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| มหาวิทยาลัยสวนดุสิต | |
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ถึง มหาวิทยาลัยสวนดุสิต

ด้วยสถานเอกอัครราชทูตสาธารณรัฐไซปรัส ณ กรุงนิวเดลี ได้มีหนังสือแจ้งว่า สาธารณรัฐตุรกีแห่งไซปรัสเหนือ (Turkish Republic of Northern Cyprus หรือ TRNC) เป็นดินแดนที่นานาประเทศในโลกไม่ได้ให้การรับรองว่าเป็นประเทศยกเว้นประเทศตุรกี อันส่งผลให้สถาบันอุดมศึกษาที่จัดตั้งขึ้นในดินแดนดังกล่าวถือเป็นสถาบันอุดมศึกษาที่จัดตั้งขึ้นโดยผิดกฎหมายของสาธารณรัฐไซปรัส และไม่ได้รับการรับรองโดยปัจจุบัน มีสถาบันอุดมศึกษาที่จัดตั้งในเขตพื้นที่ดังกล่าว จำนวน ๑๕ แห่ง รายละเอียดตามสิ่งที่ส่งมาด้วย

ในการนี้ สำนักงานปลัดกระทรวงการอุดมศึกษา วิทยาศาสตร์ วิจัยและนวัตกรรมขอเรียนแจ้งให้สถาบันอุดมศึกษาของไทยพิจารณาหลีกเลี่ยงการจัดทำความร่วมมือกับสถาบันอุดมศึกษา ตลอดจนการจ้างเหมานักศึกษาที่ประสงค์จะสมัครเข้าเรียนในสถาบันอุดมศึกษาดังกล่าวข้างต้น

จึงแจ้งมาเพื่อโปรดประชาสัมพันธ์ให้กับบุคลากรในสังกัดทราบโดยทั่วกัน จะขอบคุณยิ่ง



สำนักงานปลัดกระทรวงการอุดมศึกษา วิทยาศาสตร์ วิจัยและนวัตกรรม

สำนักยุทธศาสตร์อุดมศึกษาต่างประเทศ

โทร. ๐ ๒๖๑๐ ๕๔๐๕

โทรสาร ๐ ๒๓๕๔ ๕๕๗๐

EDUCATION IN CYPRUS AND THE ILLEGALLY OPERATING "UNIVERSITIES" IN THE OCCUPIED AREAS - POSITION OF THE GOVERNMENT OF THE REPUBLIC OF CYPRUS

A. Cyprus Higher Education in the Republic of Cyprus

I. Overview

The Government of the Republic of Cyprus policy aims to establish Cyprus as a regional educational and research centre, a hub for international scholars and students alike, and to provide the framework for its universities to offer competitive programmes of study, fully recognized at an international level.

Within this framework, Cyprus has become an international student destination with student population from all European Union countries, Russia, China, etc. During the last years, the number of students studying in Cyprus HEIs has increased tremendously.

Totally, eight (8) Universities are legally registered in the Republic of Cyprus and operate within the European Union and International guidelines, concerning higher education issues, with particular attention to matters of quality assurance. These universities are:

- University of Cyprus - www.ucy.ac.cy
- Open University of Cyprus - www.ouc.ac.cy
- Cyprus University of Technology - www.cut.ac.cy
- Frederick University - www.frederick.ac.cy
- European University Cyprus - www.euc.ac.cy
- University of Nicosia - www.unic.ac.cy
- Neapolis University Pafos - www.nup.ac.cy
- University of Central Lancashire-Cyprus - www.uclan.cyprus.ac.cy

There is also a large number of Private and Public Institutions of Higher Education. Further information is available on the official site of the Department of Higher and Tertiary Education of the Ministry of Education and Culture of the Republic of Cyprus www.highereducation.ac.cy.

ii. Recognition and Quality Assurance in the Republic of Cyprus

Universities and Institutions of Higher Education are all recognized by the Government of the Republic of Cyprus and, as a result, by the European Union (EU) as well as non EU countries.

Within the Republic of Cyprus, the operation of public and private Institutions 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.

