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INITIATIVE

# UNHRC



## Agenda:

Human Rights Violations Arising from the  
Division of Cyprus with emphasis on the  
Protection of Displaced and Minority  
Communities.

Freeze Date: August 16, 1974

# Letter from the Executive Board

Dear Delegates,

It is our distinct honour to welcome you to the Historic United Nations Commission on Human Rights (UNCHR) at DWMUN'25, hosted by DPS Whitefield. This year, your committee will confront the devastating consequences of one of the most enduring and under-addressed humanitarian crises in postwar Europe – the division of Cyprus in 1974. On August 16, a ceasefire was declared following a month-long conflict that left the island ethnically divided, politically fractured, and legally disoriented. Roughly 200,000 Greek Cypriots were displaced from the north, while thousands of Turkish Cypriots were simultaneously displaced from the south. Minority communities such as Maronites, Armenians, and Latins faced erasure – of identity, of access, and of safety. Religious sites were desecrated. Thousands remain missing. Thousands more were detained without due process. Yet in 1974, the tools to respond to these violations were only nascent. There was no International Criminal Court.

The Refugee Convention of 1951 applied narrowly.

The European Court of Human Rights had jurisdiction but no precedent. The Commission on Human Rights had moral authority but lacked enforcement teeth. This is the framework within which you must act.

You are not tasked with resolving the Cyprus conflict. You are tasked with identifying violations arising from that conflict and imagining institutional, legal, and humanitarian mechanisms that the UNCHR – as it existed then – could have adopted. These must be innovative, but they must also be legally consistent with 1974's international framework. We urge you to examine:

1. How can displaced persons be protected when states deny them the right to return?
2. What happens to missing persons in a legal void?
3. Can religious and ethnic minorities be safeguarded without state recognition?
4. How far can a human rights body intervene in what two states claim as a political dispute?

Above all, ask yourselves this: What does human dignity mean in a divided land? This guide is a rigorous starting point. It offers context, case studies, and legal frameworks – but it does not offer final answers.

That responsibility now lies with you. We look forward to a committee filled with principled argument, legal nuance, and policy imagination.

With anticipation,

Aabid Maldar (Co-Chairperson)

BS Chetan Swaroop Reddy (Co-Chairperson)

Shlok Jaitley (Vice Chairperson)

# What is the United Nations

The United Nations is an international organisation founded in 1945 to maintain international peace and security, developing friendly relations among nations and promoting social progress, better living standards and human rights by 51 countries.

The United Nations has 6 principal organs. The UN has 4 main purposes:

- 1) To keep peace throughout the world;
- 2) To develop friendly relations among nations;
- 3) To help nations work together to improve the lives of poor people, to conquer hunger, disease and illiteracy, and to encourage respect for each other's rights and freedoms;
- 4) To be a centre for harmonising the actions of nations to achieve these goals.

# How to Prepare for Model United Nations

## General Research and Preparation Guidelines:

There are three consistently significant aspects of representative planning: practical, meaningful, and positional preparation. Practical readiness equips representatives with essential tools, including a clear understanding of the rules necessary to perform effectively in committee. The meaningful aspect involves acquiring specific information relevant to the subject areas under discussion. Positional planning requires students to adopt and defend perspectives that are not their own. To support this process, the Executive Board provides three key resources: the Guide to Delegate Preparation, Background Guides, and Position Papers. Together, these materials will ensure that you are fully prepared for the conference. In addition to reading and understanding the provided content, gaining practical experience through debate, resolution drafting, presentations, and similar exercises will greatly enhance your readiness.

## Meaningful Preparation

The Background Guides are the result of extensive research and effort by the Executive Board and serve as the foundation for substantive preparation in each committee. We strongly recommend that you read them thoroughly, discuss them with others, and revisit them multiple times. If a delegate has not read and absorbed the information contained in the Background Guide, they will not be able to contribute effectively to the committee's proceedings. Beginning your review of the Background Guides early will allow you to fully understand the topics at hand and begin developing your own ideas. Remember that your role is to act as a policymaker, analyzing the information provided and shaping it into coherent solutions and resolutions. Engaging in discussions with other delegates will further help you refine and expand your ideas. While the Background Guide will form the core of your substantive preparation, independent research remains a valuable, rewarding, and essential component of a successful conference experience.

