

Syria, Sarin and Cyprus:

An Open Letter to the Right Honourable Theresa May MP, the Prime Minister of the United Kingdom

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Image 1: An unclassified map of the Eastern Mediterranean, dated 1 May 2005, produced by the Defence Geospatial Intelligence unit of the Ministry of Defence of the United Kingdom. Acknowledgment: Crown Copyright, website of the Ministry of Defence, as archived by the website of the National Archives of the United Kingdom, Kew Gardens, Surrey, at <http://webarchive.nationalarchives.gov.uk/+http://www.operations.mod.uk/special/EasternMediterranean.jpg>

¹ For details as to the biographical background, current affiliations, past affiliations and declarations of interest of the author of this open letter, please refer to his curriculum vitae, including the details under the headings entitled 'Employment Track', 'Memberships (Academic/Professional)' and 'Other Scholarly and Outreach Activities,' as published by his employer at www.uclancyprus.ac.cy/en/courses/school-law/academics/dr-klearchos-kyriakides. That said, all views expressed by the author in this open letter are personal and not those of any organisation with which he has or has had any affiliation.

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OPEN LETTER²

Date: 9 May 2018

Dear Prime Minister

Re: Syria, Sarin and Cyprus

Introduction

I refer to your first statement on Syria of 14 April 2018,³ your second statement on Syria of the same date⁴ and your subsequent statement on Syria of 16 April 2018.⁵

On each of these occasions, you referred to the alleged use of chemical weapons in Syria. For instance, on 16 April 2018, you pointed to the 'sarin attack in eastern Damascus back in August 2013', to an incident 'at Khan Shaykhun on 4 April last year where the Syrian regime used sarin against its people, killing around 100, with a further 500 casualties',⁶ and to the 'horrific attack in Douma' on 7 April 2018. In your assessment, 'indications' suggested that the latter 'was a chemical weapons attack' resulting in 'the victims' being 'exposed to a toxic chemical.'⁷

In your statements of 14 April and of 16 April 2018, you also disclosed certain details concerning the joint operation conducted in response to the alleged use of chemical weapons in Syria. That joint operation was concluded on 14 April 2018 by the armed forces of the United Kingdom in tandem with those of the United States and France.

From the information published by the Ministry of Defence of the United Kingdom ('the MoD'), it would appear as if the British element of this joint operation involved aircraft of the Royal Air Force ('RAF') operating in and out of RAF Akrotiri.⁸

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³ 'PM statement on Syria: 14 April 2018', published by the Prime Minister's Office, 10 Downing Street, on the website of the Government of the United Kingdom on 14 April 2018 at www.gov.uk/government/news/pm-statement-on-syria-14-april-2018

⁴ 'PM's press conference statement on Syria: 14 April 2018', published by the Prime Minister's Office, 10 Downing Street, on the website of the Government of the United Kingdom on 14 April 2018 at www.gov.uk/government/speeches/pms-press-conference-statement-on-syria-14-april-2018

⁵ Theresa May MP, Prime Minister of the United Kingdom, Hansard, *House of Commons Debates*, 16 April 2018, Columns 39 to 44. Published online by the Parliament of the United Kingdom at <https://hansard.parliament.uk/Commons/2018-04-16/debates/92610F86-2B91-4105-AE8B-78D018453D1B/Syria>

⁶ *Ibid*, Column 40

⁷ *Ibid*, Column 39.

⁸ See the sources cited elsewhere in this open letter including the 'News Package' of photographs and supporting details, dated 14 April 2018, entitled 'RAF jets strike chemical weapon facility in Syria' and posted on the website of the Ministry of Defence of the United Kingdom on 16 April 2018, Package ID: 14042018S, at www.defenceimagery.mod.uk/fotoweb/NewsPackages.fwx?position=6&archiveid=5020&columns=5&rows=1&sorting=ModifiedTimeAsc&search= and at [www.defenceimagery.mod.uk/fotoweb/Grid.fwx?folderid=5000&columns=4&rows=5&search=\(\(14042018S\)\)](http://www.defenceimagery.mod.uk/fotoweb/Grid.fwx?folderid=5000&columns=4&rows=5&search=((14042018S)))



Image 2: A map of the divided Island of Cyprus. Acknowledgment: Crown Copyright map published on the website of the Sovereign Base Areas Administration at www.sbaadministration.org/index.php/maps

As you are no doubt aware having visited RAF Akrotiri in your capacity as Prime Minister on 22 December 2017,⁹ this British base is situated in the Akrotiri Sovereign Base Area (otherwise known as the 'Akrotiri SBA' and as the 'Western Sovereign Base Area'). This is one of two Sovereign Base Areas ('SBAs') over which the United Kingdom asserts sovereignty. Both SBAs are adjacent to the Republic of Cyprus, the latter of which was established in the Island of Cyprus ('the Island') when the British colonial administration in Nicosia ceased to exist at midnight on 16 August 1960.

The Island has been *de jure* partitioned as a result of the establishment of the Republic of Cyprus subject to the retention of the two SBAs in 1960. In turn, the Republic of Cyprus has been *de facto* partitioned since 1974, the year in which Turkey invaded, occupied and ethno-religiously cleansed 36 per cent of the territory and 57 per cent of the coastline of the Republic.¹⁰ Today, in common with the United Kingdom, the Republic of Cyprus is an independent sovereign state belonging to *inter alia* the United Nations, the Commonwealth, the Council of Europe and the European Union ('the EU'), although the United Kingdom is scheduled to exit the latter on 29 March 2019.

⁹ 'PM address to troops at RAF Akrotiri', statement published by the Prime Minister's Office, 10 Downing Street, on the website of the Government of the United Kingdom on 22 December 2017 at www.gov.uk/government/speeches/pm-address-to-troops-at-raf-akrotiri-22-december-2017

¹⁰ The author of this open letter hereby declares an interest in addition to the interests mentioned via footnote 1. His late paternal grandfather was born in Petra and his late maternal grandfather was born in Lysi. Both villages were ethno-religiously cleansed after the second Turkish invasion of the Republic of Cyprus mounted on 14 August 1974. Consequently, the author has relatives who were forcibly evicted and transferred away from their homes; they thereby became internally displaced persons contrary to international humanitarian law and international human rights law.

The main objectives and background of the author

With the above in mind, I have composed this open letter with three inter-linked objectives primarily in mind.

One objective is to draw your attention to certain matters of concern to the rule of law, as well as to the health, safety and security of all British and other people who live or work in the Island in either the *de jure* territory of the Republic of Cyprus or in the SBAs.

A second objective is to ask a number of pressing questions, particularly those set out in the latter part of this open letter under the heading 'Ten Questions including a call for an independent inquiry' ('Ten Questions'). These questions include a number focusing on any risks that may have arisen from any uses of chemical weapons in Syria, from any attacks against chemical weapons, from any conflict-related dust, from any conflict-related air pollution or from any other related consequence of the conflict in Syria.

A third objective is to call upon you, as Prime Minister, to commission an independent inquiry: (i) to investigate how, why and with what consequences the atmosphere of the SBAs (and of the Republic of Cyprus) has been adversely affected by toxic dust clouds and by other sources of air pollution in the years since the US-led invasion of Afghanistan in October 2001; and (ii) to assess what can be done to address any other natural or man-made environmental threats to the SBAs (and to the Republic of Cyprus)? This call is built into Question 10 under the heading 'Ten Questions'.

With these aims in mind, I have composed this open letter in my capacity as a legal academic whose doctoral research examined the pre-1960 history of the British military presence on the Island¹¹ and whose publications include a number devoted to the pre-1960 as well as post-1960 history of that presence.¹² That said, I should add that I am a London-born British citizen who, since 1 September 2015, has been living and working in the Republic of Cyprus. For these and for other reasons set out in the declarations of

¹¹ K. A. Kyriakides, 'British Cold War Strategy and the Struggle to Maintain Military Bases in Cyprus, 1951-60' (University of Cambridge PhD Dissertation, 1996).

¹² See *inter alia* the following works by the author of this open letter: 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, pages 427-439; 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; and 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, submitted to the House of Lords Constitution Committee in response to its Call for Evidence issued on 14 September 2017 and published by the Parliament of the United Kingdom 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>

interest and other entries in my published curriculum vitae,¹³ I have had and retain close ties to both the United Kingdom and the Republic of Cyprus.

Furthermore, notwithstanding my sustained evidence-based criticism of the policies of the United Kingdom towards the Republic of Cyprus (as well as towards the British Crown Colony of Cyprus which preceded the Republic),¹⁴ I have a sincere personal interest in the well-being of both sovereign states. In addition, I have an interest in the maintenance of cordial bilateral relations and in the metamorphosis of the Republic of Cyprus into a viable post-Brexit bridge, which helps to connect the United Kingdom with the Commonwealth and the European Union ('the EU'). In this context, I remind you that, upon Brexit, the Republic of Cyprus and Malta will remain as the only member states of the Commonwealth within the EU.

