

Written evidence submitted by Dr. Klearchos A. Kyriakides (NEG0034)

Introduction

1. I am submitting this Additional Written Evidence in the aftermath of the second 'meaningful vote' held on 12 March 2019. On that date, the House of Commons emphatically rejected the 'deal' which had been re-submitted to it by the Government of the United Kingdom ('the UK').¹ That being said, this Additional Written Evidence supplements three previous Brexit-related texts written by me.
2. The first is my Written Evidence to the House of Lords Constitution Committee, dated 12 October 2017 and published by the Parliament of the UK at the first hyperlink below.² The second is my Open Letter, dated 21 January 2019 ('my Open Letter')³ and published by Agora Dialogue at the second hyperlink below. The third is my Written Evidence to the Exiting the European Union Select Committee of the House of Commons ('the Committee'), dated 22 February 2019 and published by the Parliament of the UK at the third hyperlink below ('my original Written Evidence').⁴

<http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/constitution-committee/european-union-withdrawal-bill/written/71167.html>

<https://agora-dialogue.com/wp-content/uploads/2019/01/KK-Open-Letter-on-a-no-deal-Brexit-as-at-21.01.2019-at-1445-KK-Full-version-2.pdf>

<http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/exiting-the-european-union-committee/the-progress-of-the-uks-negotiations-on-eu-withdrawal/written/97082.html>

3. I composed all of these three texts in my dual capacity as a London-born citizen of the UK and as an academic who, since 2015, has been living and working in the Republic of Cyprus. In the third of the above texts, I embodied a declaration of interests, which remains up to date.
4. In my aforementioned texts, I expressed an array of concerns and I posed several questions, almost all of which remain unanswered. In addition, I advanced a number of propositions. Most recently, in my original Written Evidence, I argued that walls of silence and secrecy appear to have been

constructed around the impact of any no-deal Brexit upon the Republic of Cyprus ('the RoC') and the Sovereign Base Areas of Akrotiri and Dhekelia ('the SBAs'). I also suggested that the RoC – if not the SBAs – appear to be chronically ill-prepared for any form of Brexit, especially any no-deal Brexit.

5. Notwithstanding the passage of so many weeks since I submitted my original Written Evidence on 22 February 2019, I stand by both of the aforementioned propositions. Accordingly, extraordinary Brexit-related risks – if not dangers – continue to confront hundreds of thousands of people in the RoC and the SBAs, all of whom inhabit a dangerous part of the world. This, of course, is to the north of Egypt, to the west of Syria and to the south of Turkey, the latter which continues to occupy 36 per cent of the territory and 57 per cent of the coastline of the RoC.
6. In practice, the people in the RoC and SBAs include British military personnel attached to British Forces Cyprus, civilian personnel attached to the Sovereign Base Areas Administration ('the SBA Administration'), citizens of the UK who (like me) live in the RoC and citizens of the RoC to whom the UK owes a duty of care as a guarantor. In this context, I remind the Committee that under Article II of the Treaty of Guarantee signed in Nicosia on 16 August 1960, the UK has undertaken to 'recognise and guarantee the independence, territorial integrity and security of the Republic of Cyprus ...'.⁵ I stress the word 'security'.

Developments since 22 February 2019

7. So much has happened since I submitted my original Written Evidence on 22 February 2019 that I have felt obliged to update the public record by composing this Additional Written Evidence. I am submitting it in support of the ongoing Inquiry of the Committee into the progress of the UK's negotiations on EU withdrawal. However, it may also be of assistance to the Committee in its other Inquiry into the role of Parliament in these negotiations. This Additional Written Evidence may also help others, such as the Governments of the UK and the RoC, the SBA Administration and the European Commission.
8. Listed in the Appendix of this Written Evidence are some of the key developments which have arisen since I submitted my original Written Evidence on 22 February 2019. The Appendix is entitled 'A non-exhaustive chronological list of salient developments since 22 February 2019 and some questions arising from them'. A few of these developments have thankfully cracked parts of the walls of silence and secrecy which I had complained about in my original

Written Evidence. However, others have exacerbated my concerns as to the lack of transparency and preparedness for Brexit in the RoC and SBAs.

9. Perhaps the most important development since 22 February 2019 occurred three days later. On 25 February 2019, the International Court of Justice in The Hague handed down an Advisory Opinion on the Chagos Archipelago. For the detailed reasons outlined in the Appendix, this Advisory Opinion has had the direct or indirect effect of *inter alia*: (i) approving the doctrine of incomplete decolonisation; (ii) bolstering the proposition that, upon the establishment of the RoC and the detachment of the SBAs from its territory on 16 August 1960, the Crown Colony of Cyprus was subject to an incomplete and, thus, unlawful decolonisation; and (iii) raising the question of whether the SBA Protocol attached to the UK-EU Withdrawal Agreement is unlawful because it seeks to perpetuate an unlawful colonial state of affairs.
10. From the standpoint of the UK, therefore, the Advisory Opinion has opened a new can of worms at the worst possible time. For this and for other reasons, I urge the Committee – and the Parliament of which it forms part – to press the European Commission, the Government of the RoC, the Government of the UK and the SBA Administration to address all of the questions I have posed in my Open Letter, my original Written Evidence and this Additional Written Evidence, including its Appendix.
11. Alas, in so far as I have managed to ascertain from viewing several Brexit-related parliamentary debates, reading Hansard and perusing other parliamentary sources, the issues I previously raised have barely attracted any parliamentary attention in Westminster. For example, when Stephen Barclay MP, the Secretary of State for Exiting the EU, gave oral evidence to the Committee on 12 March 2019, neither he nor any other MP made any mention of the RoC or the SBAs, let alone the questions I had posed in my original Written Evidence on the impact of Brexit on both.⁶ Nor did any MP mention any of these matters during the proceedings on 12 March 2019 on the floor of the House of Commons, which culminated in the second ‘meaningful vote’.⁷
12. All that being said, the biggest walls of silence seem to be located in Brussels and Nicosia.

