “national education authority”, established by the “TRNC”, i.e. the so-called “Higher Education, Planning, Evaluation, Accreditation and Coordination Council (YODAK)”.
- As such, they cannot be accepted or recognized by internationally recognized educational organizations or by members of the international community in general, as the unilateral declaration of independence of the so-called “TRNC” and the establishment of its “institutions” constitutes a violation of the relevant United Nations Security Council resolutions and of international legality.

Possible recognition of the “universities” of the occupied areas and their “qualifications” violates the principles and goals of European initiatives on Higher Education

- The direct or indirect recognition of the “universities” or of the “qualifications” they award is contrary to the goals and principles of important current European initiatives and processes on Higher Education, since a prerequisite of these initiatives is cooperation on a national level or with nationally recognised institutions. Such initiatives are:
 - The “Bologna Process” (1999), which is guided by the Ministers of Education of the participating countries. Its main goal was the creation of a European Higher Education Area (EHEA), which was launched in 2010 (“Budapest-Vienna Declaration”, 2010), while currently, the process aims at consolidating the EHEA. Among the main initiatives of the process is to assist diverse higher education systems converge towards more transparent systems.
 - “The Convention on the Recognition of Qualifications concerning Higher Education in the European Region” (Lisbon, 11.IV.1997), which was elaborated upon and finally adopted under the joint auspices of the Council of Europe and UNESCO. The Convention, among others, designates as the competent authority for the recognition of tertiary education qualifications an authority which is officially recognised in the countries party to the Convention.

- The program “Education and Training 2020”, is a new strategic framework for European cooperation in education and training, which was agreed in 2009 by the Ministers of Education of the European Union. The program builds on its predecessor, the “Education and Training 2010” work program, which established for the first time a solid framework for European cooperation in the field of education and training in 2002.
- Moreover, the European Parliament and the Council Recommendation of 15 February 2006, on further European Cooperation in Quality Assurance in Higher Education (2006/143/EC), recommend that member-states enable higher education institutions active within their territory to choose a quality assurance or accreditation agency listed in the European Register which meets their needs and profile, “provided that this is compatible with their national legislation or permitted by their national authorities”.
- The Republic of Cyprus is among the 47 countries that participate in the Bologna Process, is a depository State of the “The Convention on the Recognition of Qualifications concerning Higher Education in the European Region”, while as a member state of the European Union participates in the program “Education and Training 2020”.

3. The “universities”/ Illegal usurpation of properties in the occupied areas

- The “universities” currently operating in the occupied areas have been built illegally on property belonging mostly to Greek Cypriot displaced persons, in violation of their rights and without their consent. It is recalled that the Greek Cypriot lawful owners of properties were forced to flee their homes because of the Turkish invasion in 1974 and the military occupation of 36,2% of the territory of the Republic of Cyprus and are, to this day, prevented from returning. It is important to note that, under Cyprus’ Criminal Code, Cap.154, any person who, with intent to defraud, deals in immovable property belonging to another is guilty of a felony and is liable to imprisonment for up to seven years.
- Greek Cypriot property owners may bring legal action before the competent Courts of the Republic against trespassers to their properties in the Turkish-occupied area, claiming damages and other legal remedies available to them under civil law. Judgments of civil courts of the Republic, even if having to do with the occupied areas of the Republic, can be recognized and enforced against property/assets of the defendants in any EU member state, under the provisions of EC Regulation No.44/2001, as ruled by the European Court of Justice, in its Judgment of the case of Meletis Apostolides v. David Charles Orams and Linda Elizabeth Orams (28 April 2009, case C-420/07).

- The European Court of Human Rights (ECHR), in its Judgment of Cyprus against Turkey of 10 May 2001 and of cases brought before it by individual Cypriots against Turkey, has found that interference in the property rights of the Greek Cypriot owners of property in the occupied areas, due to the denial of access and enjoyment of one's own property constitutes a continuous violation of article 1 of Protocol 1 of the European Convention on Human Rights. It furthermore concluded that the Greek Cypriot property owners in the occupied areas of the Republic of Cyprus remain the legal owners of such properties and that the secessionist entity, created by the use of force and arms, is considered a subordinate to Turkey local administration.
- Part of the premises of the "Eastern Mediterranean University" is built on the usurped buildings and land of the Greek Cypriot, Mr Saveriades, where the Center of Higher Studies of Ammochostos (known as Saveriades K.A.S.A College) was located. The European Court of Human Rights in its Judgment of 22 September 2009 (Case 16160/90 Saveriades v. Turkey) found Turkey responsible for violations of the European Convention on Human Rights on account of the complete denial of Mr Saveriades' right for access to and control, use and enjoyment of his property.

The Laws on Public Universities in Cyprus are:

- i. The University of Cyprus Laws
- ii. The Open University Laws
- iii. The Cyprus University of Technology Laws