The situation in Syria and its implications for the Island of Cyprus

Syria is the deeply troubled sovereign state to the immediate east of the Republic of Cyprus. Since March 2011, Syria has been hammered by an ongoing conflict which, in 2017, was described by Zeid Ra'ad, the United Nations High Commissioner for Human Rights, as '[the] worst man-made disaster the world has seen since World War II'.¹⁵

Needless to say, the conflict in Syria has triggered a number of reactions. These include a multiplicity of strikes conducted in Syria by an array of outside powers. Among these is the United Kingdom. In addition to those executed by the RAF on 14 April 2018, these have included other RAF strikes launched since 30 September 2014¹⁶ in support of Operation Shader and, thus, against the so-called 'Islamic State of Iraq and the Levant' ('ISIL') otherwise known as 'Islamic State', 'ISIS' or 'Daesh'.

¹³ As previously noted in footnote 1, the curriculum vitae of the author has been published by his current employer at www.uclancyprus.ac.cy/en/courses/school-law/academics/dr-klearchos-kyriakides

¹⁴ See, for instance, Klearchos A. Kyriakides, 'The Lennox-Boyd statement of 19 December 1956 and the origins of the proposed 'bi-communal, bi-zonal federation' in Cyprus', *Agora Dialogue*, 27 December 2016, at <http://agora-dialogue.com/2016/12/27/the-lennox-boyd-statement-of-19-december-1956-and-the-origins-of-the-proposed-bi-communal-bi-zonal-federation-in-cyprus/>, Klearchos A. Kyriakides, 'The 'Intellectual Partition' of Cyprus, the 'Macmillan Doctrine' and the talks held in Geneva in August 1974 and January 2017', *Agora Dialogue*, 9 January 2017, at <http://agora-dialogue.com/2017/01/09/the-intellectual-partition-of-cyprus-the-macmillan-doctrine-and-the-talks-held-in-geneva-in-august-1974-and-january-2017/>, Klearchos A. Kyriakides, "Democracies Die Behind Closed Doors": The chilling parallels between the 'Munich Conference' and the 'Conference on Cyprus', *Agora Dialogue*, 26 June 2017, at <http://agora-dialogue.com/2017/06/26/democracies-die-behind-closed-doors/> and Klearchos A. Kyriakides, 'What does 'the last chance' really mean? The imperial origins and neo-imperial purposes of a misleading mantra', *Agora Dialogue*, 4 July 2017, at <http://agora-dialogue.com/2017/07/04/what-does-the-last-chance-really-mean/>

¹⁵ At the same time, the High Commissioner for Human Rights added that 'in a sense the entire country [i.e. Syria] has become a torture-chamber: a place of savage horror and absolute injustice.' The High Commissioner further noted that the conflict in Syria has led to the formation of 'rebel movements, fuelling violent extremists and setting the stage for a regional and proxy war.' In consequence, the UN estimates that almost 6.3 million people have been displaced [within Syria] and a further 4.9 million people have sought refuge [outside Syria]. See the statement of the United Nations High Commissioner for Human Rights, as quoted in 'Syria 'worst man-made disaster since World War II' – UN rights chief', UN News report, 14 March 2017, 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>

¹⁶ Claire Mills, *ISIS/Daesh: the military response in Iraq and Syria: Number 06995* (House of Commons Library, Westminster, 8 March 2017), page 8. Published online by the Parliament of the United Kingdom at <http://researchbriefings.files.parliament.uk/documents/SN06995/SN06995.pdf>

Not surprisingly, in view of its location, size and infrastructure, RAF Akrotiri has been described as ‘the RAF’s main operating base for Operation Shader’.¹⁷ Indeed, it would appear as if RAF Akrotiri has played a key role in connection with Operation Shader.¹⁸

In consequence, my fellow British citizens in the Republic of Cyprus and I are uncomfortably close to the places in Syria where chemical weapons have allegedly been used, to the various places in Syria which have been targeted by the RAF and to the British base used in support of the joint operation concluded on 14 April 2018. More to the point – and this is what has primarily motivated me to compose this open letter – my fellow British citizens and I are uncomfortably close to any toxic smoke, toxic dust clouds, toxic gas emissions or any other toxic emissions generated by the post-2011 conflict in Syria.

It follows that my fellow British citizens and I are uncomfortably close to all other dangers presented by the conflict in Syria. In this context, I note that in the aftermath of the strikes launched on 14 April 2018, Mr António Guterres, the Secretary-General of the United Nations, reiterated the scale of the ‘threat’ posed by the grave situation in Syria. To quote from his statement, as delivered on this date:

‘Syria today represents the most serious threat to international peace and security.

‘In Syria, we see confrontations and proxy wars involving several national armies, a number of armed opposition groups, many national and international militia, foreign fighters from everywhere in the world and various terrorist organizations.

‘From the beginning, we have witnessed systematic violations of international humanitarian law, international human rights law and international law tout court — in utter disregard of the letter and spirit of the United Nations Charter.’¹⁹

The proximity of the Island of Cyprus to Syria

As a means of highlighting the unsettling geographical context against which I have composed this open letter, please consider Image 1 (on page 1 above) in the light of the distances pinpointed below.

¹⁷ *Ibid*, page 49.

¹⁸ On 9 November 2017, months before the strikes launched on 14 April 2018, the MoD shed light on how many strikes had been directed at ‘Daesh’ (otherwise known as the so-called ‘Islamic State of Iraq and the Levant’ or ‘ISIS’) in Iraq and Syria. Within the body of a statement, which embodied a photograph of an RAF Typhoon FGR4 preparing ‘for take off ... from RAF Akrotiri in Cyprus’, the MoD disclosed the following:

‘British aircraft have struck Daesh 1348 times in Iraq and 262 times in Syria. In that time the group has lost territory, finances, leaders and fighters as the 73-member coalition liberate its last remaining strongholds in both countries.’

‘RAF continue to strike a retreating Daesh Daesh terrorists are in rapid retreat as the RAF continues to strike them in both Iraq and Syria.’

Statement of the MoD, dated 9 November 2017 and published by the Government of the United Kingdom at www.gov.uk/government/news/raf-continue-to-strike-a-retreating-daesh

¹⁹ ‘Addressing Security Council on Air Strikes against Syria, Secretary-General Reminds Members of Responsibility for Maintaining Peace’, Press Release of the Secretary-General of the United Nations, SG/SM/18990-SC/13297, 14 April 2018, website of the United Nations at www.un.org/press/en/2018/sgsm18990.doc.htm

On the one hand: the distance in a straight line ('the distance') from Paralimni, the town in the south-east of the Republic of Cyprus, to Latakia on the west coast of Syria is a mere 172 kilometres; the distance from Nicosia, the capital of the Republic of Cyprus, to Latakia is 222 kilometres; the distance from RAF Akrotiri to Latakia is 274 kilometres; and the distance from Dhekelia in the Eastern Sovereign Base Area to Latakia is 191 kilometres. All of these distances are considerably less than the 360 kilometres which separate Dublin from Plymouth, the 305 kilometres which separate Plymouth from London and the 344 kilometres which separate London from Paris.²⁰

On the other hand: the distance from Paralimni to Homs, the Syrian city to the east of the 'military facility' targeted by the RAF on 14 April 2018, is 252 kilometres; the distance from Nicosia to Homs is 309 kilometres; the distance from RAF Akrotiri to Homs is 341 kilometres; and the distance from Dhekelia to Homs is 270 kilometres. All of these distances are less than the 350 kilometres, which separate Dublin from Edinburgh, the 533 kilometres which separate Edinburgh from London and the 357 kilometres which separate London from Amsterdam.²¹

To repeat: the proximity of Syria to the Republic of Cyprus and to the SBAs is too close for comfort. With this proximity in mind, I hope you will understand my profound concern as to what has been happening in Syria – particularly with regard to the alleged use of chemical weapons there, but also with regard to other factors, including any dangers arising from the joint military operation undertaken on 14 April 2018.

The inconsistent messages relating to the RAF strikes launched on 14 April 2018

On 14 April 2018, the Ministry of Defence ('the MoD') of the United Kingdom issued a statement which shed some light on what it described as '[t]he UK element' of the joint operation which had been concluded earlier on that date. According to the MoD:

'At 0200 UK time on 14 April [2018], British forces joined close Allies [i.e. France and the United States] in a precision strike on Syrian installations involved in the regime's use of chemical weapons against its own people. ...

'The UK element of the carefully coordinated joint action was contributed by four Royal Air Force Tornado GR4s and four RAF Typhoon FG4s in support. The Tornados launched eight Storm Shadow missiles at the Him Sinshar chemical weapons storage site. The military facility was a former missile base, located some fifteen miles west of Homs, where the [Assad] regime is assessed to keep chemical weapon precursors stockpiled in breach of Syria's obligations under the Chemical Weapons Convention. ...'.²²

Other official British statements largely mirrored the above wording, except for the conspicuous omission of the word 'precursors' in the specific form of words used to

²⁰ These direct distances have been made with the assistance of the OpenStreetMap distance calculator provided by the European Commission at https://ec.europa.eu/programmes/erasmus-plus/resources/distance-calculator_en

²¹ *Ibid.*

²² 'RAF jets strike chemical weapon facility in Syria: British forces joined close Allies in a precision strike on Syrian installations', statement of the MoD, dated 14 April 2018 and published on the website of the Government of the United Kingdom at www.gov.uk/government/news/raf-jets-strike-chemical-weapon-facility-in-syria

describe the alleged contents of the ‘military facility’ targeted by the RAF on 14 April 2018. For instance, in your second prime ministerial statement of 14 April 2018, you referred to ‘four Tornado GR 4’s’ as having ‘launched storm shadow missiles at a military facility ... where the regime is assessed to keep chemical weapons in breach of Syria’s obligations under the Chemical Weapons Convention.’²³ For one reason or another – and in contrast to the statement of the MoD – you omitted the word ‘precursors’ after the words ‘chemical weapons’.

