



**MINISTRY OF FOREIGN AFFAIRS OF THE KINGDOM OF THE NETHERLANDS  
THE HAGUE**

**CONVENTION ON THE INTERNATIONAL RECOVERY OF CHILD SUPPORT AND OTHER FORMS  
OF FAMILY MAINTENANCE  
(The Hague, 23 November 2007)**

Notification pursuant to Article 65 of the Convention

**DECLARATION**

**Cyprus, 08-12-2016**

The Republic of Cyprus has examined the Declaration deposited by the Republic of Turkey upon ratification of the Convention on the International Recovery of Child Support and other forms of Family Maintenance, dated 7 October 2016 and registered at the Ministry of Foreign Affairs of the Kingdom of the Netherlands on the same date. It is recalled that the Republic of Cyprus is bound by the Convention as a result of its approval by the European Union.

In its Declaration, the Republic of Turkey states that its ratification of the Convention on the International Recovery of Child Support and other forms of Family Maintenance neither amounts to any form of recognition of the Republic of Cyprus, as party to that Convention, nor should it imply any obligation on the part of the Republic of Turkey to enter into any dealing with the Republic of Cyprus within the framework of the said Convention.

In the view of the Republic of Cyprus, the content and purported effect of this Declaration makes it tantamount in its essence to a reservation contrary to the object and purpose of the Convention. By such Declaration, the Republic of Turkey purports to evade its obligations under the Convention vis-à-vis another equal and sovereign State Party, namely the Republic of Cyprus. Indeed, the Declaration prevents the realization of cooperation between State Parties foreseen by the Convention.

The Republic of Cyprus therefore strongly rejects the aforesaid Declaration made by the Republic of Turkey and considers such declaration to be null and void. The aforementioned objections by the Republic of Cyprus shall not preclude the entry into force of the Convention, in its entirety, between the Republic of Cyprus and the Republic of Turkey.

Regarding the Republic of Turkey's pretension, as expressed in the same Declaration, that "the Republic of Cyprus is defunct and that there is no single authority which in law or in fact is competent to represent jointly the Turkish Cypriots and the Greek Cypriots and consequently Cyprus as a whole", the Republic of Cyprus would like to remind of the following:

Despite, being, through binding international agreements, a guarantor of "the independence, territorial integrity and security of the Republic of Cyprus" (Article II of the 1960 Treaty of Guarantee), the Republic of Turkey illegally invaded Cyprus in 1974 and continues since then occupying 36.2% of the territory of the Republic.

The illegality of such aggression was made manifested by the U.N. Security Council Resolutions 541 (1983) and 550 (1984). Resolution 541's operative para. 2 considers "the declaration [of the Turkish Cypriot authorities of the purported secession of part of the Republic of Cyprus] as legally invalid and « calls for its withdrawal". Para.3 then "reiterates the call upon all States to respect the sovereignty, independence, territorial integrity and non-alignment of the Republic of Cyprus and further calls upon all states not to recognize any Cypriot state other than the Republic of Cyprus". Resolution 550, operative para. 2, also "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". Para. 3 then "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".

The European Court of Human Rights additionally, in its Judgment of 10th May 2001 on the Fourth Interstate Application of Cyprus v. Turkey, found, at para. 77, that Turkey, which has "effective control over northern Cyprus", is responsible for securing all human rights under the European Convention on Human Rights and for violations of such rights by her own soldiers or officials, or by the local administration, which are imputable to Turkey. The responsibilities of the occupying power emanate from international humanitarian law, including the Fourth Geneva Convention.

Turkey is responsible for the policies and actions of the "TRNC" because of the effective control she exercises through her army. Her responsibility is engaged by virtue of the acts of the local administration, which survives by virtue of Turkish military and other support (Cyprus v. Turkey, Judgment, 10 May 2001, at pp. 20-21, reiterating Loizidou). From the judgments of the European Court of Human Rights and the Security Council Resolutions on Cyprus, it is evident that the international community does not regard the "TRNC" (Turkey's subordinate local administration in occupied Cyprus, condemned in the strongest terms by the Security Council) as a State under international law (Cyprus v. Turkey, 10 May 2001, para. 61). In contrast, the Republic of Cyprus has repeatedly been held to be the sole legitimate Government of Cyprus, contrary to Turkey's assertions about that Government, which Turkey calls "the Greek Cypriot Administration" with pretences "to represent the defunct Republic". The Turkish assertions constitute a propaganda ploy to divert attention from Turkey's responsibility for the violations in occupied Cyprus. Turkey's assertions and her assorted objections to the Republic of Cyprus' authority, jurisdiction and sovereignty, and her claims on behalf of the Turkish Cypriots and the "TRNC", have repeatedly been rejected by the international community and relevant judicial bodies where such claims were fully argued and then rejected in Cyprus's pleadings. Misrepresentations about the treatment of Turkish Cypriots by the Government of Cyprus were made. (These claims were repeated in Turkey's current Declaration). In fact, the European Court of Human Rights and the Commission accepted Cyprus arguments and refutation of Turkish assertions and exaggerations about the period prior to Turkey's invasion of Cyprus in July 1974. It refused to pronounce on Turkey's version of the ejection of Turkish Cypriots from offices of State (there was in fact a Turkish boycott).

It is now time for the relevant pronouncement in Resolutions and the decisions therein, as well as in judgments of the European Court of Human Rights to be heard and acted upon. The Court itself insisted in its 12 May 2014 Just Satisfaction Judgment that this must happen once the Court had spoken (Cyprus v. Turkey, p. 23 Joint Concurring Judgment of nine Judges). It should be emphasized that, as recently as 26 July 2016 (Security Council Resolution 2300), the Security Council reaffirmed all its relevant Resolutions on Cyprus, having, over several decades, reiterated their content.

Nevertheless, the Republic of Turkey, not only flagrantly holds in contempt all relevant U.N. Resolutions, International Law rules and the U.N. Charter on the matter, but furthermore she continues violating international legality, by systematically questioning the legitimacy of the Republic of Cyprus and further promoting the illegal secessionist entity in the occupied part of the Republic of Cyprus, including through declarations, as the one at hand.

The Hague, 19 December 2016

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