## Positional Preparation

We expect delegates to consistently uphold the position of their assigned country throughout the Model UN simulation. This is a crucial element of the "international" experience in MUN, as it compels delegates to critically examine the perspectives, challenges, and policies of a nation other than their own at a fundamental level. It is also one of the more difficult aspects of MUN, as students must confront and set aside their personal biases and national viewpoints in favour of accurate, informed representation. Position papers form the core of positional preparation prior to the conference. Though generally brief, we urge you to dedicate time and effort to researching and writing them thoroughly.

Materials provided by the Executive Board are not intended to replace your independent research.

Rather, they serve as a starting point, encouraging you to ask critical questions about the issues at hand. The best-prepared delegates are those who treat the provided resources as the foundation of their research and delve deeper into the topic areas. Beyond these materials lies a wide range of information sources, beginning with official United Nations documents.

UN resources often include detailed statistics, reports, and visual data such as charts and graphs, all of which may be useful in deepening your understanding of the issues. Many UN documentation centres maintain comprehensive records of past meetings, and one of the most effective ways to understand your country's position is to observe it articulated directly by its diplomats.

Explicit assets to research include:

- Yearbook of the United Nations: The Yearbook serves as a useful starting point for your research. It provides an overview of actions taken on your topic during a given year, along with helpful references to past resolutions and documents.
- United Nations Chronicle: This publication offers general information about the workings of the UN. Pay special attention to feature articles related to your topic area, as they provide insights into the issue and the positions of various countries.
- UN Document Index: This comprehensive index covers all UN documents and is available in three versions: UNDI (1950-1973), UNDEX (1970-1978), and UNODC (1979-present).

- Depending on which version you use, you will find subject indexes, country files, and an alphanumeric listing of all published documents. This system is useful because each committee has a unique alphanumeric prefix, enabling you to locate all documents released by a committee in a specific year regardless of the topic.
- UN Resolutions: This collection is both important and easy to use. It compiles all resolutions from 1946 onward, allowing you to consult the most recent index to find all resolutions related to your topic that the UN has ever passed.
- Other UN Sources: Depending on the subject, additional relevant UN materials may be available, such as books and special reports published by the World Health Organization (WHO). Beyond UN sources, explore your school and local libraries. Check journals, magazines, and newspapers for more current information, and do not hesitate to ask librarians for assistance.
- Books: Up-to-date books often provide depth and accuracy that UN documents or periodicals may lack. Be sure to search library catalogs for relevant print materials. However, book research can be time-consuming, so exercise discretion when selecting books.

- Periodicals: Periodicals are useful for straightforward, current information on topics (resources like Reader's Guide to Periodical Literature and InfoTrack serve as indexes for these materials). However, do not expect them to provide the level of detail necessary for the conference.
- People: An often-overlooked resource, individuals can greatly assist your research. Consider consulting librarians, experienced delegates, staff advisors, and your committee's Director, Moderator, and Assistant Directors. These individuals can not only help you locate information but may also recommend sources you had not considered. Feel free to contact your committee Director by phone or email.
- Embassies and Consular Offices: Reach out to the government or consular offices of the country you represent. These offices are usually willing to support your research by providing statistical data and other unclassified information via mail.

# Introduction to the United Nations Commission on Human Rights (UNCHRL)

## A. Origins and Mandate

Established in 1946 by ECOSOC Resolution 5(I), the United Nations Commission on Human Rights (UNCHR) was the first permanent intergovernmental body within the UN system mandated explicitly to promote and protect human rights. Its creation followed the horrors of World War II and the Holocaust, embodying a global consensus that peace would be meaningless without the recognition of the dignity and rights of every human being.

