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# THE SECURITY EXCEPTION AND THE CYPRIOT STAKE IN NON-RECOGNITION

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## Introduction

On 10 August 2026, three days after President Abelardo de la Espriella took office, the government of Colombia announced that it recognised Israeli sovereignty over the Golan Heights. It cited the persistent instability of the Middle East and the strategic importance of the territory for the security of Israel, describing the maintenance of Israeli control over it as an essential component of Israel's national defence.[1] Colombia thereby became the second member of the United Nations, after the United States in 2019, to recognise Israeli sovereignty over a territory to which Israel had extended its laws, jurisdiction and administration in 1981, by a decision the Security Council declared 'null and void and without international legal effect'.[2] Because it treats the security needs of the state in control of a territory as a sufficient ground for recognising the situation that state has created, the Colombian reasoning deserves close study in Nicosia.

In a legal order without centralised enforcement, the prohibition on acquiring territory by force rests in practice on the refusal of third states to recognise what force has produced. I argue that this refusal retains firm support among a large majority of states, while the United States and, since August 2026, Colombia have begun to accept what may be called a security exception. Recognitions of this kind breach the obligation of non-recognition that follows from a serious breach of the

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[1] Ministerio de Relaciones Exteriores de Colombia, 'Colombia reconoce la soberanía de Israel sobre los Altos del Golán' (10 August 2026) https://cancilleria.gov.co/sala-de-prensa/noticias/colombia-reconoce-la-soberania-de-israel-sobre-los-altos-del-golan accessed 15 October 2026. Translations are the author's.

[2] UNSC Res 497 (17 December 1981) UN Doc S/RES/497, para 1. On Colombia as the second state to do so, see 'Colombia's Far-Right Government Recognises Israeli Claim over Golan Heights' *Al Jazeera* (Doha, 11 August 2026) https://www.aljazeera.com/news/2026/8/11/colombias-far-right-government-recognises-israeli-claim-over-golan-heights accessed 15 October 2026.

peremptory prohibition of aggression. These two recognitions cannot modify that norm, whose modification requires a subsequent norm of the same character, accepted and recognised by the international community of states as a whole, nor can they alter the customary duty of non-recognition, which would require a general practice accepted as law.[3] Two security-based recognitions thus amount to a claim to an exception, which other states have yet to accept, and the article warns of the risk that claim would pose if they did. The danger lies in erosion, since each recognition lends authority to a line of reasoning that others may adopt, and this carries a specific risk for the Republic of Cyprus, whose position since 1974 has depended on the universality of the rule. To develop this argument, the article first sets out the rule of non-recognition and the mechanism through which it may be eroded, then follows the pressure on the rule through Ukraine, the Golan and Western Sahara. Finally it turns to its implications for Cyprus and to what the Republic can do in response.

## The Rule and Its Mechanism

Article 2(4) of the Charter of the United Nations prohibits the threat or use of force against the territorial integrity of any state. The Friendly Relations Declaration of 1970 draws the consequence that 'no territorial acquisition resulting from the threat or use of force shall be recognized as legal'.[4] Except on the rare occasions when the Security Council has acted, as it did against the annexation of Kuwait by Iraq in 1990, no central agency reverses an unlawful acquisition, and the weight of the prohibition falls largely on third states.[5] Under the rule set out in Article 41(2) of the Articles on State Responsibility they are bound not to recognise as lawful a situation created by a serious breach of a peremptory norm, meaning a gross or systematic failure to fulfil it. They are also bound not to render aid or assistance in maintaining it. The International Court of Justice (ICJ) restated the obligation in 2024, and found in the same opinion that the security concerns of an occupying power cannot 'override the principle of the prohibition of the acquisition of territory by force'.[6] In its Namibia opinion the Court had held that 'a binding determination made by a competent organ of the United Nations to the effect that a situation is illegal cannot remain without consequence'. Such illegality, the Court

[3] Vienna Convention on the Law of Treaties (adopted 23 May 1969, entered into force 27 January 1980) 1155 UNTS 331, art 53.
[4] Charter of the United Nations (adopted 26 June 1945, entered into force 24 October 1945) 1 UNTS XVI, art 2(4); UNGA Res 2625 (XXV) (24 October 1970) UN Doc A/RES/2625(XXV), Annex, first principle.
[5] UNSC Res 662 (9 August 1990) UN Doc S/RES/662, para 1; UNSC Res 678 (29 November 1990) UN Doc S/RES/678, para 2.
[6] ILC, 'Draft Articles on Responsibility of States for Internationally Wrongful Acts, with Commentaries' [2001] YBILC vol II(2) 31, arts 40(2), 41(2) and commentary. For the Court's most recent statement of the obligation, see *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem* (Advisory Opinion, 19 July 2024) paras 279, 285(7), and on security concerns para 254.

added, is opposable to all states 'in the sense of barring erga omnes the legality of a situation which is maintained in violation of international law'.[7]

The doctrine rests on the maxim *ex injuria jus non oritur*, under which an unlawful act cannot generate rights for the wrongdoer. It has always stood in tension with *ex factis jus oritur*, the principle that allows consolidated facts to produce legal effects.[8] In Martti Koskenniemi's terms, a rule of non-recognition that yields to effectiveness becomes 'apology' and loses its protective function, while one that ignores effectiveness altogether becomes 'utopia' and risks irrelevance.[9] Stefan Talmon has asked, in a similar vein, whether the duty of non-recognition amounts to 'an obligation without real substance'.[10] Dan Altman's research, which shows that conquest persisted after 1945 and that the limited seizure presented as a *fait accompli* became its predominant form, gives the question empirical weight. On this account the decisive moment for the rule comes after the seizure, when third states decide whether to accept its results.[11]

Stephen Schwebel argued in 1970 that where the prior holder of a territory had itself seized it unlawfully, a state which then takes it in the lawful exercise of self-defence has the better title against that holder. The reference in resolution 242 to 'secure and recognized boundaries' has been read in a similar sense, although boundaries of that kind would be fixed by agreement with the former sovereign, a different mechanism from unilateral recognition.[12] Schwebel's argument lends the claim that security may justify title only a limited pedigree, since it does not reach territory whose prior holder's title was never in question. The prevailing view