A sustained wall of silence in Brussels and Nicosia

13. Several weeks have elapsed since 21 January 2019, the date on which I submitted my Open Letter to the President of the European Commission, the President of the RoC, the Prime Minister of the UK and the Administrator of the SBAs plus various other public servants in the European Commission, the Government of the RoC and the Government of the UK. Even so, I have still not received the courtesy of any substantive response from the President of the European Commission, the President of the RoC and the various other public servants in the European Commission and Government of the RoC who received copies together with requests to address my concerns.
14. I am likewise waiting to receive a reply from Mr Prodromos Prodromou, the Spokesman of the Government of the RoC, in response to my two Brexit-related emails to him, dated 22 January 2019 and 30 January 2019, both of which are mentioned in paragraphs 24 to 28 of my original Written Evidence.
15. By contrast, on 1 March 2019, I received a letter of the same date from Stephen Lillie CBE, the High Commissioner of the UK in Nicosia, on behalf of the Prime Minister of the UK, the Commander of British Forces Cyprus and himself. However, the letter barely answered any of the questions I had posed in my Open Letter. Indeed, for the reasons outlined in further detail in the Appendix, the letter posed as many questions as it answered.

‘[T]he SBA-Cyprus border’

16. Most alarmingly of all, in his letter to me, dated 1 March 2019, High Commissioner Lillie accidentally or deliberately referred to ‘the SBA-Cyprus border’.⁸ This has underscored the profound concerns I had previously raised in my Open Letter. I warned that a no-deal Brexit could have the direct or indirect effect of further partitioning the Island of Cyprus by converting the hitherto ‘soft’ boundaries of the SBAs into ‘borders’ which could become ‘hard’. I reiterate that any such outcome would be contrary to another of the undertakings given by the UK under Article II of the Treaty of Guarantee. I refer to the undertaking to ‘prohibit ... any activity aimed at promoting, directly or indirectly, ... partition of the Island.’ I stress the word ‘Island’; the SBAs are situated in that very ‘Island’.
17. For these and for other reasons, a no-deal Brexit threatens to activate one or more breaches of the obligations of the UK under international law. By drawing attention to this risk, I am neither approving nor objecting to the ‘deal’ laid

before Parliament. What I am doing is to highlight a facet of Brexit, which must no longer remain under the carpet, where it has been kept for far too long.

18. All in all, I urge the Committee to join me in calling for much greater Brexit-related transparency in the context of the RoC and the SBAs. To this end, I urge the Committee to press the Government of the UK: (i) to publish a comprehensive Brexit-focused but Cyprus-centred parliamentary command paper; and (ii) to create a designated website which incorporates all of the Brexit-related guidance published by the Government of the UK, the British High Commission in Nicosia, the SBA Administration, the Government of the RoC and the European Commission. At present, these documents are scattered across various websites in an incoherent fashion which is not user friendly.⁹

19. In closing the main body of this Additional Written Evidence, I hereby repeat what I previously wrote on page 7 of my Open Letter:

‘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.’

20. Finally, I emphasise that this Additional Written Evidence embodies my personal views.

22 March 2019

Appendix

A non-exhaustive chronological list of salient developments since 22 February 2019 and some questions arising from them

21. This Appendix embodies a chronological list of developments which have arisen since I submitted my original Written Evidence to the Committee on 22 February 2019. Most of these developments relate to one or both of the propositions which I had advanced in my original Written Evidence: firstly, that

‘a wall of silence and a related wall of secrecy’ appear to have been constructed around the impact of any no-deal Brexit upon the RoC and the SBAs; and, secondly, that the RoC – if not the SBAs – appear to be chronically ill- prepared for any form of Brexit, especially any no-deal Brexit. Some of these developments have given rise to fresh questions. Accordingly, I have set these out these questions in appropriate places in the paragraphs which follow.

22. On **25 February 2019**, the International Court of Justice (‘the ICJ’) in The Hague handed down its Advisory Opinion entitled ‘Legal Consequences of the Separation of the Chagos Archipelago From Mauritius in 1965’. This has had the effect of opening the ‘new can of worms’ mentioned in the main body of this Additional Written Evidence.

23. At paragraph 174 of its Advisory Opinion, the ICJ concluded that: ‘... as a result of the Chagos Archipelago’s unlawful detachment and its incorporation into a new colony, known as the BIOT, the process of decolonization of Mauritius was not lawfully completed when Mauritius acceded to independence in 1968.’ At paragraph 177 of its Advisory Opinion, the ICJ observed that ‘it follows that the United Kingdom’s continued administration of the Chagos Archipelago constitutes a wrongful act entailing the international responsibility of that State’ and, indeed, that it is ‘an unlawful act of a continuing character which arose as a result of the separation of the Chagos Archipelago from Mauritius.’

24. At paragraph 178 of its Advisory Opinion, the ICJ added: ‘Accordingly, the United Kingdom is under an obligation to bring an end to its administration of the Chagos Archipelago as rapidly as possible, thereby enabling Mauritius to complete the decolonization of its territory in a manner consistent with the right of peoples to self-determination.’ Furthermore, at paragraph 183 (5), the ICJ observed ‘that all Member States are under an obligation to co-operate with the United Nations in order to complete the decolonization of Mauritius’.¹⁰

25. Various questions arise, which must be addressed by the European Commission, the Government of the UK and the Government of the RoC. Is the SBA Protocol annexed to the hitherto unratified Withdrawal Agreement, as laid before Parliament on 26 November 2019,¹¹ unlawful from the standpoint of Public International Law? More specifically, by reaffirming ‘the rights and obligations of the parties’ to the Treaty of Establishment signed on 16 August 1960 – i.e. the instrument of international law which procured the arguably unlawful detachment of the SBAs from the RoC – does the SBA Protocol seek to achieve a purpose which is unlawful or improper? By the same token, does the

SBA Protocol implicitly seek to endorse an ongoing state of affairs which perpetuates a wrongful or unlawful act of colonialism while unlawfully precluding the RoC from completing the decolonization of its territory?

