

# **Universities and their Global Engagement Strategies**

## **Globalisation and Basic Rights and Freedoms**

**Narin Ferdi Şefik**

**President, Supreme Court, Northern Cyprus**

This international conference, organised by the Mathematical Society, The Quality Society, Northern Cyprus, Center for Studies in Higher Education, University of California, Berkeley, and hosted by the Eastern Mediterranean University of Northern Cyprus, is a first of I hope many more international conferences of this calibre to be hosted in this country.

Interaction between universities, to advance the standard of learning in local universities, is very important, especially in small countries such as the TRNC . In the TRNC, at the moment , there are 16 universities, 2 are campuses of universities in Turkey, the rest have all been set up on this island. Certain local universities have some operations abroad.

Establishing such links and connections for the local universities is a life saver. In this small country, our main attraction is tourism. The location of the country is convenient, it is close to 3 continents, Europe, Asia and Africa. The weather is beautiful. The sun is out for at least 10 months of the year. Political and administrative problems cause certain difficulties within the tourism industry, but these inefficiencies can be corrected easily, if there is the will to do so. Other than tourism the second area which is being utilised in this country is education. There are a very large number of foreign students in the 16 universities. The bulk of the students come from Turkey, but there are also a large number of students from other countries, including Syria, Palestine, Libya and Nigeria. In a country with little natural resources, the notion of creating an island of learning is to be applauded. I am not an academic. I can only venture to make certain comments as an outsider. As a citizen, I can only applaud the efforts that are being made to try and place the TRNC on the world map of education . However, I have to stress that a lot more work has to be done, the most important one being, raising the standard of education that is being offered. Local universities have to enhance their standing by doing a lot more research and by displaying greater effort to meet international standards. All this can only be achieved by thinking globally.

The TRNC is a small country located in the north of the island of Cyprus, in the center of the Mediterranean Sea. Cyprus in itself is small enough but, de facto it has been further divided into 2. The TRNC in the North of the island, has no international recognition. The only country that recognizes the TRNC is Turkey. This is the reason why, whilst mentioning the organisers and host of this conference, the name, TRNC has not been used. Northern Cyprus is the internationally accepted norm. As citizens of the TRNC we have come to accept this and we do not push, at international conferences, at any rate, for the inclusion of the

name TRNC. if that is the only way we can have our voices heard. If it is the only way we can take our place in international events. If it is the only way the world will grant us the right to speak.

As the theme of this conference is universities and their global engagement strategies, I would like to look at the definition of globalization. One definition that I came across was “Globalization is a process of interaction and integration among people, companies, and governments of different nations, a process driven by international trade and investment and aided by information technology.” Obviously such a process has effects on the environment, on political systems, on economic development and prosperity, and on culture and education in the various societies around the world.

A necessary ingredient of globalization is worldwide connection. If that is the case, connection has to be implemented without the need for restrictions based on unnecessary or insignificant criteria, or to put it another way, the ability to connect should not be prevented with restrictions, however noteworthy they may seem to be in the mind of one party. An important example for citizens of this country, is the inability to communicate or to take part in various international events because of the non recognition of this country. As President of Supreme Court of TRNC, I have been invited and have attended various international seminars and conferences for members of the judiciary, taking place in Turkey. Although the host country had issued the invitation, I was faced with problems from some of my European counterparts, asking that I leave the meeting, or that I should not carry a name tag. They went as far as only giving me curt replies to my efforts to make polite conversation round a dinner table, and made no effort to start a conversation. To put it mildly, that calibre of behaviour can only be seen as lack of manners.

Sitting around the same table and discussing, thereby communicating does not, cannot mean, legal recognition, The ability to get together and freely discuss is to the only way to communicate, to understand, to identify problems, differences and conflicts.

Globalization is important in that it provides ways and means through which different cultures can be better understood, sensitivities appreciated thereby providing for better communication. The right to speak, the right to voice once thoughts and beliefs, should not be curtailed. Listening does not mean that the views that are being voiced are accepted as true. As far as I am concerned, the fear behind not allowing someone to speak, to say what they want, can only be because you know they are speaking the truth and you want to silence them before others can hear and learn the truth, or what you are hiding from them or before others can be convinced that there is another point of view.

