

International Law Conference on Cyprus

Report of the Ad Hoc Committee

TURKEY'S BREACHES
of International Law

U.D.I. IN CYPRUS

Scanned / Transcribed by
The Socialist Truth in Cyprus – London Bureaux

<http://www.st-cyprus.co.uk/intro.htm>

<http://www.st-cyprus.co.uk/english/home/index.php>



KIBRISTA SOSYALIST

GERÇEK LONDRA BÜROSU
FEB 2012

SOCIALIST TRUTH IN CYPRUS

FEB 2012

International Law Conference on Cyprus

Report of the Ad Hoc Committee

I. The Ad Hoc Committee of the International Law Conference on Cyprus organised by the Cyprus Bar Council in Nicosia in 1979 met in Geneva on 24-25 March 1984 and considered the situation in Cyprus under international law and in particular the situation created after the purported declaration of independence by the part of Cyprus occupied by the armed forces of Turkey.

II. The Committee reaffirmed the conclusions adopted by the International Law Conference of 1979 and in particular the following:

1. that the 1974 invasion by Turkey was not a bona fide exercise of the rights of action provided for in article IV of the Treaty of Guarantee and was in breach of International Law,
2. that the continued military occupation of part of Cyprus by Turkey is in breach of International Law as well as the relevant Resolutions of the U.N.,
3. that Turkey is responsible for violation of Human Rights which took place both during and after the invasion and that this has been established by the European Commission of Human Rights and that it was to be regretted that the Committee of Ministers of the Council of Europe did not take an effective decision as a consequence of such violations. The restoration of Human Rights in Cyprus is of paramount importance for achieving a just and peaceful solution of the Cyprus problem,
4. that there is a duty on States not to recognise any regime flowing from an illegal military occupation of part of Cyprus.

III. The Committee recalled that the Turkish military intervention and occupation of a large area of the Republic of Cyprus since 1974 have been condemned in terms of international law in various

documents. The Committee considered that there is an important principle of international public order involved, namely, that minority issues should not be used as the basis for foreign military intervention.

IV. The Committee considered the unilateral declaration for the establishment of the so-called "Turkish Republic of Northern Cyprus" by the Turkish Cypriots in the part of the Republic of Cyprus illegally occupied by the armed forces of Turkey. The Committee arrived at the following conclusions:

1. The declaration (U.D.I.) violates the 1960 Treaty concerning the establishment of the Republic of Cyprus and the 1960 Treaty of Guarantee.
2. It is in breach of the Charter of the United Nations and of a series of Resolutions on Cyprus adopted by the United Nations Security Council and General Assembly and violates the principles of International Law.
3. The "U.D.I." cannot be legally justified on any ground. It amounts to a legally invalid and void ab initio act of secession of part of the Cyprus Republic and constitutes in effect a new form of the continued aggression of Turkey against Cyprus.
4. Turkey is legally responsible for the "U.D.I." as it occurred in respect of the area of Cyprus occupied by its armed forces. In this connection, the Committee noted that the European Commission of Human Rights specifically found that, by reason of the presence of its armed forces, Turkey was responsible for the violations of human rights committed in the northern part of Cyprus. Since "U.D.I.", the unlawful regime continues to be dominated and maintained by Turkey.
5. It was accordingly in conformity with International Law that the "U.D.I." was condemned by the United Nations, by the Heads of States or Governments of the European Community, by the Commonwealth, by the Non-Aligned Movement and by other International Bodies.
6. The Turkish military presence in Cyprus constitutes not only a constant danger for the majority of the Greek Cypriots but is also a threat to the minorities of Armenians, Maronites and Latins and does not serve the

interests of the Turkish Cypriot minority.

The Committee noted with concern the application in the occupied part of Cyprus after "U.D.I." of Security measures, affecting the human rights both of Turkish and Greek Cypriots, inconsistent with the Treaty of Establishment which guarantees the protection of the European Convention on Human Rights to all citizens of the Republic of Cyprus.

V. In view of the above, all States and International Organizations have the following minimum legal obligations:

- (a) Not to recognise in any way, direct or indirect, the unlawful regime in the area of Cyprus occupied by the armed forces of Turkey.
- (b) Not to allow the importation of any goods emanating from any part of Cyprus unless they are duly certified by the lawful authorities of the Government of the Republic of Cyprus.
- (c) Not to facilitate or in any way assist, directly or indirectly, in the functioning or maintenance of the unlawful regime.