26. My aforementioned questions must not only be read in the light of the Advisory Opinion of the ICJ handed down on 25 February 2019. They must also be read in the light of a landmark Interim Judgment of the Supreme Court of the UK, as handed down on 30 July 2018; the Interim Judgment was 'final' as to the status of the SBAs. On this specific issue the Supreme Court of the UK disagreed with the Home Secretary of the UK, the latter of whom had argued that the two SBAs were 'new entities', which had been 'created in 1960'. All seven Justices of the Supreme Court, including Lady Hale, the President, reached the following conclusions:

'The Cyprus Act 1960 [an Act of the Parliament of the UK] did not alter the status of the SBAs, but merely excluded them from the transfer of territory to the new Republic of Cyprus. ... 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.'¹²

27. In other words, the Supreme Court of the UK effectively agreed with the proposition that the SBAs constitute the remnants of the Crown Colony of Cyprus. This conclusion reinforces the importance of my aforementioned questions over this matter.

28. On **26 February 2019**, the Department for Exiting the EU in the Government of the UK published a report entitled 'Implications for Business and Trade of a No Deal Exit on 29 March 2019'.¹³ However, the report made no express mention of the RoC or the SBA. This in spite of the multi-dimensional ties which bind the UK to the RoC and the SBAs. On the other hand, the report did refer to the British Overseas Territories generally, of which the SBAs jointly constitute one. However, all the report provided on this score were two sentences: 'The UK Government continues to work closely with British Overseas Territories, Crown Dependencies, and Gibraltar to prepare for all outcomes, including a no deal scenario. Overseas Territories are likely to experience effects to those parts of their economies with close ties with the EU.'¹⁴ An obvious question arises that is not addressed in the report. Which 'effects' are 'likely' to be experienced in the SBAs?

29. On **27 February 2019**, the British High Commission in Nicosia provided a ‘Live Q & A session on Brexit’. This was attended by High Commissioner Lillie and it was made available online on the Facebook page of the British High Commission.¹⁵ I welcome this initiative which forms one of several commendable outreach activities organised or supported by High Commissioner Lillie and the British High Commission. Another example is provided by the message entitled ‘Frequently Asked Questions in relation to Brexit for Cypriots’, as published by the British High Commission on **6 March 2019**; this focuses on the impact of any no-deal Brexit on citizens of the RoC who live or work in the UK.¹⁶

30. It is proper for me to thank High Commissioner Lillie as well as the staff in the British High Commission in Nicosia. Their Brexit-related efforts in support of British citizens are a source of considerable assistance to me and to other ‘expats’ from the UK who now live in the RoC. With this in mind, I wish to make clear that the criticisms which I have levelled in this Additional Written Evidence – and other texts – are not directed to the staff within the British High Commission, the SBA Administration or British Forces Cyprus. In my experience of dealing with such staff from time to time, they have been courteous, professional and as helpful as they can reasonably be within the constraints within which they find themselves. My complaints are directed elsewhere.

31. On **28 February 2019**, the Government of the UK published new ‘Guidance’ entitled ‘Cyprus: providing services after EU Exit Guidance for UK businesses about Cypriot rules and regulations on service provision if the UK leaves the EU without a deal’. The ‘Guidance’ sheds considerable light on the impact of any no-deal Brexit in the RoC upon ‘UK businesses’.¹⁷ However, a number of the hyperlinks provided by the ‘Guidance’ to websites of the Government of the RoC do not contain any guidance specifically geared towards Brexit.

32. It suffices to mention the first hyperlink embedded in the ‘Guidance’. This directs the reader to the English language website of what the ‘Guidance’ describes as ‘the Cypriot e-Government portal for service providers’. This is an entity administered by the Ministry of Energy, Commerce and Industry of the RoC. However, the contents of that portal do not appear to have been updated to take account of Brexit.¹⁸ Indeed, if one types ‘Brexit’ into the search engine of that portal – as I did on 22 March 2019 – the following search result appears: ‘No results were found, please try again!’¹⁹ This is emblematic of a much bigger picture.

33. For instance, if one checks the list of 'Announcements' in English on the website of the Ministry of Energy, Commerce and Industry of the RoC – the 'parent' of the aforementioned portal – one cannot find a single announcement specifically dedicated to Brexit. Indeed, the list of 'Announcements' is so threadbare that it fails to include any announcements dating back to the year 2018!²⁰ The list of 'Announcements' in Greek is a little less threadbare but, yet again, this includes no 'Announcements' specifically devoted to Brexit.²¹

34. By contrast, if one inspects the messages posted on the Twitter account of, say, the Department of Finance of Ireland, one finds many focusing on Brexit. These include retweets of guidance given by the Government of Ireland on its Getting Ireland Brexit Ready Twitter account at <https://twitter.com/BrexitReadyIRL>. Unless I am mistaken, the Government of the RoC has not created any website or Twitter account entitled 'Getting Cyprus Brexit Ready' or words to that effect.

