

The impact of any no-deal Brexit upon the Republic of Cyprus and the Sovereign Base Areas in the Island of Cyprus

An Open Letter addressed to the President of the European Commission, the President of the Republic of Cyprus, the Prime Minister of the United Kingdom and the Administrator of the Sovereign Base Areas

Klearchos A. Kyriakides

Assistant Professor, Cyprus Campus, University of Central Lancashire (UCLan Cyprus)

21 January 2019

Published by Agora Dialogue by 21 January 2019 at
<http://agora-dialogue.com/>



A map of the Island of Cyprus, which highlights the Akrotiri Sovereign Base Area ('Akrotiri SBA'), the Dhekelia Sovereign Base Area ('Dhekelia SBA'), a number of British Retained Sites dotted around the Republic of Cyprus and the United Nations Buffer Zone also known as 'the Green Line'

(Acknowledgment: Crown Copyright, website of the Sovereign Base Areas Administration, at www.sbaadministration.org/index.php/maps)

Table of Contents

Open Letter	page 2
Appendix 1: Six Propositions	page 9
Appendix 2: Extracts from the summary of SBA Protocol in the <i>Legal Position</i>	page 27
Appendix 3: Extracts from an Explanatory Memorandum of the European Council	page 29
Appendix 4: A declaration of interests	page 30
Appendix 5: Endnotes	page 31

Date: 21 January 2019

Dear President Juncker, President Anastasiades, Prime Minister May and Major General Illingworth

Re: The impact of any no-deal Brexit upon the Republic of Cyprus and the Sovereign Base Areas in the Island of Cyprus¹

I have composed this Open Letter to highlight one of the most complex issues arising from Brexit, i.e. the exit of the United Kingdom ('the UK') from the European Union ('the EU'), as scheduled to take place at 11.00 pm Greenwich Mean Time ('GMT') on 29 March 2019 ('exit day'). This issue is the impact of any no deal scenario upon the Republic of Cyprus ('the RoC'), as well the Sovereign Base Areas of Akrotiri and Dhekelia ('the SBAs') over which the UK asserts sovereignty. Both the RoC and SBAs are situated in the Island of Cyprus ('the Island')² at the south-east edge of Europe.

To quote the Department for Exiting the EU in the Government of the UK:

'A no deal scenario is one where the UK leaves the EU and becomes a third country [vis-à-vis the EU] at 11pm GMT on 29 March 2019 without a Withdrawal Agreement and framework for a future relationship in place between the UK and the EU.'³

A no deal scenario is otherwise known by various other terms, such as a no-deal Brexit. Hereafter in this Open Letter, I adopt this latter term.

Due to 'the meaningful vote' held in the House of Commons in Westminster on 15 January 2019, the prospect of a no-deal Brexit has intensified. This is because 432 Members of Parliament (MPs) voted against 'the final deal' reached by the UK and the EU; by contrast, only 202 MPs voted in favour it.⁴ In practice, therefore, an emphatic majority of British MPs voted against the two elements of 'the final deal': the Withdrawal Agreement, as published on 25 November 2018⁵ and as laid before Parliament on 26 November 2018;⁶ and the Political Declaration, as published on 25 November 2018⁷ and as likewise laid before Parliament on 26 November 2018.⁸

More to the point, an emphatic majority of MPs consciously or unconsciously voted against one of the texts annexed to and thereby forming an integral part of the Withdrawal Agreement. I refer to the 30-page Protocol on the Sovereign Base Areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus ('the SBA Protocol').⁹ In the Appendices of this Open Letter, I have reproduced two brief summaries of the SBA Protocol, as embodied in

the *Legal Position* presented to the Parliament of the UK on 3 December 2018¹⁰ (at Appendix 2) and in the Explanatory Memorandum attached to the Decision of the European Council of 5 December 2018¹¹ (at Appendix 3).

As things currently stand, the outcome of ‘the meaningful vote’ means that Brexit will take place, by law, at 11pm GMT on 29 March 2019, but in the absence of any agreed, binding, enforceable and implementable UK-EU agreement, which expressly covers the special circumstances prevailing in – and between – the RoC and the SBAs. This will remain so unless there is any valid change in the law before 29 March 2019. In the meantime, that date remains exit day on account of the European Union (Withdrawal) Act 2018 and the two-year procedure built into Article 50 of the Treaty on European Union.¹² Needless to say, that procedure was originally activated on 29 March 2017 when Theresa May MP, the Prime Minister of the UK, served a notice upon the European Council under Article 50(2) of the Treaty on European Union.¹³

Not surprisingly, therefore, on 16 January 2019, Michel Barnier, the EU’s Chief Negotiator, cautioned: ‘We are only 10 weeks away from the end of March [2019], the moment when the UK has chosen to become a third country [vis-à-vis the EU]. And today, 10 weeks away, the risk of a no deal has never been so high.’¹⁴ On the same day, Jeremy Corbyn MP, the Leader of the Labour Party and HM Opposition, went further by envisaging ‘the prospect of the catastrophe of a no-deal Brexit from the EU, and all the chaos that would come as a result of that.’¹⁵ By contrast, other MPs and commentators have expressed a different view. Some have even argued that there is nothing to fear from any no-deal Brexit.¹⁶ However, the proponents of this latter thesis do not appear to have acknowledged that, for the reasons outlined in this Open Letter, any no-deal Brexit could provoke damaging, disruptive or otherwise adverse consequences for the RoC and the SBAs, plus British Forces Cyprus and the families attached to British Forces Cyprus.

Any no-deal Brexit could even undermine the economic security or the national security of the RoC, while having the direct or indirect effect of converting the hitherto ‘soft’ boundaries of the SBAs into ‘borders’ which might become ‘hard’ in circumstances that may give rise to yet another partition of the Island. Any such outcomes would be incompatible with the undertakings given by the UK under the Treaty of Guarantee of 16 August 1960. Back then, the UK not only undertook to ‘guarantee the independence, territorial integrity and security of the Republic of Cyprus’ but ‘to prohibit ... any activity aimed at promoting, directly or indirectly ... [any] partition of the Island.’¹⁷

In saying the above, I am pointing to real possibilities, which have hitherto failed to attract the publicity they deserve, especially in Westminster and

Nicosia.¹⁸ At the same time, in saying the above, I am neither approving nor disapproving of ‘the final deal’, the SBA Protocol, the SBAs or the neo-colonial texts dating back to 1960, which regulate the RoC, the SBAs and the Sovereign Base Areas Administration (‘the SBA Administration’); this is not the place for me to address these thorny issues. Instead, with the real possibility of a no-deal Brexit uppermost in mind, I have composed this Open Letter with other purposes in mind – to advance ‘Six Propositions’, to raise a series of concerns, to highlight various risks and to make a number of requests. The ‘Six Propositions’ are pinpointed below, with details appearing in Appendix 1:

Proposition 1: The European Commission, the Government of the UK, the SBA Administration and the Government of the RoC have not been sufficiently transparent as to how any no-deal Brexit may affect the RoC and the SBAs.

Proposition 2: A no-deal Brexit may have damaging, disruptive or otherwise adverse consequences for the citizens and lawful residents of the RoC who serve, work, study, farm, trade, live, travel or otherwise operate in the SBAs.

Proposition 3: In the event of any no-deal Brexit, the RoC may be adversely affected more than any of the 27 remaining members of the EU (‘the EU-27’), with the exception of Ireland.

Proposition 4: The Government of the RoC does not appear to have taken adequate, transparent and well-publicised steps to prepare the public and private sectors of the RoC for any no-deal Brexit.

Proposition 5: Any no-deal Brexit may have profound implications for British Forces Cyprus which, in turn, may have adverse consequences for the RoC.

Proposition 6: A no-deal Brexit may have damaging, disruptive or otherwise adverse consequences for citizens of the UK in the RoC, if not also for citizens of the RoC in the UK.

As illustrated by the details set out in Appendix 1, each of these ‘Six Propositions’ is supported by evidence. Each ‘Proposition’ is also tinged with complexity. Then again, this is hardly surprising. After all, Brexit is inherently complex for the general reasons graphically summarised on 15 January 2019 by Geoffrey Cox QC MP, the Attorney General of England and Wales:

‘We should not underestimate the legal complexity of our disentanglement from 45 years of legal integration [since the accession of the UK to the then European Economic Community on 1 January 1973]. ... Forty-five years of legal integration have brought our two legal

systems [i.e. those of the UK and of the EU] into a situation where they are organically linked. To appeal to those who have a medical background, it is the same as if we were to separate from a living organism, with all its arteries and veins, a living organ – a central part from this body politic. We cannot underestimate the complexity of what we are embarked upon doing.’¹⁹

I would go further than the Attorney General. To borrow his evocative phrase, the RoC, the UK and the SBAs have become as ‘organically linked’ to one another as the UK has become ‘organically linked’ to the EU. This is partly because of the extraordinary state of affairs which came into existence on 16 August 1960, when the RoC was established, subject to the retention by the UK of two areas of the Island of Cyprus, i.e. the SBAs. This state of affairs arose by virtue of various texts, notably the Cyprus Act 1960,²⁰ an Act of the UK Parliament, the Treaty of Establishment, an instrument of international law signed by the RoC, Greece, Turkey and the UK on 16 August 1960,²¹ and the aforementioned Treaty of Guarantee, another instrument of international law signed on the same date by the same parties.²²

Since 1960, the UK, the RoC and the SBAs have become even more ‘organically linked’ to one another for other reasons, not least because of what occurred on 1 May 2004. Whereas the UK acceded to the then European Economic Community (‘the EEC’) on 1 January 1973, the RoC did not accede to the EU until 1 May 2004 whereupon the RoC joined Malta and the UK as the only three states to belong to the United Nations, the Commonwealth, the Council of Europe and the EU. On each of these dates, the SBAs remained out of EEC and the EU respectively. Even so, on 1 May 2004, the SBAs became subject to EU Law and other EU measures in certain spheres, such as the Common Agricultural Policy; the SBAs also joined the Customs Union and became part of the Customs Territory of the EU.

On 1 May 2004, these incursions by the EU into the SBAs occurred pursuant to a package of measures including those known as Protocol No 3,²³ Protocol No 10²⁴ and the Memorandum of Understanding signed in Nicosia on 5 June 2003.²⁵ In due course, after the entry of the RoC into the eurozone on 1 January 2008, the SBAs even adopted the euro as *de jure* legal tender;²⁶ in the process, the SBAs also became ‘*de facto* members of the eurozone’.²⁷ Today, therefore, the SBAs are ‘organically linked’ to the UK, the RoC, the EU and even the eurozone.

For these and for other reasons set out in Appendix 1 of this Open Letter, the European Commission, the Government of the UK, the SBA Administration and the Government of the RoC must come clean. With exit day looming on

the horizon, each of these entities must disclose what each knows about the implications of any no-deal Brexit upon the RoC and the SBAs. More specifically, each must clarify the nature, scope, cost and other implications of any no-deal Brexit upon the RoC, the SBAs, British Forces Cyprus, citizens of the UK in the RoC, citizens of the EU in the SBAs and others.

Above all, the European Commission, the Government of the UK, the SBA Administration and the Government of the RoC must specify the steps which each has already taken, is taking and will take to prepare for any form of Brexit, including any no-deal Brexit. To limit the effects of any form of Brexit upon those who serve, work, study, farm, fish, trade, live or travel in the RoC or the SBAs, each of these entities must also co-ordinate with each other before publicising which action will be taken before, upon and after exit day.

All in all, therefore, to enable everybody in the UK, the SBAs, the RoC and elsewhere else to plan ahead, the European Commission, the Government of the UK, the SBA Administration and the Government of the RoC must each make a full, frank and open disclosure. Each disclosure must encompass – but not be limited to – the provision of a comprehensive response to the matters raised in this Open Letter and to the other matters raised in Appendix 1. Needless to say, I trust that each such disclosure will be made in public and each will be appropriately publicised.

In the meantime, I emphasise that this Open Letter inter-relates with written evidence, which I submitted on 12 October 2017 to a Brexit-related inquiry carried out by the Constitution Committee of the House of Lords in Westminster. My written evidence was subsequently published by the Parliament of the UK.²⁸ It was likewise mentioned in Appendix 2 of a report of the Constitution Committee published on 29 January 2018.²⁹ That being said, the concerns raised in my written evidence appear to have cut little or no ice in Westminster, Whitehall, Brussels, Nicosia and Episkopi, the latter of which is the Headquarters of the SBA Administration. I trust there will be no repetition on this occasion and that my concerns will be adequately addressed.

Conclusions

I conclude by making various requests which flow from the preceding analysis.

Firstly, I urge the European Commission, the Government of the UK, the SBA Administration and the Government of the RoC to be far more transparent than each has hitherto been in relation to the impact of Brexit generally and the impact of any no-deal Brexit, in particular, upon the RoC and the SBAs.

Secondly, I urge all with responsibility for Brexit, including MPs in the House of Commons, to take all necessary steps to ensure that Brexit does not take place on 29 March 2019, or, for that matter, on any later date, unless there is an agreed, binding, enforceable and implementable agreement between the UK and the EU – or between the UK and the RoC – which expressly covers or is specifically devoted to the special circumstances affecting the RoC, the SBAs and the boundaries of the SBAs. That being said, in contrast to the ill-fated SBA Protocol, which was negotiated and drafted in secret before being dumped on the public in draft form on 14 November 2018³⁰ before being dumped on the Parliament of the UK as a non-negotiable *fait accompli* on 26 November 2018,³¹ any new agreement must be the product of a transparent and otherwise fair procedure encompassing adequate consultation and risk assessments. Any new agreement must also be subjected to line-by-line parliamentary scrutiny in the European Parliament, the UK and RoC.

Thirdly, in view of what appears to be chronic ill-preparedness for any form of Brexit in parts of the RoC, I urge all concerned to ensure that no form of Brexit should take place unless and until risk assessments and programmes of preparation have been completed in the public sectors of the RoC and SBAs. If such steps require months or even a year or so to be prepared, implemented and completed, then so be it. It is far better to be safe than to be sorry after rushing before exit day. Put another way, I urge all concerned to ensure that Brexit is not achieved in disorderly circumstances, which may adversely affect the health, safety, security and human rights of all those who live or work in the RoC and the SBAs. The reasons are self-evident.

Not only have the RoC and the SBAs no doubt been woven into the national intelligence machinery, national security strategy, counter-terrorism strategy, serious and organised crime strategy, defence policy and expeditionary operations of the UK.³² In addition, since 1 May 2004, the pre-existing ties between the UK and the RoC dating back to 1960 have deepened under the framework of the EU. All of which begs a basic question. What would happen to the security of the UK, the SBAs and the RoC if, due to any no-deal Brexit, the UK was abruptly yanked out of the EU and its structures of co-operation in areas such as policing, counter-terrorism, criminal justice and extradition?³³ This question is all the more pressing if one recalls that the RoC and the SBAs are situated in one of the most dangerous places in the world.

To the north is Turkey, which continues to occupy the ethno-religiously cleansed, colonised and crime-ridden north of the RoC. In 2018, the annual *Trafficking in Persons Report* of the US State Department branded the Turkish-occupied north as 'a zone of impunity for human trafficking'³⁴ and as a

place where people, including children, are at risk of ‘forced prostitution’, ‘sex trafficking’, ‘forced labor’, ‘sexual exploitation’ or other inhumanities.³⁵

To the east of the RoC is Syria, the scene of what the UN High Commissioner for Human Rights described in 2017 as the ‘worst man-made disaster the world has seen since World War II’ and as ‘a place of savage horror and absolute injustice’.³⁶ Indeed, to quote the UK’s Foreign and Commonwealth Office, ‘a number of terrorist groups ... operate in Syria’ amid ‘a heightened threat of terrorist attack globally against UK interests and British nationals, from groups or individuals motivated by the conflict in Iraq and Syria.’³⁷

Against this background, I remind the Prime Minister of the UK and all other British MPs of certain realities: the UK regards itself as having an ‘important role as a Guarantor Power’³⁸ of the RoC; the UK has undertaken to guarantee the security of the RoC; ‘the British community’ in the RoC numbers ‘over 70,000’;³⁹ one of the two SBAs, the Dhekelia SBA, abuts the aforementioned ‘zone of impunity’; and the RoC as well as both SBAs are uncomfortably close to the aforementioned ‘horror’. Accordingly, all with responsibility for Brexit – be they in Whitehall, Westminster, Brussels, Nicosia, Episkopi or elsewhere – must take due account of these realities before any no-deal Brexit arises in disorderly circumstances which could produce dislocation, disruption and dangers in the most vulnerable part of the EU – the RoC.