The UNCHR operated as a functional commission under the Economic and Social Council (ECOSOC), reporting to it rather than directly to the General Assembly. This placed it structurally within the economic and social development arm of the UN – a deliberate design reflecting the belief that human rights were inextricable from global development, peace, and cooperation.

The Commission's founding objective was twofold:

1. To draft international human rights instruments, such as declarations and conventions.
2. To address urgent human rights violations, especially in situations that threatened international peace or where entire communities were systemically deprived of their rights.

While its early years were marked by normative development – most notably the Universal Declaration of Human Rights (UDHR) in 1948 – by the 1970s the Commission had become increasingly active in responding to ongoing crises, including apartheid in South Africa, racial discrimination in Southern Rhodesia, and human rights concerns in Chile and Palestine.

#### B. Composition and Procedural Structure

As of 1974, the UNCHR was composed of 32 Member States, elected by ECOSOC for staggered three-year terms, with attention to regional balance across five blocs:

3. African States
4. Asian States
5. Eastern European States
6. Latin American States
7. Western European and Other States (WEOG)

The Commission operated through annual sessions held in Geneva, special sessions where necessary, and ad hoc working groups and sub-commissions. The Commission itself had no standing judicial powers or enforcement mechanisms; however, it could:

- Pass resolutions condemning violations
- Establish fact-finding missions or special rapporteurs
- Recommend action to ECOSOC or the UN General Assembly
- Support the drafting of binding international legal instruments

All decisions were made by majority vote, and while not legally binding, UNCHR resolutions carried significant diplomatic and normative weight.

#### C. Limitations in 1974: No ICC, No Human Rights Council

It is crucial to understand what the UN human rights system did not yet include as of August 1974:

- The International Criminal Court (ICC) did not exist.
- The Human Rights Council (UNHRC) had not yet replaced the UNCHR (that occurred in 2006).

- The Refugee Convention (1951) was in effect but narrowly applied and lacked enforcement for internally displaced persons.
- The European Court of Human Rights (ECHR) had jurisdiction only over states party to the European Convention, and even then, access was limited.

Thus, the UNCHR in 1974 could not compel state action, prosecute individuals, or unilaterally mandate investigations on sovereign territory.

Instead, its influence lay in:

- Exposing facts through documentation
- Mobilizing public and intergovernmental pressure
- Catalyzing international norms that could be codified into treaties

#### D. Thematic Expansion: From Normative Drafting to Active Investigation

While the Commission began as a body focused on drafting declarations (1946–1960s), by the 1970s it had developed quasi-operational competencies, especially through:

- The Sub-Commission on Prevention of Discrimination and Protection of Minorities, which could conduct in-depth studies.

- The 1503 Procedure, established in 1970, which allowed the Commission to receive communications from individuals alleging "a consistent pattern of gross and reliably attested violations of human rights."

This evolution made the UNCHR, by 1974, a potentially powerful voice in conflicts such as Cyprus – where patterns of displacement, arbitrary detention, religious targeting, and cultural destruction were unfolding in real time.

#### E. Precedents Prior to 1974

Understanding the historical actions of the Commission is essential for this simulation. Prior to the Cyprus crisis, the UNCHR had already addressed:

- Apartheid in South Africa (since 1967): Establishing a special rapporteur and pushing for sanctions and legal mechanisms.
- Palestine and the Occupied Territories (since 1968): Condemning forced displacement and advocating for the rights of refugees.
- Racial Discrimination in Southern Rhodesia: Advocating for action through ECOSOC and the General Assembly.
- Bangladesh (East Pakistan Crisis, 1971): While not officially seized of the matter, several members brought forward resolutions concerning the rights of displaced persons during the war of secession.

These precedents demonstrate that while the Commission lacked enforcement authority, it could still trigger global awareness, shape General Assembly action, and lay the groundwork for future legal accountability.

#### F. Applicability to Cyprus

In 1974, the Commission had a limited but significant window of opportunity to:

1. Collect and verify human rights violations occurring in real time on the island.
2. Define the legal status of displaced persons and minorities under the UDHR and international humanitarian law.
3. Establish thematic rapporteurs or investigative missions (e.g., for missing persons, minority communities, or occupied religious institutions).
4. Coordinate with other UN bodies, such as UNFICYP (UN Peacekeeping Force in Cyprus), the Secretary-General, and the General Assembly.