35. On **1 March 2019**, the Law Society of England and Wales published a press release entitled 'No deal a good deal for criminals Law Society warns'. The press release embodied the following warning by Christina Blacklaws, the President of the Law Society:

'When it comes to criminal justice and terrorism we currently operate in a climate of co-operation with the 27 other countries that make up the EU with a clear set of rules which covers everything from data about criminals and terrorists through to shared investigations ... But if on 29 March we crash out of the EU without a deal among the only people cheering will be criminals and those who wish us harm. It will be harder to investigate cross-border crime, harder to arrest suspects and remove them to face justice, harder to get compensation for victims.'²²

36. The warning issued by the President of the Law Society serves to underline one of the questions I posed on page 7 of my Open Letter, which the recipients of my Open Letter have not addressed in any reply to me personally: '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?' On page 7 of my Open Letter, I added the following comment: '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.' This comment

has taken on added significance in view of the warning issued by the President of the Law Society on 1 March 2019.

37. On **1 March 2019**, on the date of the Law Society's press release quoted above, the official Twitter account of British Forces Cyprus published a short 'Statement on BREXIT' by Major General James Illingworth. I reproduce the statement in full below:

'Statement on BREXIT by Major General James Illingworth, SBA Administrator and CBF [Commander British Forces] Cyprus

'As you are probably aware, there has been, and remains, much uncertainty over BREXIT, and this hasn't helped my plans to communicate to you the implications for all of us in the BFC [British Forces Cyprus] and SBAA [Sovereign Base Areas Administration] communities. I know that you and your families will be concerned about certain aspects relating to BREXIT and the potential impacts.

'But, I want to reassure everybody that my team are working hard to address known concerns on issues such as driving licences, pets, post, health care and passports.

'There are others, I know; and in the very near future we expect to be in a position to publish a comprehensive guide on these and other issues.'²³

38. The statement of Major General Illingworth indirectly corroborates one of the concerns I expressed in my Open Letter, dated 21 January 2019 and in my original Written Evidence, dated 22 February 2019, i.e. the SBAs have been subject to a protracted lack of Brexit-related transparency. His carefully worded statement also implies that steps had belatedly been taken to promote transparency and preparedness.

39. On **1 March 2019**, i.e. on the same date as the other developments highlighted above, I received a letter of the same date spread over one page from Stephen Lillie CMG, the High Commissioner of the UK in Nicosia. I hereby thank High Commissioner Lillie for his letter and for being the first recipient of my Open Letter, dated 21 January 2019, to give me the courtesy of any substantive response.

40. As the letter to me from High Commissioner Lillie was not marked 'Confidential', I have quoted from it in this Additional Written Evidence.
41. Firstly, in his letter, High Commissioner Lillie failed to address almost all of the concerns I expressed in my Open Letter, dated 21 January 2019. This failure has heightened my various concerns, as expressed therein and in my original Written Evidence.
42. Secondly, I welcome the commitment made by High Commissioner Lillie in the final sentence of the second paragraph of his letter: 'Whether there is a deal or not, the [UK's] Government has been clear that we stand ready to work with the Republic of Cyprus to minimise any disruption to people and businesses in the SBAs.' Welcome though it is, this commitment is self-evidently limited to 'people and businesses in the SBAs'.²⁴ Thus, it poses a key question, which the Government of the UK must address.
43. What sort of 'disruption' will Brexit, especially a no-deal Brexit, cause to people and businesses (i) within the SBAs and (ii) within the RoC? More specifically, to draw upon points I previously made on various pages of my Open Letter, what sort of 'disruption' would Brexit cause to the following: (i) the farms and farmers situated within the boundaries of the SBAs; (ii) the stretch of the A6 motorway (which links Paphos to Limassol) within the Akrotiri SBA; and (iii) the stretch of the A3 motorway (which links Larnaca to Paralimni) within the Dhekelia SBA? In the event of a no-deal Brexit, will the SBAs come out of the customs territory of the EU? Will the euro remain legal tender within the SBAs? The questions are endless.
44. Thirdly, I am puzzled by the first sentence of the third paragraph of High Commissioner Lillie's letter: 'We deeply value the distinct and long-standing arrangements on the SBA-Cyprus border, and the daily benefit they bring to citizens.' The reference to 'the SBA-Cyprus border' tallies with one of my main concerns, as expressed in my Open Letter. On page 3, I wrote: '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.' Far from allaying my concern, High Commission Lillie has intensified it.
45. Accordingly, an additional set of questions arise, which the Government of the UK must likewise address. In his letter to me, why did High Commissioner Lillie

refer to 'the SBA-Cyprus border'? Was his use of this phrase a mistake or was it deliberate? If the latter, what is (i) the legal basis, if any, of the demise of the boundaries established on 16 August 1960 by the Cyprus Act 1960 and the Treaty of Establishment of 1960 and (ii) the legal basis of 'the SBA-Cyprus border'?

46. Fourthly, I am somewhat alarmed by the second sentence of the third paragraph of High Commissioner Lillie's letter: 'We are clear that any agreement must respect our longstanding commitments relating to the SBAs, protect the interests of Cypriots living or working in the SBAs, and ensure the continued smooth functioning of the UK's military bases.'
47. Evidently enough, High Commissioner Lillie has given priority to 'the interests of Cypriots living or working the SBAs'. A key question therefore arises, which the Government of the UK must likewise answer. Would Brexit result in the imposition in the SBAs of new forms of direct or indirect discrimination to the detriment of (i) citizens of the RoC who do not live or work in the SBAs; (ii) non-Cypriot citizens of the EU, including those who live in the RoC or the SBAs; and (iii) any other lawful residents of the RoC or the SBAs, including citizens of the UK in the post-Brexit epoch. I should add that non-Cypriot citizens of the EU and non-Cypriot corporations are already subject to legalised discrimination in the SBAs e.g. in the context of property transactions.²⁵
48. On **3 March 2019**, President Nicos Anastasiades of the RoC arrived in the UK to begin an official visit lasting until 6 March 2019. He arrived at the invitation of the Government of the UK. On the evening of 3 March 2019, President Anastasiades delivered a lengthy speech at the Greek Cypriot Brotherhood in London. However, according to the official transcript published by the Press and Information Office of the RoC ('the PIO'), he made no mention of Brexit.²⁶ This omission buttresses my concern that walls of silence and secrecy have been built around the impact of any no-deal Brexit upon the RoC and the SBAs.
49. On **4 March 2019**, the website of Clarence House published the transcript of 'A speech delivered by HRH The Prince of Wales at a reception at Buckingham Palace to celebrate the Cypriot diaspora in the UK'.²⁷ This likewise contained no mention of Brexit.
50. On **5 March 2019**, the PIO of the RoC published a statement revealing that Brexit was among the topics to be discussed in the meeting between President Anastasiades and Theresa May MP, the Prime Minister of the UK.²⁸ However,

the statement offered no extra details. After the meeting, 10 Downing Street published a statement. This failed to mention Brexit, except in one short passage which did little to add the sum of information in the public domain.²⁹