With all this in mind, I end with a sobering thought. I have composed this Open Letter in the RoC in my dual capacity as an academic and as a citizen of the UK who lives and works in a part of Larnaca District, which is a mere 200 kilometres or so from the west coast of Syria. Dhekelia is even closer to that coast; it is only 190 or so kilometres away. That is considerably less than the distance of 270 kilometres or so which separates Bristol from Dover and the distance of 260 kilometres or so which separates Dover from Paris.⁴⁰

I refer to these distances as a prelude to making an obvious point, which nonetheless needs to be emphasised. Brexit does not solely affect the UK at the relatively stable north-west edge of Europe. Brexit also affects people with multi-dimensional concerns at the volatile south-east edge of Europe.

Yours sincerely

Klearchos A. Kyriakides

P.S. The contents of this Open Letter reflect the personal views of the writer. This Open Letter is followed by various Appendices, including a Declaration of Interests at Appendix 4 and Endnotes at Appendix 5

Appendix 1: Six Propositions

Proposition 1: The European Commission, the Government of the UK, the SBA Administration and the Government of the RoC have not been sufficiently transparent as to how any no-deal Brexit may affect the RoC and the SBAs.

The principle of transparency is a feature of the legal order of the EU to which, pending Brexit, the UK continues to belong. Thus, under Article 10.3 of the Treaty on European Union, which currently binds the UK, as well as the RoC: ‘Every citizen shall have the right to participate in the democratic life of the Union. Decisions shall be taken as openly and as closely as possible to the citizen.’⁴¹ However, transparency has not been particularly conspicuous with respect to the barbed question of how any no-deal Brexit would affect the RoC, the SBAs and all those who serve, work, study, farm, fish, trade, live or travel in the RoC or the SBAs.

For its part, the European Commission has shed next to no light on these matters. For instance, the European Commission made no express mention of the RoC or the SBAs, let alone the impact of any no-deal Brexit on each, in its ‘Communication’ of 27 August 2018 entitled ‘Preparing for the withdrawal of the United Kingdom from the European Union on 30 March 2019’,⁴² in its ‘Communication’ of 19 December 2018 regarding its ‘Contingency Action Plan’,⁴³ in the related ‘[List of] Legislative initiatives and other legal acts’ published on 19 December 2018⁴⁴ and in the accompanying Press Release of the same date under the title ‘Brexit: European Commission implements “no-deal” Contingency Action Plan in specific sectors’.⁴⁵

A similar lack of transparency manifests itself on the website of the Representation of the European Commission in the RoC. This does not clarify how the RoC or the SBAs may be affected by any no-deal Brexit. Since 19 December 2018, its website has posted no ‘news’ items on Brexit, let alone any focusing on the impact of any no-deal Brexit on the RoC or the SBAs.⁴⁶

Transparency⁴⁷ and consultation⁴⁸ are both hallmarks of modern British parliamentary democracy. However, neither appears to have been properly applied in relation to the impact of any no-deal Brexit on the RoC, the SBAs and British Forces Cyprus. This is illustrated by three categories of primary sources, neither of which makes any express mention of the RoC, the SBAs or British Forces Cyprus, let alone the impact of any no-deal Brexit on each.

The first category consists of British ministerial statements and answers on the subject of no-deal preparations, as provided to Parliament on 21 February

2018,⁴⁹ 14 June 2018⁵⁰ and 19 December 2018.⁵¹ The second category consists of guidance on any no-deal Brexit provided by the Department for Exiting the EU in publications last updated on 12 October 2018⁵² and 21 December 2018.⁵³ The third category consists of official publications and parliamentary statements relating to the ‘moral obligation’ owed by the Government of the UK under the Armed Forces Covenant.⁵⁴ For instance, there is no mention of Brexit, let alone the impact of Brexit upon the RoC, the SBAs, British Forces Cyprus, in *The Armed Forces Covenant Annual Report 2018*⁵⁵ and the related British ministerial statement of 21 November 2018.⁵⁶

To be fair, I must acknowledge the publication of two helpful open letters written by Stephen Lillie, the High Commissioner of the UK to the RoC, dated 22 May 2018⁵⁷ and 29 August 2018.⁵⁸ However, these are out of date, as both predate the publication of ‘the final deal’ on 25 November 2018 and the publication of ‘[The] UK government’s preparations for a ‘no deal scenario’ on 19 December 2018.⁵⁹ I must also acknowledge the helpful ‘Guidance’ published by the UK’s Foreign and Commonwealth Office on ‘Living in Cyprus’, as last updated on 18 January 2018. This includes helpful ‘Official information [which] British people moving to and living in Cyprus need to know, including EU Exit guidance, residency, healthcare and driving’.⁶⁰ However, in common with the two open letters of High Commission Lillie, this ‘Guidance’ makes no mention of the SBAs or the impact of Brexit upon them.

With regard to the lack of Brexit-related transparency exhibited by the SBA Administration, which bizarrely constitutes both the executive and legislative branches of government in the SBAs, this is exemplified by its official website⁶¹ and several official publications, which do not appear to embody any guidance or other information on Brexit. Nor do they examine the impact of any no-deal Brexit upon the RoC, the SBAs or British Forces Cyprus.

To take one example, there is no mention of Brexit in the latest four editions of *The Sovereign Base Areas of Akrotiri and Dhekelia Gazette*, as published on 8 October 2018,⁶² 13 November 2018,⁶³ 6 December 2018⁶⁴ and 11 January 2019.⁶⁵ To take a second example, the page of the website of the SBA Administration dedicated to ‘Consultations’ makes no mention whatsoever of any Brexit-related consultation exercises.⁶⁶

Bearing in mind that the UK not only asserts sovereignty over the SBAs, but also regards itself as possessing an ‘important role as a Guarantor Power’⁶⁷ of the RoC, this lack of transparency on the part of the British authorities in London and Episkopi is unreasonable, unfair and undemocratic.

As for the lack of Brexit-related transparency exhibited by the Government of the RoC, this is illustrated by the websites of various ministries. These include the website of the Ministry of Agriculture, Rural Development and Environment, which is directly responsible for subject areas heavily affected by Brexit. Even so, this Ministry does not appear to have published any ‘annual Report’ on its website since 2010, let alone any ‘annual Report’ envisaging or discussing the impact of Brexit.⁶⁸ Indeed, according to the search engine of its website, the Ministry carries no entries whatsoever on the subject of Brexit or the SBAs, let alone the impact of Brexit upon farmers in the RoC or the SBAs.⁶⁹ This appears to reflect the systematic lack of any meaningful culture in favour of transparency in the RoC; this is illustrated by the failure of the RoC to adopt any freedom of information act until 2017.⁷⁰

Even more worryingly, perhaps, the Government of the RoC does not appear to have followed the example set by the Government of Ireland in Dublin. On 19 December 2018, the Government of Ireland published and publicised a 139-page Contingency Action Plan with the title *Preparing for the withdrawal of the United Kingdom from the European Union on 29 March 2019: Contingency Action Plan*.⁷¹ Thereafter, on 16 January 2019, Leo Varadkar, the Prime Minister of Ireland, informed the Irish Parliament that the Contingency Action Plan was ‘now’ being implemented. To quote Mr Varadkar: ‘In terms of plans for checks, we are obviously now implementing the no-deal plans. It is no longer contingency planning: we are implementing our no-deal plans.’⁷²

I give emphasis to Ireland because it is a member state of the EU in a somewhat comparable situation to the RoC. For instance, whereas the RoC is situated adjacent to the SBAs, over which the UK asserts sovereignty, Ireland is situated adjacent to Northern Ireland, which forms part of the UK.

To be fair to the Government of the RoC, it exhibited a modicum of transparency on 17 January 2019. On this date, the Press and Information Office (‘PIO’) – a department of the Ministry of the Interior of the RoC – issued a brief Brexit-focused ‘Announcement’ (‘the PIO Announcement’) focusing on what it described as ‘the British Bases’. The PIO Announcement disclosed that, according to Dr Nikos Christodoulidis, the Foreign Minister of the RoC, a no-deal Brexit would prevent the SBA Protocol from coming into force. With this reality evidently in mind, the Foreign Minister indicated that ‘preparation’ for no-deal Brexit had begun in the RoC in October 2017 and that this ‘preparation’ encompassed ‘cooperation with other [EU] member states as well as with the EU itself’.⁷³

From this, one may infer that such ‘preparation’ may have been hushed up until 17 January 2019, the date on which, incidentally, the Government of

France disclosed that it was activating its ‘no-deal plan’⁷⁴ and the BBC noted that ‘An EU official will now visit all 27 capitals to co-ordinate no-deal plans.’⁷⁵

The PIO Announcement went further. It quoted the Foreign Minister of the RoC as claiming that ‘if there is no withdrawal agreement, the EU and the UK will adopt a temporary settlement’ which ‘will not be a final settlement’. According to the Foreign Minister, this ‘temporary settlement’ would cover ‘very important areas that will govern this relationship until agreement is reached.’ The Foreign Minister added that any such ‘temporary settlement’ would be reached by the UK with the EU, rather than by the UK with the RoC, but its ‘goal’ would be to ensure ‘no change particularly as regards the rights of those Cypriots who live and / or work within the British Bases.’⁷⁶

Welcome though the PIO Announcement was, it was no more than a flash in the pan.⁷⁷ On the one hand, the Announcement was not accompanied by the publication of any no-deal plan along the lines of the 139-page no-deal *Contingency Action Plan* published by the Government of Ireland on 19 December 2018. On the other hand, the PIO Announcement did not offer any details as to the proposed provisions of any ‘temporary settlement’.

To take one example, the PIO Announcement did not clarify why the Foreign Minister chose to focus on protecting ‘Cypriots who live and / or work’ in the SBAs. This begs the question of whether, in the event of any no-deal Brexit and any accompanying ‘temporary settlement’, non-Cypriot citizens of the EU who live or work in the RoC or the SBAs will be subject to any discrimination in the SBAs. To take a second example, the PIO Announcement did not divulge whether any UK-EU ‘temporary settlement’ would be subject to the authority of the Court of Justice of the EU or any other court. To take a third example, the PIO Announcement did not state whether the temporary nature of any UK-EU ‘temporary settlement’ would be guaranteed by any sunset clause.

I make this latter point mindful of the Prevention of Terrorism (Temporary Provisions) Act 1974; notwithstanding the inclusion of the word ‘Temporary’ in its title, this Act of the UK Parliament has not yet been repealed. As such, it is still on the statute book more than forty four years after it received the Royal Assent on 29 November 1974.⁷⁸ This Act serves as a lesson from history that measures formally called ‘temporary’ may survive over decades.

No less seriously, from the standpoint of democracy, the PIO Announcement did not embody any assurance that any UK-EU ‘temporary settlement’ would be preceded by any transparent or otherwise fair consultation exercise so that all those affected by its provisions – including non-Cypriot citizens of the EU living or working in the SBAs – could scrutinise them, comment upon them or

use them to plan ahead. Nor did the PIO Announcement explain whether any such ‘temporary settlement’ would be subject to scrutiny or approval by the Parliament of the UK, the House of Representatives of the RoC or the European Parliament and, if so, what would happen if the requisite approvals were not forthcoming.

In view of ‘the meaningful vote’ in the House of Commons, which resulted in an overwhelming majority of MPs expressly rejecting the Withdrawal Agreement and implicitly rejecting the SBA Protocol annexed to it, I submit that it is neither democratic nor otherwise appropriate for the Government of the UK to negotiate or conclude any ‘temporary settlement’ behind the back of the Parliament of the UK, including its elected House of Commons.

I appreciate that under section 24(1), the European Union (Withdrawal) Act 2018 generally ‘extends to England and Wales, Scotland and Northern Ireland’, subject to two provisions, one of which expressly concerns Gibraltar.⁷⁹ However, it would be undemocratic – and, indeed, tantamount to a fresh act of colonialism – for the Government of the UK or the unelected SBA Administration to react to ‘the meaningful vote’ by using the archaic Royal Prerogative to conclude what might be described as a ‘side-deal’ with the EU on the SBAs, the two remnants of the Crown Colony of Cyprus.⁸⁰

For these and for other reasons, the European Commission, the Government of the UK, the SBA Administrator and the Government of the RoC must each make a comprehensive statement – or publish a joint statement – which, firstly, clarifies the procedure to be adopted in pursuit of any ‘temporary settlement’ and, secondly, divulges what is being envisaged.

At the same time, I respectfully urge Geoffrey Cox QC MP, the Attorney General of England and Wales, to make a statement to the House of Commons. The Attorney General should *inter alia* clarify whether the Government of the UK has already begun negotiating or will negotiate any ‘temporary settlement’ over the SBAs and whether the Government of the UK and/or the Administrator of the SBAs are going to exercise powers under the Royal Prerogative to sign, ratify and implement it. If so, the Attorney General should explain whether the exercise of such powers is compatible with (i) the letter or the spirit of the Cyprus Act 1960, (ii) the letter or the spirit of the European Union (Withdrawal) Act 2018 and (iii) the will of the House of Commons, as expressed in ‘the meaningful vote’ held on 15 January 2019.

In any event, the Attorney General should clarify whether any UK-EU ‘temporary settlement’ – or any other side-deal – relating to the SBAs will be subject to the approval of any legislature, including the European Parliament,

the House of Representatives in Nicosia or the Parliament of the UK. With regard to the latter, the Attorney General should likewise clarify whether section 13 of the European Union (Withdrawal) Act 2018 – entitled ‘Parliamentary approval of the outcome of negotiations with the EU’⁸¹ – would apply to any such ‘temporary settlement’ on the SBAs or any other side-deal.

With regard to the European Union (Withdrawal) Act 2018, I further urge the Attorney General to clarify whether, in his learned opinion, any ‘temporary settlement’ on the SBAs would fall within the definition of a ‘withdrawal agreement’ found in section 20 of the European Union (Withdrawal) Act 2018:

‘... “withdrawal agreement” means an agreement (whether or not ratified) between the United Kingdom and the EU under Article 50(2) of the Treaty on European Union which sets out the arrangements for the United Kingdom’s withdrawal from the EU.’⁸²

I make this request as the European Union (Withdrawal) Act 2018 appears to be ambiguous on the issue of whether its provisions would apply to any UK-EU ‘temporary settlement’ over the SBAs or any other side-deal. On the one hand, section 20 defines the term ‘... “withdrawal agreement” ...’ in a wide way which arguably encompasses any ‘agreement (whether or not ratified) between the United Kingdom and the EU ...’, including any UK-EU ‘temporary settlement’ on the SBAs or any other side-deal. On the other hand, section 24(1) specifies that the Act generally extends to ‘England and Wales, Scotland and Northern Ireland’, a restriction which arguably prevents the Act from applying to any ‘temporary settlement’ on the SBAs or any other side-deal.

Subject to the above, if any ‘interim settlement’ is to be negotiated to address the implications of any no-deal Brexit in the RoC and the SBAs, I urge the European Commission, the Government of the UK, the SBA Administration and the Government of the RoC to each instigate forthwith a transparent and otherwise fair consultation exercise – or issue a joint consultation exercise. In this regard, I would respectfully suggest that any consultation exercise instigated by the Government of the UK or the SBA Administration ought to be held in line with (i) the common law principles applicable to consultation exercises,⁸³ (ii) the Code of Practice on Consultation, as published by the Government of the UK in July 2008⁸⁴ and (iii) the revised Cabinet Office Consultation Principles, as last updated on 19 March 2018.⁸⁵

Proposition 2: A no-deal Brexit may have damaging, disruptive or otherwise adverse consequences for the citizens and lawful residents of the RoC who serve, work, study, farm, trade, live, travel or otherwise operate in the SBAs.

When the Treaty of Accession of Denmark, Ireland and the United Kingdom and other related texts were signed on 22 January 1972,⁸⁶ in anticipation of the accession of these three states to the then European Economic Community on 1 January 1973, Article 25 of the said Treaty affirmed that: 'This Treaty shall not apply to the Sovereign Base Areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus.'⁸⁷ However, upon the accession of the RoC to the EU on 1 May 2004, an adjustment occurred.