[7] *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)* (Advisory Opinion) [1971] ICJ Rep 16, paras 117, 126.
[8] Hersch Lauterpacht, *Recognition in International Law* (CUP 1947); James Crawford, *The Creation of States in International Law* (2nd edn, OUP 2006); Enrico Milano, *Unlawful Territorial Situations in International Law: Reconciling Effectiveness, Legality and Legitimacy* (Martinus Nijhoff 2006).
[9] Martti Koskenniemi, *From Apology to Utopia: The Structure of International Legal Argument* (reissue with new epilogue, CUP 2005).
[10] Stefan Talmon, 'The Duty Not to "Recognize as Lawful" a Situation Created by the Illegal Use of Force or Other Serious Breaches of a Jus Cogens Obligation: An Obligation without Real Substance?' in Christian Tomuschat and Jean-Marc Thouvenin (eds), *The Fundamental Rules of the International Legal Order: Jus Cogens and Obligations Erga Omnes* (Martinus Nijhoff 2006) 99. See also Théodore Christakis, 'L'obligation de non-reconnaissance des situations créées par le recours illicite à la force ou d'autres actes enfreignant des règles fondamentales' in the same volume 127; and Martin Dawidowicz, 'The Obligation of Non-Recognition of an Unlawful Situation' in James Crawford, Alain Pellet and Simon Olleson (eds), *The Law of International Responsibility* (OUP 2010) 677.
[11] Dan Altman, 'The Evolution of Territorial Conquest After 1945 and the Limits of the Territorial Integrity Norm' (2020) 74 International Organization 490; Dan Altman, *Taking Territory: The Persistence of Conquest Since 1945* (Cornell University Press 2026). For the earlier view that the norm caused conquest to decline sharply, see Mark W Zacher, 'The Territorial Integrity Norm: International Boundaries and the Use of Force' (2001) 55 International Organization 215.
[12] Stephen M Schwebel, 'What Weight to Conquest?' (1970) 64 AJIL 344; UNSC Res 242 (22 November 1967) UN Doc S/RES/242, para 1(ii).

rejects it in any event. The preamble of the same resolution emphasises 'the inadmissibility of the acquisition of territory by war' and draws no distinction between offensive and defensive wars. The Friendly Relations Declaration qualifies its prohibition of military occupation by reference to force used 'in contravention of the provisions of the Charter', but it attaches no such qualification to acquisition. Article 51 of the Charter, for its part, permits a state to repel an armed attack without conferring on it any title to the territory from which the attack came.[13] Before the Kellogg–Briand Pact, conquest followed by effective subjugation and annexation conferred title without further justification.[14] The modern doctrine of non-recognition emerged as that order was abandoned, in response to Japan's occupation of Manchuria, which Japan presented as self-defence. On 7 January 1932 the United States declared that it would not recognise any situation brought about by means contrary to the Pact of Paris. On 11 March the Assembly of the League of Nations declared the same of means contrary to the Covenant or to the Pact. The Lytton Commission later rejected the Japanese plea of self-defence on the facts.[15] A security exception would reintroduce the possibility that control acquired by force may ripen into title, now conditioned on a reason where the older order required none, and the reason it offers is the kind of plea against which the doctrine first took shape.

The closest analogue in the law of state responsibility is necessity, the plea by which a state may invoke an essential interest against a grave and imminent peril. Article 26 of the Articles on State Responsibility excludes it, as it excludes every other circumstance precluding wrongfulness, where the conduct in question conflicts with a peremptory norm, and even where it applies, it precludes the wrongfulness of conduct without conferring title.[16] If the security of a state cannot justify its own breach of the prohibition of aggression, of which annexation by force is a paradigm case, it can hardly justify third states in recognising the results of that breach.[17] Recognising states tend to rely instead on the defensive character

[13] UNSC Res 242 (n 12) preamble; UNGA Res 2625 (XXV) (n 4); Sharon Korman, *The Right of Conquest: The Acquisition of Territory by Force in International Law and Practice* (Clarendon Press 1996).
[14] Oona A Hathaway and Scott J Shapiro, *The Internationalists: How a Radical Plan to Outlaw War Remade the World* (Simon & Schuster 2017); Korman (n 13).
[15] US Department of State, *Peace and War: United States Foreign Policy 1931–1941* (US Government Printing Office 1943) 159; League of Nations Assembly, Resolution of 11 March 1932, League of Nations Official Journal, Special Supplement No 101 (1932) 87; League of Nations, *Appeal by the Chinese Government: Report of the Commission of Enquiry* (1 October 1932) LN Doc C.663.M.320.1932.VII (Lytton Report).
[16] ILC, Articles on State Responsibility (n 6) arts 25, 26.
[17] The International Law Commission includes the prohibition of aggression in its non-exhaustive list of peremptory norms, and annexation by force is an act of aggression under the Definition of Aggression. See ILC, 'Draft Conclusions on Identification and Legal Consequences of Peremptory Norms of General International Law (Jus Cogens)' (2022) UN Doc A/77/10, conclusion 23 and Annex, para (a); UNGA Res 3314 (XXIX) (14 December 1974) UN Doc A/RES/3314(XXIX), Annex, art 3(a).

of the original use of force, a route closed by the rule that lawful self-defence confers no title. As used here, the term describes the practice of the recognising states and the claim that practice carries. International law does not recognise such an exception. So understood, the security exception is the acceptance by a recognising state of the security of the possessor, or of a population it claims to protect, whether pleaded as necessity or as the continuing requirements of self-defence, as a ground for validating title to territory held as a result of the use of force.

Two recognitions cannot, of course, modify a peremptory norm, whose modification would require a subsequent norm of the same character, accepted by the international community of states as a whole. Nor can a dissenting state shelter behind the persistent objector rule, which does not apply to such norms, so that any erosion must proceed in another way.[18] In *Nicaragua* the ICJ observed that when a state acts inconsistently with a recognised rule but defends its conduct by appealing to exceptions or justifications contained within the rule itself, 'the significance of that attitude is to confirm rather than to weaken the rule'.[19] The rule at stake is the prohibition of acquiring territory by force, from which the duty of non-recognition follows, and self-defence is an exception within the same body of law under Articles 2(4) and 51. A recognition that relies on self-defence therefore presents itself as an application of that body of law, although it extends the exception from the use of force to title, which the exception does not cover. The Court's reasoning applies here by analogy, and it is the extension that allows the rule to be altered from within if other states accept it. A recognition grounded in security takes this form, since it invokes the vocabulary of self-defence, the rule's own, and leaves the prohibition formally intact. That confirmation holds, however, only for as long as other states decline to accept the justification offered. If they begin to accept it, the content of the rule changes from within, through the reading of its exceptions, while its peremptory status is never openly challenged. An economic justification stands outside the rule and can only breach it. Because non-recognition depends on the practice of third states, each acceptance also lowers the political cost of the next, which is the practical sense of the question Stefan Talmon poses.