In your Prime Ministerial letter to MPs and Peers, dated 14 April 2018, you likewise referred to the alleged presence in the ‘military facility’ of ‘chemical weapons’,²⁴ as distinct from the ‘chemical weapons precursors’ referred to in the statement of the MoD.

In her own separate statement issued to the United Nations Security Council on 14 April 2018, Ambassador Karen Pierce, the Permanent Representative of the United Kingdom to the United Nations, similarly referred to the alleged presence of ‘chemical weapons’ in the ‘military facility’.²⁵ In her statement, Ambassador Pierce made no express mention whatsoever of ‘precursors’. Nor was there any express mention of ‘precursors’ in the ‘policy paper’ published on 14 April 2018 to clarify the ‘legal position’ of the Government of the United Kingdom. Instead, this ‘policy paper’ referred to ‘UK military action’ as seeking ‘to alleviate the extreme humanitarian suffering of the Syrian people by degrading the Syrian regime’s chemical weapons capability and deterring their further use, following the chemical weapons attack in Douma on 7 April 2018.’²⁶

As for your statement delivered in the House of Commons on 16 April 2018, this adopted yet another form of words to describe the alleged contents of the ‘military facility’ targeted by RAF two days earlier. On this occasion, you alleged that the ‘military facility’ was ‘assessed to be a location of Syrian sarin and precursor production equipment’.²⁷ During the subsequent debate over Syria a little later on 16 April 2018, you adopted a similar form of words.²⁸ The mixed signals are self-evident.

²³ ‘PM’s press conference statement on Syria: 14 April 2018’, published by the Prime Minister’s Office, 10 Downing Street, on the website of the Government of the United Kingdom at www.gov.uk/government/speeches/pms-press-conference-statement-on-syria-14-april-2013

²⁴ ‘Prime Minister’s Letter on Syria Action’, dated 14 April 2018, published by the Prime Minister’s Office, 10 Downing Street, on the website of the Government of the United Kingdom at www.gov.uk/government/publications/pms-letter-to-mps-and-peers-on-syria-action-14-april-2018/prime-ministers-letter-on-syria-action

²⁵ According to Ambassador Pierce: ‘The British Royal Air Force launched Storm Shadow missiles at a military facility some 15 miles west of Homs where the regime is assessed to keep chemical weapons in breach of Syria’s obligations under the Chemical Weapons Convention. Full assessment has not yet been completed but we believe the strikes to be successful.’ See the statement of 14 April 2018 by Ambassador Karen Pierce, the Permanent Representative of the United Kingdom to the United Nation, published by the Government of the United Kingdom at www.gov.uk/government/speeches/our-action-will-degrade-the-syrian-regimes-chemical-weapons-use

²⁶ ‘Policy paper[.] Syria action – UK government legal position’, published on 14 April 2018 by the Prime Minister’s Office, 10 Downing Street, on the website of the Government of the United Kingdom at www.gov.uk/government/publications/syria-action-uk-government-legal-position/syria-action-uk-government-legal-position

²⁷ Theresa May MP, Prime Minister, Hansard, *House of Commons Debates*, 16 April 2018, Column 41. Published online by the Parliament of the United Kingdom at <https://hansard.parliament.uk/commons/2018-04-16/debates/92610F86-2B91-4105-AE8B-78D018453D1B/Syria>

²⁸ On this occasion, you made the following claims:

‘Together with our allies, we have hit a centre for the research and development of Syria’s chemical and biological programme, we have hit a chemical weapons bunker, which contained both a chemical weapons equipment storage facility and an important command post, and [presumably in relation to the ‘military facility’ to the west of Homs] we have hit a location of Syrian sarin and precursor production equipment whose destruction would degrade Syria’s ability to deliver sarin in the future.’

In this context, it would be remiss of me not to quote from the details disclosed by the United States Department of Defense ('the Pentagon') at a press briefing held on 14 April 2018. With regard to the 'facility' at Him Sinshar, which had just been attacked by the RAF, as well as by American and French armed forces, this is what was said by Lieutenant General Kenneth F. McKenzie Jr., Joint Staff Director in the Joint Chiefs:

'Against the second target, the Him Shinshar [i.e. the place spelt Him Sinshar by the Government of the United Kingdom] chemical weapons storage facility, which is located in Syria, just west of Homs, 22 weapons were employed, nine U.S. TLAMs, eight Storm Shadow missiles, three naval cruise missiles, and two SCALP land attack cruise missiles.'²⁹

During the press briefing held in the Pentagon on 14 April 2018, neither Lieutenant General McKenzie nor the official spokesperson who was with him made any express mention of 'precursors'. By contrast, in answer to a question put to him as to whether 'the three targets ... were ... manufacturing or researching chlorine or sarin', Lieutenant General McKenzie delivered the following reply, which was open to interpretation: 'A little of both. And particularly in the Barzeh target, but there's a little of both.'³⁰

The reference by Lieutenant General McKenzie to 'sarin' and your own reference to the alleged existence of 'Syrian sarin' in the 'military facility' targeted by the RAF are unsettling, especially if one takes into account the origins, nature and effect of sarin. According to the *Oxford Dictionary*, sarin is '[a]n organophosphorus nerve gas, developed in Germany during the Second World War.'³¹ The *Cambridge Dictionary* offers additional details by explaining that sarin is 'a poisonous gas that attacks the nervous system and can kill'; indeed, sarin is 'sometimes used as a chemical weapon'.³²

Meanwhile, according to the National Center for Emerging and Zoonotic Infectious Diseases in the United States, the origins of sarin can be traced back to Nazi Germany in 1938, on the eve of the Second World War. The same source reveals the following:

'Sarin is a clear, colorless, and tasteless liquid that has no odor in its pure form. However, sarin can evaporate into a vapor (gas) and spread into the environment.

...

'Following release of sarin into the air, people can be exposed through skin contact or eye contact. They also can be exposed by breathing air that contains sarin.

'Sarin mixes easily with water. Following release of sarin into water, people can be exposed by touching or drinking water that contains sarin.

Theresa May MP, Prime Minister, Hansard, *House of Commons Debates*, 16 April 2018, Column 149. Published online by the Parliament of the United Kingdom at <https://hansard.parliament.uk/Commons/2018-04-16/debates/F60340EF-63CD-44DB-BE7B-CFE2D125BB9D/Syria>

²⁹ 'News transcript[:] Department of Defense Press Briefing by Pentagon Chief Spokesperson Dana W. White and Joint Staff Director Lt. Gen. Kenneth F. McKenzie Jr. in the Pentagon Briefing Room', 14 April 2018, website of the United States Department of Defense at www.defense.gov/News/Transcripts/Transcript-View/Article/1493749/department-of-defense-press-briefing-by-pentagon-chief-spokesperson-dana-w-whit/

³⁰ *Ibid.*

³¹ See <https://en.oxforddictionaries.com/definition/sarin> published by Oxford University Press.

³² See <https://dictionary.cambridge.org/dictionary/english/sarin> published by Cambridge University Press.

‘Following contamination of food with sarin, people can be exposed by eating the contaminated food.

‘A person’s clothing can release sarin after it has come in contact with sarin vapor, which can lead to exposure of other people.

‘Because sarin vapor is heavier than air, it will sink to low-lying areas and create a greater exposure hazard there. ...’³³

In view of the toxicity of sarin, coupled with your claim that on 14 April 2018 the RAF targeted a ‘military facility’ containing ‘Syrian sarin’, a key question arises. Has any part of the Republic of Cyprus, or the SBAs, been exposed to any risks arising from the alleged use or targeting of sarin or any other chemicals or chemical weapons in Syria?

In the previous sentence, I have deliberately used the words ‘risks’ and ‘chemicals’. This is because in your first prime ministerial appearance in the House of Commons on 16 April 2018, two days after the conclusion of the joint operation, you referred to ‘[v]ery careful scientific analysis ... to determine where best to target these missiles to maximise the destruction of stockpiled chemicals and to minimise any risks to the surrounding area’.³⁴ This amounted to an admission by you that the joint operation was fraught with ‘risks’ which could be minimised but could not be eliminated. In turn, this admission raises a number of questions, some of which I have posed towards the end of this open letter under the heading ‘Ten Questions’; an example is Question 1.

The role of RAF Akrotiri in support of the RAF strikes launched on 14 April 2018

There is no express mention of RAF Akrotiri in any of the pronouncements mentioned above, including your two statements of 14 April 2018 and your statement in the House of Commons on 16 April 2018. Even so, one may reasonably infer that RAF Akrotiri was used in support of one or more of the RAF aircraft involved in the strikes on Syria on 14 April 2018. This inference may be drawn from several sources.