On 1 May 2004, the SBAs stayed outside the EU, but they became subject to a special regime under EU Law, which has applied in certain designated spheres. This adjustment primarily occurred due to a package of measures including the texts known as Protocol No 3,⁸⁸ Protocol No 10⁸⁹ and the Memorandum of Understanding signed in Nicosia on 5 June 2003.⁹⁰ To illustrate the importance of these measures, it suffices to highlight three realities. One is that under Article 2.1 as well as Article 7.1 of Protocol No 3, the SBAs are part of the Customs Union and Customs Territory of the EU. A second is that Article 7.2 of Protocol 3 provides for '... the application of the common agricultural policy in the Sovereign Base Areas under Article 3 of this Protocol ...'.⁹¹ A third is that when the RoC became a member of the Eurozone on 1 January 2008, the euro became *de jure* legal tender in the SBAs⁹² and the SBAs became '*de facto* members of the eurozone'.⁹³

It follows that any no-deal Brexit may result in sudden, seismic and potentially irreversible changes in the SBAs and for all those affected by the SBAs. This is because a no-deal Brexit would extinguish the unique status of the SBAs vis-à-vis the EU and EU Law. I make this point mindful of a report of the European Scrutiny Committee of the House of Lords, as published on 24 July 2018. Therein, the European Scrutiny Committee observed that 'When the UK leaves the European Union, Protocols 3 and 10 will cease to apply.'⁹⁴

All of which could have severe consequences for the RoC, for the 10,000 or so citizens of the RoC who live in the SBAs and for the citizens as well as lawful residents of the RoC.⁹⁵ Such citizens include many people who own or lease agricultural, commercial, residential or mixed-use properties in either the Akrotiri SBA or the Dhekelia SBA.⁹⁶ A no-deal Brexit would hit them particularly hard. Even so, this subject area appears to have been smothered in secrecy. To quote from a report of *Agence France Presse* ('AFP'), as posted on its Youtube channel on 29 October 2018, just a few days before the publication of 'the final deal' on 25 November 2018:

'Farmers on British sovereign land in Cyprus complain they're being left in the dark over Brexit and fear they could lose vital subsidies – or even

be forced to pay crippling, chaotic tariffs, if Britain crashes out of the EU without a deal.’⁹⁷

In this context, I stress that since the establishment of the RoC on 16 August 1960, the SBAs have been expressly endowed with ‘boundaries’ rather than borders or frontiers. This is because of section 2 of the Cyprus Act 1960,⁹⁸ an Act of the UK Parliament, and Annex A of the Treaty of Establishment, an instrument of international law signed by the RoC, Greece, Turkey and the UK on 16 August 1960.⁹⁹ Both expressly refer to ‘boundaries’. This explains why, in 2012, the UK’s Foreign and Commonwealth Office observed that:

‘There are in most areas no entry or exit controls between the SBAs and the rest of Cyprus, and the boundary itself is marked only by inconspicuous pillars. Although there is free access to the majority of SBA Territory, access to the military bases is restricted.’¹⁰⁰

In view of the above, it is not unreasonable to infer that any no-deal Brexit would threaten to subvert the boundaries of the SBAs, as established on 16 August 1960. More specifically, any no-deal Brexit may have the direct or indirect effect of converting the hitherto ‘soft’ boundaries of the SBAs into *de facto* ‘borders’ which would be ‘hard’. This is the inference one may draw from certain disclosures buried in the small print of the aforementioned Report of the House of Commons European Scrutiny Committee, as published on 24 July 2018. To quote from the bold text found in paragraph 8.5 of the Report, which appears to have been written after a briefing provided by the UK’s Foreign and Commonwealth Office:

‘8.5 The UK’s decision to leave the EU complicates the situation for both [the Republic of] Cyprus and the Bases, as goods will no longer be able to flow freely between the two once the SBAs leave the customs territory of the EU and cease to be bound by EU law on the safety of animal and plant products. Instead, EU law will require Cyprus to apply customs and regulatory controls on crossing between the two for the first time [footnote]113 [as quoted below]. This would also disrupt any movements between the Republic of Cyprus and the northern half of the island [i.e. the areas occupied by Turkey since the two Turkish invasions of 20 July and 14 August 1974 respectively] via the border [i.e. the boundary] crossings within the Dhekelia base.’¹⁰¹

In footnote 113, which is referred to in the passage quoted above, the European Scrutiny Committee reinforces the same message:

‘... The UK’s exit from the EU, however, turns the borders [*sic.*] between the SBAs and [the Republic of] Cyprus into an external border of the European Union where a whole range of EU legislation on trade in goods applies.’¹⁰²

In paragraph 8.19 of its Report, the European Scrutiny Committee goes on to offer additional insights with reference to an Explanatory Memorandum of the Minister for Europe in the UK’s Foreign and Commonwealth Office:

‘... When the UK leaves the European Union, Protocols 3 and 10 will cease to apply. As a result, the EU’s border for the purposes of unfettered trade in goods would shift — from the boundaries of the SBAs with the sea or Northern Cyprus [i.e. the Turkish-occupied north of the RoC where EU Law is suspended], to the frontier [*sic.*] between the Republic of Cyprus and the Bases. This will be the default situation because the latter would no longer be part of the EU’s customs, VAT and excise territory, or apply EU law on agricultural goods. As such, goods entering Cyprus from the Bases would be subject to customs controls – including payment of Value Added Tax – and full regulatory controls on agricultural goods. Agricultural production within the SBAs would also no longer be covered by the Common Agricultural Policy. There is also the uncertain impact of the ability of Cypriots who live [or] work within the territory of the Base Areas to cross freely between them and the Republic.’¹⁰³

The European Scrutiny Committee was surely right to indicate that, upon any no-deal Brexit, it would be the RoC, rather than the UK, which may be legally obliged to impose ‘customs and regulatory controls’ at the boundaries of SBAs with the RoC. By contrast, in the event of any no-deal Brexit, the UK – but not the RoC – would be morally if not legally obliged to continue complying with the unilateral declaration of intent made by the Government of the UK in July 1960 in Appendix O of Command Paper Cmnd 1093.¹⁰⁴

In this context, Appendix O contains at least two relevant commitments by the Government of the UK. One commitment is in paragraph 2(iii) of Appendix O under which ‘Her Majesty’s Government further declare their intention ... Not to create customs posts or other frontier barriers between the Sovereign Base Areas and the Republic.’¹⁰⁵ The other commitment is in paragraph 3(1) of Appendix O, on ‘Freedom of Access’, under which:

‘Cypriots (and others resident in the Republic) will have freedom of access and communications to and through the Sovereign Base Areas,

and of employment and cultivation in the Sovereign Base Areas and freedom of navigation and fishing in the territorial waters'.¹⁰⁶

Whereas Appendix O binds the UK but not the RoC, the UK and the RoC are both bound by the Treaty of Establishment of 1960. In turn, this begs the question of whether, in the event of any no-deal Brexit, paragraph 3(1) of Appendix O will prohibit the UK from inflicting direct or indirect forms of discrimination upon any EU citizens in the SBAs who are not citizens of the RoC or not resident in the RoC.

On the issue of customs, there is a rather woolly provision on 'customs barriers' at Annex F, Section 1, Part 1 of the Treaty of Establishment of 1960:

'The United Kingdom and the Republic of Cyprus recognize that the establishment of customs barriers on the boundaries between the Sovereign Base Areas and the territory of the Republic of Cyprus ought to be avoided and agree to establish customs arrangements accordingly.'¹⁰⁷

The above provision incorporates the verb 'ought', as distinct from the verb 'shall', the latter of which normally connotes a legal obligation and regularly appears elsewhere in the Treaty of Establishment. This raises the distinct possibility that in the event of any no-deal Brexit, the Treaty of Establishment will not necessarily preclude the RoC from implementing any special measures required by EU Law, even if these measures would have the direct or indirect effect of converting the hitherto 'soft' boundaries of the SBAs into 'borders' which would be 'hard', e.g., by becoming 'customs barriers'.

The creation of any 'hard borders' along the boundaries of the SBAs could have serious repercussions for British Forces Cyprus, for those who live, work, study, farm, trade or travel in the SBAs, for citizens of the RoC, for its lawful residents, for tourists and for others. For the reasons pinpointed above, the creation of any 'hard borders' could also have serious repercussions in the SBAs for any citizens of the EU who are not citizens of the RoC. To illustrate this point, it suffices to point out that at least two major arteries of the RoC pass in, through and out of the SBAs. One is the A6 motorway. Via the Akrotiri SBA, the A6 links Paphos to Limassol and other parts of the RoC. The other is the A3 motorway. (I hereby declare an interest: I use these roads.)

The A3 is particularly crucial. Via the Dhekelia SBA, the A3 links the 'landlocked' south-eastern area of the RoC to the east of the Dhekelia SBA, which is not occupied by Turkey, with the other areas of the RoC to the west of the Dhekelia SBA, which are not occupied by Turkey. This means that the A3

motorway and other roads which cross the Dhekelia SBA are the only feasible means by which any persons, including citizens of the RoC, other lawful residents of the RoC and tourists from anywhere in the world, may travel by vehicle from the non-Turkish-occupied areas of the RoC to the east of the Dhekelia SBA to the non-Turkish-occupied areas of the RoC to the west of the Dhekelia SBA and *vice versa*.

Other arteries, such as the B3 road, part of which is known as Waterloo Road South, facilitate the free flow of road traffic from west and east of the Dhekelia SBA into the Dhekelia SBA and to each of the three ‘enclaves’ of the RoC which are surrounded by territory over which the UK asserts sovereignty in the Dhekelia SBA. As the SBA Administration explains:

‘The boundaries of the SBAs were drawn in 1960 to include the major military installations and to exclude villages and towns. There are three Republican “enclaves” within the Dhekelia SBA – Ormidhia, Xylotymbou and Dhekelia power station [the latter of which is sub-divided into two sub-‘enclaves’].’¹⁰⁸

Accordingly, I reiterate that any no-deal Brexit may have the direct or indirect effect of, firstly, subjecting EU citizens who are not citizens of the RoC to discrimination in the SBAs and, secondly, converting the ‘soft’ boundaries of the SBAs into ‘hard borders’. If I am correct, any such metamorphosis could activate a breach of the prohibition against any ‘activity’ which has the direct or indirect effect of promoting any ‘partition of the Island’. This prohibition is set out in the second paragraph of Article I of the Treaty of Guarantee of 1960 (which binds the RoC)¹⁰⁹ and the second paragraph of Article II (which binds Greece, Turkey and the UK).¹¹⁰ It is noteworthy that the Treaty of Guarantee contains two express prohibitions against any ‘partition of the Island’, i.e. the geographical entity within which the SBAs, as well as the RoC, are situated.

To be sure, when the RoC was established on 16 August 1960, the Island was effectively partitioned by virtue of the retention by the UK of two areas under lingering British sovereignty. This partition arose by virtue of section 2(1) of the Cyprus Act 1960¹¹¹ and Article 1 of the Treaty of Establishment of 1960,¹¹² even though neither of these provisions expressly used the noun or verb ‘partition’. Even so, this was a quiet or ‘soft’ form of partition, as illustrated by the aforementioned provisions on the boundaries of the SBAs in the Cyprus Act and the Treaty of Establishment, the commitments made by the UK in Appendix O and the official flag of the RoC. The latter portrays the whole of the Island in undivided form.

All that being said, if any no-deal Brexit procures any breach of the prohibition against partition in Article I or Article II of the Treaty of Guarantee, this could conceivably give Turkey, which has itself been in systematic breach of the Treaty, a new pretext to invoke it and to take military action in purported exercise of its morally if not legally dubious ‘right to take action’ under Article IV of the Treaty.¹¹³ The contents of the previous sentence may come across as far-fetched. However, I have composed that sentence with history in mind.

Turkey has a proven track record of exploiting pretexts, invoking the Treaty of Guarantee and abusing its power in order to achieve improper ends in the RoC. This is precisely what Turkey did when it twice invaded the RoC in 1974 and proceeded to occupy, ethno-religiously cleanse and colonise 36 per cent of the territory as well as 57 per cent of the coastline of the RoC. Against this background of brutality, the UK, a ‘Guarantor Power’ of the RoC, stood back, watched, waited and envisaged the conclusion of a crude post-conflict settlement based on the acts of ethno-religious cleansing and demographic engineering which Turkey had procured by the unlawful as well as disproportionate use of force.¹¹⁴

Proposition 3: In the event of any no-deal Brexit, the RoC may be adversely affected more than any of the 27 remaining members of the EU (‘the EU-27’), with the exception of Ireland.

According to Deloitte Limited, one of ‘the big four’ in accountancy, ‘the countries with closer UK ties’, such as Ireland (known in Gaelic as *Éire*) and the RoC, ‘are particularly exposed to Brexit.’¹¹⁵ This warning dovetails with a similar Brexit-related warning by PWC, another member of ‘the big four’:

‘[In relation to Brexit] Ireland and Cyprus are the most exposed EU countries from a trade perspective ... Ireland and Cyprus are the member states with the most potential of being negatively impacted due to their high exposure, on a commercial level, to the United Kingdom. ... PwC’s analysis identifies the 10 EU countries that export the most to the UK, relative to the size of their economies. Ireland (19.9%) and Cyprus (9.5%) sit at the top of this list.’¹¹⁶

Not surprisingly, therefore, Ireland has responded robustly to the risks as well as the opportunities presented by Brexit. Not only has the Government of Ireland published its no-deal Brexit Contingency Action Plan and taken the other steps mentioned elsewhere in this Open Letter. Additional Brexit-related precautions have been taken in Ireland. For example, the Strategic Banking Corporation of Ireland has established a ‘Brexit Loan Scheme’¹¹⁷ primarily aimed at businesses affected by Brexit. Moreover, the Government of Ireland

has not only supported the prepareforbrexit.com website maintained by an Irish government agency known as Enterprise Ireland.¹¹⁸ The Government of Ireland has likewise ensured that its budget ‘was planned and written with Brexit in mind’.¹¹⁹ Indeed, the Government of Ireland reportedly ‘plans to seek hundreds of millions of euro in EU aid in the event of a no-deal Brexit’.¹²⁰ In the meantime, the Parliament of Ireland is rushing through a ‘package’ of legislation in anticipation of any no-deal Brexit.¹²¹

The Government of the RoC does not appear to have followed the examples of transparency and planning set by the Government of Ireland and, if it has, it has not publicised its actions particularly well. This in spite of the fact that, apart from Ireland, the RoC will be most affected by Brexit generally and it may have the most to lose from any no-deal Brexit in particular. These ostensible realities are borne out by statistics published by the Department for International Trade in the Government of the UK. On the one hand: ‘Cyprus, with a population of less than a million[,] is the UK’s 56th largest export market’. On the other hand: ‘The UK is Cyprus’ main trading partner.’¹²²

The halloumi industry is an industry which exemplifies the extraordinary risks which lie ahead for the RoC if there is a no-deal Brexit with all that would entail in terms of new tariffs, taxes, customs checks, border checks and bureaucratic procedures, with all of the costs, delays and other complications which could thereby arise. According to the British High Commission in Nicosia, as much as ‘45% of all halloumi exports (representing 6% of Cyprus’ total trade) go to the UK.’¹²³ In practice, this means that a no-deal Brexit would heavily affect many of the halloumi-focused farms, businesses and employees in the RoC and SBAs which, since 1 May 2004, have depended upon frictionless trade between the RoC and the UK, as well as frictionless boundaries between the RoC and the SBAs.

With all this in mind, it beggars belief that if one undertakes a search for any items on Brexit on the website of the Cyprus Fiscal Council, the following result is activated: ‘No results were found, please try again!’¹²⁴ It also beggars belief that there is no mention of Brexit, let alone the prospect of any no-deal Brexit and its implications for the RoC, in the latest two reports published by the Cyprus Fiscal Council entitled *Spring Report 2018*¹²⁵ and *Autumn Report[:] October 2018* respectively.¹²⁶ As the Cyprus Fiscal Council is a public body with a ‘mission’ to avoid any ‘fiscal derailment ... by effective fiscal management’,¹²⁷ one would have expected each of these texts to have not only mentioned Brexit but to have identified in detail the risks, challenges and opportunities arising from Brexit, especially in no-deal circumstances. Then again, these omissions tally with the systematic lack of transparency and ill-preparedness in the RoC, as highlighted elsewhere in this Open Letter.

In the previous paragraph, I consciously referred to ‘opportunities’, as well as risks and challenges. This is because Brexit may in some ways help the RoC, not least on account of its close ties with the UK and its status as a member of the Commonwealth plus the EU. In this context, I note that on 19 January 2019, it was reported that, in anticipation of Brexit, ‘British shipping firm P&O Ferries has decided to register [in the RoC] its entire English Channel operating fleet in Cyprus due to Brexit, a company spokesman told the Cyprus News Agency.’¹²⁸

All that being said, any no-deal Brexit would affect the RoC in other fields of activity beyond trade, shipping and the wider economy. The reasons flow from an obvious fact. In the event of any no-deal Brexit, EU Law would automatically cease to bind the UK, with all that would entail for the RoC in so many spheres of activity now under the umbrella of the EU, such as policing, counter-terrorism, criminal justice and extradition, to take the four interconnected examples mentioned in the accompanying Open Letter.