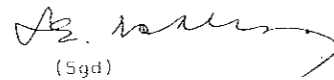
VI. Consequently the Committee urges:

- (a) that States and International Organizations should do their utmost to conform with and implement the above legal obligations;
- (b) that the human rights violated by Turkey in the occupied area of Cyprus including the freedom of movement and settlement and the right of property should be restored, that urgent measures should be taken for the voluntary return of refugees to their homes in safety, and that States and International Organizations, in particular those Organizations which are competent in matters of human rights, should exert efforts for the restoration of the human rights in question;
- (c) that the Committee on Missing Persons should be facilitated in carrying out its investigative tasks;
- (d) that all occupation forces in the Republic of Cyprus should be withdrawn;
- (e) that States, International Organizations, legal professional bodies and institutions for the promotion and enforcement of Law and the protection of Human Rights should en-

devour to focus attention on the breaches of international law and violations of human rights committed by Turkey in Cyprus and strive for the restoration of international law and order in the Republic of Cyprus and the implementation of the relevant U.N. Resolutions;

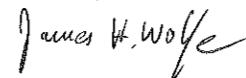
(f) that Security Council Resolution 541/83 be implemented as soon as possible.

Members of the Ad Hoc Committee


(Sgd)

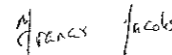
Co-Chairman

Stanislaw Edward NAHLIK
*Dr. jur. mgr. sc. dipl., Dr. h. c. (Bordeaux),
Professor of Public International Law, Jagellonian University, Cracow, Poland*


(Sgd)

Co-Chairman

James H. WOLFE
*Professor, International Law and Relations
Department of Political Science,
University of Southern Mississippi U.S.A.*


(Sgd)

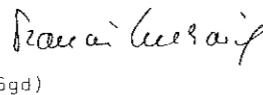
Rapporteur

Francis Geoffrey JACOBS
*Professor of European Law, University of
London, Barrister, United Kingdom*


(Sgd)

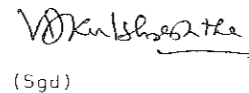
Ian BROWNLIE, Q.C.

*Chichele Professor of Public International
Law in the University of Oxford, Barrister,
Director of Studies, International Law Association,
United Kingdom.*


(Sgd)

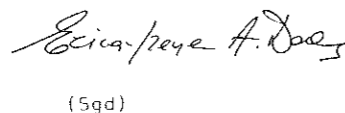
Francois LUCHAIRE

*Président Honoraire de l'Université de Paris I
Ancien membre du Conseil Constitutionnel
de la République Française, Vice Président
du mouvement des Radicaux de Gauche, Paris,
France.*


(Sgd)

V.D. KULSHRESHTHA

*Professor of Law, Indian Law Institute (Visiting
Professor of International Law) M. Com.,
LLM, Ph.D. New Delhi, India.*


(Sgd)

Erica-Irena DAES

*Ph. D., Advocate before the Supreme Court of
Greece, International Lawyer, Expert and
Special Rapporteur of the United Nations in
the fields of Human Rights and Protection of
Minorities, Greece.*

Geneva, 25 March, 1984.

Security Council Resolution 541/83

"The Security Council,

**Having heard the statement of the Foreign
Minister of the Government of the Republic of
Cyprus,**

**Concerned at the declaration by the Turkish
Cypriot authorities issued on 15 November 1983
which purports to create an independent state in
northern Cyprus.**

**Considering that this declaration is incompatible
with the 1960 Treaty concerning the
establishment of the Republic of Cyprus and
the 1960 Treaty of Guarantee.**

**Considering therefore that the attempt to
create a "Turkish Republic of Northern Cyprus"
is invalid, and will contribute to a worsening
of the situation in Cyprus.**

**Reaffirming its resolutions 365 (1974) and
367 (1975).**

**Aware of the need for a solution of the Cyprus
problem based on the mission of good offices
undertaken by the Secretary - General.**

**Affirming its continuing support for the
United Nations Peace-Keeping Force in Cyprus.**

**Taking note of the Secretary - General's
statement of 17 November 1983.**

**1. Deplores the declaration of the Turkish
Cypriot authorities of the purported secession
of part of the Republic of Cyprus.**

**2. Considers the declaration referred to
above as legally invalid and calls for its
withdrawal.**

**3. Calls for the urgent and effective
implementation of its resolutions 365 (1974)
and 367 (1975).**

4. Requests the Secretary-General to pursue his mission of good offices in order to achieve the earliest possible progress towards a just and lasting settlement in Cyprus.

5. Calls upon the parties to cooperate fully with the Secretary-General in his mission of good offices.

6. Calls upon all states to respect the sovereignty, independence, territorial integrity and non-alignment of the Republic of Cyprus.

7. Calls upon all states not to recognise any Cypriot state other than the Republic of Cyprus.

8. Calls upon all states and the two communities in Cyprus to refrain from any action which might exacerbate the situation.