Your task as delegates is to exercise the fullest potential of this mandate without assuming powers or institutions that did not exist in 1974. Creativity is welcome – but must remain anchored in law, precedent, and the structure of the UN system as it was.

## G. Key Institutional Tools Available in 1974

| Instrument                    | Description  | Relevance   |
|-------------------------------|--|---|
| ECOSOC Resolution 1503 (1970) | Allowed UNCHR to consider confidential communications from individuals or groups about consistent patterns of human rights violations. | May be used to trigger investigations into disappearances, collective expulsions, and systemic targeting of minorities. |
| Special Rapporteurs           | Individuals appointed by the Commission to investigate and report on specific human rights issues or country situations.               | Delegates may propose the creation of a rapporteur on displaced persons or cultural destruction                         |
| UN General Assembly Referrals | UNCHR could submit resolutions to ECOSOC and GA for broader action.  | Critical for escalating violations that may require condemnation or sanctions.  |
| UN Charter - Article 55 & 56  | Obliges UN members to promote respect for and observance of human rights and fundamental freedoms.                                     | The legal basis for invoking member state responsibility to protect displaced persons.                                  |
| UDHR (1948)                   | While not a treaty, it provided a widely recognized benchmark.   | Can be cited to defend right to property, movement, return, religious freedom, etc.                                     |

# Introduction to the Agenda

## A. Overview

The year 1974 marks a pivotal rupture in the history of the Republic of Cyprus. What began as a coup d'état and a subsequent military intervention rapidly escalated into the most significant displacement crisis in Europe since World War II. By the time a de facto ceasefire took effect on 16 August 1974, the island stood effectively divided into a northern region occupied by Turkish forces and a southern region under the control of the internationally recognized Government of Cyprus.

The consequences were immediate and severe: the displacement of nearly one-third of the population, the destruction and looting of cultural and religious sites, the emergence of enclaved minorities, and the systemic erosion of civil and political rights. This agenda situates itself not in the realm of territorial disputes or geopolitical settlements, but within the human cost of political failure. The focus of this committee is not on who should govern Cyprus, but rather on how the events of 1974 systematically violated the fundamental rights of persons across ethnic lines, particularly displaced civilians, ethnic and religious minorities, and those caught in zones of occupation, internment, or deprivation.

Delegates are required to investigate and respond to these human rights violations within the institutional and legal constraints of the UN system as it existed in 1974. While the Commission lacked binding enforcement powers, it played a crucial role in shaping global awareness, framing violations in legal terms, and initiating humanitarian responses.

#### B. Chronology of Events: From Power-Sharing to Partition

1960: The Republic of Cyprus is established through the Zurich-London Agreements, following the end of British colonial rule. The new constitution mandates a power-sharing arrangement between Greek and Turkish Cypriots. The Treaty of Guarantee is signed between Cyprus, Greece, Turkey, and the United Kingdom to ensure the independence, territorial integrity, and constitutional order of Cyprus.

1963-1964: Constitutional breakdown occurs as President Archbishop Makarios proposes amendments perceived as threatening by the Turkish Cypriot minority. Intercommunal violence breaks out. Turkish Cypriots withdraw from government institutions. The United Nations establishes the UN Peacekeeping Force in Cyprus (UNFICYP) under Security Council Resolution 186.

1967-1973: Sporadic clashes continue. Turkish Cypriots live in isolated enclaves. The Government of Cyprus remains dominated by Greek Cypriot interests. Greece experiences a military dictatorship (1967-1974), with increasing influence over Cypriot domestic affairs.

15 July 1974: A military coup in Cyprus, orchestrated by the Greek junta and executed by the Cypriot National Guard, overthrows President Makarios. Nikos Sampson, a hardline Enosis (union with Greece) advocate, is installed as President.