I am afraid my knowledge about academics and globalisation is limited and as a judge, as the President of the Supreme Court of the TRNC, I feel I am more suited to talk about legal rights, basic human rights and freedoms. Therefore, I would like to try and explain the position of this country vis a vis basic rights and freedoms. I would like to start with a very brief historical outline.

Cyprus, as a tiny island in the middle of the Mediterranean, has always been strategically important. Many different powers have invaded and ruled this island. As a result, this island has lived through very different cultures during the Egyptian, Persian, Hellenistic, Roman, Byzantine, Lusignan, Venitian and Ottoman periods. Cyprus became part of the Ottoman Empire in 1571. Ottoman Rule on the island lasted until 1878 when the British Empire rented the island from the

Ottomans. In 1914, the British, on the basis of an unilateral decision annexed the island of Cyprus. In 1923, the Republic of Turkey, by signing the Treaty of Lausanne, accepted this de facto situation. British rule of the island continued until the formation of the Republic of Cyprus.

In 1960 with the formation of the Republic of Cyprus, the Greek Cypriots and Turkish Cypriots, were introduced into a constitutional set up, where the Turkish Cypriot community was granted veto rights to ensure that the rights of their community with 40% representation in the Council of Ministers and 30% representation in parliament, would not be jeopardized. Unfortunately this arrangement did not last long. The Turkish Cypriots were ousted from the republic within 3 years of the formation of the republic. The Turkish Cypriot ended up living in enclaves and were forced to set up their own administration. In 1974, after a coup was staged by the Greek junta against the then Greek Cypriot leader Archbishop Makarios, before the G/C's had the chance to turn their onslaught on to the Turkish Cypriot community, Turkey intervened under her rights as a guarantor power to the 1960 Constitutional framework, and peace was restored on the island. Thereafter the Turkish Cypriot community moved on first to form the Turkish Federated State of Cyprus in 1975 and then the Turkish Republic of Northern Cyprus in 1983. From 1974 to 2003 the island was completely divided with no ability of the citizens on either side to cross over. Since 2003 this has changed. Fortunately since 23rd April 2003 the two communities on the island can get together. It is possible for people to cross over the border.

With the introduction of the Green Line regulation in 2004, a limited number of goods can also cross the border. The aim of the regulation was to allow T/C to export goods to the south and thereby the EU. Unfortunately that has not worked. Since then the EU has wanted to implement a Direct Trade regulation, allowing T/C to trade directly with the EU on preferential terms, but unfortunately, the internal mechanism of the EU has decided that the Direct Trade regulation could only be implemented by a unanimous decision of EU countries, not a majority. This has meant that what we call the G/C administration, and what the world accepts as the RoC has to agree to such a move. Obviously this is impossible, hence there can be no Direct Trade regulation in the foreseeable future.

Certain rights are taken for granted in most parts of the world. Unfortunately in the TRNC we are faced with problems that are difficult to explain. They seem trivial but have great drawbacks.

On this small island, the use of mobile phones is incredibly widespread. I can use my mobile phone to call anywhere in the world, and receive calls from all over the world, but when I cross over to the south, my phone is out of operation. This was one of the first problems that the leaders of the two communities tried to solve, at the restart of the intercommunal talks in 2016, but unfortunately, the necessary changes to the laws in the south were not and have still not been implemented. This may seem to be an insignificant problem but it means you are cut off and isolated and cannot communicate even in dire need.

All postal connections and telephone connections to the TRNC, take effect over Turkey. The post code for TRNC is Mersin-10 Turkey. The phone code starts with 90 which is again the code for Turkey. Without the ability to use these codes, we would have no connection to the outside World. Unthinkable in this day and age.

The basic right to communicate, are being curtailed to TRNC citizens, in a world where globalization is deemed important.

The TRNC is a secular, democratic republic with a written constitution, where the rule of law is enforced.

Under the constitution of the TRNC the right to live in peace and security, life and corporal integrity, respect for family life and privacy, inviolability of a dwelling house, to communicate, freedom of movement and residence, religion and conscience, of thought, speech and expression, of assembly and demonstration, to equal treatment, to receive a fair trial, are all safeguarded.

These are rights that a lot of people take for granted in many countries around the world. Unfortunately there are other countries where such rights may be accorded on paper, but in practice no such rights exist. I am proud to say that, although at times, there may be problems, on the whole, all these rights in fact exist and are used by our citizens freely .