These sources include the photograph taken at RAF Akrotiri, as attached to the aforementioned statement issued by the MoD on 14 April 2018.³⁵ These sources also include the photographs taken at RAF Akrotiri on 14 April 2018, as built into the ‘package’ of photographs and texts published on the website of the MoD on 16 April 2018.³⁶ This ‘package’ includes at least one photograph, which is accompanied by the

³³ National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), ‘Sarin (GB)’, website of the Center for Diseases Control and Prevention, Atlanta, Georgia, at <https://emergency.cdc.gov/agent/sarin/basics/facts.asp>

³⁴ Theresa May MP, Prime Minister of the United Kingdom, Hansard, *House of Commons Debates*, 16 April 2018, Column 41. Published online by the Parliament of the United Kingdom at <https://hansard.parliament.uk/commons/2018-04-16/debates/92610F86-2B91-4105-AE8B-78D018453D1B/Syria>

³⁵ ‘RAF jets strike chemical weapon facility in Syria: British forces joined close Allies in a precision strike on Syrian installations’, statement of the MoD, dated 14 April 2018 and published on the website of the Government of the United Kingdom at www.gov.uk/government/news/raf-jets-strike-chemical-weapon-facility-in-syria

³⁶ See the multiple references to RAF Akrotiri in the ‘News Package’ of photographs and supporting details dated 14 April 2018, entitled ‘RAF jets strike chemical weapon facility in Syria’ and posted on the website of the Ministry of Defence on 16 April 2018 by the Ministry of Defence of the United Kingdom, Package ID: 14042018S, at www.defenceimagery.mod.uk/fotoweb/NewsPackages.fwx?position=6&archiveid=5020&columns=5&rows=1&sorting=ModifiedTimeAsc&search= and at

following sentence which expressly refers to RAF Akrotiri: 'Four Royal Air Force Tornados took off this morning [i.e. on the morning of 14 April 2018] from RAF Akrotiri to conduct strikes in support of Operations over the Middle East.'³⁷ Other media sources,³⁸ including a report filed by the BBC Defence Correspondent from RAF Akrotiri,³⁹ shed additional light on the role of this base on 14 April 2018.

Events in Syria in the context of dust clouds and other forms of air pollution

Time will tell whether the strikes concluded on 14 April 2018 have the effect of underpinning or undermining the security of the Republic of Cyprus or of the SBAs. In the meantime, what is not in any reasonable doubt is that the post-2011 conflict in Syria has coincided with or exacerbated an acute problem in the Republic of Cyprus and the SBAs – the apparent frequency with which the Republic and the SBAs have become afflicted by toxic dust clouds,⁴⁰ other dust events⁴¹ or different forms of polluted air.⁴² Hence Question 10 (below) which calls for an inquiry into this and related matters.

I hereby declare an interest as somebody who has already experienced the hideously unpleasant impact of a number of toxic dust clouds upon the Republic of Cyprus and the SBAs. These include the toxic dust cloud illustrated by the NASA satellite photographs reproduced in Images 3 and 4 (below). This cloud reached the Republic of Cyprus – and the SBAs – from Syria on 7 September 2015,⁴³ exactly one week after I started working in the Republic of Cyprus.⁴⁴ Coincidentally, or otherwise, this dust

[www.defenceimagery.mod.uk/fotoweb/Grid.fwx?folderid=5000&columns=4&rows=5&search=\(\(14042018S\)\)](http://www.defenceimagery.mod.uk/fotoweb/Grid.fwx?folderid=5000&columns=4&rows=5&search=((14042018S)))

³⁷ See the caption accompanying the photograph, which forms part of a filename dated 14 April 2018. The photograph depicts an RAF Tornado '[taxing] into its hangar after landing in Akrotiri after completing its mission', Unique Document ID: 5D47941EAF784A1A 99F3EBF9E5D1CDF5, website of the MoD at [www.defenceimagery.mod.uk/fotoweb/archives/5000-Current%20News/Archive%20\(Raf\)/RAF/2018/April/83EAG_20180414_OFFICIAL_296_956.jpg](http://www.defenceimagery.mod.uk/fotoweb/archives/5000-Current%20News/Archive%20(Raf)/RAF/2018/April/83EAG_20180414_OFFICIAL_296_956.jpg)

³⁸ See, for example, Tariq Tahir, 'How British Tornados and Typhoons scrambled from Cyprus played crucial role as jets, bombers and destroyers unleashed a barrage of more than 100 missiles in revenge for Assad's chemical attack', *Daily Mail* (online edition), 14 April 2018, at www.dailymail.co.uk/news/article-5615945/How-British-Tornados-Typhoons-scrambled-Cyprus-played-crucial-role-air-strikes-Syria.html and Press Association, 'Akrotiri again the Launchpad for Britain's military involvement in Syria', *Daily Mail* (online edition), 14 May 2018, at www.dailymail.co.uk/wires/pa/article-5615609/Akrotiri-launchpad-Britain-s-military-involvement-Syria.html

³⁹ Jonathan Beale, 'Syria air strikes: RAF used 'fire and forget' missiles to minimise risk', BBC News Online, 14 April 2018, at www.bbc.com/news/uk-43769322

⁴⁰ See *inter alia* Annette Chyrostomou, 'The story of dust: fact and fiction', *Cyprus Mail* (online edition), 1 April 2018, at <http://cyprus-mail.com/2018/04/01/story-dust-fact-fiction/>

⁴¹ For an authoritative and detailed insight by a meteorologist who has explored a 'notable' dust event which affected the Island between 23 until 26 January 2009, see J.F.P. Galvin (of the Met Office, Exeter), 'Dust Events in Cyprus', *Weather* (published by the Royal Meteorological Society), Volume 67, Number 11, November 2012 pages 283 to 290, at <https://rmets.onlinelibrary.wiley.com/toc/14778696/67/11> and at <https://rmets.onlinelibrary.wiley.com/doi/epdf/10.1002/wea.1935> and at <https://rmets.onlinelibrary.wiley.com/doi/full/10.1002/wea.1935>

⁴² See the numerous news items relating to 'dust episodes' in the Air Quality section of the website of the Ministry of Labour, Welfare and Social Insurance at www.airquality.dli.mlsi.gov.cy/site/news These reveal that between 1 January 2018 and 8 May 2018, 28 such news items were published, including on 19 April 2018, five days after the joint operation was concluded in Syria.

⁴³ Details relating to this dust cloud appear in the statements issued during the first few days of September 2015 by the Air Quality website operated by the Ministry of Labour, Welfare and Social Insurance of the Republic of Cyprus. These are listed in the 'Archive' at www.airquality.dli.mlsi.gov.cy/site/news and they include the statement issued on 8 September 2015 at www.airquality.dli.mlsi.gov.cy/site/news/34 Also see Rachael Gillett, 'Syrian dust cloud spreads across island', *Cyprus Mail*, 7 September 2015, published online at <http://cyprus-mail.com/2015/09/07/syrian-dust-cloud/>

⁴⁴ To gain a sense of as to what it was like to be in the Republic of Cyprus, in the SBAs or in the wider region on or about 8 September 2015, see the graphic photographs and film footage in Simon Carr, 'Killer sandstorm in Middle East and Cyprus is so big it can be seen from space British experts say the "horrific" thick cloud has swallowed the mountains and the sea, and made it difficult to see any distance ahead', *Daily Mirror* (online edition), 9 September 2015, at www.mirror.co.uk/news/world-news/killer-sandstorm-middle-east-cyprus-6412161

cloud emerged fifteen months or so after the conflict in Syria had entered a disturbing new phase with the purported declaration of a 'Caliphate' by 'ISIL' on 30 June 2014.⁴⁵

I do not have any background in chemistry, meteorology or any other cognate academic disciplines. Even so, I understand that differences exist among relevant experts as to the exact causes of the dust cloud mentioned above and the degree to which the conflict in Syria was responsible for its creation or toxic content.⁴⁶ For example, according to one study, as summarised by NASA, 'the war [in Syria] was not an important cause.'⁴⁷ That said, at least five realities are not in any reasonable doubt.

Five realities and four NASA images

Firstly, after the conflict in Syria began in March 2011, the United Kingdom effectively fuelled it by backing the strategy of Mr Recep Tayyip Erdogan, the then Prime Minister of Turkey, in favour of 'regime change' in Damascus.⁴⁸ Evidence of such backing may be found in the following exchange in the House of Commons on 29 November 2011:

Chris Evans [the Labour MP for Islwyn]: This week, we have heard Turkey call for President Assad to step down. Will the Foreign Secretary give us an update on how secure President Assad's position is in Syria?