For Cyprus the mechanism took concrete form in Security Council resolutions 541 (1983) and 550 (1984). The first declared the purported secession of 1983 legally invalid and called upon all states not to recognise any Cypriot state other than the

[18] ILC, Draft Conclusions on Peremptory Norms (n 17) conclusions 2, 14(3); Vienna Convention on the Law of Treaties (n 3) art 53.
[19] *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v United States of America)* (Merits) [1986] ICJ Rep 14, para 186.

Republic of Cyprus, and the second reiterated that call.[20] Neither resolution was adopted under Chapter VII, and both combine a finding of invalidity with a call upon states. Their binding effect turns on their terms and circumstances, as the Namibia opinion held. Yet the Cypriot position does not rest on them alone, since the obligation of non-recognition also arises under customary law from the unlawful use of force in which the entity originated.[21] In its Kosovo opinion the ICJ observed that the illegality of the declarations of independence in Southern Rhodesia, northern Cyprus and Republika Srpska stemmed from the fact that they were, or would have been, 'connected with the unlawful use of force or other egregious violations of norms of general international law, in particular those of a peremptory character (jus cogens)'.[22]

## Ukraine and the Price of Peace

Russia's annexation of Crimea in 2014 and of four further Ukrainian regions in 2022 produced the broadest application of non-recognition in recent decades. The General Assembly affirmed the territorial integrity of Ukraine by 100 votes to 11 in resolution 68/262. In resolution ES-11/4, adopted by 143 votes to 5, it declared the purported annexations devoid of validity and called upon all states not to recognise them.[23] Among members of the United Nations other than Russia, only Syria, under its former government, and North Korea recognised the Donetsk and Luhansk 'people's republics' as independent states, both in the summer of 2022 and before the purported annexations.[24]

The pressure on the rule in Ukraine has come from the offer to exchange recognition for peace. Russia rests its claim to the annexed regions on referendums that the General Assembly declared without validity. The war itself it justified as self-defence against threats to its security, so that the gains for which recognition was sought were the product of a use of force pleaded on security

[20] UNSC Res 541 (18 November 1983) UN Doc S/RES/541, paras 2, 7; UNSC Res 550 (11 May 1984) UN Doc S/RES/550, paras 2–3. For a comprehensive study of collective non-recognition based on the Cypriot case, see Stefan Talmon, *Kollektive Nichtanerkennung illegaler Staaten* (Mohr Siebeck 2006).
[21] *Namibia* (n 7) paras 113–14; ILC, Articles on State Responsibility (n 6) art 41(2) and commentary. On the origin of the entity, see UNGA Res 3212 (XXIX) (1 November 1974) UN Doc A/RES/3212(XXIX), paras 1–2, endorsed by UNSC Res 365 (13 December 1974) UN Doc S/RES/365, para 1.
[22] *Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo* (Advisory Opinion) [2010] ICJ Rep 403, para 81.
[23] UNGA Res 68/262 (27 March 2014) UN Doc A/RES/68/262; UNGA Res ES-11/4 (12 October 2022) UN Doc A/RES/ES-11/4.
[24] 'Ukraine Cuts Diplomatic Ties with Syria after It Recognizes Eastern Regions as Independent' *Radio Free Europe/Radio Liberty* (30 June 2022) https://www.rferl.org/a/ukraine-syria-diplomatic-ties-russia-assad/31922447.html accessed 15 October 2026; 'N Korea Backs Independence of Breakaway Regions in Ukraine' *Associated Press* (13 July 2022).

grounds.[25] In April 2025 the Russian Foreign Minister described the international recognition of Crimea and the four regions as part of Russia as 'imperative' for a settlement. A proposal presented by the United States in the same month reportedly provided for 'de jure' American recognition of Russian control in Crimea.[26] The twenty-eight-point plan circulated in November 2025 provided that Crimea, Luhansk and Donetsk would be recognised as de facto Russian, including by the United States.[27] The plan relied on the distinction between de facto and de jure recognition, which the law of non-recognition does little to support. The duty in Article 41(2) extends, in the commentary of the International Law Commission, to 'acts which would imply such recognition'. The principal latitude the ICJ allowed in the Namibia opinion concerns acts such as the registration of births, deaths and marriages, whose effects can be ignored only to the detriment of the inhabitants of the territory. The European Court of Human Rights has applied that latitude in the Cypriot cases since *Cyprus v Turkey* in 2001.[28] Recognising Crimea, Luhansk and Donetsk as de facto Russian would fall outside it, and the Ukrainian negotiations show how close larger states can come to that step once recognition is offered as the price of peace.

## The Golan and the Security Exception

In January 2026 the President of the United States, who for a year had declined to rule out force to acquire Greenland, announced tariffs on eight European allies, and at Davos on 21 January he declared that he 'won't use force' and withdrew them. The agreement signed with Denmark and Greenland on 22 September 2026 expands the American military presence while stopping short of a transfer of the island to the United States.[29] Although Greenland involves neither conquest nor

[25] Letter dated 24 February 2022 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General, UN Doc S/2022/154; UNGA Res ES-11/4 (n 23).
[26] 'Recognition of Crimea, Donbass as Part of Russia Imperative in Settlement — Lavrov' *TASS* (28 April 2025) https://tass.com/politics/1950297 ; Barak Ravid, 'Trump's "Final Offer" for Peace Requires Ukraine to Accept Russian Occupation' *Axios* (22 April 2025) https://www.axios.com/2025/04/22/trump-russia-ukraine-peace-plan-crimea-donbas both accessed 15 October 2026.
[27] 'Here's What's in the Trump Administration's Proposed 28-Point Russia-Ukraine Peace Plan' *CBS News* (21 November 2025) https://www.cbsnews.com/news/trump-administration-proposed-28-point-russia-ukraine-peace-plan/ accessed 15 October 2026.
[28] ILC, Articles on State Responsibility (n 6) commentary to art 41, para (5); *Namibia* (n 7) para 125; *Cyprus v Turkey* [GC] App no 25781/94 (ECtHR, 10 May 2001) paras 90–98; *Demopoulos and Others v Turkey* (dec) [GC] App nos 46113/99 and seven others (ECtHR, 1 March 2010) para 96.
[29] 'Trump Announces Tariffs on European Allies over Greenland Dispute' *Associated Press* (17 January 2026); Steve Holland and Trevor Hunnicutt, 'Trump Rules Out Force, Tariffs, Says Greenland Deal Framework Reached' *Reuters* (21 January 2026); 'Trump, Greenland, Denmark

recognition, it shows the United States advancing strategic need as a ground for a territorial claim against an ally. Euripides Evriviades, writing in the September 2026 issue of *In Depth*, locates Greenland's strategic value in 'Arctic geography, missile defence, emerging sea routes and critical minerals'. He also warns that, with 'rules made negotiable according to power', allies begin to search for alternatives, and that the methods used to preserve American primacy are 'helping to erode the trust, legitimacy and consent that made it sustainable'.[30]