Consequently, a real possibility exists that any no-deal Brexit could undermine or otherwise adversely affect the economic security and national security of the RoC. If so, any no-deal Brexit could trigger a breach of the solemn undertaking given by the UK, under the second paragraph of Article II of the aforementioned Treaty of Guarantee of 1960, to guarantee the security of the RoC. In this context, I remind the Government of the UK that, as recently as 5 June 2018, Lord Ahmad of Wimbledon, a Minister of State in the UK’s Foreign and Commonwealth Office, affirmed that:

‘The Government considers the Treaty of Guarantee to be binding on all its signatories. The UK’s principal responsibility under [the second paragraph of Article II of] the Treaty of Guarantee is to recognise and guarantee the independence, territorial integrity and security of the Republic of Cyprus.’¹²⁹

For these and for other reasons set out in this Open Letter, the Government of the UK, the SBA Administration and the Government of the RoC must clarify whether any no-deal Brexit would be compatible with the Treaty of Guarantee and with the ‘principal responsibility’ of the UK, as articulated above.

Proposition 4: The Government of the RoC does not appear to have taken adequate, transparent and well-publicised steps to prepare the public and private sectors of the RoC for any no-deal Brexit.

This proposition inter-relates with some of the contents of the previous paragraphs. In advancing it, I contend that the RoC is dicing with danger amid an exceptionally risky culture consisting of systematic secrecy, systematic complacency and systematic ill-preparedness.¹³⁰ All of which could have adverse repercussions for the RoC, the UK, the SBAs, British Forces Cyprus, citizens of the UK in the RoC, citizens of the RoC in the SBAs and others.

The aforementioned culture may be illustrated if I draw yet another juxtaposition between the transparency exhibited by the Government of Ireland and the non-transparency exhibited by the Government of the RoC.

On the one hand, in addition to the steps identified earlier in this Open Letter, the Government of Ireland has *inter alia*: created a number of helpful and user-friendly websites dedicated to Brexit,¹³¹ including one specifically aimed at citizens with the title 'Brexit & You';¹³² regularly published a free online Brexit Update;¹³³ regularly published Brexit-related reports¹³⁴ and statements;¹³⁵ convened a Brexit Stakeholder Forum subject to published Terms of Reference and published minutes;¹³⁶ and arranged a series of 'Brexit seminars' as part of a policy of 'actively engaging with businesses to help in identifying and understanding the potential customs implications of Brexit'.¹³⁷

On the other hand, the Government of the RoC in Nicosia does not appear to have adopted the same pro-active approach as its counterpart in Dublin with the aim of preparing the public and private sectors of the RoC for Brexit, be it via 'the final deal' or a no-deal Brexit. Instead, the RoC appears to have adopted a risky policy amounting to 'wait and see'. Part of the problem lies in the systematic lack of transparency in and the notoriously sluggish character of the public sector of the RoC. Both of these traits have been spotted by the Department of International Trade of the Government of the UK. In one of its publications, the Department has warned: 'Doing business in Cyprus is very similar to doing business in the UK. However, there are some challenges including: lack of transparency ... and slow procedures ...'.¹³⁸

Proposition 5: Any no-deal Brexit may have profound implications for British Forces Cyprus which, in turn, may have adverse consequences for the RoC.

British Forces Cyprus is the military entity whose personnel are scattered across the Island but primarily concentrated in five locations: Akrotiri and Episkopi within the Akrotiri SBA; Ayios Nikolaos and Dhekelia within the Dhekelia SBA; and in the Troodos Mountains in the RoC. In addition, British Forces Cyprus encompasses the British Contingent in UNFICYP in Nicosia.¹³⁹

The symbiosis between the RoC, the SBAs and British Forces Cyprus is exemplified by a sprinkling of British retained sites on the sovereign territory of the RoC; Mount Olympus and Troodos Station are two particularly prominent examples.¹⁴⁰ The symbiosis is also exemplified by other realities connected with *inter alia* the citizens of the RoC who work for the SBA Administration,¹⁴¹ the ‘importation’ of electricity to the SBAs from the RoC¹⁴² and the prominent medical role performed by hospitals in the RoC in support of British Forces Cyprus.¹⁴³ This role has increased since the closure of both the British Military Hospital at Dhekelia in 1978¹⁴⁴ and the Princess Mary’s British Military Hospital at Akrotiri in 2013.¹⁴⁵ Needless to say, both hospitals closed before the referendum over Brexit in the UK on 23 June 2016 and all that has followed.

For these and for other reasons, the RoC, the SBAs and British Forces Cyprus have each occupied – and, no doubt, still occupy – critical if largely hushed up roles in support of the national intelligence machinery, national security strategy, counter-terrorism strategy, serious and organised crime strategy, defence policy and expeditionary operations of the UK.¹⁴⁶ Thus, a no-deal Brexit may have multi-dimensional complications for British Forces Cyprus.

This risk is illustrated by what was published on 29 August 2018 in *The Times*. This was a report under the title ‘Brexit: MoD fears need for new port in Cyprus to serve RAF Akrotiri’. The article claimed that ‘Britain would have to spend tens of millions of pounds building a port [in the Akrotiri SBA] to service its military base in Cyprus after a no-deal Brexit, officials have concluded.’¹⁴⁷

If the report in *The Times* is accurate – and I am not in a position to provide any verification – it underlines the need for transparency as to the nature, effect and cost of any no-deal Brexit as it may affect the British Forces Cyprus, the SBAs, the RoC and the EU. It also indicates that, in the post-Brexit epoch, British Forces Cyprus may seek, so far as is reasonably possible, to retreat into their shells within the two SBAs.

More broadly, Brexit raises all sorts of other questions as to what will happen in the post-Brexit epoch, for example, as to the degree to which British Forces Cyprus may overtly or covertly co-operate with the EU or, even with Turkey as part of a much wider post-Brexit UK-Turkey bilateral alliance.

In the meantime, compelling evidence is mounting that, in the aftermath of Brexit, the relationship between the UK and Turkey will become even closer,¹⁴⁸ with all that may entail for the RoC, the SBAs and British Forces Cyprus. Indeed, following her meeting with President Erdogan of Turkey on 15 May 2018, Prime Minister May of the UK issued a statement in which she

not only claimed that ‘The UK-Turkey relationship is indispensable.’ She also referred to ‘our growing trade relationship’, pointed to an increase in bilateral UK-Turkey trade which has reached ‘more than 50 per cent over the past decade and is now worth more than £15 billion’ and ‘look[ed] to our future trade relationship once the UK leaves the EU.’¹⁴⁹ On the other hand, Prime Minister May made no mention of how these developments may affect the RoC, the SBAs and British Forces Cyprus, especially in the post-Brexit epoch. Perhaps she could explain.

Proposition 6: A no-deal Brexit may have damaging, disruptive or otherwise adverse consequences for citizens of the UK in the RoC, if not also for citizens of the RoC in the UK.

According to the Office of National Statistics of the UK, as much as ‘2.9% of the population’ of the RoC holds ‘only British citizenship’. This means that ‘[t]he highest concentration of British citizens’ in the EU-27 ‘is in Cyprus’.¹⁵⁰ In terms of numbers, the British High Commission calculates that ‘the British community’ in the RoC numbers ‘over 70,000’.¹⁵¹ Upon Brexit, citizens of the UK will be automatically stripped of their status as citizens of the EU. However, upon any no-deal Brexit, citizens of the UK in the RoC will be stripped of the residence rights plus the other rights and freedoms which they currently enjoy as citizens of the EU under EU Law.

In the meantime, uncertainty prevails. To quote from the ‘Guidance’ issued by the UK’s Foreign and Commonwealth Office, as updated on 3 January 2019, to provide ‘European Union (EU) exit information for UK nationals in the absence of a withdrawal agreement’:

‘The UK continues to call on the EU and Member States to protect the rights of UK nationals in the EU in the event of a no deal. We want UK nationals to be able to stay in the Member States that they live in when we leave the EU, and for their rights to employment, healthcare, education, benefits and services to be protected.’¹⁵²

From the above, one may reasonably infer that in the event of a no-deal Brexit, citizens of the UK in the RoC may be at theoretical risk of losing the rights of residence which they currently enjoy or of being otherwise adversely affected. I refer to this theoretical risk in the light of the page dedicated to Brexit on the website of the Civil Registry and Migration Department of the Ministry of Interior of the RoC. On the one hand, this page makes no express mention of any no-deal Brexit.¹⁵³ On the other hand, it publishes Brexit-related guidance on residence rights but that guidance is obsolete. It dates back to September 2018,¹⁵⁴ i.e. before the publication of both ‘the final deal’ on 25

November 2018 and ‘the Commission’s Contingency Action Plan’ on 19 December 2018, which warned about a no-deal Brexit.¹⁵⁵ Even worse, the pages on the website of the Civil Registry and Migration Department respectively entitled ‘Announcements’¹⁵⁶ and ‘Latest News’ have not been updated since 21 September 2018, exactly four months ago.¹⁵⁷

It is self-evident that the website of the Civil Registry and Migration Department forms part of a much bigger pattern of opacity which is laid bare in other parts of this Open Letter. I surmise, therefore, that, for one reason or another, the Government of the RoC has been – and remains – coy about mentioning in public the implications of any no-deal Brexit *per se*, let alone the impact of any no-deal Brexit upon the citizens of the UK in the RoC.

By contrast, of course, a no-deal Brexit will have different repercussions for citizens of the RoC and of other parts of the EU-27 who live or work in the UK. On that theme, at least, the Government of the UK has published considerable material in a commendable spirit of transparency.¹⁵⁸ Furthermore, on 11 January 2019, the UK’s Foreign and Commonwealth Secretary offered the following assurance on behalf of the Government of the UK:

‘Part two of the withdrawal agreement describes how EU citizens currently living in the UK will enjoy broadly the same rights after we leave [the EU]. Indeed, if we leave without a deal, the Government have made it clear that our position will be the same. ... I respectfully suggest that it does not help to say that there is any doubt whatsoever about the [post-Brexit] status of EU citizens [in the UK], when in fact there is no doubt.’¹⁵⁹

I hereby invite the Government of the RoC to issue a similar assurance to the citizens of the UK living in the RoC and, at the same time, to provide updated guidance on the effects of any no-deal Brexit upon citizens of the UK in the RoC.

Appendix 2: The paragraphs on the SBA Protocol in the *Legal position on the Withdrawal Agreement*, as laid before the Parliament of the UK by the Attorney General of England and Wales on 3 December 2018

'84. This Protocol makes specific provision in respect of the UK's Sovereign Base Areas (SBAs) on the island of Cyprus. With the exception of Article 11 (which ensures that new areas of Union law cannot be applied to the SBAs during the implementation period when the UK does not have a vote in the Council), the Protocol applies from the end of the implementation period. Prior to this, the implementation period ensures that the current arrangements that relate to Union law (contained in Protocol 3 to the Cyprus Accession Treaty) continue to apply to the SBAs.

'85. The purpose of the Protocol is to define the arrangements applicable between the SBAs and the EU after the end of the implementation period, respecting the 1960 Treaty concerning the Establishment of Cyprus (to which the UK is a party) and the associated commitments the UK and the Republic of Cyprus made at the time that treaty was concluded. In particular, this includes ensuring the effective operation of the UK military bases and fulfilment of the commitments that there should be no frontier or customs posts between the SBAs and the Republic of Cyprus and that the laws applicable to Cypriots living or working in the SBAs should, as far as possible, be the same as those applicable in the Republic of Cyprus.

'86. The Protocol therefore provides for the SBAs to continue to be part of the customs territory of the Union and makes other associated provision, such as applying relevant Union law on goods to the SBAs and making clear which goods may enter and leave the island of Cyprus via the SBAs themselves for the purposes of supporting the operation of the SBAs as military bases (Article 2). The Protocol preserves the UK's duty reliefs in respect of goods and services for the armed forces and associated civilian staff in accordance with the Treaty of Establishment (Article 4).

'87. The Protocol makes provision for other areas of Union law relevant to the civilian Cypriot population to apply in the SBAs (taxation, agriculture, fisheries, veterinary and phytosanitary rules). Reflecting the arrangements which currently operate between the SBAs and the authorities of the Republic of Cyprus, the UK has conferred responsibility on the Republic of Cyprus for implementing and enforcing these provisions of the Protocol (Articles 3 and 6). This is, however, subject to

the continuing responsibility of the United Kingdom for enacting the relevant domestic legislation necessary to implement the Protocol and being responsible for implementing and enforcing in respect of UK authorities, property owned by the Ministry of Defence and in respect of coercive enforcement powers (Article 13).

'88. The Protocol preserves existing social security arrangements (Article 5) and arrangements relating to checks on persons crossing the external borders of the Sovereign Base Areas (Article 7). The Protocol also provides for relevant EU data protection law to apply in respect of personal data processed in the SBAs on the basis of the Protocol (Article 1(3)).

'89. In terms of supervision and enforcement, the Protocol provides for EU institutions, bodies, offices and agencies to continue to have the same powers in respect of Union law applied in the SBAs as they do now. The CJEU [i.e. the Court of Justice of the European Union] continues to have jurisdiction (Article 1(2) and Article 12). This reflects the fact that Union law continues to apply in the SBAs in the areas provided for in the Protocol.

'90. Finally, the Protocol specifies the functions of the Specialised Committee on the SBA Protocol (Article 9) and provides for the Joint Committee to be able to make certain technical amendments (Article 10), in particular in relation to the law applicable at the crossing points on the 'Green Line' between the Eastern SBA and northern part of Cyprus.¹⁶⁰

Appendix 3: The paragraph devoted to the SBA Protocol in the Explanatory Memorandum attached to the Decision of the European Council of 5 December 2018.¹⁶¹

‘The Withdrawal Agreement also includes a protocol **relating to the Sovereign Base Areas of the United Kingdom in Cyprus** (the protocol on the SBAs). Since the relations between the Union and the Sovereign Base Areas in Cyprus are to be defined against the background of the Republic of Cyprus’ membership of the Union, the protocol on the SBAs should establishes [*sic.*] appropriate mechanisms to achieve, after the withdrawal of the United Kingdom from the Union, the objectives of the arrangements set out in Protocol 3 to the Act of Accession of the Republic of Cyprus to the Union. As outlined in the Joint Statement of 19 June 2018, both the Union and the United Kingdom committed to establishing appropriate arrangements for the Sovereign Base Areas, “in particular with the aim to protect the interests of Cypriots who live and work in the SBAs following the United Kingdom's withdrawal from the Union, in full respect of the rights and obligations under the Treaty of Establishment.” The Union and the United Kingdom have agreed on the terms of a Protocol which will give effect to this and which is annexed to the Withdrawal Agreement. The aim of the Protocol is to ensure that Union law, in the areas stipulated in Protocol 3 to Cyprus’s Act of Accession, will continue to apply in the Sovereign Base Areas, with no disruption or loss of rights especially for the approximately 11,000 Cypriot civilians living and working in the areas of the SBAs. This applies to a number of policy areas such as taxation, goods, agriculture, fisheries and veterinary and phytosanitary rules. The Protocol confers responsibility on the Republic of Cyprus for the implementation and enforcement of Union law in relation to most of the areas covered, with the exception of security and military affairs.’

Appendix 4: A declaration of interests

I was born in 1970 in London, where I was born and brought up, and I am a citizen of the UK, the Commonwealth and, pending Brexit, the EU. Since 2015, I have been living in the RoC, working in an outpost of a British University in the RoC and thereby exercising my legal rights under EU Law; a more detailed declaration of interests may be found in my CV which is accessible online.¹⁶²

I further declare that, although I have never actually joined any political party, I have long regarded myself as being located on the Euro-sceptic end of the British political spectrum. I am, therefore, antipathetic towards ‘the process of creating an ever closer union among the peoples of Europe’, as envisaged by Article 1(2) of the Treaty on European Union.¹⁶³ I am also sympathetic to the idea of Brexit. At the same time, I have long objected to what I submit have been the opaque, rushed, poorly planned, mismanaged and otherwise injudicious procedures adopted by the Government of the UK in pursuit of ‘the final deal’.

In the light of the above, I have prepared the Open Letter and Appendix 1 in my capacity as an academic who has past experience of working in London as a practising member of the solicitors’ branch of the legal profession; that said, I ceased practising law as a solicitor in 2007. With these factors in mind, I have tried to be as objective as reasonably possible in the circumstances. To this end, I have drawn upon the knowledge and understanding which I have acquired thanks to my doctoral research¹⁶⁴ and my post-doctoral publications¹⁶⁵ on the ties which bind the UK to the two SBAs and the RoC.

Needless to say, the contents of this Open Letter are not exhaustive but based on the limited amount of information which I have managed to unearth from the public domain. I hasten to add that any arguments in this Open Letter reflect my personal views and not those of any organisation with which I have – or have ever had – any affiliation.

I also hasten to add that any criticisms in this Open Letter are not directed towards any personnel who serve in the Government of the UK, the SBA Administration, British Forces Cyprus, the Government of the RoC and the European Commission. My criticisms are directed towards those operating at the very highest echelons of the Government of the UK, the SBA Administration, the Government of the RoC and the European Commission.

