

POSITION PAPER

NORTHERN CYPRUS IS IN “GEOGRAPHIC EUROPE” AND ITS UNIVERSITIES ARE *DE FACTO* IN THE EUROPEAN HIGHER EDUCATION AREA:

BACKGROUND INFORMATION REGARDING THE APPLICATION FROM NORTH CYPRUS TO JOIN THE BOLOGNA PROCESS

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1. EDUCATION IS A FUNDAMENTAL HUMAN RIGHT

Today, all human rights bodies confirm that education is a fundamental human right. Like all human rights, the right to education entails corresponding government human rights obligations. The spirit and wording of international human rights law requires States and International Organisations to remove any obstacles for the right to education in order to make it available, accessible, acceptable and adaptable. Article 2 of the UNESCO convention establishes that “the term ‘education’ refers to all types and levels of education, and includes access to education, the standard and quality of education, and the conditions under which it is given”. Moreover, Article I provides a clear definition of the term “discrimination,” understood to include any distinction, exclusion, limitation or preference which, being based on race, colour, sex, language, religion, political or other opinion, national or social origin, economic condition or birth, has the purpose or effect of nullifying or impairing equality of treatment in education. Consequently, States and International Organisations have the duty not only to proscribe any form of discrimination in education but also to promote equality of opportunity and treatment for all in education.

Education is also the key to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. In particular, higher education plays a crucial role in producing high quality human resources, through disseminating scientific discovery and advanced knowledge through teaching, adapting to the constantly emerging needs for new competences and qualifications, and educating future generations in the European context. According to the Lisbon Strategies and the Bologna Process, all such functions are of vital importance to the long-term development of Europe.

Despite the fact that the access to education is being regarded as one of the fundamental human rights by the international community, Turkish Cypriots find themselves denied representation, as well as access to educational facilities and opportunities open to other nations. Turkish Cypriots are being forced, against all the principles recognized by the UN prior to and since the referenda, to submit to the authority of the Greek Cypriot government. Thus, the Turkish Cypriots are being denied their basic human rights, beginning with their right of self-determination. Since the Turkish Cypriot universities’ activities are vital for the economic life of North Cyprus, and since this soil is an area in which all EU citizens and goods can freely and legally enter through Turkish Cypriot ports under the provisions of the “Green Line Regulation”,

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Turkish Cypriot universities should have the right to be accepted into the Bologna Process, independent of the recognition of the Greek Cypriot authorities, provided that these universities fulfil the objective criteria within that system.

2. GREEK CYPRIOTS BLOCKED CREATION OF A “UNITED REPUBLIC OF CYPRUS”

On 24 April 2004, the Annan Plan which would have brought the two communities of the island together under a “United Republic of Cyprus,” was put to separate, simultaneous referenda in the north and south of Cyprus. 64.9% of the Turkish Cypriots voted in favor of a peaceful solution and unification of Cyprus, and 75.8% of the Greek Cypriot population voted against it.

Although Turkish Cypriots are declared to be European citizens, they find themselves in a position where representation and fundamental educational rights are denied to them in the world. Turkish Cypriot institutions of higher education have been and are currently suffering from intolerable physically, psychologically, and economically damaging acts of political interference, harassment, discrimination and exclusion. All attempts initiated by Turkish Cypriot universities to join the European Knowledge Society or UNESCO educational programs have met with delays, postponements, or rejections.

In addition to official European and international policies of discrimination, there have been politically motivated protests from different official and unofficial quarters, orchestrated from the Republic of Cyprus. The Greek Cypriot administration and certain Greek Cypriot institutions repeatedly conduct campaigns of misinformation and direct implied threats to European Union and UN associations, NGOs, universities and other international institutions, if these try to establish ties with EMU and other Turkish Cypriot universities. These protests are based on erroneous assumptions concerning the legal status of the Turkish Cypriot universities; and the “information” given in these campaigns and protests is deliberately incomplete, misleading or simply false. In the absence of any substantial legal or ethical arguments, these protests are intended to create a negative atmosphere around the Turkish Cypriot universities, and the scholars and professionals involved in them. Their aim is to attempt to discredit respected academic researchers and institutions, to put pressure on them to stop their involvement in collaborative international projects, and to threaten scholars and institutions who are exercising their academic rights and freedoms in this regard.