In the Golan the same vocabulary has served as a ground of recognition, which is where the negotiation of rules that Evriviades describes is translated into state practice. The American Proclamation of 25 March 2019 recalled that Israel 'took control of the Golan Heights in 1967 to safeguard its security from external threats' and concluded that, 'based on these unique circumstances, it is therefore appropriate to recognize Israeli sovereignty over the Golan Heights'.[31] The Colombian statement of August 2026 follows the same reasoning, invoking regional instability, the strategic importance of the territory for the security of Israel and Israel's right to protect itself against external threats.[32] In both texts the security of the state in control of the territory is advanced as the ground of recognition, and the American text presents the circumstances as unique. Both rely on an argument that the prevailing view of the law rejects and that the ICJ, in a different setting, declined to accept from an occupying power in 2024. The breach that engages the duty of non-recognition, moreover, does not depend on the character of the war of 1967. It lies in the annexation of 1981, the extension of Israeli law, jurisdiction and administration to occupied territory that resolution 497 declared without legal effect. As an annexation by force of territory held under military occupation, that act arguably falls within the Definition of Aggression whatever view is taken of the use of force that produced the occupation. As a formal and deliberate act of state, it also meets the threshold of a serious breach.[33]

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Sign Deal in Bid to End Arctic Standoff' *Reuters* (22 September 2026). I discussed these threats in Konstantina Oikonomou, 'Γκανγκστερικός ρεαλισμός: Συναλλαγή, κυριαρχία και εξαναγκασμός στη νέα αμερικανική Στρατηγική Εθνικής Ασφάλειας' [Gangster Realism: Transaction, Domination and Coercion in the New American National Security Strategy] (*ENA Institute*, 22 December 2025) https://enainstitute.org/gkangksterikos-realismos-synallagi-kyriarchia-kai-exanagkasmos-sti-nea-amerikaniki-stratigiki-ethnikis-asfaleias/ accessed 15 October 2026 (in Greek).

[30] Euripides L Evriviades, 'Trump's Foreign Policy: Unconventional in Method, Traditional in US Strategy' (2026) 23(3) In Depth 5, 6–8. On the illegality of a threat of force to secure territory, see *Legality of the Threat or Use of Nuclear Weapons* (Advisory Opinion) [1996] ICJ Rep 226, para 47.

[31] Proclamation 9852 of 25 March 2019, 'Recognizing the Golan Heights as Part of the State of Israel' 84 Fed Reg 11875 (28 March 2019).

[32] Colombian statement (n 1).

[33] UNSC Res 497 (n 2) para 1; ILC, Articles on State Responsibility (n 6) art 40(2) and commentary, para (8); UNGA Res 3314 (XXIX) (n 17) Annex, arts 3(a), 5(3); ILC, Draft Conclusions on Peremptory Norms (n 17) conclusion 19. The characterisation of a breach as serious does not depend on a determination by the Security Council, since Article 40 'does not lay down any procedure for determining whether or not a serious breach has been committed': ILC, Articles on State Responsibility (n 6) commentary to art 40, para (9).

Colombia had voted in favour of both General Assembly resolutions on the Golan in December 2025. At the end of March 2026 it also voted for a Human Rights Council resolution calling upon Israel to comply with Security Council resolution 497 and determining that its measures seeking to alter the character and legal status of the territory are null and void.[34] The change of position followed the inauguration of a government which had announced that it would join a regional security initiative of the Trump administration and transfer the Colombian embassy in Israel to Jerusalem. The Colombian statement itself presents the recognition as the fulfilment of a commitment the two countries undertook on 8 August.[35] Konstantinos Magliveras attributes the decision to 'the national interest of aligning to the present US administration's support of Israel', and the Israeli Foreign Minister was reported as saying that he would continue to seek recognition from further states.[36] Although domestic motives cannot be excluded, the available evidence points to diffusion through political alignment and active bilateral diplomacy.

In December 2025 the annual resolution 'The Syrian Golan' was adopted by 123 votes to 7, with 41 abstentions, against 97 votes in favour a year earlier. The earlier vote, however, took place five days before the fall of the government in Damascus, which probably accounts for much of the increase. The companion resolution 'The occupied Syrian Golan', which called upon all member states not to recognise Israeli measures in the territory, was adopted in December 2025 by 146 votes to 6, with 23 abstentions. The seven states that voted against 'The Syrian Golan' were the United States, Israel, Micronesia, Palau, Papua New Guinea, Paraguay and Tonga.[37] A vote against a resolution is not recognition, and the figures show only that the reasoning of the American Proclamation has found little open support. A spokesperson of the European Union responded to the Colombian decision by reaffirming that the Union does not recognise Israeli

[34] HRC Res 61/31 (31 March 2026) UN Doc A/HRC/RES/61/31, adopted by 28 votes to 3 with 16 abstentions; Konstantinos D Magliveras, 'The Endless Breach of International Law over the Golan Heights' (*International Law Blog*, 14 September 2026) https://internationallaw.blog/2026/09/14/the-endless-breach-of-international-law-over-the-golan-heights/ accessed 15 October 2026, fn 6. For the General Assembly votes, see the voting records of A/RES/80/73 and A/RES/80/82 in the United Nations Digital Library.

[35] Chase Harrison, 'As He Takes Office, Colombia's De la Espriella Sets Agenda' (*AS/COA*, 5 August 2026) https://www.as-coa.org/articles/he-takes-office-colombias-de-la-espriella-sets-agenda accessed 15 October 2026; Colombian statement (n 1).

[36] Magliveras (n 34); 'Golan Heights Will "Remain Occupied Syrian Territory" despite Colombian Recognition, Say Arab Countries' *The National* (Abu Dhabi, 12 August 2026) https://www.thenationalnews.com/news/mena/2026/08/12/golan-heights-will-remain-occupied-syrian-territory-despite-colombian-recognition-say-regional-countries/ accessed 15 October 2026.

[37] UNGA Res 79/83 (3 December 2024) UN Doc A/RES/79/83; UNGA Res 80/73 (2 December 2025) UN Doc A/RES/80/73; UNGA Res 80/82 (5 December 2025) UN Doc A/RES/80/82, para 6; and the respective voting records in the United Nations Digital Library.

sovereignty over the territory.[38] Syria, under the government that came to power in December 2024, protested against the Colombian decision to the Secretary-General and to the President of the Security Council, and in July the Secretary-General had stated in Damascus that 'the Golan Heights are Syrian territory'.[39] If secure boundaries are to be fixed by agreement with the former sovereign, as resolution 242 implies, the express rejection by Damascus means that the route of agreement is not available at present. The precedent has not yet produced further recognitions.