Mr [William] Hague [the British Foreign and Commonwealth Secretary]: It is not very secure. We absolutely agree with the Turkish Government. Indeed, my right hon. Friend the Prime Minister called in August for President Assad to step aside. We believe that the regime has lost all legitimacy, certainly in the eyes of the world, but clearly in the eyes of millions of its own people as well. So the regime should now understand that it has no future, that democracy should be introduced in Syria, and the regime should leave office.⁴⁹

⁴⁵ 'Syria fighters hail declaration of Islamic 'caliphate'', Reuters, 30 June 2014, at www.reuters.com/article/us-syria-crisis-iraq/syria-fighters-hail-declaration-of-islamic-caliphate-idUSKBN0F50L820140630?feedType=RSS

⁴⁶ In the aftermath of the dust cloud, which emerged in early September 2015, academic researchers at Ben Gurion University reportedly assessed that the primary causes of that dust cloud included conflict-related reductions in the use of farmland in Syria, as well as Iraq, plus the adverse consequences of conflict upon the crust of the soil in Syria. Other academic researchers pinned the primary blame onto factors to do with the climate and weather. With regard to the former, see Zafir Rinat, 'Syrian Civil War Contributed to Unusual Dust Storm, Say Israeli Scientists[:] Analysis of dust particles confirms military activity caused harm to soil crust in Syria, Ben-Gurion University researchers say', *Haaretz* (online edition), 7 October 2015, at www.haaretz.com/.premium-scientists-syrian-war-was-one-of-causes-for-dust-storm-1.5406082. With regard to the latter, see Matt Soniak (for the Office of Engineering Communications, Princeton University), 'Giant Middle East dust storm caused by a changing climate, not human conflict', website of Princeton University, at www.princeton.edu/news/2017/01/13/giant-middle-east-dust-storm-caused-changing-climate-not-human-conflict and the open access publication upon which the said article was based namely Anthony J Parolari, Dan Li, Elie Bou-Zeid, Gabriel G Katul and Shmuel Assouline, 'Climate, not conflict, explains extreme Middle East dust storm', 2016 *Environ. Res. Lett.* 11 114013, website of IOP Publishing at <http://iopscience.iop.org/article/10.1088/1748-9326/11/11/114013> and <http://iopscience.iop.org/article/10.1088/1748-9326/11/11/114013/pdf>. Also see Leenes Uzan, Smadar Egert and Pinhas Alpert, 'New insights into the vertical structure of the September 2015 dust storm employing eight ceilometers and auxiliary measurements over Israel', *Atmospheric Chemistry and Physics*, 18, 6 March 2018, pages 3203-3221 at www.atmos-chem-phys.net/18/3203/2018/ and at www.atmos-chem-phys.net/18/3203/2018/acp-18-3203-2018.pdf

⁴⁷ Adam Voiland, 'Study: Major Middle East Dust Storm in 2015 Was Due to the Weather, Not Human Conflict', 25 January 2017, summarising the academic study by Anthony J Parolari and others mentioned in the previous footnote, website of the Earth Observatory of NASA at <https://earthobservatory.nasa.gov/blogs/earthmatters/2017/01/25/study-major-middle-east-dust-storm-in-2015-was-due-to-the-weather-not-human-conflict/>

⁴⁸ See, for instance, Aaron Stein, 'For Turkey, it's all about regime change in Syria', website of Al Jazeera, 8 October 2011, at www.aljazeera.com/indepth/opinion/2014/10/turkey-it-all-about-regime-change-201410785656887159.html

⁴⁹ Hansard, *House of Commons Debates*, 29 November 2011, Column 779. Published online by the Parliament of the United Kingdom at <https://publications.parliament.uk/pa/cm201011/cmhansrd/cm111129/debtext/111129-0001.htm>

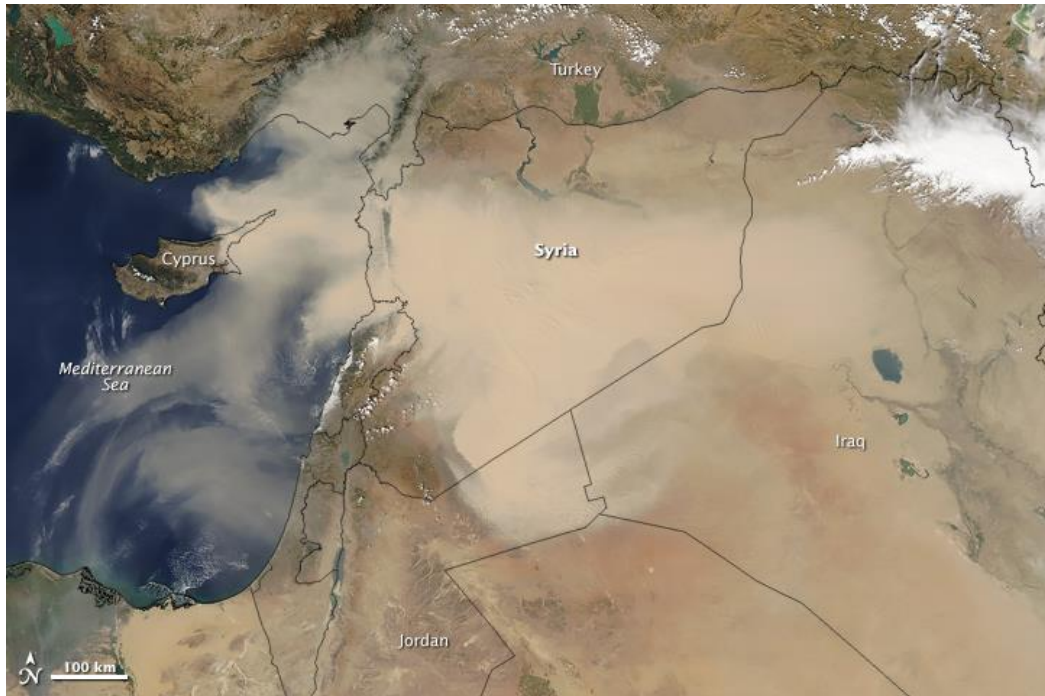


Image 3: An image 'acquired' on 7 September 2015 and published by the Earth Observatory of NASA. Acknowledgment: 'NASA images by Jeff Schmaltz, LANCE/EOSDIS Rapid Response. Caption by Adam Voiland', Official website of NASA at <https://earthobservatory.nasa.gov/NaturalHazards/view.php?id=86571>

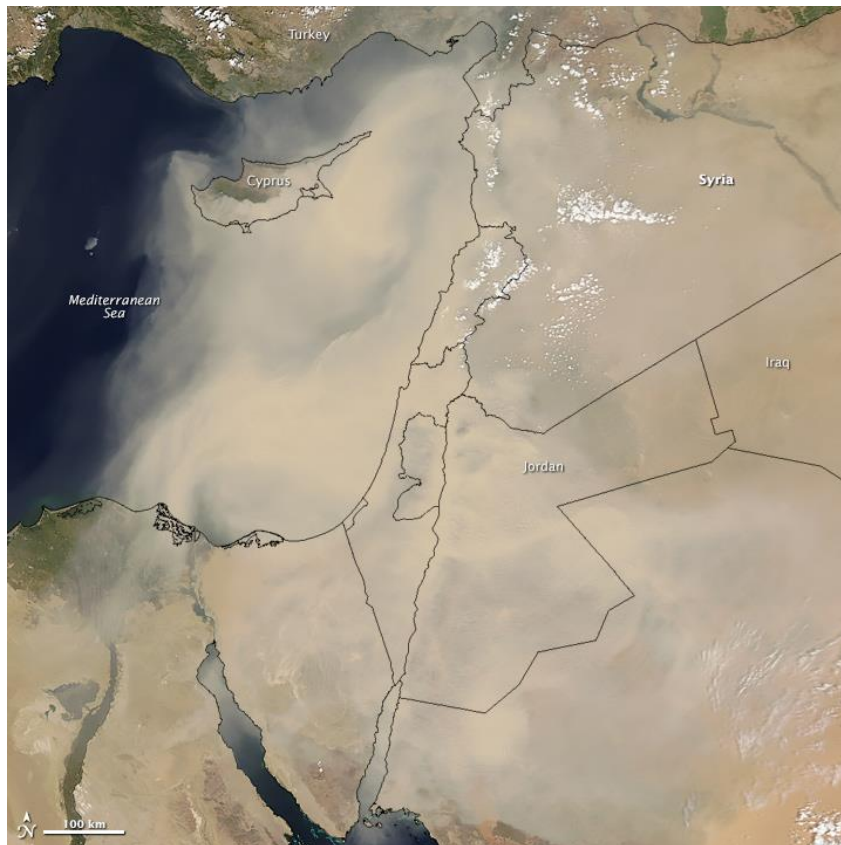


Image 4: An image 'acquired' on 8 September 2015 and published by the Earth Observatory of NASA. Acknowledgment: 'NASA images by Jeff Schmaltz, LANCE/EOSDIS Rapid Response. Caption by Adam Voiland', Official website of NASA at <https://earthobservatory.nasa.gov/NaturalHazards/view.php?id=86571>

Secondly, the post-2011 conflict in Syria has had devastating and multi-dimensional effects upon the environment and upon public health.⁵⁰ Against this background and irrespective of the degree to which the conflict in Syria caused or contributed to the toxic dust cloud that engulfed the Republic of Cyprus and the SBAs by 8 September 2015, there is no doubt that this dust cloud drifted in from Syria at a time when the conflict there was raging. The evidence lies in Image 3 when compared with Image 4 (above).