3. TURKISH CYPRIOT UNIVERSITIES IN NORTHERN CYPRUS CANNOT BE LEFT OUT OF THE BOLOGNA PROCESS – THEY ARE *DE FACTO* IN THE EHEA

The right to education is a fundamental human right as set forth in the Universal Declaration of Human Rights, the Charter of the United Nations and the International Human Rights Covenants, which have the force of international law. Despite this, the Turkish Cypriots, who are EU citizens, find themselves and their institutions of higher education discriminated against and denied access to educational facilities and opportunities available to all European citizens and institutions. North Cyprus is within “geographic Europe”, therefore, Turkish Cypriot

Universities are **DE FACTO** in the “European Higher Education Area”; they cannot be excluded from the Bologna Process. **This will create a dilemma for “geographic Europe”.**

The responsibility lies with Europe and the world community, besides Turkish Cypriots, to find ways to overcome the difficulties and complications stemming from “non recognition” and “the lack of a solution to the Cyprus problem”. Awaiting the solution of the Cyprus problem, this may not happen before the end of the Bologna Process, will put Turkish Cypriot universities at tremendous risk.

4. RECOGNITION OF “REPUBLIC OF CYPRUS” AS THE SOLE GOVERNMENT OF THE ISLAND IS ERRONEOUS

Lack of a settlement of the prolonged Cyprus conflict, since the oust of Turkish Cypriots from the “Republic” in 1963, is NOT the sole responsibility of Turkish Cypriots. It is a well-known fact that Turkish Cypriots cooperated with the World Community all along to resolve the conflict. Greek Cypriots repeatedly deceived the world community and voted against the UN Annan Plan in 2004.

The following arguments presented to the BFUG by the Greek Cypriot members are “left-over” from their “PRE-REFERANDUM DAYS”:

“It is also reminded that the so-called “North Cyprus” is an area of the Republic of Cyprus where the Government of the Republic of Cyprus does not exercise effective control as a result of the continuing occupation by Turkish forces. The UN Security Council by resolutions 541 (1983) and 550 (1984) condemned the unilateral declaration of an independent state in the occupied part of Cyprus, considered such declaration as illegal, null and void, and called for its withdrawal. It called upon the states not to recognize the secessionist entity. Only Turkey the occupying power recognizes this illegal entity. Therefore, the international community, member states and international organizations are duty-bound to observe and fully respect the decisions of the UNSC.”

Though it is true that “Republic of Cyprus” is the only recognized government in Cyprus, it is also true that this “Republic” is a partnership republic with equal rights for Turkish Cypriots. It is run solely by Greek Cypriot partner since 1963, without any Turkish Vice-President, Cabinet Ministers or civil servants. It is clear that the main aim of UNSCR 541 and 550 is to prevent any secessionist acts and recognition of the Turkish Republic of Northern Cyprus. However, these resolutions do not constitute a legal ground for ignoring or denying either the existence or the right of self-determination of the **Turkish Cypriot Community** as one of the two co-founders of the Republic of Cyprus, based on the London and Zurich Accords of 1959 and the 1960 Constitution of the Republic.

The acceptance of the Greek Cypriot Administration as the legal government of the Republic of Cyprus has long been based on the argument of “state of necessity.” This argument was formulated due to the existence of an “abnormal situation on the Island”. It is an internationally accepted principle that an institution cannot refer to this argument as a basis for its actions if it

contributes to the continuation of the abnormal situation. The Greek Cypriot people as well as the Greek Cypriot Administration refused to accept the basic framework for a comprehensive settlement of the Cyprus problem in the April 2004 referendum, and in so doing, they have prevented the establishment of a new state of affairs on the Island and the termination of the abnormal situation. The Turkish Cypriots have given their consent for the establishment of a new and internationally accepted state of affairs. Therefore, this argument can no longer be legitimate grounds for supporting the position taken by the Greek Cypriot Administration that it is the legal government of the whole island with the authority to represent Turkish Cypriots.

