**Research Report**

**International Court of Justice**

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***Addressing the Cyprus Dispute***

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**Introduction**

Cyprus has been divided since 1974 when Turkish forces intervened following a Greek nationalist coup aimed at uniting with Greece. This created two entities: the Republic of Cyprus, mainly Greek Cypriot (GC), and the Turkish Republic of Northern Cyprus, mainly Turkish Cypriot (TC) and recognised only by Turkey. Despite numerous reunification attempts, the island remains split by a UN buffer zone, making it one of Europe's most enduring conflicts.

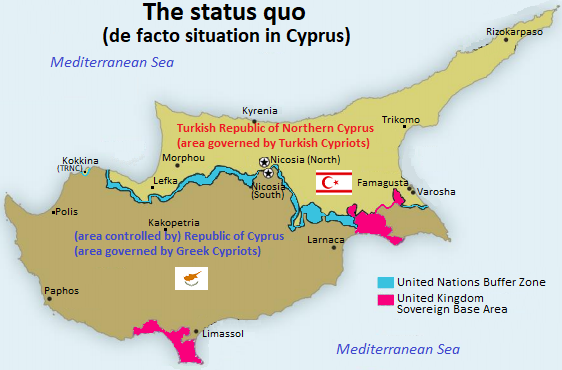
On September 19th, 1974, the Republic of Cyprus submitted an application to the European Court of Human Rights in relation to the consequences of the Turkish military operation in Northern Cyprus in 1974. According to Cyprus, Turkey allegedly violated violating articles 1,2,3,4,5,6,8,13, 14, and 17 of the European Convention of Human Rights (ECHR) during the performed military operation. In addition, a second (March 21st, 1975) and third application (July 10th, 1976) were introduced, in which Cyprus accuses Turkey of allegedly continue to oppress GCs in Turkish controlled areas, which is in violation with articles of the ECHR.

Figure 1: Wikipedia 'Two-state Solution (Cyprus)'. Retrieved on December 15th, 2024

**The committee**

​​The International Court of Justice (ICJ) is the United Nation’s principal judicial organ. The ICJ consists of the President of the ICJ, the Vice-President and the Head of Judges. These roles will be assigned to the student officers. The ICJ has jurisdiction over two types of cases: contentious (settling international legal disputes between states) and advisory (providing advisory opinions on inquiries of international law to certain UN organs and specialised agencies). The ICJ consists of 16 delegates, divided into eight judges and eight advocatess. A case consists of a dispute between two countries. Each country who is in conflict has an ally country, totalling to four advocates representing each side. The other eight delegates act as judges. Bear in mind that the judges should act impartially. Each delegate will take the role of a judge and an advocate twice. During the conference, the ICJ will discuss two cases per day totalling up to four cases. For each case, there is a followed process consisting of four stages:

1. All countries must merge the charges they prepared into one and write an **opening statement**. At the start of each case, both parties involved in the dispute must give their opening statement. In the opening statement the advocate will read their charge to the judges and explain their charge.

2. After the opening statements, the first part of the debate will commence. This starts as an **open debate** and has a time limit. Both countries can attack the others’ charge and support their own. The judges can also ask each country to clarify clauses in their charges, or the charge as a whole.

3. Proceeding the open debate, the debate will continue as a **closed debate**, which also has a time limit. For both charges, there will be time in favour and time against. It is required for each country to speak at least once in favour of their charge, and at least once against the other charge.

4. After the closed debate, the ICJ will move into **voting procedures**, the charge of the accusing country will be voted on.

**Keywords**

GCs: Ethnically Greek community in Cyprus.

TCs: Ethnically Turkish community in Cyprus.

ECHR: International convention that protects and enforces human rights in Europe. The European Convention of Human Rights was drafted in 1950 by the council of Europe and became active on September 3rd, 1953.

UNFICYP: A peacekeeping force active in Cyprus since 1964. The UN established the UNFICYP to takes responsibility for patrolling and preventing further disputes between GCs and TCs

Green line: the demilitarized buffer zone monitored by the UN through UNFICYP. The border separates the north and south of Cyprus.

Displacement of Population: Displacement in which people are obliged to flee and leave their place of habitual residence. In particular as a result of generalised violence, violation of human rights or disasters.

Hostages: People who are seized or held captive in order to force other people to do something. Connecting to the dispute, according to the Republic of Cyprus thousands of GCs were missing during the conflict. This issue is still ongoing.