51. Likewise, on **5 March 2019**, the PIO of the RoC published a wafer-thin statement following the meeting held between the Foreign Minister of the RoC and the Foreign and Commonwealth Secretary of the UK. Even though the statement revealed that the two ministers had met and discussed Brexit, among other subjects, it offered no other details.³⁰
52. The Foreign and Commonwealth Office of the UK did not appear to publish any statement after the aforementioned bilateral ministerial meeting. Nonetheless, on **5 March 2019**, Jeremy Hunt MP, the Foreign and Commonwealth Secretary, published a message via Twitter which touched on only one aspect of Brexit: 'Thank you to Cypriot FM @Christodulides for announcing that UK Nationals in Cyprus will be protected in any #Brexit scenario. A reflection of the importance we both place on our citizens as we look to the future of our great relationship.'³¹
53. To sum up, even though President Anastasiades was in the UK from 3 until 6 March 2019, his visit does not appear to have been accompanied by any comprehensive statement offering any details as to how any form of Brexit would affect the RoC and SBAs. Nor was the visit exploited to issue any guidance which setting out the steps already taken and to be taken in the RoC and the SBAs in readiness for Brexit. In other words, the UK and the RoC squandered a priceless opportunity to enhance public awareness of Brexit and public preparedness for it in the RoC and SBAs.
54. On **6 March 2019**, the Attorney General of the RoC published, via the PIO of the RoC, the Report of a Commission of Inquiry into the collapse of the Co-operative banking system in the RoC. The Commission was chaired by Judge George Arestis (Retired), formerly of the Supreme Court of the RoC and the Court of Justice of the European Union. (He is also, I should declare, an Honorary Fellow at my University.)–
55. The Report made clear that in the face of palpable dangers regarding the Co-operative banking system in the RoC, the European Central Bank and various organs of governance in the RoC failed to respond in either a timely or an effective manner. Worse still, amid a lack of transparency, mistakes were covered up or hushed up.³²

56. A similar pattern appears to have emerged in the context of Brexit. To begin with, the organs of governance in the RoC and the EU appear to have been slow to react to the mounting possibility of a no-deal Brexit – just as they were slow to react to the mounting problems in the Co-operative banking system. Worse still, instead of being transparent, these organs have evidently sheltered behind the walls of silence and secrecy mentioned in my original Written Evidence.

57. On **7 March 2019**, i.e. one day after the end of the visit of President Anastasiades to the UK, the ‘Official Twitter channel for General Sir Chris Deverell, Commander, Joint Forces Command UK’ published a short statement. This announced that General Deverell had had a ‘great visit’ to British Forces Cyprus. The statement added that the ‘Community’ in the SBAs is ‘very upbeat and prudent contingency plans [are] in place for Brexit’.³³ Nevertheless, the statement was not accompanied by any details as to what these ‘plans’ entail.

58. On **7 March 2019**, the Civil Registry and Migration Department of the Ministry of the Interior of the RoC belatedly updated its web page devoted to Brexit. It did so by uploading an ‘Important announcement concerning residence rights and residence documents in the Republic of Cyprus in a ‘NO-DEAL’ scenario’. This ‘announcement’ was supplemented by a one-page note in English. By these means, the Department clarified that in anticipation of a possible no-deal Brexit:

‘The Government will put forward a legislative proposal to protect, even in a case of a ‘no deal’ scenario, the residence rights of United Kingdom nationals and their family members, including family members who are third country nationals, by unilaterally implementing, as far as possible, the provisions of this Withdrawal Agreement. The envisaged law is intended to apply to UK national[s] and their family members, who are residing in Cyprus on 29 March 2019 in accordance with EU rules on free movement. This will protect UK citizens and their family members who have already established their life in Cyprus at the time of UK’s withdrawal.’³⁴

59. Welcome though this assurance has no doubt been to citizens of the UK who live in the RoC (of which I am one), the fact that it was published on 7 March 2019 without embodying any mention of any consultation exercise provides further evidence of at least two matters.

60. The first is that the Government and House of Representatives of the RoC have unreasonably delayed taking the necessary steps to prepare for any no-deal Brexit; thus, the fate of UK citizens in the RoC hinges upon the belated and hasty enactment of relevant legislation.

61. The second is that the Government of the RoC does not appear to have launched any consultation exercise to ascertain the views of the persons immediately affected by the proposed legislation – i.e. citizens of the UK who live in the RoC; indeed, with Brexit looming, the Government of the RoC does not have enough time to launch any meaningful consultation exercise even if it wanted to.

62. It follows that citizens of the UK are at the mercy of whatever legislation is cooked up and, if enacted, served on them.