In the case of a “double yes” from the two sides in the April 2004 referendums, the Foundation Agreement and its annexes would have entered into force and a new state (entailing a new state of affairs) would have been established. Since it has recognized the right of Turkish Cypriots and Greek Cypriots to determine the future state of affairs on the island upon an equal footing, and has accepted the two sides’ separate inherent constitutive powers as confirmed by separate simultaneous referenda, the EU and its organs and institutions are now acting inconsistently by granting Greek Cypriots the privilege to act as the sole legal actor of the current state of affairs. Since the ‘common will’ of Cypriots has been exercised separately, the international community must find ways to avoid the subjugation of the Turkish Cypriot will to the Greek Cypriot one. Therefore, for a European organization to ask a Turkish Cypriot university to submit to the will of the Greek Cypriot government by considering it as the legal government of Cyprus and requiring recognition by one of its organs is entirely contrary to the reality revealed in the referenda held in the north and south of Cyprus on 24 April 2004; it represents a policy of discrimination against the Turkish Cypriots, and a contradictory denial of the EU’s recognition of Turkish Cypriots’ rights in its official statements both prior to and since the referenda.

In the light of the abovementioned circumstances, we believe that the Council of Europe, UN and other relevant bodies should find ways in which to let universities from Northern Cyprus participate in the Bologna Process without requiring explicit recognition from Greek-Cypriot state institutions. This is also recognized by several members of the European Parliament (Attachment 1, 2) and members of the UK House of Lords (Attachment 3).

5. ISOLATIONS OF TURKISH CYPRIOTS AND NORTH CYPRUS MUST END

There is a **new reality in Cyprus since the referendum on 24 April 2004**. There are numerous statements made by the UN and the EU organs following the referenda to the effect that the Turkish Cypriots should not be held responsible for the continuing political impasse on Cyprus. Some of these are:

5.1 Decision of the EU Council (26 April 2004):

“The Turkish Cypriot community has expressed their clear desire for a future within the European Union. The Council is determined to put an end to the isolation of the Turkish Cypriot community and to facilitate the reunification of Cyprus by encouraging the economic development of the Turkish Cypriot community. The Council invited the Commission to bring forward comprehensive proposals to this end with particular emphasis on the economic integration of the island and on improving contact between the two communities and with the EU.”

5.2 UN Secretary-General Report to UNSC (28 May 2004)

“The decision of the Turkish Cypriots is to be welcomed. The Turkish Cypriot leadership and Turkey have made clear their respect for the wish of the Turkish Cypriots to reunify in a bicomunal, bizonal federation. The Turkish Cypriot vote has undone any rationale for pressuring and isolating them. I would hope that the members of the Council can give a strong lead to all States to cooperate both bilaterally and in international bodies, to eliminate unnecessary restrictions and barriers that have the effect of isolating the Turkish Cypriots and impeding their development not for the purposes of affording recognition or assisting secession, but as a positive contribution to the goal of reunification.”

6. IT IS UNCONSTITUTIONAL FOR TURKISH CYPRIOT EDUCATIONAL INSTITUTIONS TO REGISTER WITH GREEK CYPRIOT “MINISTRY OF EDUCATION”

Tough the Greek Cypriot authorities know and admit that they DO NOT represent the Turkish Cypriots, they do continue with their misinformation campaign by saying that Turkish Cypriot universities are not recognized because they are not registered with the Greek Cypriot authorities. It is UNCONSTITUTIONAL for Turkish Cypriot educational institutions to seek such registry.

With regard to the statutes of the higher education institutions of Turkish Cypriots one must look at the guiding principles of the 1960 Constitution that provides for political equality between the two communities. The constitution contains many checks and balances to maintain the political equality of the two communities. The system of the 1960 Constitution was based on the shared executive power of the Greek and Turkish Cypriot communities; and as a matter of fact under this system, the separate communal chambers have competence to exercise their executive power separately in matters related to religious affairs and cultural and educational issues (Article 87, Constitution of ROC, 1960). There is no national educational authority in Cyprus and since 1960 the Turkish Cypriots have separate, autonomous competence over their own educational affairs. As stated very clearly and explicitly in Articles 20 and 83 of the constitution of the 1960 Republic of Cyprus, the Ministry of Education in the Republic of Cyprus has jurisdiction and authority only over the educational affairs of the Greek Cypriot community. Therefore, the existing membership of Cyprus to the Bologna Process binds the educational activities of the Greek Cypriot community only and does not include politically, practically or in any other way, the educational matters of the Turkish Cypriot people.

