

of China. It is interesting to note that when in early 1990 Taiwan sought accession to the General Agreement on Tariffs and Trade (GATT), it did so by requesting entry for the 'customs territory' of 'Taiwan, Penghu, Kinmen and Matsu', thus avoiding an assertion of statehood.¹⁷⁹ The accession of 'Chinese Taipei' to the World Trade Organisation was approved by the Ministerial Conference in November 2001.¹⁸⁰

*The 'Turkish Republic of Northern Cyprus' (TRNC)*¹⁸¹

In 1974, following a coup in Cyprus backed by the military regime in Greece, Turkish forces invaded the island. The Security Council in resolution 353 (1974) called upon all states to respect the sovereignty, independence and territorial integrity of Cyprus and demanded an immediate end to foreign military intervention in the island that was contrary to such respect. On 13 February 1975 the Turkish Federated State of Cyprus was proclaimed in the area occupied by Turkish forces. A resolution adopted at the same meeting of the Council of Ministers and the Legislative Assembly of the Autonomous Turkish Cypriot Administration at which the proclamation was made, emphasised the determination 'to oppose resolutely all attempts against the independence of Cyprus and its partition or union with any other state' and resolved to establish a separate administration until such time as the 1960 Cyprus Constitution was amended to provide for a federal republic.¹⁸²

On 15 November 1983, the Turkish Cypriots proclaimed their independence as the 'Turkish Republic of Northern Cyprus'.¹⁸³ This was declared illegal by the Security Council in resolution 541 (1983) and its withdrawal called for. All states were requested not to recognise the 'purported state'

or assist it in any way. This was reiterated in Security Council resolution 550 (1984). The Committee of Ministers of the Council of Europe decided that it continued to regard the government of the Republic of Cyprus as the sole legitimate government of Cyprus and called for respect for the independence and territorial integrity of Cyprus.¹⁸⁴ The European Court of Human Rights in its judgment of 10 May 2001 in *Cyprus v. Turkey* concluded that, 'it is evident from international practice... that the international community does not recognise the "TRNC" as a state under international law' and declared that 'the Republic of Cyprus has remained the sole legitimate government of Cyprus'.¹⁸⁵ In the light of this and the very heavy dependence of the territory upon Turkey, it cannot be regarded as a sovereign state, but remains as a *de facto* administered entity within the recognised confines of the Republic of Cyprus and dependent upon Turkish assistance.¹⁸⁶

*The Saharan Arab Democratic Republic*¹⁸⁷

In February 1976, the Polisario liberation movement conducting a war to free the Western Saharan territory from Moroccan control declared the independent sovereign Saharan Arab Democratic Republic.¹⁸⁸ Over the succeeding years, many states recognised the new entity, including a majority of Organisation of African Unity members. In February 1982, the OAU Secretary-General sought to seat a delegation from SADR on that basis, but this provoked a boycott by some nineteen states and a major crisis. However, in November 1984 the Assembly of Heads of State and Government of the OAU did agree to seat a delegation from SADR, despite Morocco's threat of withdrawal from the organisation.¹⁸⁹ This, therefore, can be taken as OAU recognition of statehood and, as such, of major evidential significance. Indeed, in view of the reduced importance of the effectiveness of control criterion in such self-determination

¹⁷⁹ See *Keating's Record of World Events*, p. 37671 (1990). This failed, however, to prevent a vigorous protest by China: *ibid.* Note also the Agreements Concerning Cross-Strait Activities between unofficial organisations established in China and Taiwan in order to reach functional, non-political agreements, 32 ILM, 1993, p. 1217. A degree of evolution in Taiwan's approach was evident in the Additional Articles of the Constitution adopted in 1997.

¹⁸⁰ See <http://www.wto.org/english/news/pres01.e/pr253.e.htm>. Asto Rhodesia (1965–79) and the Bantustans, see above, pp. 184 and 181.

¹⁸¹ See Z. M. Nécitigil, *The Cyprus Question and the Turkish Position in International Law*, 2nd edn, Oxford 1993; G. White, *The World Today*, April 1981, p. 135, and Crawford, *Creation of Statehood*, p. 118.

¹⁸² Resolution No. 2 in Supplement IV, Official Gazette of the TFSC, cited in Nécitigil, *Cyprus Conflict*, p. 123.

¹⁸³ See *The Times*, 16 November 1983, p. 12, and 21(4) *UN Chronicle*, 1984, p. 17.

¹⁸⁴ Resolution (83)13 adopted on 24 November 1983.

¹⁸⁵ Application No. 25781/94; 120 ILR, p. 10. See *Loizidou v. Turkey (Preliminary Objections)*, Series A, No. 310, 1995; 103 ILR, p. 622, and *Loizidou v. Turkey (Merits)*, Reports 1996-VI, p. 2216; 108 ILR, p. 443. See also to the same effect, *Autocephalous Church of Cyprus v. Goldberg* 917 F.2d 278 (1990); 108 ILR, p. 488, and *Caglar v. Billingham* [1996] STC (SCD) 150; 108 ILR, p. 510.

¹⁸⁶ See also Foreign Affairs Committee, Third Report, Session 1986–7, Cyprus: HCP 23 (1986–7).

¹⁸⁷ See Shaw, *Title*, chapter 3.

¹⁸⁸ *Africa Research Bulletin*, June 1976, p. 4047 and July 1976, pp. 4078 and 4081.

¹⁸⁹ See *Keating's Contemporary Archives*, pp. 33324–45.