➤ The Cyprus Agency of Quality Assurance and Accreditation in Higher Education

(<http://www.dipae.ac.cy/index.php/el/dipae/foreas>)

The Cyprus Agency of Quality Assurance and Accreditation in Higher Education is the competent Authority responsible for ensuring the quality of higher education in Cyprus, through the procedures provided by the Law on "Quality Assurance and Accreditation of Higher Education and the Establishment and Operation of an Agency on Related Matters", and for the processes for the continuous improvement and upgrading of higher education institutions and their programs of study. The relevant law provides a quality assurance framework for higher education in Cyprus within which, higher education institutions are driven to enhance quality and develop an internal quality culture. The Agency has, according to the Law, extended competencies amongst which are the following:

- Institutional, Departmental and Programmatic Evaluation and accreditation of higher education
- Quality Assurance in higher education on the basis of the European Standards
- The Evaluation and Accreditation of cross-border forms of education, offered by local institutions in member states or third countries
- Assessment of the conditions for the provision of cross-border education from foreign institutions in Cyprus
- Assessment of inter-institutional cooperation of higher education institutions
- The provision of information of Quality Assurance in higher education

The Agency operates in accordance to the standards and guidelines provided by the European Network for Quality Assurance (ENQA).

➤ **The Council of Recognition of Higher Qualification (<http://www.kysats.ac.cy/>)**

The Council of Recognition of Higher Qualification (KYSATS) is in accordance with the provisions of the Recognition of Higher Education Qualifications and the Provision of Relevant Information Laws, 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 Centers on academic recognition and mobility (ENIC) and the National Academic Recognition Information Centers (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.

B. Illegally operating "universities" of higher education in the occupied areas of the Republic of Cyprus

i. Overview

The "universities", operating in the area of the Republic of Cyprus, which remains under Turkish military occupation since 1974, are unlawfully operating bodies, since they had not been established nor have they been operating under the relevant Laws and Regulations of the Republic of Cyprus on Higher Education. In addition they operate under the purported "law" of the so called "Turkish Republic of Northern Cyprus" ("TRNC") which, according to International law including the relevant United Nations Security Council resolutions, is an illegal entity not recognized by the international community with the sole exception of Turkey. Therefore, they, as well as the "qualifications" they award, are not recognized by the Republic of Cyprus.

The fifteen "universities" currently operating in the occupied areas are:

- 1) "Eastern Mediterranean University" in the occupied city of Ammochostos (Famagusta).
- 2) the "Girne American University" situated in occupied Kerynia,
- 3) the "Cyprus International University" situated in the occupied part of Nicosia.

- 4) the "European University of Lefke" in occupied Lefke,
- 5) the "Near East University" situated in occupied Kioneli,
- 6) the "American University of Cyprus" situated in occupied part of Nicosia,
- 7) the "Mediterranean Karpasia University" situated in occupied part of Nicosia,
- 8) the "University of Kerynia" situated in occupied Kerynia,
- 9) the "Cyprus Health and Social Sciences University" situated in occupied Morfou,
- 10) the "Middle East Technical University Northern Cyprus Campus" situated in the occupied village of Kapouti in Morfou,
- 11) the "Istanbul Technical University" situated in occupied Agios Andronikos Karpasias village.
- 12) the "Scientific University of Cyprus" (former "British Nicosia University"),
- 13) the "Ataturk Pedagogical Academy" situated in occupied part of Nicosia,
- 14) the "Cyprus University of Social Sciences" situated in occupied Mía Milia,
- 15) the "Final International University" situated in Kazafani/Agios Epiktitos in Kyrenia

ii. Problems in the evaluation, accreditation and recognition of the illegal "universities"

- a. The "universities" in the occupied areas operate under the occupation regime of the illegal "TRNC", which according to international law is an illegal entity. United Nations Security Council resolutions 541(1983) and 550 (1984) state clearly that the purported declaration of the so called "TRNC" is legally invalid. The said resolution call for the immediate withdrawal of the declaration and call upon all States 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.