9. Requests the Secretary-General to keep the Security Council fully informed".

Security Council Resolution 550/84

"The Security Council,

Having considered the situation in Cyprus at the request of the Government of the Republic of Cyprus,

Having heard the statement made by the President of the Republic of Cyprus,

Taking note of the report of the Secretary-General (S/16519),

Recalling its resolutions 365 (1974), 367 (1975), 541 (1983) and 544 (1983)

Deeply regretting the non-implementation of its resolutions, in particular resolution 541 (1983),

Gravely concerned by the further secessionist acts in the occupied part of the Republic of Cyprus which are in violation of resolution 541 (1983), namely, the purported "exchange of Ambassadors" and the contemplated holding of a "constitutional referendum" and

"elections", as well as by other actions or threats of actions aimed at further consolidating the purported independent State and the division of Cyprus,

Deeply concerned by recent threats for settlement of Varosha by people other than its inhabitants,

Reaffirming its continuing support for the United Nations Peacekeeping Force in Cyprus,

1. Reaffirms its resolution 541 (1983) and calls for its urgent and effective implementation;

2. Condemns all secessionist actions, including the purported exchange of Ambassadors between Turkey and the Turkish Cypriot leadership, declares them illegal and invalid and calls for their immediate withdrawal;

3. Reiterates the call upon all States not to recognize the purported State of the "Turkish Republic of Northern Cyprus" set up by secessionist acts and calls upon them not to facilitate or in any way assist the aforesaid secessionist entity;

4. Calls upon all States to respect the sovereignty, independence, territorial integrity, unity and non-alignment of the Republic of Cyprus;

5. Considers attempts to settle any part of Varosha by people other than its inhabitants as inadmissible and calls for the transfer of this area to the administration of the United Nations;

6. Considers any attempts to interfere with the status or the deployment of the United Nations Peace-Keeping Force in Cyprus as contrary to the resolution of the United Nations;

7. Requests the Secretary-General to promote the urgent implementation of Security Council resolution 541 (1983);

8. Reaffirms its mandate of good offices given to the Secretary-General and requests him to undertake new efforts to attain an overall solution to the Cyprus problem in conformity with the principles of the Charter of the Uni-

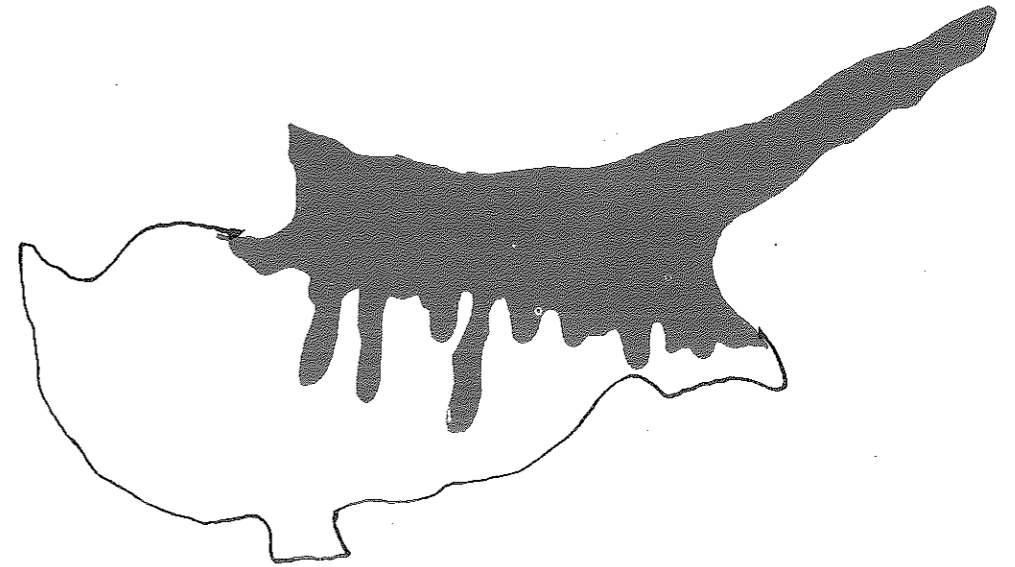
ted Nations and the provisions for such a settlement laid down in the pertinent United Nations resolution, including Security Council resolution 541 (1983) and the present resolution;

9. Calls upon all parties to co-operate with the Secretary-General in his mission of good offices;

10. Decides to remain seized of the situation with a view to taking, in the event of non-implementation of its resolution 541 (1983) and the present resolution, urgent and appropriate measures;

11. Requests the Secretary-General to promote the implementation of the present resolution and to report thereon to the Security Council as development require".

Justice for Cyprus



CYPRUS - area 3572 sq. miles (9251 sq. Klm) Population:
650.000 — 81.7% Greek Cypriots, 18.3% Turkish Cypriots