63. On **8 March 2019**, the Forces Network website posted a video and an accompanying report. In the video, General Deverell said:

‘The main message I bring is a very reassuring one. All the indications are that everything will continue pretty much as usual the day after Brexit whether there is a deal or in a no deal scenario. ... I think the impact will be really minimal. ... There will not be a requirement for people to get hold of Cypriot or international driving licences to be able to continue to drive in Cyprus. ... On the post, if there is a no-deal situation then there will be some processes that need to be put in place to ensure that the mail is appropriately dealt with. ... We’re publishing some guidance next week, early next week, which will hopefully answer a lot of the questions people may have and it will also provide a platform for people to communicate with us if they have specific questions that are not answered by that guidance.’³⁵

64. On **14 March 2019**, the SBA Administration belatedly published the ‘guidance’ cited by General Deverell on 8 March 2019. Spread over eight pages, the ‘guidance’ focuses on a handful of topics: ‘Customs and indirect taxation’, ‘Travelling outside the SBAs’, ‘Transport and insurance’, ‘Healthcare’ and ‘Pets’.³⁶ The ‘guidance’ does not offer any insights into the impact of Brexit on other areas. Nor does it offer any information to citizens of the RoC who live in the RoC or SBAs. This is unsurprising as the function of the ‘guidance’ is limited. As admitted on page 1, the ‘guidance’ is ‘directed at both military and civilian personnel based here in Cyprus and their dependants.’³⁷

65. On or shortly after **14 March 2019**, the SBA Administration belatedly created a page on its website entitled 'EU Brexit' and described as an 'online BREXIT information hub'. Welcome though the creation of this page is, it is currently of limited scope and of limited assistance. Indeed, by its own admission, this page is 'predominantly aimed at both military and civilian personnel and their families based here in Cyprus.'³⁸ It follows that it is not aimed at residents of the RoC or the SBAs who are not attached to British Forces Cyprus.
66. On **15 March 2019**, the official Twitter account of the British High Commission in Nicosia announced: 'In response to lots of enquiries, we are pleased to confirm that, even in a no deal #Brexit, the tariff on imported #halloumi from #Cyprus will be zero. We know this will be warmly welcomed by Cypriot exporters and British consumers alike.'³⁹ This allays one of the concerns which I had expressed on page 21 of my Open Letter. However, the announcement was not accompanied by any explanation as to the legal basis upon which this assurance rested.
67. On **17 March 2019**, the official Twitter account of the British High Commission in Nicosia announced: The UK is the world's largest importer of halloumi, taking 43% of all shipments from #Cyprus (representing 6% of Cyprus' total trade) ...'.⁴⁰
68. Likewise, on **18 March 2019**, the official Twitter account of the British High Commission in Nicosia announced: 'British tourists love #Cyprus! Great to see the UK topping the list for tourist arrivals again last month [i.e. February 2019] with 35% of all arrivals to the island - up 3.9% on the same month last year.'⁴¹ In common with the previous disclosure, this underlines the scale of the exposure of the RoC to any adverse effects of Brexit; I had previously drawn attention to this risk on pages 20 to 22 of my Open Letter.
69. On **21 March 2019**, Nikos Christodoulides, the Foreign Minister of the RoC briefed the Foreign Affairs Committee of the House of Representatives in Nicosia on Brexit. However, as the Foreign Ministry of the RoC admitted, he spoke at a meeting 'behind closed doors'.⁴² On the same day, the *Cyprus Mail* carried an article entitled 'Every ministry in Cyprus preparing for messy Brexit, Christodoulides says'.⁴³ This implies that no ministry has actually completed its preparations for a no-deal Brexit.
70. All of which reinforces my concerns as to the lack of Brexit-related transparency and preparedness in the RoC, with all that would entail for everybody concerned, including the armed forces and citizens of the UK.

71. On **21 March 2019**, the European Council reached a number of critical decisions,⁴⁴ the ramifications of which are not yet known. Time will tell.

22 March 2019

¹ Hansard, *House of Commons Debates*, 12 March 2019, Column 290, website of the Parliament of the UK, at <https://hansard.parliament.uk/commons/2019-03-12>

² 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/constitutioncommittee/european-union-withdrawal-bill/written/71167.html> and at <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/constitutioncommittee/european-union-withdrawal-bill/written/71167.pdf> and at *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), 'Appendix 2: List of Witnesses', page 84, website of the Parliament of the UK, at <https://publications.parliament.uk/pa/ld201719/ldselect/ldconst/69/69.pdf>

³ Klearchos A. Kyriakides, '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', website of Agora Dialogue, 21 January 2019, at <https://agora-dialogue.com/wp-content/uploads/2019/01/KK-Open-Letter-on-a-no-deal-Brexit-as-at-21.01.2019-at-1445-KK-Full-version-2.pdf>

⁴ Klearchos A. Kyriakides, 'Written evidence submitted by Dr. Klearchos A. Kyriakides (NEG0033)', 22 February 2019, website of the Parliament of the UK, at <data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/exiting-the-european-union-committee/the-progress-of-the-uks-negotiations-on-eu-withdrawal/written/97082.html> and the website of the Exiting the European Union Committee, at www.parliament.uk/business/committees/committees-a-z/commons-select/exiting-the-european-union-committee/inquiries/parliament-2017/progress-uk-negotiations-eu-withdrawal-17-19/publications/

⁵ *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

⁶ The transcript of the oral evidence given on 12 March 2019 by the Secretary of State for Exiting the EU to the Committee has been published at *Exiting the European Union Committee Oral evidence: The progress of the UK's negotiations on EU withdrawal: role of Parliament, HC 1962 Tuesday 12 March 2019 Ordered by the House of Commons to be published on 12 March 2019*, website of the Parliament of the UK, at <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/exiting-the-european-union-committee/the-progress-of-the-uks-negotiations-on-eu-withdrawal-role-of-parliament/oral/97986.pdf>

⁷ See Hansard, *House of Commons Debates*, Volume 656, No. 267, 12 March 2019, website of the Parliament of the UK, at <https://hansard.parliament.uk/commons/2019-03-12>

⁸ Letter of Stephen Lillie CBE, High Commissioner of the UK to the RoC, to Dr. Klearchos A. Kyriakides, dated 1 March 2019 and submitted by email to Dr. Kyriakides by the British High Commission in Nicosia.