Appendix 5: Endnotes

¹ Acknowledgments: This Open Letter reproduces or otherwise contains Crown Copyright material and other public sector information licensed under the Open Government Licence v3.0, details of which may be viewed on the website of the National Archives of the UK, Kew Gardens, Surrey, at

www.nationalarchives.gov.uk/doc/open-government-licence/version/3/ This Open Letter also reproduces or otherwise contains British Parliamentary Copyright material and other Parliamentary information licensed under the Open Parliament Licence, details of which may be viewed on the website of the Parliament of the United Kingdom at www.parliament.uk/site-information/copyright/

² I make this point because both the Cyprus Act 1960 (which received Royal Assent on 29 July 1960), as well as the Treaty concerning the Establishment of the Republic of Cyprus (signed in Nicosia on 16 August 1960 by the UK, Greece and Turkey of the one part and the RoC of the other part), a clear distinction is drawn between the Island, the RoC and the areas retained under the sovereignty of the UK (i.e. the SBAs).

³ 'UK government's preparations for a 'no deal scenario' published by the Department for Exiting the EU on the website of the Government of the UK, at www.gov.uk/government/publications/uk-governments-preparations-for-a-no-deal-scenario/uk-governments-preparations-for-a-no-deal-scenario

⁴ Hansard, *House of Commons Debates*, 15 January 2019, Columns 1122 - 1125 (regarding 'Division 293'), website of the Parliament of the UK, at [https://hansard.parliament.uk/commons/2019-01-15/debates/2504FA7B-45BE-423D-8971-E451EF0594A9/EuropeanUnion\(Withdrawal\)Act](https://hansard.parliament.uk/commons/2019-01-15/debates/2504FA7B-45BE-423D-8971-E451EF0594A9/EuropeanUnion(Withdrawal)Act) and 'Brexit: Theresa May's deal is voted down in historic Commons defeat', BBC News Online, 15 January 2019, at www.bbc.com/news/uk-politics-46885828

⁵ 'Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, as endorsed by leaders at a special meeting of the European Council on 25 November 2018', as published by the Government of the United Kingdom on 25 November 2018, at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/759019/25_November_Agreement_on_the_withdrawal_of_the_United_Kingdom_of_Great_Britain_and_Northern_Ireland_from_the_European_Union_and_the_European_Atomic_Energy_Community.pdf

⁶ HM Government, *Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community Presented to Parliament pursuant to Section 13 of the European Union (Withdrawal) Act 2018* (Her Majesty's Stationery Office, November 2018), website of the Government of the UK, at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/759053/26_November_-_Agreement_on_the_withdrawal_of_the_United_Kingdom_of_Great_Britain_and_Northern_Ireland_from_the_European_Union_and_the_European_Atomic_Energy_Community.pdf

⁷ 'Political Declaration setting out the framework for the future relationship between the European Union and the United Kingdom', as published by the Government of the UK on 25 November 2018, at www.gov.uk/government/publications/withdrawal-agreement-and-political-declaration-laid-before-parliament-following-political-agreement and at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/759021/25_November_Political_Declaration_setting_out_the_framework_for_the_future_relationship_between_the_European_Union_and_the_United_Kingdom_.pdf

⁸ HM Government, *Statement that political agreement has been reached Presented to Parliament pursuant to Section 13 of the European Union (Withdrawal) Act 2018* (Her Majesty's Stationery Office, November 2018), website of the Government of the UK, at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/759052/26_November_-_Statement_that_Political_Agreement_has_been_reached_.PDF

⁹ The SBA Protocol appears at pages 475 to 494 of the Withdrawal Agreement, as laid before Parliament, at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/759053/26_November_-_Agreement_on_the_withdrawal_of_the_United_Kingdom_of_Great_Britain_and_Northern_Ireland_from_the_European_Union_and_the_European_Atomic_Energy_Community.pdf By contrast, the draft SBA Protocol, as first published on 14 November 2018, appears at pages 476 to 495 of the draft Agreement, as published by the Government of the UK, at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/756374/14_November_Draft_Agreement_on_the_Withdrawal_of_the_United_Kingdom_of_Great_Britain_and_Northern_Ireland_from_the_European_Union.pdf

¹⁰ HM Government, *EU Exit[:] Legal position on the Withdrawal Agreement[:] Presented to Parliament by the Attorney General by Command of Her Majesty[:] Cm 9747* (Her Majesty's Stationery Office, London, December 2018), pages 27 to 28, website of the Government of the UK, at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/761153/EU_Exit_-_Legal_position_on_the_Withdrawal_Agreement.pdf

¹¹ 'Explanatory Memorandum', page 5, attached to 'Proposal for a COUNCIL DECISION on the signing, on behalf of the European Union and of the European Atomic Energy Community, of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community', European Commission Document COM(2018) 833 final 2018/0426 (NLE), website of the EU, at https://ec.europa.eu/commission/sites/beta-political/files/proposal_for_a_council_decision_on_the_signing_of_the_wa.pdf

¹² The relevant law is set out in Article 50 of the Treaty on European Union and in the European Union (Withdrawal) Act 2018. Section 20(1) of the said Act defines 'exit day' as '29 March 2019 at 11.00 p.m. [Greenwich Mean Time].' See the European Union (Withdrawal) Act 2018, as published on the website 'delivered' by the National Archives of the UK, at www.legislation.gov.uk/ukpga/2018/16/contents/enacted The Treaty on European Union, as published in the *Official Journal of the European Union* on 26 October 2012, is reproduced on the website of the EU, at https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/DOC_1&format=PDF

¹³ Letter from Theresa May MP, Prime Minister of the UK, to President Donald Tusk of the EU, dated 29 March 2017, as published on the same date by the Prime Minister's Office on the website of the Government of the UK, at www.gov.uk/government/publications/prime-ministers-letter-to-donald-tusk-triggering-article-50 and at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/604079/Prime_Ministers_letter_to_European_Council_President_Donald_Tusk.pdf

¹⁴ 'Speeches by First Vice-President Frans Timmermans and Chief Negotiator Michel Barnier on behalf of President Juncker at the Plenary session of the European Parliament on the occasion of the debate on the UK's withdrawal from the EU', press release issued by the European Commission on 16 January 2019, website of the EU, at europa.eu/rapid/press-release_SPEECH-19-442_en.htm

¹⁵ Jeremy Corbyn MP, Leader of HM Opposition, Hansard, *House of Commons Debates*, 16 January 2019, Column 1273, website of Parliament, at <https://hansard.parliament.uk/commons/2019-01-16/debates/D130C27B-C328-48F8-B596-03F05BF2EF8A/NoConfidenceInHerMajestySGovernment>

¹⁶ See *inter alia* David Collins, 'Why a no-deal Brexit is nothing to fear', *Spectator* (online edition), 4 August 2018, at www.spectator.co.uk/2018/08/whos-afraid-of-the-wto/, Graham Gudgin and Robert Tombs, 'A no deal Brexit is nothing to fear', *Prospect* (online edition), 2 November 2018, at www.prospectmagazine.co.uk/economics-and-finance/a-no-deal-brex-it-is-nothing-to-fear, Michael Tomlinson, 'I'm a loyal Tory MP, but I'm backing no deal over Theresa May', *Guardian* (online edition), 10 December 2018, at www.theguardian.com/commentisfree/2018/dec/10/tory-mp-no-deal-theresa-may-brex-it-power-eu, Sir Rocco Forte, 'No Deal Brexit is the best deal for Britain as we can lead the world without fear — but Project Fear still keep bombarding us with disaster', *The Sun* (online edition), 8 January 2019, at www.thesun.co.uk/news/8150907/no-deal-brex-it-deal-hope-rocco-forte-opinion/, Mark Andrews, 'Nothing to fear from 'no deal' Brexit — Paterson', *Shropshire Star* (online edition), 9 January 2019, at www.shropshirestar.com/news/politics/2019/01/09/nothing-to-fear-from-no-deal-brex-it-paterson/ and Alice Scarci, 'No deal Brexit ONLY way to TAKE BACK CONTROL of UK borders, warns IDS [i.e. Iain Duncan Smith MP]', *Sunday Express* (online edition), 13 January 2019, at www.express.co.uk/news/politics/1071401/brex-it-news-brex-it-latest-no-deal-brex-it-theresa-may-deal-vote-iain-duncan-smith

¹⁷ Under Article II of the Treaty of Guarantee of 1960:

'Greece, Turkey and the United Kingdom, taking note of the undertakings of the Republic of Cyprus set out in Article I of the present Treaty, recognise and guarantee the independence, territorial integrity and security of the Republic of Cyprus, and also the state of affairs established by the Basic Articles of its Constitution.

'Greece, Turkey and the United Kingdom likewise undertake to prohibit, so far as concerns them, any activity aimed at promoting, directly or indirectly, either union of Cyprus with any other State or partition of the Island.'

United Kingdom of Great Britain and Northern Ireland, Greece and Turkey and Cyprus[:] Treaty of Guarantee. Signed at Nicosia, on 16 August 1960. Official texts: English and French. Registered by the United Kingdom of Great Britain and Northern [at the United Nations] on 12 December 1960, website of the United Nations, at https://peacemaker.un.org/sites/peacemaker.un.org/files/CY%20GR%20TR_600816_Treaty%20of%20Guarantee.pdf

¹⁸ There are, of course, exceptions. See, for instance, the sources cited elsewhere in this Open Letter. Also see the excellent academic analysis in Greek by Γιώργος Κέντας, 'Η νέα πορεία του Brexit και η Κύπρος', 20 Ιανουαρίου 2019, i.e. Giorgos Kentas, 'The new course of Brexit and Cyprus', 20 January 2019, at www.sigmalive.com/news/international/550684/analysis-kenta-i-nea-poreia-tou-brexit-kai-i-kypros

¹⁹ Geoffrey Cox QC MP, Attorney General of England and Wales, Hansard, *House of Commons Debates*, 15 January 2019, Column 1024, at [https://hansard.parliament.uk/commons/2019-01-15/debates/2504FA7B-45BE-423D-8971-E451EF0594A9/EuropeanUnion\(Withdrawal\)Act](https://hansard.parliament.uk/commons/2019-01-15/debates/2504FA7B-45BE-423D-8971-E451EF0594A9/EuropeanUnion(Withdrawal)Act)

²⁰ Cyprus Act 1960, as published on the website 'delivered' by the National Archives of the UK, www.legislation.gov.uk/ukpga/Eliz2/8-9/52/1998-11-19/data.xht?wrap=true

²¹ *The Treaty concerning the Establishment of the Republic of Cyprus [with Exchanges of Notes]: Nicosia, August 16, 1960* (Cmnd 1252, Her Majesty's Stationery Office, London, February 1961), as published by the Foreign and Commonwealth Office on the website of the Government of the UK, at <http://treaties.fco.gov.uk/docs/pdf/1961/TS0004.pdf>.

²² *United Kingdom of Great Britain and Northern Ireland, Greece and Turkey and Cyprus[:] Treaty of Guarantee. Signed at Nicosia, on 16 August 1960. Official texts: English and French. Registered by the United Kingdom of Great Britain and Northern [at the United Nations] on 12 December 1960*, website of the United Nations, at https://peacemaker.un.org/sites/peacemaker.un.org/files/CY%20GR%20TR_600816_Treaty%20of%20Guarantee.pdf

²³ 'Protocol No 3 to the Act of 2003 Concerning the Conditions of Accession of the Republic of Cyprus to the EU known as Protocol No 3 on the Sovereign Base Areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus', website of the EU, at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12003T%2FPRO%2F03>

²⁴ 'Protocol No 10 on Cyprus of the Act signed in Athens on 16 April 2003 concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded', website of the EU, at <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A12003T%2FPRO%2F10> Also see 'Corrigendum to Council Regulation (EC) No 866/2004 of 29 April 2004 on a regime under Article 2 of Protocol 10 to the Act of Accession', website of the EU, at <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32004R0866R%2801%29>

²⁵ 'Memorandum of Understanding between the United Kingdom and Cyprus on the Responsibility for the Implementation of the Protocol on the Sovereign Base Areas in Cyprus', as signed in Nicosia on 5 June 2003 and as reproduced in Ambassador Nicolas D. Macris (Retd.) (ed.) assisted by Andrea Petranyi and Alexandros Macris, *The 1960 Treaties on Cyprus Selected Subsequent Acts* (Bibliopolis, Mannheim und Mohnesee, 2003), pages 209 to 212.

²⁶ Under the Euro Ordinance 2007, a piece of SBA legislation, the Euro replaced the pound of the Republic of Cyprus as the legal tender of the SBAs. See the Consolidated version of the Euro Ordinance 2007 of the SBAs, as brought into force on 14 August 2007 and as subsequently amended, website of the SBA Administration, at www.sbaadministration.org/home/legislation/01_02_09_04_INCON/E/20160122_EuroOrdinance-2007_web.pdf

²⁷ European Union Committee, *Brexit: Gibraltar[:] 13th Report of Session 2016-17 HL Paper 116* (House of Lords, Westminster, 1 March 2017), Chapter 1, footnote 1, website of the Parliament of the UK, at https://publications.parliament.uk/pa/ld201617/ldselect/ldeucom/116/11604.htm#_idTextAnchor005

²⁸ Klearchos A. Kyriakides, 'The European Union (Withdrawal) Bill in the context of the Republic of Cyprus and the Sovereign Base Areas of Akrotiri and Dhekelia', written evidence (EUW0026) dated 12 October 2017 and submitted to the House of Lords Constitution Committee in response to its Call for Evidence issued on 14 September 2017, as published on the website of the Parliament of the UK, at <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/constitution-committee/european-union-withdrawal-bill/written/71167.html> and at <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/constitution-committee/european-union-withdrawal-bill/written/71167.pdf>

²⁹ House of Lords Select Committee on the Constitution, *European Union (Withdrawal) Bill[:] 9th Report of Session 2017-19* (House of Lords Paper HL 69, House of Lords, Westminster, 29 January 2018), website of the Parliament of the UK, at <https://publications.parliament.uk/pa/ld201719/ldselect/ldconst/69/69.pdf>

³⁰ The draft SBA Protocol was as first published on 14 November 2018 at pages 476 to 495 of the draft Withdrawal Agreement published by the Department for Exiting the EU on the website of the Government of the United Kingdom at www.gov.uk/government/publications/progress-on-the-uks-exit-from-and-future-relationship-with-the-european-union and at

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/756374/14_November_Draft_Agreement_on_the_Withdrawal_of_the_United_Kingdom_of_Great_Britain_and_Northern_Ireland_from_the_European_Union.pdf

³¹ The SBA Protocol appears at pages 475 to 494 of the Withdrawal Agreement, as laid before Parliament, at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/759053/26_November_-_Agreement_on_the_withdrawal_of_the_United_Kingdom_of_Great_Britain_and_Northern_Ireland_from_the_European_Union_and_the_European_Atomic_Energy_Community.pdf. By contrast, the draft SBA Protocol, as first published on 14 November 2018, appears at pages 476 to 495 of the draft Agreement, as published by the Government of the UK, at

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/756374/14_November_Draft_Agreement_on_the_Withdrawal_of_the_United_Kingdom_of_Great_Britain_and_Northern_Ireland_from_the_European_Union.pdf

³² See *inter alia* Richard J. Aldrich, *GCHQ[:] The Uncensored Story of Britain's Most Secret Intelligence Agency* (HarperCollins, London, 2010), map entitled 'Overseas British sigint [i.e. Signals Intelligence] Stations and Facilities', Chapter 17 ('Turmoil in Cyprus') and Chapter 18 ('Umasking GCHQ: The ABC Trial'), Panagiotis Dimitrakis, *Military Intelligence in Cyprus: From the Great War to Middle East Crises* (I. B. Tauris, London, 2010), *Serious and Organised Crime Strategy* (Cm 8715, Her Majesty's Stationery Office, October 2013), page 40, published on 7 October 2013 by the Home Office of the UK on the website of the Government of the UK, at www.gov.uk/government/publications/serious-organised-crime-strategy and https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/248645/Serious_and_Organised_Crime_Strategy.pdf, 'Cyprus and UK sign programme of military cooperation', Signalive, 3 February 2016, at www.signalive.com/en/news/local/140984/cyprus-and-uk-sign-programme-of-military-cooperation, 'Fallon: Cyprus has important role in Daesh operations', Signalive, 2 August 2016, at www.signalive.com/en/news/local/147516/fallon-cyprus-has-important-role-in-daesh-operations, 'UK, Cyprus strengthen ties', *Cyprus Mail*, 10 February 2017, at <https://cyprus-mail.com/2017/02/10/114757/>, 'Britain and Cyprus Step Up Defence Co-Operation The UK and Cyprus will step up co-operation in areas including maritime security and officer training under a new Defence programme', news story published on 10 February 2017 by the Ministry of Defence of the UK on the website of the Government of the UK, at www.gov.uk/government/news/britain-and-cyprus-step-up-defence-co-operation, 'RAF jets strike chemical weapon facility in Syria', news story published on 14 April 2018 by the Ministry of Defence of the UK on the website of the Government of the UK, at www.gov.uk/government/news/raf-jets-strike-chemical-weapon-facility-in-syria, Written Answer provided on 9 May 2018 by Mark Lancaster MP, Minister of State, Ministry of Defence, in answer to 'Military Bases: Written question – 139415', website of the Parliament of the UK, at www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2018-04-30/139415/ and the website of RAF Akrotiri, at www.raf.mod.uk/our-organisation/stations/raf-akrotiri/

³³ See, for instance, Jon Stone, 'UK will be locked out of Europe's policing and security databases after Brexit, EU's chief negotiator says', *Independent* (online edition), 19 June 2018, at www.independent.co.uk/news/uk/politics/brexit-uk-eu-police-europol-michel-barnier-latest-talks-britain-database-a8405751.html, Rob Merrick, 'Brexit: UK will lose some EU extradition powers next year even if transition deal is agreed, Theresa May is warned', *Independent* (online edition), 11 July 2018, at www.independent.co.uk/news/uk/politics/brexit-eu-extraditions-criminals-states-brexit-deal-next-year-theresa-may-a8440996.html, Rob Merrick, 'Brexit: UK admits it will leave Europol and fears 'major drop' in crime-fighting co-operation', *Independent* (online edition), 14 November 2018, at www.independent.co.uk/news/uk/politics/brexit-news-europol-membership-crime-cross-border-security-intelligence-deal-a8633036.html and Jamie Grierson, 'No-deal Brexit 'could leave UK at risk from terrorism'', *Guardian* (online edition), 29 November 2018, at www.theguardian.com/politics/2018/nov/29/no-deal-brexit-could-leave-uk-at-risk-from-terrorism and 'Brexit security speech[:] Minister for Security and Economic Crime, Ben Wallace, talks to members of the security industry about Brexit', transcript of a speech by Ben Wallace MP, Minister for Security and Economic Crime, as published on 29 November 2018 by the Home Office on the website of the Government of the UK, at www.gov.uk/government/speeches/brexit-security-speech

³⁴ *Trafficking in Persons Report* (State Department, Washington DC, June 2018), page 161, website of the State Department, www.state.gov/documents/organization/282798.pdf

³⁵ *Ibid*, page 162.