**Arguments**

Cyprus:

1. Cyprus claims that GCs remain missing since 1974 due to Turkey’s failure to properly investigate. They argue that new evidence points to Turkey’s responsibility for these disappearances and that the lack of cooperation from the TC and the limited mandate of the CMP hinder investigations. Cyprus asserts violations of Articles 2, 3, 5, and 8 of the ECHR and calls for an effective investigation and remedy for the victims and their families.
2. Cyprus argues that Turkey’s policy of preventing over 170,000 GCs from returning to their homes in Northern Cyprus, amounts to ethnic cleansing and violates their rights. This interference with their homes, including displacement and harassment, is unjustified and benefits Turkish settlers rather than displaced individuals, violating Article 8 of the European Convention on Human Rights.
3. Cyprus claims that GCs in Northern Cyprus, especially in the Karpas peninsula are systematically harassed and discriminated, which amounts to ethnic cleansing. Despite a population decline, those remaining face severe restrictions on movement, property rights, medical care, education, and religious practices. They experience police surveillance, delays in medical treatment, and harassment with minimal legal recourse. These actions force GCs to leave, violating their human rights and reflecting a coordinated effort to eliminate the population from the area.

Turkey:

1. Turkey argues that Cyprus lacks standing, as the issue of missing citizens was already addressed in previous cases. They claim that the alleged missing GCs are presumed dead based on evidence from the ICRC and CMP. Turkey emphasizes that the CMP, not the Commission, is the appropriate body for investigating these cases.
2. Turkey claims that the population transfers in Cyprus were voluntary, based on the 1975 Vienna agreement, and verified by UNFICYP. They reject claims of forced settlement by Turkish citizens, pointing to the return of GCs and TCs after 1974, and argue that security concerns justify the current separation of communities.
3. Turkey states that they are not responsible for the situation of the Karpas GCs and Maronites. The challenges faced by these populations are due to age, economic factors, and pressure from the GC Administration, not human rights violations. They have access to healthcare, legal remedies, property rights, and freedoms, and any complaints are considered trivial and not a violation of the European Convention on Human Rights.

**Timeline of events**

* *August 16th, 1960* – The Republic of Cyprus gains independence from Britain.
* *August 16th, 1960* – The treaty of Guarantee is signed by Cyprus, Greece, Turkey and the United Kingdom.

* *1963 - 1964* – Inter-communal violence breaks out. As a reaction, the United Nations Civilian Police (UNCIVPOL) becomes operational. Furthermore, The United Nations establishes a peacekeeping force (UNICYP).
* *July 15th, 1974* – The National Guard influenced by Greek officers stages a coup d’etat against the Cyprus Government with the intent to annex Cyprus to Greece.
* *July 20th, 1974* – Turkey launches an extensive military operation, operation Atilla, in Cyprus as a reaction to the coup.
* *August 16th, 1974* – Turkish forces declare ceasefire. UNICYP takes responsibility for patrolling the created buffer zone.
* *November 15th, 1983* – TC proclaim the Turkish Republic of Northern Cyprus. Deemed legally invalid by the security council.
* *May 1st, 1989* – UNFICYP reaches an agreement with both Cypriots to reduce military patrols in sensitive areas.
* *April 24th, 2004* – Referendum is held regarding a potential Cyprus Settlement Plan; “Annan Plan”. 64% of the TC voted in favour, 75% of the GC voted against.
* *2001 - 2011* – Official meetings between the Cyprus leaders, expressing their ambition for a reunified Cyprus. Additionally, resulting in the opening of cross points. However, according to UN Secretary General Ban Ki-Moon little progress is made by reason of substantial differences on the property issue.
* *February 11th, 2014* – Two community leaders sign a joint declaration. The declaration aims to reopen negotiations.
* *2020* – TC elect Ersin Tartar as leader, who advocates for a two-state solution rather than a federated Cyprus. This opposes the previous position.
* *2021* – Informal talks in Geneva fail to make progress.

**Resolution**

To address this issue, it is essential to draft a solution that aims to resolve the ongoing dispute between Qatar and the UAE. Bear in mind that as a delegate, you represent your country’s official stance on this issue. Consider your countries norms and interests rather than your personal ideas and values. The resolution should reflect your country’s perspective based on economic, political, cultural, and ethical factors. If your country is not immediately affected by this issue, research the perspectives of your allied nations to understand their stance on the dispute, so you know which resolutions to help with and vote on. Furthermore, your resolution must also include possible solutions which are clearly elaborated and when needed examples are used. For extra information on resolution-writing and the guidelines, visit the MUNA website and read the ‘MUNA Instruction Booklet’<https://munalfrink.nl/conference/downloads/>

**Links and resources**

<https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-46159%22]}> <https://unficyp.unmissions.org/>

<https://www.europarl.europa.eu/portal/en/search?planet=_all&searchQuery=Turkey+vs+Cyprus>

<https://www.mfa.gov.tr/the-cyprus-issue-overview.en.mfa>