⁹ Some of these texts have been concentrated on the page dedicated to Cyprus on the website of the Government of the UK at www.gov.uk/world/cyprus However, the contents of this page are limited.

¹⁰ Legal Consequences of the Separation of the Chagos Archipelago From Mauritius in 1965, dated 25 March 2019, as amended on 4 March 2019, website of the International Court of Justice, at www.icj-cij.org/files/case-related/169/169-20190225-01-00-EN.pdf

¹¹ The SBA Protocol appears at pages 475 to 494 of the Withdrawal Agreement, as laid before Parliament on 26 November 2018 and as published by 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](#) and at www.gov.uk/government/publications/withdrawal-agreement-and-political-declaration-laid-before-parliament-following-political-agreement

¹² *R (Tag Eldin Ramadan Bashir & Ors) v Home Secretary* [2018] UKSC 45, paragraphs 62 and 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

¹³ *Implications for Business and Trade of a No Deal Exit on 29 March 2019* (HM Government. 26 February 2019), website of the Government of the UK, at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/781768/Implications_for_Business_and_Trade_of_a_No_Deal_Exit_on_29_March_2019.pdf and at www.gov.uk/government/publications/implications-for-business-and-trade-of-a-no-deal-exit-on-29-march-2019

¹⁴ *Ibid*, paragraph 50.

¹⁵ 'Live Q & A session on Brexit', 27 February 2019, Facebook page of the British High Commission in Nicosia, at www.facebook.com/events/627442831044684/

¹⁶ 'Frequently Asked Questions in relation to Brexit for Cypriots', 6 March 2019, Facebook page of the British High Commission in Nicosia, at www.facebook.com/notes/uk-in-cyprus-british-high-commission-nicosia/frequently-asked-questions-in-relation-to-brex-it-for-cypriots/2542310959175235/

¹⁷ 'Guidance: Cyprus: providing services after EU Exit Guidance for UK businesses about Cypriot rules and regulations on service provision if the UK leaves the EU without a deal', published on 28 February 2019 by the Department for International Trade, Department for Business, Energy & Industrial Strategy, and Foreign & Commonwealth Office, website of the Government of the UK, at www.gov.uk/guidance/cyprus-providing-services-after-eu-exit

¹⁸ See the website of PSC [i.e. Point of Single Contact] Cyprus, at www.businessincyprus.gov.cy/mcit/psc/psc.nsf/index_en/index_en?opendocument

¹⁹ See www.businessincyprus.gov.cy/mcit/psc/psc.nsf/AdvancedSearch_en/AdvancedSearch_en?OpenForm&q=&p=1&w=&t=&s=brexit&L=E&e=&i=1

²⁰ 'Announcements', website of the Ministry of Energy, Commerce and Industry, at www.mcit.gov.cy/mcit/mcit.nsf/mecit21_en/mecit21_en?OpenForm&Section=0

²¹ 'Ανακοινώσεις', website of the Ministry of Energy, Commerce and Industry, at www.mcit.gov.cy/mcit/mcit.nsf/mecit21_el/mecit21_el?OpenForm&Section=0

²² 'No deal a good deal for criminals Law Society warns', 1 March 2019, website of the Law Society of England and Wales, at www.lawsociety.org.uk/news/press-releases/no-deal-a-good-deal-for-criminals/

²³ 'Statement on BREXIT' by Major General James Illingworth attached a message posted on 1 March 2019 on the official Twitter account of British Forces Cyprus, at <https://twitter.com/bfcyprus/status/1101472429770199040> and <https://twitter.com/bfcyprus>

²⁴ Letter of Stephen Lillie CBE, High Commissioner of the UK to the RoC, to Dr. Klearchos A. Kyriakides, dated 1 March 2019 and submitted by email to Dr. Kyriakides by the British High Commission in Nicosia.

²⁵ For example, to quote from an 'Announcement' on the website of the SBA Administration: 'Persons considering the purchase of immovable property (such as land) in the Sovereign Base Areas need to be aware that the consent of the Administrator of the Sovereign Base Areas is required under section 3 of the Immovable Property Acquisition (Control) Ordinance 1972 for a non-Cypriot or for a non-Cypriot corporation (as defined in the Ordinance) to purchase immovable property in the SBAs. The requirement for consent exists whether or not property is currently owned by a Cypriot or a Cypriot corporation or by a non-Cypriot who has previously obtained consent. Failure to obtain the consent of the Administrator means that the acquisition and registration of the immovable property in question is null and void. The Administrator will give consent only in the most exceptional circumstances. ...'. 'Buying property or land in the Sovereign Base Areas (SBAs)', Announcement posted on the website of the SBA Administration, at https://sbaadministration.org/docs/admin/announcements/Buying_property_or_land_in_SBA.pdf

²⁶ 'Ο Πρόεδρος της Δημοκρατίας συναντήθηκε με μέλη της κυπριακής παροικίας στο Λονδίνο - Αναφορά στο Κυπριακό', statement published by the Press and Information Office of the Republic of Cyprus, dated 4 March 2019 at 08:30, website of the Government of the Republic of Cyprus, at www.pio.gov.cy/avakoivwθέντα-άρθρο.html?id=6354#flat

²⁷ 'A speech delivered by HRH The Prince of Wales at a reception at Buckingham Palace to celebrate the Cypriot diaspora in the UK, Buckingham Palace', transcript published on 4 March 2019 on the website of Clarence House, at www.princeofwales.gov.uk/speech/speech-delivered-hrh-prince-wales-reception-buckingham-palace-celebrate-cypriot-diaspora-uk