Additionally, the reality on the ground is that the application of the EU *acquis*, upon accession of Cyprus to EU on 1st of May 2004, has been suspended in the areas in which the “Government of the Republic of Cyprus does not exercise effective control”. The main legal basis for suspending the *acquis* in North Cyprus was the incompetence of the “Republic of Cyprus” in exercising effective control in the north. Turkish Cypriot universities are located in the northern part of the Green Line in an area where the *acquis* is suspended and the “Republic of Cyprus” cannot exercise effective control. The “Ministry of Education” of the “Republic of Cyprus”, besides its constitutional incompetence, has no legal and practical competence to supervise educational activities in the North. Hence a separate mechanism for inclusion of the universities in the North into the Bologna Process must be found.

Provided that Turkish Cypriot Universities fulfill the requisite objective criteria of Europe's higher educational systems, Turkish Cypriot students, scholars, and universities should have the same rights and freedoms granted to other European students, scholars and institutions, and should be accepted into the BOLOGNA PROCESS on their own merits, **without waiting for a final settlement of the Cyprus problem.**

The two examples below, our membership in EUA and IAU, are proofs that political obstacles can be removed and we can be accepted on a merit basis.

7. EUROPEAN UNIVERSITY ASSOCIATION ACCEPTED UNIVERSITIES IN NORTHERN CYPRUS AS FULL INDIVIDUAL MEMBERS

Similar to Bologna Process, EUA accepts full individual members from countries that signed the Cultural Convention of Council of Europe. After careful consideration and in recognition of the above points, EUA found ways of accepting universities of Northern Cyprus as full individual members without requiring approval by the authorities of the Greek-Cypriot "Ministry of Education", and without the acceptance and approval of the **National Rectors' Conference** of Cyprus. The "Cyprus Rector's Conference" headed by the Rector of University of Cyprus, Prof. Stavros Zenios, represents only the Greek Cypriot universities. Currently there is **NO NATIONAL** Rector's Conference for both sides.

EUA accepted Turkish Cypriot Universities as full individual members on their own merits, but without any national affiliation.

8. INTERNATIONAL UNIVERSITY ASSOCIATION (IAU) ACCEPTED UNIVERSITIES IN NORTHERN CYPRUS AS FULL INSTITUTIONAL MEMBERS

International Association of Universities (IAU) responded to our membership application on 13 January 2005 as:

"Please note that one of the aspects reviewed by the IAU Administrative Board is the recognition of any applying institution by the national government. Given the situation in Cyprus, we have not been able to admit universities from Northern Cyprus to date. These decisions have been taken by the Board in view of the fact that IAU, as an NGO with strong formal relations with UNESCO, normally follows UN Rules".

After deliberations in their annual meeting held in the town of Alexandria in Egypt on November 15 2005, IAU responded positively to Turkish Cypriot Universities' application. On 1 December 2005 EMU was officially notified, in a letter from Eva Egron-Polak, the Secretary-General/Executive Director of the International Association of Universities (IAU) that EMU had been accepted as a full institutional member of the IAU. The acceptance letter stated:

“I have the pleasure to advise you that the application of the Eastern Mediterranean University for full institutional membership in International Association of Universities (IAU) was reviewed and accepted by the IAU Administrative Board at its 69th meeting held in Alexandria, Egypt, last month. ...

As you know, one of the aspects reviewed by the IAU Administrative Board is **the national recognition** of all applying institutions. This has been a stumbling block in the past with regard to institutions from Northern Cyprus, given that IAU, an NGO with close formal relations with UNESCO, had applied UN rules in this matter. After renewed deliberations in Alexandria, the IAU Administrative Board decided to admit the Eastern Mediterranean University to membership in IAU, in full recognition of its fulfillment of all academic criteria.”

In recognition of the special situation and conditions in Cyprus the term “**recognition by the national government**” was changed to “**national recognition**”. Therefore it is acknowledged that Eastern Mediterranean University is a nationally recognized institution in Cyprus without being recognized by “the national government”.