## Western Sahara and the Role of the Security Council

The United States recognised Moroccan sovereignty over Western Sahara in December 2020. In October 2025 the Security Council adopted an American draft by 11 votes to none, with 3 abstentions and Algeria not participating. The resolution called upon the parties to negotiate 'taking as basis Morocco's Autonomy Proposal' and affirmed in its preamble that 'genuine autonomy under Moroccan sovereignty could constitute a most feasible solution'.[40] Kushtrim Istrefi has warned that the resolution opens the way to an implicit recognition of Moroccan sovereignty which would undermine the self-determination of the people of the territory.[41]

In the same days as its decision on the Golan, Colombia recognised Moroccan sovereignty over Western Sahara and froze relations with the Sahrawi Arab Democratic Republic. It justified the step by reference to a partnership with Morocco of almost fifty years and to the prospects it offered for trade, investment

[38] 'EU Reaffirms Non-Recognition of Israeli Sovereignty over Golan' *North Press Agency* (Qamishli, 12 August 2026) https://npasyria.com/en/140208/ accessed 15 October 2026, reporting an oral statement given by an EU spokesperson to the Syrian Arab News Agency. No published text of the statement by the European External Action Service has been located.

[39] 'Syria Lodges UN Complaint against Colombia's Recognition of Israeli Sovereignty over Golan' *Al-Monitor* (12 August 2026) https://al-monitor.com/originals/2026/08/syria-lodges-un-complaint-against-colombias-recognition-israeli-sovereignty-over ; Press conference of the Secretary-General with the Minister for Foreign Affairs of the Syrian Arab Republic (Damascus, 25 July 2026) https://transcripts.un.org/en/asset/k1u/k1u1s65u12 both accessed 17 October 2026.

[40] Proclamation 10126 of 4 December 2020, 'Recognizing the Sovereignty of the Kingdom of Morocco over the Western Sahara' 85 Fed Reg 81329 (15 December 2020), announced on 10 December 2020; UNSC Res 2797 (31 October 2025) UN Doc S/RES/2797.

[41] Kushtrim Istrefi, 'The Security Council and the Western Sahara: Between Self-Determination and Implicit Recognition of Moroccan Sovereignty' (*EJIL: Talk!*, 4 November 2025) https://www.ejiltalk.org/the-security-council-and-the-western-sahara-between-self-determination-and-implicit-recognition-of-moroccan-sovereignty/ accessed 15 October 2026; see also *Western Sahara* (Advisory Opinion) [1975] ICJ Rep 12.

and connectivity.[42] Political alignment is common to the two Colombian decisions, but the reasons given for them differ in a way that matters. An economic justification presents recognition openly as a political choice and offers no argument that other states could invoke as law. A justification from security borrows the language of self-defence and security, and so produces a precedent framed in the vocabulary of legal justification, which can be transferred to other cases. The objection that such recognitions are acts of alignment without legal significance has force as an account of motive, but recognition is a legal act whatever its motive, and the reasons a state gives for it become available to others as precedent. Colombia, which holds a seat on the Security Council for 2026 and 2027, now sits on the organ that adopted resolution 497.[43] That resolution has remained in force despite recognition of the annexation by the United States, a permanent member, in 2019, but the authority of a determination of invalidity depends in practice on how consistently the states that serve on the Council act upon it.

The legal setting of Western Sahara differs from that of the Golan, since it is a non-self-governing territory whose status turns on self-determination and the Security Council never declared Morocco's presence null and void. With two cases the contrast can be suggestive at most. Where the Council has declared a situation created by force invalid, as in the Golan and in Cyprus, recognition has remained confined to two states, one of them a permanent member. In Western Sahara, by contrast, recognition of Moroccan sovereignty and support for the autonomy plan have spread, and the Council itself has moved towards the Moroccan position. Such a determination is not a necessary condition of effective non-recognition, as Ukraine shows, where Russia's veto prevented one.[44] It nonetheless gives third

[42] 'Colombia reconoce soberanía del Reino de Marruecos en el Sahara Occidental' *La República* (Bogotá, 10 August 2026) https://www.larepublica.co/economia/colombia-reconoce-soberania-del-reino-de-marruecos-en-el-sahara-occidental-4454702 ; Ministerio de Relaciones Exteriores de Colombia, 'Colombia congela relaciones diplomáticas con la entidad denominada como "República Árabe Saharaui Democrática" (RASD)' https://cancilleria.gov.co/sala-de-prensa/noticias/colombia-congela-relaciones-diplomaticas-con-la-entidad-denominada-como-republica-arabe-saharaui-democratica-rasd both accessed 15 October 2026.

[43] 'UN General Assembly Elects 5 Non-Permanent Members to Security Council' *Anadolu Agency* (3 June 2025) https://www.aa.com.tr/en/world/un-general-assembly-elects-5-non-permanent-members-to-security-council/3588081 accessed 15 October 2026.

[44] On Western Sahara, in addition to the sources in n 40, see for France 'President Macron to King Mohammed VI: "The Present and the Future of the Sahara Fall within the Framework of Moroccan Sovereignty"' *Atalayar* (30 July 2024) https://www.atalayar.com/en/articulo/politics/president-macron-to-king-mohammed-vi-the-present-and-the-future-of-the-sahara-fall-within-the-framework-of-moroccan-sovereignty/20240730170438203592.html ; for Spain, whose Prime Minister described the autonomy proposal as 'the most serious, realistic and credible basis' for a settlement, European

states a fixed legal reference, and the resolutions on Cyprus are probably one of the reasons why recognition of the kind seen in Western Sahara has so far been unavailable to the entity in the north.