²⁸ 'Κυπριακό, διμερείς σχέσεις και Brexit στις σημερινές επαφές του Προέδρου της Δημοκρατίας στο Λονδίνο',

statement published on 5 March 2019 at 09:49 by the Press and Information Office of the RoC, website of the Government of the RoC, at www.pio.gov.cy/ανακοινωθέντα-άρθρο.html?id=6378#flat

²⁹ All the statement said on Brexit was the following: 'The Prime Minister updated President Anastasiades on the UK's exit from the European Union and the three strands of work that she had agreed to take forward with President Juncker: alternative arrangements, changes to the Political Declaration and legally binding changes to the backstop. She welcomed the pledge Cyprus has made to protect the rights of UK nationals in a no deal scenario and reiterated the Government's commitment to protecting the rights of EU citizens.' See 'PM meeting with President Anastasiades of Cyprus: 5 March 2019', press release published on 5 March 2019 by 10 Downing Street, website of the Government of the UK, at www.gov.uk/government/news/pm-meeting-with-president-anastasiades-of-cyprus-5-march-2019

³⁰ 'Ο Υπουργός Εξωτερικών συναντήθηκε με τον Βρετανό ομόλογό του στο Λονδίνο', statement published on 5 March 2019 at 13:37 by the Press and Information Office of the RoC, website of the Government of the RoC, at www.pio.gov.cy/ανακοινωθέντα-άρθρο.html?id=6386#flat

³¹ Message posted on 5 March 2019 on the official Twitter account of Jeremy Hunt MP, Foreign and Commonwealth Secretary, at https://twitter.com/Jeremy_Hunt/status/1102914532983406592

³² See Γεώργιος Αρέστης, Πρόεδρος, Γεώργιος Χαραλάμπους, Μέλος, & Γεώργιος Γεωργίου, Μέλος, *Έκθεση της Ερευνητικής Επιτροπής για την κατάρρευση του Συνεργατικού Πιστωτικού Συστήματος* (Λευκωσία, 1η Μαρτίου 2019), paragraph 6.6.2 on page 123, paragraph 94 on page 169, Chapter 27 at pages 741 to 764 and numerous other passages, website of the Press and Information Office of the Republic of Cyprus, at www.pio.gov.cy/assets/pdf/newsroom/2019/03/EKTHESI%20EREYNITIKIS%20EPITROPIS%20GIA%20SYNERGATISMO.pdf and 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=6409#flat

³³ Message posted on 7 March 2019 on the official Twitter account of General Sir Chris Deverell, Commander, Joint Forces Command, UK, at https://twitter.com/ComdJFC_UK/status/1103713764942245889 and at https://twitter.com/comdjfc_uk

³⁴ 'Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community: RESIDENCE RIGHTS AND RESIDENCE DOCUMENTS IN THE REPUBLIC OF CYPRUS IN A 'NO-DEAL' SCENARIO', message ostensibly updated on 7 March 2019, website of the Civil Registry and Migration Department of the Ministry of the Interior of the Government of the UK, at

[www.moi.gov.cy/moi/crmd/crmd.nsf/All/C482CD407E0903D8C225830E00384072/\\$file/BREXIT%20NO%20DEAL%20SCENARIO%20ANNOUNCEMENT.pdf](http://www.moi.gov.cy/moi/crmd/crmd.nsf/All/C482CD407E0903D8C225830E00384072/$file/BREXIT%20NO%20DEAL%20SCENARIO%20ANNOUNCEMENT.pdf) and at

www.moi.gov.cy/moi/crmd/crmd.nsf/All/C482CD407E0903D8C225830E00384072

³⁵ Simon Newton, 'Brexit Briefing For Cyprus Troops: 'Everything To Continue As Usual'', 8 March 2019, website of the Forces Network, at www.forces.net/news/brexit-briefing-for-cyprus-troops

³⁶ 'Brexit for BFC [British Forces Cyprus] and SBAA [Sovereign Base Areas Administration]', March 2019, published on 14 March 2019 on the website of the SBA Administration, at

https://sbaadministration.org/images/brexit/20190314_Brexit_BFC_final.pdf Also see the message posted on 14 March 2019 on the official Twitter account of British Forces Cyprus at

<https://twitter.com/bfcyprus/status/1106115829949743104> and at <https://twitter.com/bfcyprus>

³⁷ *Ibid*, page 1.

³⁸ 'EU Brexit', website of the SBA Administration at <https://sbaadministration.org/index.php/eu-brexit>

³⁹ Message posted on 15 March 2019 on the official Twitter account of the British High Commission in Nicosia, at <https://twitter.com/UKinCyprus/status/1106528195329904642> and at

<https://twitter.com/UKinCyprus>

⁴⁰ Message posted on 17 March 2019 on the official Twitter account of the British High Commission in Nicosia, at <https://twitter.com/UKinCyprus/status/1107189907540316161> and at

<https://twitter.com/UKinCyprus>

⁴¹ Message posted on 18 March 2019 on the official Twitter account of the British High Commission in Nicosia, at <https://twitter.com/UKinCyprus/status/1107635401798414336> and at

<https://twitter.com/UKinCyprus>

⁴² Message posted on 21 March 2019 on the official Twitter account of the Ministry of Foreign Affairs of the RoC, at <https://twitter.com/CyprusMFA/status/1108683520657014784> and at

<https://twitter.com/cyprusmfa?lang=en>

⁴³ Evie Andreou, 'Every ministry in Cyprus preparing for messy Brexit, Christodoulides says', *Cyprus Mail*, 21 March 2019, at <https://cyprus-mail.com/2019/03/21/every-ministry-in-cyprus-preparing-for-messy-brexit-christodoulides-says/>

⁴⁴ 'European Council (Art. 50) conclusions, 21 March 2019', website of the European Council, at

www.consilium.europa.eu/en/press/press-releases/2019/03/21/european-council-art-50-conclusions-21-march-2019/

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