³⁶ 'Syria 'worst man-made disaster since World War II' – UN rights chief', UN News report, dated 14 March 2017, quoting Zeid Ra'ad Al Hussein, United Nations High Commissioner for Human Rights, website of the United Nations, at <https://news.un.org/en/story/2017/03/553252-syria-worst-man-made-disaster-world-war-ii-un-rights-chief>

³⁷ 'Foreign travel advice[:] Syria' published by the Foreign and Commonwealth Office on the website of the Government of the UK, at www.gov.uk/foreign-travel-advice/syria/terrorism

³⁸ 'Foreign Secretary joins crucial Cyprus settlement talks in Switzerland offering full UK support', news story published on 27 June 2017 by the Foreign and Commonwealth Office on the website of the Government of the UK, at www.gov.uk/government/news/foreign-secretary-joins-crucial-cyprus-settlement-talks-in-switzerland-offering-full-uk-support

³⁹ 'High Commissioner to Cyprus Stephen Lillie presents credentials', 'World news story' published on 11 May 2018 by the Foreign and Commonwealth Office on the website of the UK, at www.gov.uk/government/news/high-commissioner-to-cyprus-stephen-lillie-presents-credentials

⁴⁰ I have made these calculations using the 'in a straight line' distance calculator of the European Commission, at https://ec.europa.eu/programmes/erasmus-plus/resources/distance-calculator_en

⁴¹ Article 10.3, Treaty on European Union, as published in the *Official Journal of the European Union* on 26 October 2012, on the website of the EU, at https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/DOC_1&format=PDF

⁴² 'Communication from the Commission[:] Preparing for the withdrawal of the United Kingdom from the European Union', COM(2018) 556 final, 27 August 2018, website of the EU, at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52018DC0556R%2801%29>

⁴² European Commission, 'Communication of 19 December 2018: Preparing for the withdrawal of the United Kingdom from the European Union on 30 March 2019', 27 August 2018, website of the EU, at <https://ec.europa.eu/transparency/regdoc/rep/1/2018/EN/COM-2018-556-F2-EN-MAIN-PART-1.PDF>

⁴³ European Commission, 'Communication of 19 December 2018: Preparing for the withdrawal of the United Kingdom from the European Union on 30 March 2019: Implementing the Commission's Contingency Action Plan', 19 December 2018, website of the EU, at https://ec.europa.eu/info/publications/communication-19-december-2018-preparing-withdrawal-united-kingdom-european-union-30-march-2019-implementing-commissions-contingency-action-plan_en

⁴⁴ '[List of] Legislative initiatives and other legal acts', website of the EU, at

https://ec.europa.eu/info/brexit/brexit-preparedness/legislative-initiatives-and-other-legal-acts_en

⁴⁵ 'Brexit: European Commission implements "no-deal" Contingency Action Plan in specific sectors' European Commission Press Release dated 19 December 2018, website of the EU, at http://europa.eu/rapid/press-release_IP-18-6851_en.htm

⁴⁶ See the 'news' published since 19 December 2018 on the website of the Representation of the European Commission in Cyprus in English and in Greek, at https://ec.europa.eu/cyprus/home_en and at https://ec.europa.eu/cyprus/news_en and at https://ec.europa.eu/cyprus/news_el respectively. The 'news' published in Turkish has not been updated since 28 November 2018. See https://ec.europa.eu/cyprus/news_tr

⁴⁷ See, for instance, the Freedom of Information Act 2000, as published on the website 'delivered' by the National Archives of the UK, at www.legislation.gov.uk/ukpga/2000/36/contents

⁴⁸ See, for instance, 'Consultation principles: guidance' encompassing '[The] Consultation Principles 2018', as published on 17 July 2012 and as updated on 19 March 2018 by the Cabinet Office on the website of the Government of the UK, at <https://www.gov.uk/government/publications/consultation-principles-guidance> and at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/691383/Consultation_Principles_1.pdf

⁴⁹ Suella Fernandes MP, the Parliamentary Under-Secretary of State for Exiting the EU, Hansard, *Westminster Hall Debates*, 21 February 2018, Columns 105WH to 110WH (in the debate entitled 'Leaving the EU: No-deal Alternatives'), website of the Parliament of the UK, at <https://hansard.parliament.uk/commons/2018-02-21/debates/78F28108-BA5E-46CC-9257-F83830A8930D/LeavingTheEUNo-DealAlternatives>

⁵⁰ Steve Baker MP, Parliamentary-Under-Secretary of State for Exiting the EU, Hansard, *House of Commons Debates*, 14 June 2018, Column 1066 (in the session of Oral Answers entitled 'EU Withdrawal: No Deal Preparations'), at <https://hansard.parliament.uk/commons/2018-06-14/debates/9172D5D4-1622-4957-9E41-B1DC70F6A884/EUWithdrawalNoDealPreparations>

⁵¹ Chris Heaton-Harris MP, the Parliamentary Under-Secretary of State for Exiting the EU, Hansard, *House of Commons Debates*, 19 December 2018, Columns 872 to 894 (in the emergency parliamentary debate on the subject 'Leaving the EU: No Deal'), website of the Parliament of the UK, at <https://hansard.parliament.uk/Commons/2018-12-19/debates/1C2F4787-3C67-4824-8D9C-702216D090A9/LeavingTheEUNoDeal>

⁵² 'How to prepare if the UK leaves the EU with no deal [:] Guidance on how to prepare for Brexit if there's no deal', guidance published by the Department for Exiting the EU on 23 August 2018, as last updated on 12

October 2018, on the website of the Government of the UK, at www.gov.uk/government/collections/how-to-prepare-if-the-uk-leaves-the-eu-with-no-deal

⁵³ [The] UK government's preparations for a 'no deal scenario', guidance published by the Department for Exiting the EU on the website of the Government of the UK and as updated on 21 December 2018, at www.gov.uk/government/publications/uk-governments-preparations-for-a-no-deal-scenario/uk-governments-preparations-for-a-no-deal-scenario

⁵⁴ *The Armed Forces Covenant* (Ministry of Defence, London, 2011), page 1, website of the Government of the UK, at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/49469/the_armed_forces_covenant.pdf and at 'The Armed Forces Covenant An Enduring Covenant Between The People of the United Kingdom Her Majesty's Government – and – All those who serve or have served in the Armed Forces of the Crown And their Families', 'Guidance' published on 16 December 2016 by the Ministry of Defence on the website of the Government of the UK, at www.gov.uk/government/publications/an-explanation-of-the-armed-forces-covenant and at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/578212/20161215-The-Armed-Forces-Covenant.pdf https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/49469/the_armed_forces_covenant.pdf

⁵⁵ *The Armed Forces Covenant Annual Report 2018 Presented to Parliament pursuant to section 2 of the Armed Forces Act 2011* (Her Majesty's Stationery Office, 2018), as published on 21 November 2018 by the Ministry of Defence on the website of the Government of the UK, at www.gov.uk/government/publications/armed-forces-covenant-annual-report-and-summary-2018 and at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/757801/6.5_006_MOD_Covenant_Annual_Report_2018_FINAL_WEB.PDF

⁵⁶ 'The Armed Forces Covenant Annual Report 2018: Written statement – HCWS1094', as made on 21 November 2018 by Tobias Ellwood MP, Minister of State, Ministry of Defence, website of the Parliament of the UK, at www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2018-11-21/HCWS1094/

⁵⁷ 'A letter to UK Nationals living in Cyprus' by Stephen Lillie, British High Commissioner in Nicosia, published on 22 May 2018 by the British High Commission in Nicosia on the website of the Government of the UK, at www.gov.uk/government/news/a-letter-to-uk-nationals-living-in-cyprus

⁵⁸ 'A second letter to UK Nationals living in Cyprus' by Stephen Lillie, British High Commissioner in Nicosia, published on 29 August 2018 by the British High Commission in Nicosia on the website of the Government of the UK, at www.gov.uk/government/news/a-second-letter-to-uk-nationals-living-in-cyprus

⁵⁹ 'UK government's preparations for a 'no deal scenario' published by the Department for Exiting the EU on the website of the Government of the UK, at www.gov.uk/government/publications/uk-governments-preparations-for-a-no-deal-scenario/uk-governments-preparations-for-a-no-deal-scenario

⁶⁰ 'Living in Cyprus', guidance published by the Foreign and Commonwealth Office on 22 March 2013, as last updated on 18 January 2018, on the website of the Government of the UK, at www.gov.uk/guidance/living-in-cyprus

⁶¹ For instance, if one searches for the term 'Brexit' on the search engine of the website of the SBA Administration, no results are produced. See the search result for 'Brexit', as accessed on 17 January 2019, at

www.sbaadministration.org/index.php/component/search/?searchword=Brexit&searchphrase=all&Itemid=101

⁶² *Sovereign Base Areas of Akrotiri and Dhekelia Gazette Published by Authority*, Serial No. 1874, 8 October 2018, website of the SBA Administration, at www.sbaadministration.org/index.php/arch-gazettes/9-agla/157-arch-gazettes-2018 and at

www.sbaadministration.org/home/legislation/01_02_09_09_MAINBODY/01_02_09_09_07_MB18/20181008_MB_G1874.pdf

⁶³ *Sovereign Base Areas of Akrotiri and Dhekelia Gazette Published by Authority*, Serial No. 1875, 13 November 2018, website of the SBA Administration, at www.sbaadministration.org/index.php/arch-gazettes/9-agla/157-arch-gazettes-2018 and at

www.sbaadministration.org/home/legislation/01_02_09_09_MAINBODY/01_02_09_09_07_MB18/20181113_MB_G1875.pdf

⁶⁴ *Sovereign Base Areas of Akrotiri and Dhekelia Gazette Published by Authority*, Serial No. 1876, 6 December 2018, website of the SBA Administration, at www.sbaadministration.org/index.php/arch-gazettes/9-agla/157-arch-gazettes-2018 and at

www.sbaadministration.org/home/legislation/01_02_09_09_MAINBODY/01_02_09_09_07_MB18/20181206_MB_G1876.pdf

⁶⁵ *Sovereign Base Areas of Akrotiri and Dhekelia Gazette Published by Authority*, Serial No. 1878, 11 January 2019, website of the SBA Administration, at www.sbaadministration.org/index.php/arch-gazettes/9-agla/157-arch-gazettes-2018 and at

www.sbaadministration.org/home/legislation/01_02_09_09_MAINBODY/01_02_09_09_08_MB19/20190111_MB_G1878.pdf

⁶⁶ 'Consultations', website of the SBA Administration, at www.sbaadministration.org/index.php/aeec-consultations

⁶⁷ 'Foreign Secretary joins crucial Cyprus settlement talks in Switzerland offering full UK support', news story published on 27 June 2017 by the Foreign and Commonwealth Office on the website of the Government of the UK, at www.gov.uk/government/news/foreign-secretary-joins-crucial-cyprus-settlement-talks-in-switzerland-offering-full-uk-support

⁶⁸ See the list of 'Annual Reports' of the Ministry of Agriculture, Rural Development and Environment, the last of which dates back to 2011, on the website of the Ministry of Agriculture, Rural Development and Environment, at

www.moa.gov.cy/moa/agriculture.nsf/All/F48D492445DD7ABEC2257A4C00283EBA?OpenDocument

⁶⁹ On 20 January 2019, my efforts to search for the English word 'Brexit', the English word 'bases' and the Greek word for bases 'βάσεις' each produced the following result: 'Δεν βρέθηκαν αποτελέσματα, με τα κριτήρια αναζήτησης που δώσατε, παρακαλώ ξαναδοκιμάστε!', i.e. 'No results were found, with your search criteria, please retry!' Website of the Ministry of Agriculture, Rural Development and Environment, at www.moa.gov.cy/moa/agriculture.nsf/AdvancedSearch_gr/AdvancedSearch_gr?OpenForm&q=&p=1&w=&t=&s=brexit&L=G&e=&i=1,

www.moa.gov.cy/moa/agriculture.nsf/AdvancedSearch_gr/AdvancedSearch_gr?OpenForm&q=&p=1&w=&t=&s=bases&L=G&e=&i=1 and

www.moa.gov.cy/moa/agriculture.nsf/AdvancedSearch_gr/AdvancedSearch_gr?OpenForm&q=&p=1&w=&t=&s=%CE%B2%CE%AC%CF%83%CE%B5%CE%B9%CF%82&L=G&e=&i=1

⁷⁰ The relevant legislation from 2017, as supplemented in 2018, may be traced on the Cylaw website operated by the Cyprus Bar Association, at www.cylaw.org/nomoi/indexes/2017_1_184.html

⁷¹ Government of Ireland, *Preparing for the withdrawal of the United Kingdom from the European Union on 29 March 2019: Contingency Action Plan* (Government of Ireland, December 2018), website of the Irish Government News Service, at https://merrionstreet.ie/MerrionStreet/en/News-Room/Releases/No_Deal_Brexit_Contingency_Plan.pdf

⁷² Leo Varadkar, the Taoiseach (the Prime Minister) of Ireland, 'Dáil Éireann debate - Wednesday, 16 Jan 2019', website of the Houses of the Oireachtas, at www.oireachtas.ie/en/debates/debate/dail/2019-01-16/14/?highlight%5B0%5D=brexit&highlight%5B1%5D=brexit&highlight%5B2%5D=brexit&highlight%5B3%5D=brexit&highlight%5B4%5D=brexit

⁷³ 'Ανακοινωθέντα: Δηλώσεις του Υπουργού Εξωτερικών κ. Νίκου Χριστοδουλίδη για Brexit και Κυπριακό', i.e. 'Announcement: Statements of the Foreign Minister, Mr Nicos Christodoulidis, on Brexit and the Cyprus Problem', 17 January 2019, website of the Press and Information Office of the RoC, at www.pio.gov.cy/%CE%B1%CE%BD%CE%B1%CE%BA%CE%BF%CE%B9%CE%BD%CF%89%CE%B8%CE%AD%CE%BD%CF%84%CE%B1-%CE%AC%CF%81%CE%B8%CF%81%CE%BF.html?id=5617#flat

⁷⁴ 'Brexit: France activates no-deal plan', BBC News Online, 17 January 2019, at www.bbc.com/news/world-europe-46906046