## From Title to Entity

Colombia and the United States have recognised the sovereignty of the occupying state itself. Turkey, by contrast, claims no sovereignty over the north of the island and asks third states to recognise a separate entity, as its President repeated before the General Assembly on 22 September 2026 when he called for recognition of the 'sovereign equality and equal international status' of the Turkish Cypriots.[45] The rule of non-recognition covers both forms, as the Republic of Cyprus recalled in its written statement in the Kosovo proceedings, where it stated that states are 'under a positive legal obligation not to recognise States created by, or territorial title gained by, the use of force'.[46] My argument does not, therefore, depend on equating the security of a community with that of an occupying state. By accepting a consideration external to the unlawful origin of a situation as sufficient for its recognition, the Golan recognitions weaken the principle that such an origin bars recognition, and the Cypriot position rests on that principle whatever consideration is put in its place. James Ker-Lindsay has shown that the Republic's success in preventing recognition of the entity has depended largely on establishing the situation internationally as one of invasion and occupation. That framing places the unlawful origin of the entity at the centre of the case, and it is precisely the relevance of origin that the security exception calls into question.[47] Kosovo, which most of the Republic's European partners have recognised, is the obvious objection. The Kosovo opinion, however, distinguished the declaration in Pristina from those the Security Council had condemned for their connection with the

Parliament, 'Spanish Recognition of the Moroccan Plan for Autonomy for Western Sahara', Question E-001162/2022 (21 March 2022) https://www.europarl.europa.eu/doceo/document/E-9-2022-001162_EN.html ; for the United Kingdom, 'British FM Says Morocco's Autonomy Plan for W. Sahara "Most Credible" Solution' *Arab News* (1 June 2025) https://www.arabnews.com/node/2603002 , all accessed 27 October 2026. On Ukraine, see UN Docs S/2014/189 (15 March 2014) and S/2022/720 (30 September 2022), draft resolutions vetoed by the Russian Federation.

[45] Tom Cleaver, 'Erdoğan: Turkish Cypriots' Equal International Status Must Be Recognised' *Cyprus Mail* (Nicosia, 22 September 2026) https://cyprus-mail.com/2026/09/22/erdogan-turkish-cypriots-equal-international-status-must-be-recognised accessed 15 October 2026; for the same call at the 77th session, 'Erdoğan Says "Critical Time" to Hold UN General Assembly, Calls for "Dignified Way Out" of Ukraine Crisis' *A News* (Istanbul, 20 September 2022) https://www.anews.com.tr/world/2022/09/20/erdogan-says-critical-time-to-hold-un-general-assembly-calls-for-dignified-way-out-of-ukraine-crisis accessed 19 October 2026.

[46] *Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo*, Written Statement of the Republic of Cyprus (17 April 2009) para 87.

[47] James Ker-Lindsay, *The Foreign Policy of Counter Secession: Preventing the Recognition of Contested States* (OUP 2012).

unlawful use of force, northern Cyprus among them. Cyprus has withheld recognition because it regards claims to a sui generis status as eroding the rule.[48] Kosovo shows that recognition grounded in the protection of a population can spread widely. It rested, though, on the international administration established by resolution 1244 and on the claim that the case was sui generis, and no state that recognised Kosovo, Turkey apart, has recognised the entity in the north. The line drawn at unlawful origin has held, because the states that recognised Kosovo accepted that unlawful origin bars recognition and argued that the case fell outside it. The security exception, by contrast, concedes the unlawful origin and overrides it, and it is this move that puts the line in question.

Ankara presents the case for the entity chiefly in terms of the identity and political equality of the Turkish Cypriot community. Yet its Ministry of National Defence declared in June 2026 that Turkey would 'continue to be the guarantor of peace, security, and stability in Cyprus' on the basis of the rights and powers it derives from international agreements. The same statement held that 'the security of the Turkish Republic of Northern Cyprus is the security of Türkiye'.[49] Turkish official discourse thus presents the security of the protected community and that of the intervening state as one, which brings the Cypriot case closer to the Golan reasoning than the distinction between title and entity alone would suggest. Protection of a population has served as a ground of recognition before. When Russia recognised Abkhazia and South Ossetia in 2008 it described the step, in the Reuters translation, as 'the only chance to save peoples' lives', and only a handful of states followed.[50] Andreas Theophanous has argued in the same issue that, under existing conditions, Turkey will consent to a settlement which 'safeguards and legitimizes its strategic control over Cyprus'. A security exception accepted in other cases would offer a vocabulary in which the same objective could be pursued through recognition by third states, without the consent of the Republic.[51]

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[48] *Kosovo* (n 22) para 81; Written Statement of the Republic of Cyprus (n 46) para 77.
[49] 'No Initiative Ignoring Turkish Cypriot Rights Is Acceptable: Türkiye' *Türkiye Today* (25 June 2026) https://www.turkiyetoday.com/nation/no-initiative-ignoring-turkish-cypriot-rights-is-acceptable-turkiye-3222651 ; 'Türkiye Vows to Protect Turkish Cypriots from "Plan to Disrupt Balance"' *Daily Sabah* (Istanbul, 25 June 2026) https://www.dailysabah.com/politics/turkiye-vows-to-protect-turkish-cypriots-from-plan-to-disrupt-balance/news both accessed 19 October 2026, reporting the ministry's weekly press briefing.
[50] 'Text: Medvedev's Statement on S.Ossetia, Abkhazia' (*Reuters*, 26 August 2008) (Reuters translation), reproduced in *Hürriyet* https://www.hurriyet.com.tr/gundem/text-medvedevs-statement-on-s-ossetia-abkhazia-9753347 accessed 16 October 2026.
[51] Andreas Theophanous, 'Perspectives on the Cyprus Problem: Why It Has Not Been Resolved So Far?' (2026) 23(3) In Depth 2, 3.

The legal basis invoked for this claim is Article IV of the Treaty of Guarantee, under which each guarantor 'reserves the right to take action with the sole aim of re-establishing the state of affairs created by the present Treaty'. Turkey has read the provision as authorising military action since the crisis of 1963 and 1964, and acted on that reading in 1974. The Security Council demanded an immediate end to foreign military intervention in the Republic that was in contravention of its call to respect the sovereignty, independence and territorial integrity of Cyprus. In August 1974 it recorded 'its formal disapproval of the unilateral military actions undertaken against the Republic of Cyprus'.[52] Article IV provides first for consultation among the guarantors, and the 'action' it reserves is limited to restoring the order established in 1960, which the creation of a separate entity contradicts. That order includes the undertaking of the Republic in Article I to maintain its independence and territorial integrity and to prohibit activity promoting partition, and the guarantee of the same goods by Greece, Turkey and the United Kingdom in Article II. Read together with the relevant rules of international law, as Article 31(3)(c) of the Vienna Convention on the Law of Treaties requires, and in the light of Article 103 of the Charter, a reservation of 'action' cannot be taken to authorise a use of force that Article 2(4) prohibits.[53]

A further route, which I offer as a hypothesis, runs through tolerance before recognition, as the admission of the entity as an observer to the Organization of Turkic States in November 2022 illustrates. Turkey defended the step as the 'natural right' of Turkish Cypriots to develop relations with the Turkic world, and the European Union rejected it as contrary to its position on the entity's status.[54] Three members of the Organization, Kazakhstan, Kyrgyzstan and Uzbekistan, nonetheless reaffirmed their commitment to resolutions 541 and 550 in their joint declaration with the European Union at Samarkand in April 2025.[55] No third state has yet justified engagement with the entity by reference to security, but the

[52] Treaty of Guarantee (Cyprus, Greece, Turkey and United Kingdom) (signed and entered into force 16 August 1960) 382 UNTS 3, art IV; UNSC Res 353 (20 July 1974) UN Doc S/RES/353, paras 1, 3; UNSC Res 360 (16 August 1974) UN Doc S/RES/360, para 1; Thomas Ehrlich, *Cyprus 1958–1967: International Crises and the Role of Law* (OUP 1974). For the opposing readings of Article IV, compare Kypros Chrysostomides, *The Republic of Cyprus: A Study in International Law* (Martinus Nijhoff 2000) with Zaim M Necatigil, *The Cyprus Question and the Turkish Position in International Law* (2nd edn, OUP 1993).