20 July 1974: Turkey launches a military intervention (Operation Atilla) citing its rights as a guarantor power under the 1960 Treaty of Guarantee.

22 July 1974: A UN-brokered ceasefire fails to hold.

14 August 1974: Turkey launches a second offensive (Operation Atilla II), capturing over one-third of the island's territory.

16 August 1974: A de facto ceasefire is established. Cyprus is now geographically and demographically divided.

## C. Consequences of the 1974 Division

### 1. Mass Displacement

- a. An estimated 200,000 Greek Cypriots—nearly 35% of the Greek Cypriot population—were forcibly displaced from the northern areas now under Turkish control.
- b. Simultaneously, approximately 50,000 Turkish Cypriots were displaced from the south, either by fear, coercion, or population transfer agreements.
- c. Internally displaced persons were not protected under the 1951 Refugee Convention, which did not apply to internal displacement.

### 2. Missing Persons and Arbitrary Detention

- a. Over 1,500 Greek Cypriots and approximately 500 Turkish Cypriots were reported missing in the immediate aftermath.
- b. Civilians and combatants were detained in makeshift prisons. Families received no information on whereabouts or conditions.
- c. Multiple reports emerged of summary executions, enforced disappearances, and torture.

### 3. Cultural and Religious Destruction

- a. Hundreds of Greek Orthodox churches and monasteries were desecrated, looted, or repurposed in the north.
- b. Islamic and Maronite religious sites in the south suffered similar damage or neglect.

c. Cultural heritage, including manuscripts, icons, and mosaics, were trafficked and sold in international markets.

#### 4. Enclaved Populations and Minority Suppression

a. Approximately 20,000 Greek Cypriots remained in enclaves in the north (particularly in Rizokarpaso, Agia Triada, and Kormakitis).

b. These populations were subject to movement restrictions, denial of education, and religious suppression.

c. The Maronite, Armenian, and Latin Catholic minorities faced cultural erasure and lack of legal recognition.

#### 5. Denial of Property and Return

a. Displaced persons were not permitted to return to their homes.

b. Properties were appropriated or redistributed without compensation.

c. Legal avenues for restitution were unavailable or unrecognized.

## D. Applicable Legal Instruments in Force in 1974

While the international legal system in 1974 lacked enforcement mechanisms for many of these abuses, several key instruments did apply:

1) Universal Declaration of Human Rights (1948):

- a) Article 9: No one shall be subjected to arbitrary arrest, detention or exile.
- b) Article 13: Everyone has the right to freedom of movement and residence... and to return to their country.
- c) Article 17: No one shall be arbitrarily deprived of property.

2) Geneva Convention IV (1949):

- a) Article 49: Prohibits forced transfers and mass expulsions.
- b) Article 147: Identifies grave breaches, including torture and unlawful confinement.

3) Treaty of Guarantee (1960):

- a) All parties are obliged to respect the independence and territorial integrity of Cyprus.
- b) Military action must be limited to restoring the constitutional order.

4) UN Charter Articles 55 & 56:

- a) Mandate member states to promote universal respect for human rights and fundamental freedoms.

#### E. UN Response as of the Freeze Date

1. The United Nations Peacekeeping Force in Cyprus (UNFICYP) had been operating since 1964, tasked with preventing renewed fighting and contributing to the maintenance of law and order.
2. In July and August 1974, the UN Security Council adopted Resolutions 353, 354, and 355, calling for a ceasefire, withdrawal of foreign troops, and respect for Cyprus' sovereignty.
3. No specific human rights mechanism or fact-finding body had yet been deployed by the UNCHR or ECOSOC.
4. Humanitarian relief was being coordinated by UNHCR and ICRC, but with limited access to enclaved areas.

#### F. Core Human Rights Questions Raised

1. Can internally displaced persons be granted protections akin to refugees under the existing framework?
2. Are population transfers, even those agreed to by authorities, lawful when they eliminate ethnic presence?
3. How can the UNCHR investigate violations behind military lines or in areas inaccessible to UN forces?
4. What frameworks exist in 1974 to protect cultural heritage during occupation?
5. Can the Commission call for the right of return and restitution without breaching state sovereignty?