- b. Their evaluation, accreditation and recognition is provided by the "Higher Education, Planning, Evaluation, Accreditation and Coordination Council (YODAK)" of the illegal "TRNC". Due to the illegality of the framework, within which they operate any direct or indirect recognition of the "universities" or of the "qualifications" they award is contrary to the conditions and goals of the European initiatives on Higher Education, since prerequisites of these initiatives is cooperation on a national level, and the existence of a national recognized international framework.
- c. 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 "institutions" 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 Laws 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 "universities", as well as the "qualifications" they award, are not recognized by the Republic of Cyprus.
- d. The illegal "Eastern Mediterranean University", apart from functioning under the "law" of the secessionist entity, has the status of the "state university" of the "TRNC", as it has become a "state-trust university" 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".
- e. Under international law, Turkey is in no way legitimized to establish "campuses" of its universities in the occupied areas, or use its institutional framework of 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 Republic of Cyprus stems from its illegal military occupation of those areas.

iii. Human Rights violations - The usurpation of Greek Cypriot properties by the illegal "universities" in the occupied areas.

1. Many of the "universities" were built on property belonging to Greek Cypriot displaced persons who were forced to flee their homes because of the Turkish invasion in 1974 and the subsequent military occupation of 36,2% of the territory of the Republic of Cyprus. 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.
2. 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 EU member state, under the provision of EC Regulation No. 44/2001, as ruled by the European Court of Justice, in its Judgment of the Case Meletis Apostolides v. David Charles Orams and Linda Elisabeth Orams(28 April 2009, case C-420/07).
3. The European Court of Human Rights (ECHR), in its Judgment on the 4th interstate case 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 I of the European Convention on Human Rights. It furthermore concluded that the Greek Cypriot property owners in the occupied areas of Republic of Cyprus remain the legal owners of such properties. It is noted that Turkey has been found responsible by the European Court of Human Rights for violations of the property rights of Greek Cypriots owners of land and property in the occupied area of Cyprus.

4. Part of the premises of the "Eastern Mediterranean University" is built on the usurped buildings and land of the Greek Cypriot, Mr Saveriades. The European Court of Human Rights in its Judgments 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 to access to and control, use and enjoyment of his property.

iv. Ownership status of the illegal operating "universities", situated in the occupied areas of the Republic of Cyprus

1. "Eastern Mediterranean University" is situated in the occupied city of Ammochostos (Famagusta). Part of its premises comprise the usurped buildings and land of the Center of Higher Studies of Famagusta (Known as Saveriades K.A.S.A College).
2. "Girne American University" is situated in Kerýnia and built on Greek Cypriot owned land. Its "Campus" situated in Karpasia peninsula, on land belonging to Greek Cypriots.
3. "Cyprus International University" is situated in the occupied part of Nicosia, built on land belonging to Greek Cypriots.
4. "European University of Lefke" is built on land owned by a Greek Cypriots.
5. "Middle East Technical University Northern Cyprus Campus" (branch of a Turkish university) is situated in the village of Kapouti in Morfou. It is built on land owned by the Government of the Republic of Cyprus and Greek Cypriot citizens.
6. "Near East University" is partly built on Greek Cypriot land.
7. "University of Mediterranean Karpasia". Located in Nicosia on land belonging to Greek Cypriots.

8. "Istanbul Technical university campus" (branch of a Turkish university). Its headquarters are located in Istanbul, Turkey. It is built on the land of the old Famagusta hospital and on land belonging to Greek Cypriots (Agios Andronikos Karpasias village).

9. "University of Kerynia". It's located in Kerynia. Part of it is built on land belonging to Greek Cypriots.

10. "American University of Cyprus". It is located in the occupied part of Nicosia on land belonging to Turkish Cypriots.

11. "Cyprus Health and Social Sciences University". Located in Morfou on land belonging to Greek Cypriots.

12. "Ataturk Paedagogical Academy". Located in Nicosia on land belonging to Greek Cypriots.

13. "Final International University". Located in Kazafani/Agios Epiktitos in Kyrenia on land belonging to Greek Cypriots.

14. "Cyprus Science University (KIU)". Located in Kazafanion land that is unregistered and in Dikomo on land belonging to Greek Cypriots.

15. "Cyprus University of Social Sciences (KISBU)". Located in Mia Milia (Nicosia district on land belonging to Greek Cypriots).