9. NORTHERN CYPRUS FROM BOLOGNA PROCESS WILL SEVERELY HARM THE TURKISH CYPRIOT ECONOMY

Protocol 10, signed on 16 April 2003, and has suspended the application of the EU *acquis* in North Cyprus pending a comprehensive solution. As is confirmed in the wording of European Commission and Council decisions, promoting the economic development of North Cyprus, where the Turkish Cypriot population lives and administers its institutions, is key to increasing the economic capacity of this population. Article 3 of Protocol 10 provides that “nothing in this Protocol shall preclude measures with a view to promoting the economic development of” North Cyprus. The higher education sector comprises 40% of the economy of Northern Cyprus. Contrary to the principles and terms of Protocol 10, if the Bologna Process is concluded without inclusion of Turkish Cypriot universities, we will be at a disadvantage to compete for students and staff. Higher Education sector will suffocate due to reduced demand and this will also contribute to the destruction of the largest sector of the Turkish Cypriot economy. Consequently, this will negatively affect all sectors of Turkish Cypriot economy.

10. NORTH CYPRUS IS IN GEOGRAPHICAL EUROPE AND MUST BE GIVEN SPECIAL CONSIDERATION

North Cyprus application to Bologna Process is a **special case** and it must be taken up separately.

- 1- As mentioned in the Bologna Secretariat document “Application to Join the Bologna Process (BFUG10 5a)”, item 4, the Bologna Process has **only two criteria** for membership:

- ratification of the European Cultural Convention, and

- a commitment to the goals and policies of Bologna Process
- 2- Turkish Cypriot universities in North Cyprus satisfy both criteria.
 - 3- **Ratification of the European Cultural Convention:** The Republic of Cyprus, established jointly by Turkish Cypriots and Greek Cypriots in 1960 became a member of the Council of Europe in 1961. Currently, there are two elected representatives of Turkish Cypriots at the Parliamentary Assembly of Council of Europe (PACE). Cyprus became a signatory to the European Cultural Convention in 1969, and the Convention was ratified the same year with the consent of Turkish Cypriots. This ratification of 1969, applies equally to both Turkish Cypriots and Greek Cypriots. **Separate and independent ratification of the European Cultural Convention by Turkish Cypriots is not necessary.**
 - 4- **Declaration:** A Bologna declaration was made by the authorities from North Cyprus in January, before the January 31, 2007 deadline.

We strongly believe that “Education”, as a fundamental human right, should be free from political interference. In matters of “education” and “culture”, playing with words (e.g., “country”, “international recognition”, etc.) is counterproductive and a hindrance to development. Cyprus (including North) is in “geographic Europe”, and a party to European Cultural Convention. Hence it is part of European Higher Education Area. Some legal precedents from application of international law regarding North Cyprus are included as Attachment 4.

ATTACHMENT 1
LETTER FROM EUROPEAN PARLIAMENTARIANS TO
EU EAC COMMISSIONER FIGEL ON PROBLEMS OF UNIVERSITIES IN
NORTHERN CYPRUS

Brussels, 11-01-2007

Dear Commissioner Figel,

As members of the European Parliament we support the Commission in its aims to further European integration by allowing students from all over Europe to participate in programmes like SOCRATES and ERASMUS. We also support including educational institutions in the Bologna Process. It is therefore with concern that we have learned that universities from Northern Cyprus have been refused access to these programmes and cannot participate in the Bologna Process.

In the light of earlier EU promises to end the isolation of Turkish Cypriots, we would like to ask the Commission to find ways in which to let universities from Northern Cyprus participate in these programmes without requiring explicit recognition from Greek-Cypriot state institutions. Such recognition is, unfortunately, impossible to obtain in light of the situation on Cyprus. Please find attached a letter from the Rector of Eastern Mediterranean University, which explains the situation in more detail.

It is not acceptable that whole generations of young students will be punished for a situation that is largely beyond their control. We ask you to please inform us what possibilities there are to remedy the problem and what actions you plan to take. We thank you in advance for your efforts.

With the highest respect,

Emine Bozkurt MEP

Jan Marinus Wiersma MEP

Max van den Berg MEP

Hannes Swoboda MEP