[53] UN Charter (n 4) arts 2(4), 103; Treaty of Guarantee (n 52) arts I, II, IV; Vienna Convention on the Law of Treaties (n 3) art 31(3)(c).

[54] Ministry of Foreign Affairs of the Republic of Türkiye, 'Press Release Regarding EU's Statement on TRNC's Membership to Organization of Turkic States as Observer' (12 November 2022) https://eu-pr.mfa.gov.tr/Mission/ShowAnnouncement/397550 ; EEAS, 'Cyprus: Statement of the Spokesperson on the Observer Status for Turkish Cypriot Secessionist Entity in Organisation of Turkic States' (12 November 2022) https://www.eeas.europa.eu/eeas/cyprus-statement-spokesperson-observer-status-turkish-cypriot-secessionist-entity-organisation_en both accessed 15 October 2026.

[55] Joint Declaration of the First EU–Central Asia Summit (Samarkand, 4 April 2025) para 4 https://www.consilium.europa.eu/media/n4lmrhon/250403_eu-ca-summit_joint-declaration.pdf accessed 16 October 2026.

exception would supply the vocabulary for doing so. Turkey condemned the Colombian decision, invoking resolution 497 and describing 'such isolated attempts' as having 'no legal weight'.[56] The condemnation is consistent with Ankara's own demand for recognition of the entity only because it denies the premise in Cyprus, holding that the intervention of 1974 was lawful under Article IV and that the Turkish Cypriots possess equal sovereign status. Turkey therefore has no need of the security exception, and its public defence of the rule lowers the immediate risk. The exception matters for third states, since it would allow them to concede the unlawful origin of the entity and still treat it as outweighed by the security of the community, without accepting Ankara's contested account of 1974. The Republic can meanwhile turn the Turkish statement to account whenever the same rule is applied to the north.

## Cyprus between Principle and Partnership

Before the ICJ in 2009 the Republic argued that 'the central idea of law, and of equality before the law, is that rules of law apply to all persons', and that claims that a situation is sui generis 'reduce the universally recognised rights of States'.[57] Its President told the General Assembly on 23 September 2026 that 'UN resolutions cannot be upheld in one case and disregarded in another' and that 'the sovereignty and territorial integrity of a state cannot depend on its size, its power, or the passage of time'.[58] Measured against this standard, the 'unique circumstances' invoked in the American Proclamation and the security reasoning repeated by Colombia belong to the category of exceptional justification that Cyprus has rejected in its own case. Cypriot foreign policy also pursues other goods, which Tom Long's account of small-state power helps to describe. Small states draw derivative power from their relationship with a great power and collective power from coalitions of supportive states, often built through institutions. The President echoed the distinction in the same speech when he said of small states that 'we cannot compel, but we can coalesce'. The Republic has invested in derivative power through its relationship with the United States, with which it created a regional centre for land, sea and port security. It has done so also through the trilateral framework with Greece and Israel launched in Nicosia

[56] Ministry of Foreign Affairs of the Republic of Türkiye, 'No: 157, 11 August 2026, Regarding Colombia's Statement on the Golan Heights' https://lisbon-emb.mfa.gov.tr/Mission/ShowAnnouncement/419165 accessed 16 October 2026.
[57] Written Statement of the Republic of Cyprus (n 46) paras 75, 77.
[58] Nikos Christodoulides, Address to the General Debate of the 81st Session of the United Nations General Assembly (23 September 2026) https://gadebate.un.org/en/81/cyprus ; Tom Cleaver, 'Christodoulides Calls Out Erdogan's "Highest Form" of Hypocrisy' *Cyprus Mail* (Nicosia, 23 September 2026) https://cyprus-mail.com/2026/09/23/christodoulides-calls-out-erdogans-highest-form-of-hypocrisy both accessed 16 October 2026.

in January 2016, which the United States later joined in a '3+1' format. Its national question, by contrast, depends almost entirely on collective power.[59]

In the General Assembly, Cyprus voted in favour of the annual resolution 'The occupied Syrian Golan' in 2019, 2024 and 2025, and in December 2025 that resolution called upon member states not to recognise the Israeli measures in the territory.[60] On 'The Syrian Golan' Cyprus has abstained, together with Greece and several other European states. That text also declares the Israeli decision of 1981 null and void, but it adds a finding that Israel has failed to comply with resolution 497, describes the occupation as a 'stumbling block' to peace and demands withdrawal to the line of 4 June 1967.[61] The reading of the abstention I propose rests on the two texts and on the explanation the European Union gave in 2006 for abstaining on an earlier version, on behalf of all member states including Cyprus, which pointed to 'references which could undermine the process of bilateral negotiations'.[62] On that reading the abstention concerns the additional findings and demands of the second text, and above all their bearing on future negotiations. The legal status of the territory, on which the Republic has voted in favour in each of the years examined here, is not in question. The distinction is defensible, because Article 41(2) imposes an obligation to refrain from recognition without requiring support for every text that addresses the situation. The duty in Article 41(1) to cooperate in bringing a serious breach to an end, whose binding character is itself debated, does not prescribe a vote on any particular text either.[63] The distinction is also fragile in the Human Rights Council, of which Cyprus is a member. Having voted against the Council's resolution on the occupied Syrian Golan in April 2025, Cyprus abstained in March 2026 on a text that determines Israeli measures in the territory to be null and void.[64] On the same day it voted in

[59] Christodoulides (n 58); George Psyllides, 'Cyprus, Israel and Greece Agree to Strengthen Ties, Discuss Natural Gas Pipeline' *Cyprus Mail* (Nicosia, 28 January 2016); Eastern Mediterranean Security and Energy Partnership Act of 2019, Pub L No 116-94, div J, title II; Tom Long, 'Small States, Great Power? Gaining Influence through Intrinsic, Derivative, and Collective Power' (2017) 19 International Studies Review 185.