In the words of NASA, as embedded in its written description, which accompanies the satellite photographs portrayed at Image 3 and Image 4:

‘Dust first emerged in Moderate Resolution Imaging Spectroradiometer (MODIS) satellite imagery in Syria on September 6, 2015. By September 7 ..., a thick plume swept across Syria, the Mafraq region of Jordan, and part of Turkey’s Mediterranean coast. By September 8 [as illustrated above], dust had enveloped all of Lebanon, Israel, Jordan, Cyprus, and the Palestinian Territories. ...’⁵¹

Thirdly, the aforementioned toxic dust cloud engulfed the Republic of Cyprus and the SBAs on 8 September 2015 after various alleged uses of chemical weapons in Syria during the preceding weeks and months. According to a report compiled after an investigation completed by the Organisation for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism (‘the Joint Investigative Mechanism’) and published by the United Nations Security Council on 26 October 2017, ‘ISIL’ and the Syrian Government are responsible for the use of chemical weapons in a number of places in Syria.⁵² More to the point, the Joint Investigative Mechanism reiterated a previous finding that ‘ISIL’ had ‘used sulfur mustard in Marea’, a village to the north of Aleppo in Syria, ‘in August 2015’.⁵³

An earlier report of the Joint Investigative Mechanism published on 24 August 2016 provided further details including the precise date of the alleged chemical weapons attack staged in Marea. In this earlier report, the Joint Investigative Mechanism concluded that ‘ISIL’ had used sulfur mustard at Marea on 21 August 2015,⁵⁴ i.e. less than three weeks before the aforementioned toxic dust cloud crossed the Eastern

⁵⁰ Wim Zwijnenburg and Kristine te Pas, *Amidst the debris... A desktop study on the environmental and public health impact of Syria’s conflict* (Pax for Peace, Netherlands, October 2015). Published online by Pax for Peace at www.paxforpeace.nl/media/files/pax-report-amidst-the-debris-syria-web.pdf

⁵¹ Official website of NASA at <https://earthobservatory.nasa.gov/NaturalHazards/view.php?id=86571>

⁵² To quote from a UN News report: ‘The Islamic State of Iraq and the Levant (ISIL/Da’esh) was responsible for using sulfur mustard in a September 2016 attack in Umm Hawsh and the Syrian Government was accountable for the release of sarin in an April 2017 attack in Khan Shaykhun, the head of a Security Council-mandated investigation said Tuesday [6 November 2017].’ See the report and video at ‘Both ISIL and Syrian Government responsible for use of chemical weapons, UN Security Council told’, UN News report, 7 November 2017, website of the United Nations, at <https://news.un.org/en/story/2017/11/570192-both-isil-and-syrian-government-responsible-use-chemical-weapons-un-security>

⁵³ ‘Seventh report of the Organisation for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism’, at paragraph 36(f) on page 9, attached to the ‘Letter dated 26 October 2017 from the Secretary-General addressed to the President of the Security Council’, United Nations Security Council Document S/2017/904. Published online by the United Nations at <http://undocs.org/S/2017/904> and by the United Nations Digital Library at <https://digitallibrary.un.org/record/1311808?ln=en>

⁵⁴ ‘Third report of the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism’, at paragraphs 58 to 60 on page 14 to 15 and Annex X, attached to the ‘Letter dated 24 August 2016 from the Secretary-General addressed to the President of the Security Council’, United Nations Security Council Document S/2016/738/Rev.1. Published online by the United Nations at <https://undocs.org/S/2016/738/Rev.1> and by the United Nations Digital Library at <https://digitallibrary.un.org/record/841766?ln=en>

Mediterranean Sea from Syria to engulf the Republic of Cyprus and the SBAs on 8 September 2015.

In the same report published on 24 August 2016, the Joint Investigative Mechanism disclosed that the use of sulfur mustard on 21 August 2015 formed part of a wider pattern in which chemical weapons or other toxic substances had been used in Syria. That pattern encompassed other incidents in Syria before 21 August 2015.⁵⁵

More recently, on 4 April 2018, the non-governmental organisation Human Rights Watch issued its own statement on the subject. This statement referred to as many as '85 confirmed chemical weapon attacks' in Syria. According to Human Rights Watch, a number of these 'attacks' involved the use of sarin and sulfur mustard.⁵⁶

In common with sarin, sulfur mustard ought to have no place as a weapon of war in the Eastern Mediterranean or anywhere else. According to the Oxford Reference site published by Oxford University Press, 'sulfur mustard' is '[a] chemical warfare agent' which was 'first used in 1915 by Germany in World War I'. It 'is often simply known as mustard gas, although it is an oily liquid, which can be dispersed as an aerosol'.⁵⁷ The effects of any use of sulfur mustard or any other type of mustard agent are truly horrific, as illustrated by the photographs of two victims published by the Organisation for the Prohibition of Chemical Weapons.⁵⁸

Thus, on the basis that sulfur mustard was first used by Germany during the First World War and that sarin was developed by Hitler's Germany during the Second World War, one reaches a dismal conclusion. If the allegations cited above are true, Syria and the Eastern Mediterranean area have been blighted by at least two toxic legacies of the two world wars of the twentieth century.

All that being said, I have no way of verifying the accuracy of the various allegations regarding the use of chemical weapons in Syria. Accordingly, I retain an open mind over the matter. I do so as somebody who, prior to March 2003, instinctively felt that something was wrong with what was then the proposed US-led invasion of Iraq. Indeed, I was one of tens of thousands of people who participated in the anti-conflict march in Hyde Park in London on 15 February 2003. At the time, I did not buy into the pre-invasion arguments advanced by Mr Tony Blair, the then British Prime Minister. These included the misleading argument put forth by Mr Blair on 15 January 2003 'that Saddam Hussein has to disarm himself of weapons of mass destruction ...'.⁵⁹

⁵⁵ *Ibid*, Annexes II to IX. Also see the written statement entitled 'Chemical Weapons: Syria' and written by Boris Johnson MP, the British Foreign and Commonwealth Secretary, Hansard, *House of Commons Debates*, 30 November 2017, Columns 27WS and 28WS. Published online by the Parliament of the United Kingdom at <https://hansard.parliament.uk/Commons/2017-11-30/debates/17113029000014/ChemicalWeaponsSyria>

⁵⁶ 'Syria: A Year On, Chemical Weapons Attacks Persist International Action for Deterrence, Justice Ineffective', statement issued by Human Rights Watch, 4 April 2018, website of Human Rights Watch, at www.hrw.org/news/2018/04/04/syria-year-chemical-weapons-attacks-persist

⁵⁷ See the entry relating to 'sulfur mustard' at www.oxfordreference.com/view/10.1093/oi/authority.20110803100541631 published by Oxford University Press.

⁵⁸ These photographs appear in 'Mustard agents', website of the Organisation for the Prohibition of Chemical Weapons at www.opcw.org/about-chemical-weapons/types-of-chemical-agent/mustard-agents/

⁵⁹ Tony Blair MP, Prime Minister of the United Kingdom, Hansard, *House of Commons Debates*, 15 January 2003, Column 675.

My instincts proved to be spot on, as I discovered on at least two subsequent occasions. One was on 6 July 2004, when Prime Minister Blair admitted that in relation to Iraq's alleged weapons of mass destruction 'we know we have not found them' and 'I have to accept that we have not found them and that we may not find them'.⁶⁰ The second was on 6 July 2016 when the *Report of the Iraq Inquiry* was published;⁶¹ this effectively confirmed that before the US-led invasion of Iraq the public had received information from the British Government which was misleading or apt to mislead.⁶²

Fourthly, as illustrated by the NASA photographs taken on 25 and 26 August 2008 (at Images 5 and 6 below), at least one of the relatively recent dust clouds to have afflicted the Republic of Cyprus and the SBAs drifted in from Turkey. According to NASA, on 25 August 2008, '[d]ust blew off the coast of Turkey' and headed 'toward the island of Cyprus'. NASA goes on to provide the following explanation:

'The origin of the dust storm is unclear in this image [i.e. Image 5 below], but it might have originated from dry lake bed sediments farther inland [presumably in Turkey].'⁶³

If that is so, then on 25 and 26 August 2008, the Republic of Cyprus and both of the SBAs both experienced a different type of Turkish invasion – an environmental invasion.

All of which highlights the various risks arising from climate change, evaporating water resources and air pollution in Turkey. For example, one recent report has revealed that eight of the ten most polluted cities in Europe are in Turkey.⁶⁴ Meanwhile, another report has warned about 'rising air pollution levels across Turkey'.⁶⁵

If the dust cloud illustrated overleaf forms part of a wider pattern of dust clouds and other forms of air pollution emanating from Turkey but afflicting the Republic of Cyprus and the SBAs, this is a cause for real concern. After all, it raises the real possibility that Turkey has not only polluted the Republic of Cyprus and the SBAs, but it has also endangered the health of all people in the Republic and the SBAs.

⁶⁰ Oral evidence of Tony Blair MP, Prime Minister of the United Kingdom, to the Liaison Committee of the Parliament of the United Kingdom, Answers to Question 236 and Question 237, minutes of the Liaison Committee meeting held on 6 July 2004, as published by the Parliament of the United Kingdom at <https://publications.parliament.uk/pa/cm200304/cmselect/cmliaisn/310/4070606.htm>

⁶¹ *Report of the Iraq Inquiry: Report of a Committee of Privy Councillors: Executive Summary* (HC 264, House of Commons, Westminster, 2016). This *Executive Summary*, supporting volumes and other materials are available on the website of the Iraq Inquiry, as archived by the website of the National Archives of the United Kingdom, Kew Gardens, Surrey, at <http://webarchive.nationalarchives.gov.uk/20171123122743/http://www.iraqinquiry.org.uk/the-report/>

⁶² For example, to quote paragraph 843 of the *Executive Summary*:

'The evidence in Section 4.3 [of the *Report of the Iraq Inquiry*] ... shows that the intelligence and assessments made by the JIC [Joint Intelligence Committee] about Iraq's capabilities and intent continued to be used to prepare briefing material to support Government statements in a way which conveyed certainty without acknowledging the limitations of the intelligence.'