# Case Studies

## Introduction

This section provides in-depth, evidence-based case studies of the principal categories of human rights violations stemming from the division of Cyprus.

These are not merely anecdotal; they represent documented systemic patterns of abuse and neglect – and form the factual backbone of the committee's deliberations.

### I. Greek Cypriot Displacement from the North Background:

Following the second Turkish military offensive (14–16 August 1974), Turkish forces occupied approximately 36.2% of Cyprus's territory. In a matter of days, an estimated 160,000–200,000 Greek Cypriots were displaced from the occupied northern zone – over one-third of the island's total population and nearly 60% of the Greek Cypriot community.

Entire urban and rural districts were emptied:

- Famagusta (population: ~40,000): Residents fled as Turkish tanks entered the city. The suburb of Varosha was sealed off entirely.
- Kyrenia, Morphou, and Karpas regions witnessed mass civilian flight under threat of violence or occupation.
- Displaced persons were denied return, their homes and possessions often expropriated by the Turkish Cypriot administration or Turkish settlers.

### Legal Framework Violated:

- UDHR Article 13(2): Right to return to one's country.
- Geneva Convention IV, Article 49: Prohibits forced transfer of civilians in occupied territory.
- UN Charter Article 55: Guarantees respect for human rights without discrimination.

## II. Turkish Cypriot Displacement from the South

### Background:

While lesser in absolute number, Turkish Cypriot displacement was no less significant. Between July and August 1974:

- Roughly 45,000–50,000 Turkish Cypriots fled or were evacuated from southern villages (e.g., Limassol, Paphos, Larnaca, Nicosia suburbs).
- In many cases, these communities had lived in guarded enclaves since the 1963–64 constitutional crisis, and were now relocated to the north either voluntarily, forcibly, or via UN-supervised population exchanges.

### Conditions During Transfer:

- Some convoys were attacked or delayed.
- Internment, arbitrary detention, and looting of Turkish Cypriot property in the south were reported.
- UNFICYP escorted evacuations, but not all transfers were voluntary.

#### **Legal Framework Violated:**

- UDHR Article 17: Right to property.
- Geneva Convention IV, Article 147: Unlawful confinement and inhumane treatment.
- Customary humanitarian law: Displacement without informed consent is prohibited.

### **III. Enclaved Greek Cypriots in Rizokarpaso (Karpas Peninsula)**

#### **Background:**

Approximately 20,000 Greek Cypriots remained in the north post-ceasefire, primarily in Rizokarpaso, Agia Triada, and Kormakitis. By late August 1974, these communities were effectively trapped in the Turkish-controlled region.

#### **Documented violations:**

- Denial of secondary education beyond rudimentary levels.
- Travel restrictions: Movement outside the village required permits or escorts.
- Food aid and medical supplies were either delayed or selectively blocked.
- Intimidation campaigns by local militias and settlers resulted in a slow but deliberate exodus by attrition.

#### **Legal Framework Violated:**

- UDHR Article 26: Right to education.
- International Covenant on Civil and Political Rights (ICCPR), Art. 12 (though not yet universally ratified): Right to liberty of movement.

- Geneva Convention IV, Article 27: Protection of civilians in occupied territory.

#### IV. Suppression of Maronite, Armenian, and Latin Catholic Minorities

##### Background:

Ethnoreligious minorities in Cyprus have long held distinct cultural identities protected under the 1960 Constitution. After the events of July–August 1974, these groups became functionally stateless within the de facto partitioned zones.

##### Key Developments:

- Maronite villages (e.g., Kormakitis, Asomatos): Cut off from Maronite ecclesiastical leadership in the south; churches seized or shuttered.
- Armenians in Nicosia and Larnaca: Many fled, others found themselves classified arbitrarily under Greek or Turkish ethnic lines.
- Latin Catholics: Lost access to religious infrastructure and faced denial of cultural rights.