In this part of the world the position of women is significant, as it can shed light on the position of society on the whole. Usually in countries where the major religion is Islam, there is a perception that females are accorded second place to men. Although, unfortunately there are such countries, I am proud to say that this is not the case with the TRNC. Women have equal rights to men, and there is no discrimination in most areas. The judiciary, lawyers, medicine are the main areas where discrimination does not exist. To give an example from the judiciary, the number of female judges at the District Court level is 65%, overall it is 62%. In comparison to some countries where females have only recently been accorded the right to drive, this is a success story that should not be underestimated.

Unfortunately, I cannot say the same for the civil service and politics, where men are much more predominant. There are however exceptions here as well. The Speaker of the House and the Ombudsman are both females .And we have had female Ministers and we have female ambassadors. I hope the trend will be carried on into other professions and areas. I, personally do not believe in positive discrimination. I believe that an individual has to be treated according to

his or her standing, ability, education, performance etc, regardless of her or his sex. Only then can we truly be talking about equality. The only area where positive discrimination is being applied to women is in politics. Under a recently enacted legislation all political parties have to put forward 30% female candidates in any election. The next election will show us how that will work in practice.

As far as legislation is concerned, Cap 277, the Guardianship of Infants and Prodigals Law passed on the 3<sup>rd</sup> of January 1936, which is still in force today, proclaims a father of a child as the legal guardian of a child. If there is no lawful father living, only then is the mother the guardian of the child.

The Wills and Succession Law, Cap 195, of 1945, changed the right to succession as of 1<sup>st</sup> September 1946. Women were given the same rights to succession as men, on an equal basis. This was a phenomenal change as prior to this change the share of a male child had been two times larger than that of a female child.

The Adoption Law (Cap 274) of 1954 gave women the same right to adopt children, on their own or jointly with their spouses.

The Law on Illegitimate Children Cap 278 came into force on the 22<sup>nd</sup> of April 1955. This law gave the father of the child the right to apply to the Court to legitimize his child. The consent of his wife was and still is a necessary step in case he is married.

The rights of the mother of an illegitimate child as against the father is however only limited to the right to apply to court, for an affiliation order, a result of which, the putative father pays a certain sum towards the upkeep of the child. An illegitimate child does not inherit from his father, unless the family are willing to give him or her a share. This is unfortunately still the law.

The Turkish Republic of Northern Cyprus is a secular republic. Religion has never played an important part in the administration of this community. This does not mean that the population is not religious. In fact the most obvious characteristic of a Turkish Cypriot is his or her ability to maintain his or her religious beliefs as a private matter that only interests him or her. There is no manifestation of religion although people do practice it in the privacy of their homes rather than in public. Believers prefer not to be public about their practices, as they believe it is a matter that concerns themselves and no one else. The people who are religious and who do not believe in religion respect each others' beliefs.

Another important basic right in the TRNC is the right to free speech. 16 daily newspapers are published in the TRNC every day. Political criticism is the main ingredient of these newspapers as well as that of discussion programs on television. One of the characteristics of T/Cypriots is their ability to state whatever is on their minds, without considering the legal implications. There were a lot of slander and libel cases in court, at one point, but that is not the case any more. People have started to accept that if someone is in the limelight as a politician or is a public figure, he or she has to accept being criticised as long as the criticism is not plainly abusive. In the past journalists or even opposition political members were taken to court for criminal libel or for publishing articles with seditious intention. No political figures, and more importantly, no journalists are being accused of such crimes any more. Since 1994 in fact. This is something of which I am very proud of. This is a very strong sign that there is democracy in my country.

I have tried to give a short overview of the TRNC in relation to basic rights. We are very proud of our standing in these areas. This is a small predominantly muslim country in the middle of the mediteranean, in fact in the middle east, an area where in certain countries the standing of basic human rights is questionable, the position of women highly unacceptable. However as I said before this is not the case in this country. I believe that the people of this country deserve to be world citizens. I hope that the people of this country will be allowed to take their rightful place in the world. I feel that global engagement on various levels will make this possible.

Thank you for your attention.

I hope you enjoy the remainder of this evening that has been meticulously planned by Professor Ufuk Taneri, and also the remainder of your stay in the TRNC.