Ibid, paragraph 843 on page 132.

⁶³ Website of NASA at <https://earthobservatory.nasa.gov/NaturalHazards/view.php?id=20419>

⁶⁴ Nick Van Meade, 'The air we breathe[:] Pant by numbers: the cities with the most dangerous air – listed', *Guardian* (online edition), 13 February 2017, at www.theguardian.com/cities/datablog/2017/feb/13/most-polluted-cities-world-listed-region. See, in particular, the chart listed therein entitled '10 worst in cities in Europe including Turkey'.

⁶⁵ 'Environmental chamber warns of rising air pollution levels across Turkey', *Hurriyet Daily News* (online English language edition), 5 January 2018, www.hurriyetdailynews.com/environmental-chamber-warns-of-rising-air-pollution-levels-across-turkey-125298

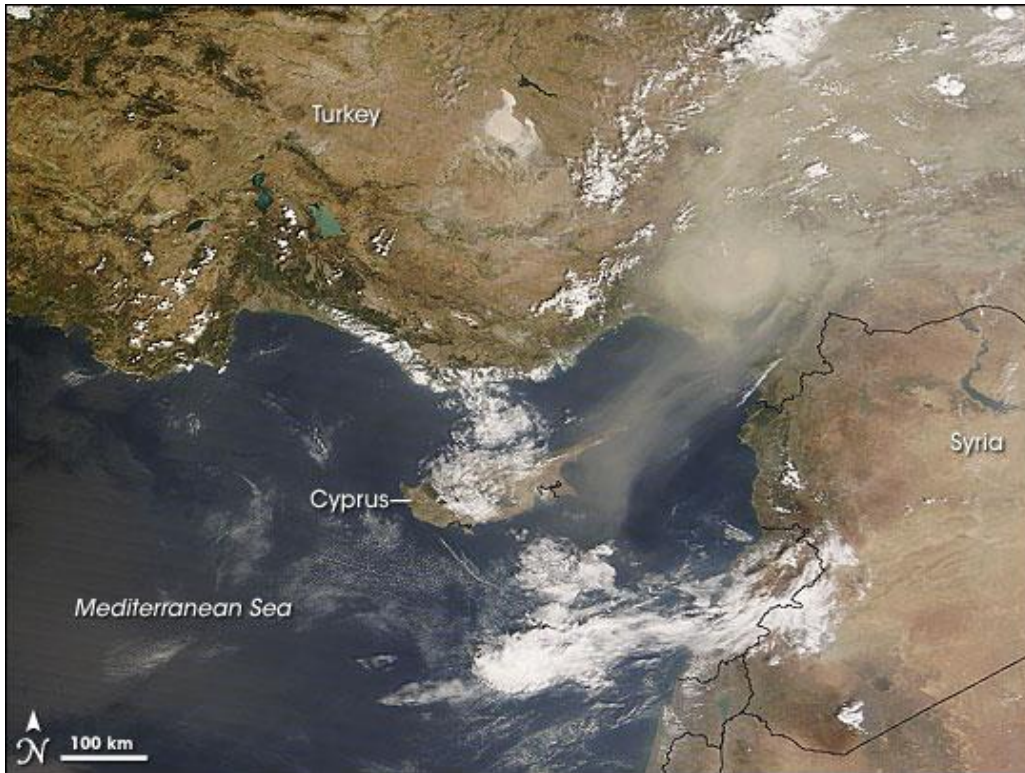


Image 5: An image ‘acquired’ on 25 August 2008, published by the Earth Observatory of NASA and showing the ‘[d]ust’ [which] blew off the coast of Turkey toward the Island of Cyprus in late August 2008.’ Acknowledgment: ‘NASA image courtesy MODIS Rapid Response Team, Goddard Space Flight Center. Caption by Michon Scott’, Official website of NASA at <https://earthobservatory.nasa.gov/NaturalHazards/view.php?id=20419>



Image 6: An image ‘acquired’ on 26 August 2008, published by the Earth Observatory of NASA and showing ‘[t]he dust that blew toward Cyprus from the coast of Turkey on the previous day’. Acknowledgment: ‘NASA image courtesy MODIS Rapid Response Team, Goddard Space Flight Center. Caption by Michon Scott’, Official website of NASA at <https://earthobservatory.nasa.gov/NaturalHazards/view.php?id=20421>

According to a publication endorsed by the Turkish Medical Association and certain other professional bodies: 'From the evidence available, Turkey emerges as a country with one of the highest rates of premature deaths due to air pollution in Europe.' The same publication adds: 'Exposure to outdoor air pollution is associated with a broad spectrum of acute and chronic health effects ranging from irritant effects to death.'⁶⁶

All of which raises a number of questions of profound concern to the Republic of Cyprus and to the SBAs. If air pollution generated in Turkey has produced devastating outcomes for so many people in that country, have people been exposed to any similar risks in the Republic of Cyprus and in the SBAs? Are these risks in existence today? Will the risks from air pollution in Turkey worsen as time unfolds? What more can be done to press Turkey to comply with its environmental obligations under international law, including those imposed by the 1979 United Nations Economic Commission for Europe (UNECE) Convention on Long-Range Transboundary Air Pollution⁶⁷ to which Turkey, the United Kingdom and the Republic of Cyprus are all state parties?⁶⁸

These questions take on added significance if one realises that Turkey has not always supported pan-European efforts to support what has come to be known as 'Environmental Rule of Law',⁶⁹ and that is to put it mildly.

On the one hand, in a number of cases, the European Court of Human Rights has held Turkey responsible for violations of human rights arising from incidents concerning the environment.⁷⁰ These cases have had at least one positive effect, which is pertinent to the matters outlined in this open letter. In the words of a 'factsheet' published in 2018 by the European Court of Human Rights, the environment is not expressly mentioned in the European Convention on Human Rights but:

'... the European Court of Human Rights has been called upon to develop its case-law in environmental matters on account of the fact that the exercise of certain Convention rights may be undermined by the existence of harm to the environment and exposure to environmental risks.'⁷¹

On the other hand, Turkey has never signed let alone become a state party to a number of environment-related international treaties. These include the 1993 Convention on

⁶⁶ Health and Environment Alliance ('HEAL'), *Briefing: Air Pollution and Health in Turkey: Facts, Figures and Recommendations* (HEAL, Brussels, February 2015), page 1. Published online by HEAL at https://env-health.org/IMG/pdf/150220_factsheet_air_and_health_turkey_en_final.pdf

⁶⁷ See the text of the Convention and the supporting documents and details published by the UNECE at www.unece.org/environmental-policy/conventions/envlrtp/welcome/the-air-convention-and-its-protocols/the-convention-and-its-achievements.html

⁶⁸ See the details published by the United Nations Treaty Collection at https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtsg_no=XXVII-1&chapter=27&clang=en

⁶⁹ On this concept, see 'Environmental Rule of Law', website of the United Nations Environment Programme at www.unenvironment.org/explore-topics/environmental-governance/what-we-do/strengthening-institutions/promoting-1

⁷⁰ See the various cases relating to Turkey which are mentioned in 'Environment and the European Convention on Human Rights', a factsheet dated February 2018 and published by the Press Unit of the European Court of Human Rights at www.echr.coe.int/Documents/FS_Environment_ENG.pdf

⁷¹ *Ibid*, page 1. Also see 'Human Rights and the Environment', website of the Council of Europe at www.coe.int/en/web/compass/environment and Daniel García San José, *Environmental protection and the European Convention on Human Rights* (Council of Europe Publishing, Strasbourg, 2005). Published online by the Council of Europe at [www.echr.coe.int/LibraryDocs/DG2/HRFILES/DG2-EN-HRFILES-21\(2005\).pdf](http://www.echr.coe.int/LibraryDocs/DG2/HRFILES/DG2-EN-HRFILES-21(2005).pdf)

Civil Liability for Damage resulting from Activities Dangerous to the Environment,⁷² the 1998 Convention on the Protection of [the] Environment through Criminal Law⁷³ and the 1998 Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters.⁷⁴

Alarming enough, Russia is another state to have hitherto refrained from signing the three legal instruments cited above.⁷⁵ This fact underlines the extraordinary dangers presented to the Republic of Cyprus and to the SBAs by the nuclear-related realities mentioned in the next few paragraphs; these dangers augment the existing environmental risks arising from dust or air pollution originating in Turkey or elsewhere.

On 3 April 2018, the Kremlin announced that ‘Vladimir Putin [the President of Russia] and President of Turkey Recep Tayyip Erdogan launched the construction of the Akkuyu Nuclear Power Plant, via videoconference.’ The Kremlin added that the project is ‘fully funded by Russia’. Indeed, according to President Putin, ‘we are not simply present at the construction of the first Turkish nuclear power plant’ but at ‘the laying of the groundwork for Turkey’s nuclear industry.’⁷⁶

On 5 April 2018, two days after the opening ceremony, the International Atomic Energy Agency (‘IAEA’) explained that Turkey and Russia were co-operating with the aim of constructing the ‘first nuclear power plant’ in Turkey. The IAEA added that the ‘four units at the site ... are scheduled to be in operation by 2026.’⁷⁷

More than thirty years after the catastrophe at the Chernobyl nuclear plant in Ukraine in the then Soviet Union on 26 April 1986,⁷⁸ I trust you are as concerned as I am that Turkey is co-operating with Russia, of all states, to construct a new nuclear power plant. To repeat: this dangerous development augments the existing environmental risks arising from dust or air pollution originating in Turkey or elsewhere. Indeed, the embryonic nuclear power plant is an actual or potential source of air pollution.⁷⁹

My concerns are reinforced by three other factors.