##### Legal Framework Violated:

- UDHR Articles 18 and 27: Freedom of religion and protection of minority culture.
- UN General Assembly Res. 217C (III): Protection of minority rights.
- Treaty of Establishment (1960): Guarantees the autonomy of religious minorities.

## V. The Missing Persons Crisis

### Background:

The fog of war in July–August 1974 resulted in over 2,000 individuals declared missing by both communities:

- Greek Cypriot missing persons: Roughly 1,619 individuals, many last seen under military arrest or during village sieges (e.g., Asha, Kyrenia, Nicosia suburbs).
- Turkish Cypriot missing persons: Around 500 persons, often detained in retaliation by paramilitary forces or police.

### Documented Violations:

- Families received no information, violating their right to truth.
- Discovery of mass graves, some disturbed or unmarked, in subsequent months.
- Bodies of executed individuals used in prisoner swaps, with no forensic identification.

### Legal Framework Violated:

- Geneva Convention IV, Article 130: Outlaws summary executions.
- ICRC Customary Law Rule 117: Parties must account for missing persons.
- UDHR Article 5: Prohibition of torture or cruel treatment.

# Legalities

## A. Introduction to the Legal Framework (As of 1974)

The events of July–August 1974 in Cyprus, culminating in a de facto territorial partition and the mass displacement of civilians, raise complex legal issues under human rights law, humanitarian law, and treaty law. However, as of the freeze date, the international legal architecture remains constrained.

There is no International Criminal Court, no legal codification of apartheid or ethnic cleansing, and no binding legal mechanisms for internally displaced persons. Despite this, multiple binding and non-binding legal sources provide a clear standard of rights, and states—including the Guarantor Powers—are obligated to uphold them. This section outlines the relevant legal instruments, institutional powers of the UNCHR, and the basis on which human rights violations must be assessed in committee.

## B. Primary Legal Instruments

### 1. Universal Declaration of Human Rights (UDHR, 1948)

As a non-binding resolution adopted by the General Assembly, the UDHR provides the universal minimum standard of human dignity and rights. While not legally enforceable in itself, it is customary international law by 1974 and guides all UN agencies.

#### **Relevant Articles:**

- Article 5: No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.
- Article 9: No one shall be subjected to arbitrary arrest, detention or exile.
- Article 13(1)-(2): Right to freedom of movement and the right to return to one's country.
- Article 17: No one shall be arbitrarily deprived of his property.
- Article 18: Right to freedom of thought, conscience and religion.
- Article 27: Right to participate in cultural life and to protection of one's cultural heritage.

**Application:** These articles are the basis for claims regarding displacement, enforced disappearances, minority rights, and religious persecution in Cyprus.

#### **2. Geneva Convention IV (1949) – Relative to the Protection of Civilian Persons in Time of War**

Cyprus ratified all four Geneva Conventions in 1960. Turkey ratified them in 1954. These Conventions are therefore fully applicable to the Cyprus conflict.

#### **Key Provisions:**

- Article 27: Protected persons shall be treated humanely... without adverse distinction.
- Article 49: Deportation or transfer of protected persons from occupied territory is prohibited.

- Article 147: Grave breaches include willful killing, torture, inhuman treatment, and unlawful confinement.

Application: The mass displacement of Greek Cypriots, alleged executions, and forced population transfers violate Articles 49 and 147. The status of enclaved civilians in the north also triggers Article 27 protections.

### 3. UN Charter

As a UN member, Cyprus—and by extension all involved parties—are bound by the UN Charter.

#### Relevant Articles:

- Article 1(3): The UN shall promote respect for human rights.
- Article 55: UN shall promote conditions of stability based on respect for human rights.
- Article 56: All members pledge to take joint and separate action to achieve these ends.

Application: The actions of both Greece and Turkey, as well as the Government of Cyprus, must be measured against these standards. All are affirmatively bound to uphold rights, not just avoid violations.

#### 4. Treaty of Guarantee (1960)

Signed by Cyprus, Greece, Turkey, and the United Kingdom to ensure the independence, territorial integrity, and constitutional order of the Republic of Cyprus.