⁷⁵ *Ibid.*

⁷⁶ 'Ανακοινωθέντα: Δηλώσεις του Υπουργού Εξωτερικών κ. Νίκου Χριστοδουλίδη για Brexit και Κυπριακό', i.e. 'Announcement: Statements of the Foreign Minister, Mr Nicos Christodoulidis, on Brexit and the Cyprus Problem', 17 January 2019, website of the Press and Information Office of the RoC, at www.pio.gov.cy/ανακοινωθεντα-αρθρο.html?id=5617#flat

⁷⁷ The announcement of the PIO of 18 January 2019 was not accompanied by any further details published on the official Twitter account of Dr Nicos Christodoulides, the Foreign Minister of the RoC, at <https://twitter.com/christodulides?lang=en>, the official Twitter account of the Ministry of Foreign Affairs at <https://twitter.com/CyprusMFA> or the official Twitter account of the PIO at <https://twitter.com/CyprusPIO> and salient pages on the website of the Ministry of Foreign Affairs of the RoC, such as 'Minister's Speeches / Interviews', website of the Ministry of Foreign Affairs of the RoC, at

www.mfa.gov.cy/mfa/mfa2016.nsf/mfa62_minister_new_en/mfa62_minister_new_en?OpenForm&Year=2018, 'Ομιλίες / Συνεντεύξεις Υπουργού', i.e. 'Speeches/Interviews of the Minister', website of the Ministry of Foreign Affairs of the RoC, at

www.mfa.gov.cy/mfa/mfa2016.nsf/mfa62_minister_gr/mfa62_minister_gr?OpenDocument, 'Latest news', website of the Ministry of Foreign Affairs of the RoC, at

www.mfa.gov.cy/mfa/mfa2016.nsf/mfa61_en/mfa61_en?OpenDocument and 'Ειδήσεις', i.e. 'News', website of

the Ministry of Foreign Affairs of the RoC, at www.mfa.gov.cy/mfa/mfa2016.nsf/mfa61_gr/mfa61_gr?OpenDocument

⁷⁸ Prevention of Terrorism (Temporary Provisions) Act 1974, website 'delivered' by the National Archives of the UK, at www.legislation.gov.uk/ukpga/1974/56/contents/enacted

⁷⁹ Section 24(1), European Union (Withdrawal) Act 2018, as published on the website 'delivered' by the National Archives of the UK, at www.legislation.gov.uk/ukpga/2018/16/contents/enacted

⁸⁰ In the words of Lady Hale, the President of the Court, Lord Mance, Lord Kerr, Lord Wilson, Lord Sumption, Lord Reed and Lord Carnwath, as set out in paragraph 69 of the Joint Interim Judgment of the Supreme Court of the UK handed down on 30 July 2018 in the case of *Bashir*:

'In the case of the SBAs, the only change which occurred in 1960 was that whereas they had previously been part of the UK-dependent territory of Cyprus, they were thereafter the whole of it. The mere fact the United Kingdom lost 97% of the island of Cyprus did not alter the status of the 3% that it retained. The status of the SBAs vis-à-vis the rest of the world did not change, except in relation to the rest of Cyprus, and that was because of a change in the status of the rest of Cyprus and not because of a change in the status of the SBAs.'

R (on the application of Tag Eldin Ramadan Bashir and others) v Secretary of State for the Home Department [2018] UKSC 45, per Lady Hale, the President of the Court, Lord Mance, Lord Kerr, Lord Wilson, Lord Sumption, Lord Reed and Lord Carnwath, at paragraph 69, website of the Supreme Court of the UK, at www.supremecourt.uk/cases/docs/uksc-2017-0106-judgment.pdf and at www.supremecourt.uk/cases/uksc-2017-0106.html

⁸¹ Section 13, European Union (Withdrawal) Act 2018, as published on the website 'delivered' by the National Archives of the UK, at www.legislation.gov.uk/ukpga/2018/16/contents/enacted

⁸² Section 20, European Union (Withdrawal) Act 2018, as published on the website 'delivered' by the National Archives of the UK, at www.legislation.gov.uk/ukpga/2018/16/contents/enacted

⁸³ For a useful overview of the relevant common law principles in the light of relevant cases, see Richard Clayton QC, 'Fairness, Consultation, and the Supreme Court: There Is (Sometimes) an Alternative', posted on 16 March 2015 on the website of the UK Constitutional Law Association, at <https://ukconstitutionallaw.org/2015/03/16/richard-clayton-qc-fairness-consultation-and-the-supreme-court-there-is-sometimes-an-alternative/>

⁸⁴ *Code of Practice on Consultation* (Better Regulation Executive Department for Business, Enterprise, London, July 2008), website of the Government of the UK, at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/100807/file_47158.pdf

⁸⁵ 'Consultation principles: guidance' encompassing '[The] Consultation Principles 2018', as published on 17 July 2012 and as updated on 19 March 2018 by the Cabinet Office on the website of the Government of the UK, at <https://www.gov.uk/government/publications/consultation-principles-guidance> and at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/691383/Consultation_Principles_1.pdf

⁸⁶ See *Official Journal of the European Communities*, L 73, 27 March 1972, website of the EU, at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:L:1972:073:TOC>

⁸⁷ The original version of the Treaty of Accession of 22 January 1972 has been published on the website of the EU, at <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:11972B/TXT&qid=1545838199599&from=EN>

⁸⁸ 'Protocol No 3 to the Act of 2003 Concerning the Conditions of Accession of the Republic of Cyprus to the EU known as Protocol No 3 on the Sovereign Base Areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus', website of the EU, at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12003T%2FPRO%2F03>

⁸⁹ 'Protocol No 10 on Cyprus of the Act signed in Athens on 16 April 2003 concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded', website of the EU, at <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A12003T%2FPRO%2F10> Also see 'Corrigendum to Council Regulation (EC) No 866/2004 of 29 April 2004 on a regime under Article 2 of Protocol 10 to the Act of Accession', website of the EU, at <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32004R0866R%2801%29>

⁹⁰ 'Memorandum of Understanding between the United Kingdom and Cyprus on the Responsibility for the Implementation of the Protocol on the Sovereign Base Areas in Cyprus', as signed in Nicosia on 5 June 2003 and as reproduced in Ambassador Nicolas D. Macris (Retd) (ed.) assisted by Andrea Petranyi and Alexandros Macris, *The 1960 Treaties on Cyprus Selected Subsequent Acts* (Bibliopolis, Mannheim und Mohnesee, 2003), pages 209 to 212.

⁹¹ Protocol No 3, as published on the website of the EU, at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12003T%2FPRO%2F03>

⁹² Under the Euro Ordinance 2007, a piece of SBA legislation, the Euro replaced the pound of the Republic of Cyprus as the legal tender of the SBAs. See the Consolidated version of the Euro Ordinance 2007 of the SBAs, as brought into force on 14 August 2007 and as subsequently amended, website of the SBA Administration, at www.sbaadministration.org/home/legislation/01_02_09_04_INCON/E/20160122_EuroOrdinance-2007_web.pdf

⁹³ European Union Committee, *Brexit: Gibraltar[:]* 13th Report of Session 2016-17 HL Paper 116 (House of Lords, Westminster, 1 March 2017), Chapter 1, footnote 1, website of the Parliament of the UK, at https://publications.parliament.uk/pa/ld201617/ldselect/ldeucom/116/11604.htm#_idTextAnchor005

⁹⁴ House of Commons European Scrutiny Committee, *Thirty-sixth Report of Session 2017-19[:]* Documents considered by the Committee on 18 July 2018[:] Report, together with formal minutes (HC 301-xxxv, House of Commons, 24 July 2018), paragraph 8.19 on page 59, website of the Parliament of the UK, at <https://publications.parliament.uk/pa/cm201719/cmselect/cmeuleg/301-xxxv/301-xxxv.pdf>

⁹⁵ 'Background', website of the SBA Administration, at www.sbaadministration.org/index.php/background

⁹⁶ According to the UK's Foreign and Commonwealth Office, 'some 60%' of the land falling within the SBAs 'is privately owned by Cypriot nationals.' The same source also explains that '[t]he Cypriots living in the areas are recognised residents of the SBA but are European Union (EU) and RoC citizens'. *The Overseas Territories[:]* Security, Success and Sustainability (Cm 8374, Her Majesty's Stationery Office, 2012), page 117, published on 21 November 2012 by the Foreign and Commonwealth Office on the website of the Government of the UK, at www.gov.uk/government/publications/the-overseas-territories-security-success-and-sustainability and at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/32952/ot-wp-0612.pdf

⁹⁷ 'Cypriot farmers fear no-deal Brexit may hit livelihoods', message accompanying a video posted on the Youtube Channel of the AFP news agency on 29 October 2018, at www.youtube.com/watch?v=i4c8xoFZ3-Q Also see AFP, 'Cypriot farmers fear no-deal Brexit may hit livelihoods', 30 October 2018, website of France 24, at www.france24.com/en/20181030-cypriot-farmers-fear-no-deal-brexit-may-hit-livelihoods

⁹⁸ Cyprus Act 1960, as published on the website 'delivered' by the National Archives of the UK, www.legislation.gov.uk/ukpga/Eliz2/8-9/52/1998-11-19/data.xht?wrap=true

⁹⁹ *The Treaty concerning the Establishment of the Republic of Cyprus [with Exchanges of Notes]: Nicosia, August 16, 1960* (Cmnd 1252, Her Majesty's Stationery Office, London, February 1961), as published by the Foreign and Commonwealth Office on the website of the Government of the UK, at <http://treaties.fco.gov.uk/docs/pdf/1961/TS0004.pdf>.

¹⁰⁰ *The Overseas Territories[:]* Security, Success and Sustainability (Cm 8374, Her Majesty's Stationery Office, 2012), page 117, published by the Foreign and Commonwealth Office on 21 November 2012 on the website of the Government of the UK, at www.gov.uk/government/publications/the-overseas-territories-security-success-and-sustainability and at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/32952/ot-wp-0612.pdf

¹⁰¹ House of Commons European Scrutiny Committee, *Thirty-sixth Report of Session 2017-19[:]* Documents considered by the Committee on 18 July 2018[:] Report, together with formal minutes (HC 301-xxxv, House of Commons, 24 July 2018), paragraph 8.5 on page 56, website of the Parliament of the UK, at <https://publications.parliament.uk/pa/cm201719/cmselect/cmeuleg/301-xxxv/301-xxxv.pdf>

¹⁰² *Ibid*, footnote 113 on page 56.

¹⁰³ *Ibid*, paragraph 8.19 on page 59.

¹⁰⁴ *Cyprus[:]* Presented to Parliament by the Secretary of State for the Colonies, the Secretary of State for Foreign Affairs and the Minister of Defence by Command of Her Majesty July 1960[:] Cmnd 1093 (Her Majesty's Stationery Office, London, July 1960), Appendix O. The contents of Command Paper Cmnd 1093, including Appendix O, have been published online by the United Nations at <http://unpan1.un.org/intradoc/groups/public/documents/un-dpadm/unpan039703-1.pdf>

¹⁰⁵ *Ibid*.

¹⁰⁶ *Ibid*.

¹⁰⁷ *The Treaty concerning the Establishment of the Republic of Cyprus [with Exchanges of Notes]: Nicosia, August 16, 1960* (Cmnd 1252, Her Majesty's Stationery Office, London, February 1961), as published by the Foreign and Commonwealth Office on the website of the Government of the UK, at <http://treaties.fco.gov.uk/docs/pdf/1961/TS0004.pdf> The Treaty of Establishment of 1960 has also been published by the United Nations at <https://peacemaker.un.org/cyprus-nicosia-treaty60> and at https://peacemaker.un.org/sites/peacemaker.un.org/files/CY_600816_TreatyNicosia.pdf

¹⁰⁸ 'Background', website of the Administration of the SBAs, at www.sbaadministration.org/index.php/background

¹⁰⁹ Under Article I of the Treaty of Guarantee of 1960:

'The Republic of Cyprus undertakes to ensure the maintenance of its independence, territorial integrity and security, as well as respect for its Constitution.

'It undertakes not to participate, in whole or in part, in any political or economic union with any State whatsoever. It accordingly declares prohibited any activity likely to promote, directly or indirectly, either union with any other State or partition of the Island.'

United Kingdom of Great Britain and Northern Ireland, Greece and Turkey and Cyprus[:] Treaty of Guarantee. Signed at Nicosia, on 16 August 1960. Official texts: English and French. Registered by the United Kingdom of Great Britain and Northern [at the United Nations] on 12 December 1960, website of the United Nations, at https://peacemaker.un.org/sites/peacemaker.un.org/files/CY%20GR%20TR_600816_Treaty%20of%20Guarantee.pdf

¹¹⁰ Under Article II of the Treaty of Guarantee of 1960:

'Greece, Turkey and the United Kingdom, taking note of the undertakings of the Republic of Cyprus set out in Article I of the present Treaty, recognise and guarantee the independence, territorial integrity and security of the Republic of Cyprus, and also the state of affairs established by the Basic Articles of its Constitution.

'Greece, Turkey and the United Kingdom likewise undertake to prohibit, so far as concerns them, any activity aimed at promoting, directly or indirectly, either union of Cyprus with any other State or partition of the Island.'

Ibid.

¹¹¹ Under section 2(1) of the Cyprus Act 1960: 'The Republic of Cyprus shall comprise the entirety The Sovereign of the Island of Cyprus with the exception of the two areas ...'. Cyprus Act 1960, as published on the website 'delivered' by the National Archives of the UK, www.legislation.gov.uk/ukpga/Eliz2/8-9/52/1998-11-19/data.xht?wrap=true

¹¹² Under Article 1 of the Treaty of Establishment of 1960:

'The territory of the Republic of Cyprus shall comprise the Island of Cyprus, together with the islands lying off its coast, with the exception of the two areas defined in Annex A to this Treaty, which areas shall remain under the sovereignty of the United Kingdom. These areas are in this Treaty and its Annexes referred to as the Akrotiri Sovereign Base Area and the Dhekelia Sovereign Base Area.'

The Treaty concerning the Establishment of the Republic of Cyprus [with Exchanges of Notes]: Nicosia, August 16, 1960 (Cmnd 1252, Her Majesty's Stationery Office, London, February 1961), as published by the Foreign and Commonwealth Office on the website of the Government of the UK, at <http://treaties.fco.gov.uk/docs/pdf/1961/TS0004.pdf> The Treaty of Establishment of 1960 has also been published by the United Nations at <https://peacemaker.un.org/cyprus-nicosia-treaty60> and at https://peacemaker.un.org/sites/peacemaker.un.org/files/CY_600816_TreatyNicosia.pdf

¹¹³ Under Article IV of the Treaty of Guarantee of 1960:

'In the event of a breach of the provisions of the present Treaty, Greece, Turkey and the United Kingdom undertake to consult together with respect to the representations or measures necessary to ensure observance of those provisions.

'In so far as common or concerted action may not prove possible, each the three guaranteeing Powers reserves the right to take action with the sole aim of re-establishing the state of affairs created by the present Treaty.'

Ibid.