[60] UNGA Res 74/90 (13 December 2019) UN Doc A/RES/74/90; UNGA Res 79/90 (4 December 2024) UN Doc A/RES/79/90; UNGA Res 80/82 (n 37) para 6; and the respective voting records.

[61] UNGA Res 80/73 (n 37) paras 1–2, 4, 6.

[62] Explanation of vote on behalf of the European Union on the draft resolution on the Syrian Golan, delivered by Finland (1 December 2006) https://um.fi/puheet/-/asset_publisher/up7ecZeXFRAS/content/un-explanation-of-vote-on-behalf-of-eu-on-draft-resolution-on-syrian-golan accessed 15 October 2026.

[63] ILC, Articles on State Responsibility (n 6) art 41(1), (2) and commentary.

[64] HRC Res 58/26 (4 April 2025) UN Doc A/HRC/RES/58/26, adopted by 27 votes to 6 with 14 abstentions, Cyprus voting against; UN Watch, 'Human Rights in the Occupied Syrian Golan (A/HRC/RES/58/26)' https://unwatch.org/database/resoltions/a-hrc-res-58-26/ accessed 19 October 2026. In 2026, HRC Res 61/31 (n 34). Italy, the Netherlands and Estonia also abstained, France, Spain and Slovenia voted in favour, and Bulgaria and Czechia voted against, so that no common position of the member states of the European Union emerged in the Council. See UN Watch, 'Human Rights in the Occupied Syrian Golan (A/HRC/RES/61/31)' https://unwatch.org/database/resoltions/a-hrc-res-61-31/ accessed 16 October 2026.

favour of the Council's resolution on Israeli settlements, which extends to the occupied Syrian Golan.[65] The change moves in the direction of the rule. The vote on settlements suggests that the Republic's record in the Council also separates the legal status of the territory from the terms of a settlement, if less clearly than its record in the General Assembly.

In December 2025 France, Germany, Italy, Spain, the Netherlands and other member states of the European Union that had abstained in 2024 voted in favour of 'The Syrian Golan'. They probably did so in response to the change of government in Damascus, since the text was unchanged in substance. Cyprus maintained its abstention, and Turkey voted in favour of both resolutions. To outside observers the distinction drawn by the Republic is not apparent, and Ankara may be expected to use its own votes against a Cypriot argument for universality.[66] The Republic could resolve the difficulty by voting in favour, as France, Germany and other European partners now do, but such a change could be read as a shift in its regional alignment. I would suggest that it can achieve much of the same effect at lower cost when 'The Syrian Golan' next comes to a vote in December 2026, by maintaining its abstention and accompanying it with an explanation of vote. Such an explanation would state that the abstention concerns the terms of a negotiated settlement, that Cyprus does not recognise any change in the status of territory brought about by force, and that no consideration of security, whether of the occupying state or of a community it claims to protect, can ground such recognition. A statement of this kind leaves the Republic's votes and partnerships as they are. It articulates a rule that its votes on 'The occupied Syrian Golan' already express and gives the President's words at the General Assembly a place in the Republic's voting record. The same statement could be repeated in the Human Rights Council in March 2027 and carried into the Republic's contributions to statements of the European Union, in coordination with other states whose territorial integrity depends on the same rule.

In *Demopoulos v Turkey* the Grand Chamber of the European Court of Human Rights observed that 'generations have passed' and that 'with the passage of time the holding of a title may be emptied of any practical consequences'. It also held the property commission established in the north to be an accessible and effective remedy that applicants must exhaust. At the same time it insisted that it 'would eschew any notion that military occupation should be regarded as a form of adverse possession by which title can be legally transferred to the invading power'.[67] The pull of effectiveness is visible even in the case law that matters most to Cyprus, and the Court accommodated it while stating the rule explicitly. An

[65] Human Rights Council, draft resolution A/HRC/61/L.36 (as orally revised), adopted on 31 March 2026 by 34 votes to 3 with 10 abstentions, Cyprus voting in favour (recorded vote).
[66] Compare UNGA Res 79/83 and UNGA Res 80/73 (n 37), and the voting records cited there.
[67] *Demopoulos* (n 28) paras 84, 111, 112, 127.

explanation of vote would serve the same purpose in the Republic's own practice, by keeping the line between accommodation and transfer of title visible as time passes.

## Conclusion

I have argued that the refusal of third states to recognise territorial acquisitions made by force still enjoys firm support from a large majority, but faces pressure from two directions. One is the offer of recognition in exchange for peace in Ukraine. The other is the security exception, which in the Golan has passed from the United States to an aligned state. Western Sahara suggests how far recognition can extend where the Security Council has not declared a situation invalid. For Cyprus, whose case rests on such a declaration, the principal risk is a gradual normalisation of the entity in the north, for which the exception could supply a justification. The Republic can meet that risk without altering its votes or its partnerships, by stating the rule explicitly when it next explains its abstention. The first test of the argument will come at the same session, when the General Assembly votes on the Golan resolutions for the first time since the Colombian recognition, and until then its conclusions remain provisional. A change in Colombia's votes on that occasion, a further recognition grounded in security, or statements by members of the Organization of Turkic States invoking security in support of the entity would suggest that the reasoning has begun to migrate, while unchanged votes and no further recognitions would suggest that the risk is smaller than this article argues.

If conquest after 1945 has taken the form of the limited *fait accompli*, as Altman shows, the implications extend well beyond the island. The protection available to most states exposed to territorial pressure lies in the response of third states after the event, and any reasoning that converts the security of the possessor into title may lower the expected cost of such seizures wherever they occur. Georgia, Moldova and Ukraine share the Cypriot stake in the rule. So do all the states that have built their response to the war in Ukraine on non-recognition, a policy which can hardly be sustained in one region while the rule is treated as negotiable in another. The contrast between the Golan and Western Sahara also suggests that determinations of invalidity by the Security Council may be among the most valuable assets small states possess. Their authority depends on how consistently third states, small states first among them, act upon them. Ioannis Papagaryfallou, writing in that issue about the political economy of the Middle East crisis, concludes that borders 'have regained their definitive, historical weight'.[68] Whether that weight is measured in law or in force will depend on whether third

[68] Ioannis Papagaryfallou, 'Beyond the Preconceived Schemes: Small States and the Post-Neoliberal Geopolitics of the Middle East Crisis' (2026) 23(3) In Depth 32, 34.

states keep the security of the possessor outside the grounds on which title may be recognised.