##### Key Provisions:

- Article I: Prohibits any action to promote union (Enosis) or partition (Taksim).
- Article II: Guarantees the independence and territorial integrity of Cyprus.
- Article IV: Permits unilateral military action by guarantor powers only to restore the constitutional order.

**Application:** The Greek junta's coup violated Article I. Turkey claims justification under Article IV. However, the extent of military action, the occupation of territory, and the failure to restore constitutional order may render Turkey's actions excessive or inconsistent with the treaty's objectives.

#### 5. UN Security Council Resolutions

As of 16 August 1974, the following resolutions are in force:

- Resolution 353 (20 July 1974): Calls for ceasefire and respect for Cyprus's sovereignty.
- Resolution 354 (23 July 1974): Demands ceasefire compliance.
- Resolution 355 (1 August 1974): Urges negotiations under the UN Secretary-General's auspices.

- Resolution 186 (1964): Establishes UNFICYP and affirms the constitutional order of Cyprus.

**Application:** While these resolutions are not legally binding in the same way as Chapter VII measures, they reflect the consensus of the Security Council and establish the baseline for permissible action.

Turkey's continued occupation and failure to facilitate return may conflict with 353 and 355.

### C. ECOSOC and UNCHR Powers (As of 1974)

#### 1. ECOSOC Resolution 1503 (1970)

**The Communications Procedure** This resolution allows the Commission to consider confidential communications from individuals or NGOs regarding a consistent pattern of gross and reliably attested violations of human rights.

Procedure:

- Petitions are examined by the Sub-Commission on Prevention of Discrimination and Protection of Minorities.
- If admissible, the Commission may initiate an investigation, request responses from the state concerned, or recommend action to ECOSOC.

**Application:** Displacement, disappearance, and minority suppression in Cyprus may constitute such a "pattern." Delegates may invoke 1503 to initiate an official UNCHR inquiry.

## 2. Creation of Special Rapporteurs

The Commission may appoint a Special Rapporteur or Working Group to investigate a thematic or country-specific issue.

Precedents prior to 1974:

- South Africa (apartheid)
- Chile (political repression)
- Palestine (occupation-related rights violations)

Application:

A Rapporteur on Cyprus could be proposed to:

- Investigate missing persons
- Monitor enclaved civilian conditions
- Report on minority cultural destruction

## D. Gaps in the Legal System (As of 1974)

It is equally important to acknowledge what does not exist as of the freeze date:

- No International Criminal Court
- No Convention on the Protection of Displaced Persons (beyond 1951 Refugee Convention)
- No definition of ethnic cleansing
- Limited access to the European Court of Human Rights
- No official UN convention on enforced disappearances

Implication: Delegates must work within existing frameworks or propose advisory declarations and procedural innovations without assuming institutions that have not yet been created.

### E. Legal Precedents in UN Action

The following cases illustrate how the UN has previously responded to similar crises:

- Apartheid in South Africa (1967–74): UNCHR used resolutions, reports, and special rapporteurs to document and condemn systemic human rights abuse.
- Palestinian Territories (1967–): Focus on displacement, loss of property, and religious freedom under occupation.
- East Pakistan (Bangladesh, 1971): Massive displacement and repression were raised in ECOSOC, though no direct UNCHR action occurred.

# Questions A

## Resolution Must

### Answer (QARMA)

1. How can the UNCHR affirm and operationalize the right of displaced persons to return to their homes or receive adequate compensation within the legal framework available in 1974?
2. What investigatory or reporting mechanisms can be proposed to document and address the issue of missing persons and enforced disappearances on both sides of the conflict?
3. How can the Commission safeguard the rights and cultural autonomy of enclaved and minority communities—such as Maronites, Armenians, and Latins—amidst limited UN access and ongoing occupation?
4. What legal tools can be used to challenge or monitor the unlawful seizure, repurposing, or destruction of religious and cultural property during the conflict?
5. To what extent can the UNCHR apply ECOSOC Resolution 1503 or propose new procedures to collect testimony, verify patterns of abuse, and ensure international visibility of human rights violations in Cyprus?