¹¹⁴ See *inter alia* the collection of declassified British documents reproduced in a book edited by two historians attached to the Foreign and Commonwealth Office in the Government of the UK – Keith Hamilton and Patrick Salmon (eds.), *British Documents on British Policy Overseas Series III, Volume V: The Southern Flank in Crisis 1973-1976* (Routledge on behalf of The Stationery Office (reproducing Crown Copyright material), Abingdon, paperback edition, 2014). Also see the collection of declassified American documents published by the US State Department in Laurie Van Hook (ed.), *Foreign Relations of the States, 1969-1976, Volume XXX Greece Cyprus; Turkey, 1973-1976* (US State Department Office of the Historian & US Government Printing Office, Washington DC, 2007), website of the US State Department, at <https://s3.amazonaws.com/static.history.state.gov/frus/frus1969-76v30/pdf/frus1969-76v30.pdf> and <https://history.state.gov/historicaldocuments/frus1969-76v30>

¹¹⁵ *Leaving the EU What will it mean for banking and the financial services industry? Special Feature on the UK referendum to leave the European Union* (Deloitte Limited, Cyprus, 2016), page 5, at www2.deloitte.com/content/dam/Deloitte/cy/Documents/financial-services/CY_FinancialServices_Brexit_Noexp.pdf

¹¹⁶ ‘The potential economic impact of Brexit for London, the UK and Europe’, undated press release issued in 2016 by PWC, website of PWC Cyprus, at www.pwc.com.cy/en/press-releases/2016/potential-economic-impact-Brexit-London-UK-Europe.html

¹¹⁷ ‘Brexit Loan Scheme’, website of the Strategic Banking Corporation of Ireland, at <https://sbci.gov.ie/brexit-loan-scheme>

¹¹⁸ See www.prepareforbrexit.com/

¹¹⁹ Leo Varadkar, the Taoiseach (the Prime Minister) of Ireland, ‘Dáil Éireann debate - Wednesday, 16 Jan 2019’, website of the Houses of the Oireachtas, at www.oireachtas.ie/en/debates/debate/dail/2019-01-16/14/?highlight%5B0%5D=brexit&highlight%5B1%5D=brexit&highlight%5B2%5D=brexit&highlight%5B3%5D=brexit&highlight%5B4%5D=brexit

¹²⁰ Cormac McQuinn, ‘Outrage in UK at Irish plans to ‘demand’ EU aid’, *The Independent* (of Ireland), 14 January 2019, at www.independent.ie/business/brexit/outrage-in-uk-at-irish-plans-to-demand-eu-aid-37679728.html

¹²¹ Padraic Halpin, ‘Ireland readies ‘mega’ no-deal Brexit legislation package’, Thomson Reuters, 15 January 2019, at <https://uk.reuters.com/article/uk-britain-eu-ireland/ireland-readies-mega-no-deal-brexit-legislation-package-idUKKCN1P92Q4>

¹²² ‘Guidance[:] Doing business in Cyprus: Cyprus trade and export guide’, as last updated on 19 January 2018 and published by the Department for International Trade on the website of the Government of the UK, at www.gov.uk/government/publications/exporting-to-cyprus/exporting-to-cyprus

¹²³ Official Twitter feed of the British High Commission in Nicosia at <https://twitter.com/UKinCyprus>

¹²⁴ I carried out this search on the website of the Cyprus Fiscal Council on 20 January 2019. The result may be viewed at:

www.fiscalcouncil.gov.cy/fiscalcouncil/fiscalcouncil.nsf/AdvancedSearch_en/AdvancedSearch_en?OpenForm&q=&p=1&w=&t=&s=brexit&L=E&e=&i=1

¹²⁵ *Spring Report[:]* 2018 Cyprus Fiscal Council (Cyprus Fiscal Council, Nicosia, 2018), website of the Cyprus Fiscal Council, at

[www.fiscalcouncil.gov.cy/fiscalcouncil/fiscalcouncil.nsf/All/85F86DA5C02B288FC22582A3004073F2/\\$file/Spring%20Report%202018%20presentation%20Eng.pdf?OpenElement](http://www.fiscalcouncil.gov.cy/fiscalcouncil/fiscalcouncil.nsf/All/85F86DA5C02B288FC22582A3004073F2/$file/Spring%20Report%202018%20presentation%20Eng.pdf?OpenElement)

¹²⁶ *Autumn Report[:]* October 2018 (Cyprus Fiscal Council, Nicosia, 2018), website of the Cyprus Fiscal Council, at

[www.fiscalcouncil.gov.cy/fiscalcouncil/fiscalcouncil.nsf/All/738DD392D6CA378BC22583530024F3CC/\\$file/Report%20Eng%20Final.pdf?OpenElement](http://www.fiscalcouncil.gov.cy/fiscalcouncil/fiscalcouncil.nsf/All/738DD392D6CA378BC22583530024F3CC/$file/Report%20Eng%20Final.pdf?OpenElement)

¹²⁷ ‘Mission’, website of the Cyprus Fiscal Council, at

www.fiscalcouncil.gov.cy/fiscalcouncil/fiscalcouncil.nsf/page03_en/page03_en?OpenDocument

¹²⁸ ‘SHIPPING: P&O Ferries puts all its English Channel ships under Cyprus flag’, *Financial Mirror* (online), 19 January 2019, www.financialmirror.com/news-details.php?nid=36424

¹²⁹ Written Answer provided to the House of Lords by Lord Ahmad of Wimbledon, Minister of State, Foreign and Commonwealth Office, , dated 22 May 2018, in answer to Question HL8133 by Lord Maginnis of Drumglass, website of the Parliament of the UK, at www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2018-05-22/HL8133/

¹³⁰ On the ‘piecemeal’ Γιώργος Κέντρας, ‘Η νέα πορεία του Brexit και η Κύπρος’, 20 Ιανουαρίου 2019, i.e. Giorgos Kentas, ‘The new course of Brexit and Cyprus’, 20 January 2019, at

www.sigmalive.com/news/international/550684/analysis-kenta-i-nea-poreia-tou-brexit-kai-i-kypros

¹³¹ See the Brexit-focused website of the Department of Foreign Affairs and Trade of the Government of Ireland, at www.dfa.ie/brexit/

¹³² ‘Brexit & You’, website of the Department for Foreign Affairs and Trade of the Government of Ireland, at www.dfa.ie/brexit/getting-ireland-brexit-ready/brexit-and-you/

¹³³ ‘Government Brexit Update’, website of the Department of Foreign Affairs and Trade of the Government of Ireland, at www.dfa.ie/brexit/government-brexit-update/

¹³⁴ See, for instance, *Ireland & the Impacts of Brexit[:]* *Strategic Implications for Ireland arising from Changing EU-UK Trading Relations*, a report prepared for the Department of Business, Enterprise and Innovation, for the Government of Ireland, website of Department of Business, Enterprise and Innovation, at <https://dbei.gov.ie/en/Publications/Publication-files/Ireland-and-the-Impacts-of-Brexit.pdf>

¹³⁵ See, for instance, ‘Statement by An Taoiseach on draft Brexit Withdrawal Agreement, Dáil Éireann, 21 November 2018’, issued by the Government Press Office and published on the website of the Department of the Taoiseach, i.e. the Prime Minister of Ireland, at www.taoiseach.gov.ie/eng/News/Taoiseach's_Speeches/Statement_by_An_Taoiseach_on_draft_Brexit_Withdrawal_Agreement_Dail_Eireann_21_November_2018.html

¹³⁶ ‘Brexit Stakeholder Forum’, website of the Department of Foreign Affairs and Trade, Government of Ireland, at www.dfa.ie/brexit/government-engagement/all-island-dialogue-process/brexit-stakeholder-forum/

- ¹³⁷ 'Brexit seminars', website of the Revenue of Ireland, at www.revenue.ie/en/customs-traders-and-agents/brexit/brexit-seminars/index.aspx
- ¹³⁸ 'Doing business in Cyprus: Cyprus trade and export guide', as published by the Department for International Trade and as last updated on 19 January 2018, website of the Government of the UK, at www.gov.uk/government/publications/exporting-to-cyprus/exporting-to-cyprus
- ¹³⁹ *British Forces Cyprus Pre-Arrivals Guide* (Ministry of Defence, April 2011, Version 2), website of the Ministry of Defence of the UK, as archived by the National Archives of the UK, pages 6 and 9, at <https://webarchive.nationalarchives.gov.uk/20121109055435/http://www.mod.uk/NR/rdonlyres/4EE9C436-9CF5-45AA-9106-FB858B8146D7/0/20101026BFCPREARRIVALSGUIDEV1U.pdf>
- ¹⁴⁰ 'British Forces overseas posting: Troodos, Cyprus', guidance published on 12 December 2012 and last updated on 21 May 2013 by the Ministry of Defence of the UK on the website of the Government of the UK, at www.gov.uk/guidance/british-forces-overseas-posting-troodos-cyprus
- ¹⁴¹ See, for instance, the statistics in the Written Answer by Earl Howe, Minister of State in the Ministry of Defence, on 11 December 2017 in answer to 'Cyprus: Military Bases:Written question - HL3632', website of the Parliament of the UK, at www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2017-11-27/HL3632/
- ¹⁴² *Addressing Climate Change by Promoting Low Carbon Climate Resilient Development in the UK Overseas Territories[:] Needs Assessment: Sovereign Base Areas of Akrotiri and Dhekelia* (Department for International Development, July 2012), page 3, published by the Government of the UK, at <http://jncc.defra.gov.uk/pdf/2012-07-20%20SBAs.pdf>
- ¹⁴³ See, for instance, the page devoted to 'Maternity care in BFC [British Forces Cyprus]' on the website of the registered Scottish charity, SSAFA, which offers support to British military personnel and their families, at www.ssafa-cyprus.org/14-site-articles/213-babyincyprus
- ¹⁴⁴ Ministerial Answer by Kevan Jones MP, Parliamentary Under-Secretary of State for Defence, Hansard, *House of Commons Debates*, 13 November 2008, Column 1295W, website of the Parliament of the UK, at <https://publications.parliament.uk/pa/cm200708/cmhansrd/cm081113/text/81113w0003.htm#081113102000639>
- ¹⁴⁵ Colonel D. J. Vassallo L/RAMC, *A History of The Princess Mary's Hospital Royal Air Force Akrotiri 1963 - 2013* (David Vassallo, 2017).
- ¹⁴⁶ See the sources previously cited in footnote 32 and footnote 32 above.
- ¹⁴⁷ 'Brexit: MoD fears need for new port in Cyprus to serve RAF Akrotiri', *The Times*, 29 August 2018, www.thetimes.co.uk/article/brexit-mod-fears-need-for-new-port-in-cyprus-to-serve-raf-akrotiri-mpbs95jrt
- ¹⁴⁸ See, for instance, Kim Sengupta, 'Post-Brexit, the UK will need Turkey for trade – and Erdogan is using that to his advantage', *The Independent* (online edition), 14 May 2018, at www.independent.co.uk/voices/president-erdogan-theresa-may-post-brexit-trade-turkey-a8351531.html
- ¹⁴⁹ 'PM statement with President Erdogan[:] Prime Minister Theresa May gives a statement with President Erdogan of Turkey', press release published on 15 May 2018 by the Prime Minister's Office, 10 Downing Street, on the website of the Government of the UK, at www.gov.uk/government/news/pm-statement-with-president-erdogan
- ¹⁵⁰ 'What information is there on British migrants living in Europe? Jan 2017', website of the Office of National Statistics, at www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/internationalmigration/articles/whatinformationisthereonbritishmigrantslivingineurope/
- ¹⁵¹ 'High Commissioner to Cyprus Stephen Lillie presents credentials', 'World news story' published on 11 May 2018 by the Foreign and Commonwealth Office on the website of the UK, at www.gov.uk/government/news/high-commissioner-to-cyprus-stephen-lillie-presents-credentials
- ¹⁵² 'Guidance[:] The UK's exit from the EU: Important information for UK nationals[:] European Union (EU) exit information for UK nationals in the absence of a withdrawal agreement', as published on 21 December 2018 and as updated on 3 January 2019 by the Foreign and Commonwealth Office of the UK on the website of the Government of the UK, at www.gov.uk/guidance/the-uks-exit-from-the-eu-important-information-for-uk-nationals
- ¹⁵³ 'Brexit', website of the Civil Registry and Migration Department of the Ministry of Interior of the RoC, at www.moi.gov.cy/moi/crmd/crmd.nsf/All/C482CD407E0903D8C225830E00384072
- ¹⁵⁴ *Implementing the agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community[:] Residence Rights and Residents Documents in the Republic of Cyprus* (Civil Registry and Migration Department, Ministry of Interior, Republic of Cyprus, Version 1, September 2018) published on the website of the Ministry of the Interior of the Republic of Cyprus, at [www.moi.gov.cy/moi/crmd/crmd.nsf/All/C482CD407E0903D8C225830E00384072/\\$file/IMPLEMENTING%20THE%20WA_PUBLISHED%20V.1.pdf](http://www.moi.gov.cy/moi/crmd/crmd.nsf/All/C482CD407E0903D8C225830E00384072/$file/IMPLEMENTING%20THE%20WA_PUBLISHED%20V.1.pdf)

¹⁵⁵ European Commission, 'Communication of 19 December 2018: Preparing for the withdrawal of the United Kingdom from the European Union on 30 March 2019: Implementing the Commission's Contingency Action Plan', 19 December 2018, website of the European Union, at

https://ec.europa.eu/info/publications/communication-19-december-2018-preparing-withdrawal-united-kingdom-european-union-30-march-2019-implementing-commissions-contingency-action-plan_en

¹⁵⁶ 'Announcements' of the Civil Registry and Migration Department, as published on the website of the Ministry of the Interior of the Republic of Cyprus and as it appears on 21 January 2019, at

www.moi.gov.cy/moi/crmd/crmd.nsf/page08_en/page08_en?OpenDocument

¹⁵⁷ 'Latest news' of the Civil Registry and Migration Department, as published on the website of the Ministry of the Interior of the Republic of Cyprus and as it appears on 21 January 2019, at

www.moi.gov.cy/moi/crmd/crmd.nsf/index_en/index_en?OpenDocument

¹⁵⁸ See, for instance, 'Settled and pre-settled status for EU citizens and their families', website of the Government of the UK, at www.gov.uk/settled-status-eu-citizens-families and 'Citizens' Rights - EU citizens in the UK and UK nationals in the EU', Policy Paper published on 6 December 2018 by the Department for Exiting the EU on the website of the Government of the UK, at

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/762222/Policy_paper_on_citizens_rights_in_the_event_of_a_no_deal_Brexit.pdf and at

www.gov.uk/government/publications/policy-paper-on-citizens-rights-in-the-event-of-a-no-deal-brexit

¹⁵⁹ Jeremy Hunt MP, Secretary of State for Foreign and Commonwealth Affairs, Hansard, *House of Commons Debates*, 11 January 2019, Column 774, website of the Parliament of the UK, at

[https://hansard.parliament.uk/Commons/2019-01-11/debates/DBEB14BC-9AE7-4965-9DC9-3C5B273B8CE7/EuropeanUnion\(Withdrawal\)Act?highlight=nothing%20fear%20from%20no-deal#contribution-8F7E9ACA-D63E-4605-97F0-B5739E547C66](https://hansard.parliament.uk/Commons/2019-01-11/debates/DBEB14BC-9AE7-4965-9DC9-3C5B273B8CE7/EuropeanUnion(Withdrawal)Act?highlight=nothing%20fear%20from%20no-deal#contribution-8F7E9ACA-D63E-4605-97F0-B5739E547C66)

¹⁶⁰ HM Government, *EU Exit[:.] Legal position on the Withdrawal Agreement[:.] Presented to Parliament by the Attorney General by Command of Her Majesty[:.] Cm 9747* (Her Majesty's Stationery Office, London, December 2018), pages 27 to 28, website of the Government of the UK, at

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/761153/EU_Exit_-_Legal_position_on_the_Withdrawal_Agreement.pdf

¹⁶¹ 'Explanatory Memorandum', page 5, attached to 'Proposal for a COUNCIL DECISION on the signing, on behalf of the European Union and of the European Atomic Energy Community, of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community', European Commission Document COM(2018) 833 final 2018/0426 (NLE), website of the EU, at

https://ec.europa.eu/commission/sites/beta-political/files/proposal_for_a_council_decision_on_the_signing_of_the_wa.pdf

¹⁶² My CV has been published on the website of the Cyprus Campus of the University of Central Lancashire, otherwise known as UCLan Cyprus, at www.uclancyprus.ac.cy/en/courses/school-law/academics/dr-klarchos-kyriakides

¹⁶³ Under Article 1(2) of the Treaty on European Union: 'This Treaty marks a new stage in the process of creating an ever closer union among the peoples of Europe, in which decisions are taken as openly as possible and as closely as possible to the citizen.' See the Treaty on European Union, as published in the

Official Journal of the European Union on 26 October 2012, at https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/DOC_1&format=PDF

¹⁶⁴ K. A. Kyriakides, 'British Cold War Strategy and the Struggle to Maintain Military Bases in Cyprus, 1951-60' (University of Cambridge, 1996).

¹⁶⁵ See *inter alia*: K. A. Kyriakides, 'RAF Akrotiri and its contribution to British Defence Policy: 1955-1995', *The Hawk Journal: The Independent Journal of the Royal Air Force Staff College*, 1995, pages 59 to 71; Klearchos A. Kyriakides, 'The Sovereign Base Areas and British Defence Policy Since 1960', in H. Faustmann & N. Peristianis (eds.), *Britain in Cyprus: Colonialism and Post-Colonialism 1878-2006* (Bibliopolis, Mannheim, 2006), pages 511 to 534; Klearchos A. Kyriakides, 'The Island of Cyprus and the Projection of Sea Power by the Royal Navy since 1878', in Carmel Vassallo & Michaela D'Angelo, *Anglo-Saxons in the Mediterranean: Commerce, Politics and Ideas (XVII-XX Centuries)*, (Malta University Press, Valetta, 2007), pages 219 to 236; Klearchos A. Kyriakides, 'The 1960 Treaties and the Search for Security in Cyprus', *Journal of Balkan and Near Eastern Studies*, Vol. 11, Issue 4, 2009, 427-439; and Klearchos A. Kyriakides, 'Disraeli, the 'key of Western Asia' and the Echoes of History in the Levant', in Anastasia Yiangou, George Kazamias and Robert Holland (eds.), *The Greeks and the British in the Levant, 1800-1960s Between Empires and Nations* (Routledge, Abingdon, 2016), pages 97 to 110.