⁷² In relation to the stance of Turkey, as well as the stance of Republic of Cyprus and of its two other ‘guarantor powers’, i.e. Greece and the United Kingdom, see the ‘Chart of signatures and ratifications’ published by the Council of Europe at www.coe.int/en/web/conventions/full-list/-/conventions/treaty/150/signatures?p_auth=KXW0sAEX

⁷³ In relation to the stance of Turkey, as well as the stance of Republic of Cyprus and of its two other ‘guarantor powers’, i.e. Greece and the United Kingdom, see the ‘Chart of signatures and ratifications’ published by the Council of Europe at www.coe.int/en/web/conventions/full-list/-/conventions/treaty/172/signatures?p_auth=KXW0sAEX

⁷⁴ See the details published on the Convention by the United Nations Treaty Collection at https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsq_no=XXVII-13&chapter=27&clang=en

⁷⁵ See the charts referred to in the previous three footnotes.

⁷⁶ ‘Akkuyu Nuclear Power Plant ground-breaking ceremony’, press release of the Presidency of Russia, the Kremlin, Moscow, at <http://en.kremlin.ru/events/president/news/57190>

⁷⁷ Elisabeth Dyck, IAEA Department of Nuclear Energy, ‘Turkey Starts Construction of its First Nuclear Power Plant’, 5 April 2018, website of the IAEA at www.iaea.org/newscenter/news/turkey-starts-construction-of-its-first-nuclear-power-plant

⁷⁸ See *inter alia* Julia A. Schwartz, Head of Legal Affairs, Organisation of Economic Co-operation and Development (‘OECD’) Nuclear Energy Agency, ‘International Nuclear Third Party Liability Law: The Response to Chernobyl’, website of the OECD at www.oecd-nea.org/law/chernobyl/SCHWARTZ.pdf

⁷⁹ On this subject, see ‘Risk from the atmospheric dispersion of radionuclides by the Akkuyu nuclear power plant’, undated analysis published by the website of the Cyprus Institute at www.cyi.ac.cy/index.php/in-focus/risk-from-the-atmospheric-dispersion-of-radionuclides-by-the-akkuyu-nuclear-power-plant-3.html Also see the three sources specified in the references attached to this analysis.

One is the undeniable fact that, among the 47 member states of the Council of Europe, Turkey and Russia have acquired the worst human rights records⁸⁰ Another is the location of the nuclear power plant under construction at Akkuyu; the latter is situated in, of all places, 'a seismically active region'⁸¹ in Mersin Province on the southern coast of Turkey – 179 kilometres away from RAF Akrotiri, 128 kilometres away from Dhekelia and only 109 kilometres away from Nicosia.⁸² A further factor is the seemingly informed speculation that Turkey may have already begun a clandestine nuclear weapons programme⁸³ under the 'cover' of its civil nuclear programme.⁸⁴

For these and for other related reasons,⁸⁵ I would suggest that there is a confluence between the national security interests of the United Kingdom and those of the Republic of Cyprus. I would also suggest that you should openly acknowledge this and take appropriate action in line with this confluence.

All of which brings me neatly to the fifth and final reality. When you paid a prime ministerial visit to RAF Akrotiri on 22 December 2017,⁸⁶ you did so at a time when the atmosphere of the Republic of Cyprus and of SBAs was not at its best. Indeed, on both 21 and 22 December 2017, the Ministry of Labour, Welfare and Social Insurance of the Republic of Cyprus issued two inter-twined statements, both of which referred to high levels of dust as well as air pollution.⁸⁷ Each statement also included this advice:

⁸⁰ See the chart entitled 'Violations by Article and by State 1959-2017' (particularly the column entitled 'Judgments finding at least one violation'), as published by the European Court of Human Rights at www.echr.coe.int/Documents/Stats_violation_1959_2017_ENG.pdf Also see the statistics in *The ECHR in Facts and Figures 2017* (European Court of Human Rights, Strasbourg, March 2018), pages 3,4,5, 8 and 11 at www.echr.coe.int/Documents/Facts_Figures_2017_ENG.pdf

⁸¹ 'Scientists raise alarm over Turkish nuclear reactors', *Kathimerini* (online edition), 3 May 2018, at

<http://www.ekathimerini.com/228268/article/ekathimerini/news/scientists-raise-alarm-over-turkish-nuclear-reactors>

⁸² These direct distances have been made with the assistance of the OpenStreetMap distance calculator provided by the European Commission at https://ec.europa.eu/programmes/erasmus-plus/resources/distance-calculator_en

⁸³ See *inter alia* Sinan Ulgen, *Turkey and the Bomb* (Carnegie Endowment for International Peace, Washington DC, February 2012) at https://carnegieendowment.org/files/turkey_bomb.pdf and Hans Ruhle, 'Is Turkey 'Secretly Working on Nuclear Weapons?', *The National Interest*, 22 September 2015, at <http://nationalinterest.org/feature/turkey-secretly-working-nuclear-weapons-13898> and Rebecca Flood, 'Turkey is trying to get an ATOMIC BOMB in secret weapons plan, warns expert', *Express* (online), 8 August 2017, at

www.express.co.uk/news/world/838694/Turkey-atomic-bomb-Recep-Tayyip-Erdo-an-nuclear-weapon-fears

⁸⁴ See *inter alia* Ami Rojkes Dombé 'Turkey's Nuclear Aspirations', *Israel Defence*, 04/08/2015, at

www.israeldefence.co.il/en/content/turkeys-nuclear-aspirations

⁸⁵ See, for instance, Steve Andreasen (director for defense policy and arms control on the White House National Security Council staff from 1993 to 2001), 'Let's get our nuclear weapons out of Turkey', *Los Angeles Times* (online), 11 August 2016, at

www.latimes.com/opinion/op-ed/la-oe-andreasen-nuclear-weapons-turkey-20160811-snap-story.html

⁸⁶ 'PM address to troops at RAF Akrotiri', statement published by the Prime Minister's Office, 10 Downing Street, on the website of the Government of the United Kingdom on 22 December 2017 at www.gov.uk/government/speeches/pm-address-to-troops-at-raf-akrotiri-22-december-2017

⁸⁷ 'Announcement on the Dust in the Atmosphere of Cyprus[:] 21st of December 2017' published on the Air Quality section of the website of the Ministry of Labour, Welfare and Social Insurance at

www.airquality.dli.mlsi.gov.cy/site/news/94 and 'Announcement on the Dust in the Atmosphere of Cyprus[:] 22nd of December 2017' published on the Air Quality section of the website of the Ministry of Labour, Welfare and Social Insurance at www.airquality.dli.mlsi.gov.cy/site/news/95 To quote the second of these two statements in full:

'The Department of Labour Inspection of the Ministry of Labour, Welfare and Social Insurance, announces that today, 22nd of December 2017 at 07:00 the hourly concentration of respirable particles in ambient air with diameter less than 10 micrometers (PM10), were between the maximum value of 599 µg/m³ and minimum value of 98 µg/m³ (micrograms per cubic meter). Consequently it is expected that the average 24hour concentration will exceed the corresponding limit value of 50 µg/m³ as defined by the relative legislation. Yesterday, Thursday, 21 of December 2017, the average 24hour concentration of respirable particles was between 38 and 382 µg/m³ depending on the location.'

‘Because of the small size of the respirable particles and their negative effect on human health, the public and especially the vulnerable groups of population (children, older people, and patients) are advised to avoid circulating outdoors and exercising in open spaces during this event.

‘Also it is required that the employers take the appropriate measures (organizational or technical) after assessing the risks that their employees are facing while working in open spaces. Moreover, it is recommended that the workers in open spaces use appropriate means of personal protection.’⁸⁸

Neither of the above warnings, as issued on 21 and 22 December 2017, nor the dust evidently in the air at RAF Akrotiri prevented you from delivering an outdoor address before military personnel at the base on 22 December 2017.⁸⁹ Indeed, the film footage taken of your outdoor address – by Sky News and Associated Press⁹⁰ – indicates that neither you nor any members of your audience wore any ‘appropriate means of personal protection’ such as facemasks. That film footage also suggests that the dust in the air was clearly visible. All of which begs a number of questions.

Why did you deliver your address at RAF Akrotiri on 22 December 2017 outdoors rather than indoors? Were you, the hierarchy of the SBAs, the hierarchy of British Forces Cyprus and the military personnel to whom you spoke aware of the advice quoted above?⁹¹ If so, why was this advice seemingly disregarded? If not, will you make sure that appropriate measures are put in place with the twin aims of avoiding any repetition in the future and promoting the health and safety of British personnel and all other people in the SBAs?

In this context, I hereby draw your attention to two helpful sources of guidance which every resident of or visitor to the Island of Cyprus should make use of to ascertain the quality of the local air. One is the ‘Air Quality in Cyprus’ website operated by the Government of the Republic of Cyprus (at www.airquality.dli.mlsi.gov.cy/). The other is the free ‘Air Quality Cyprus Mobile Application’ operated by the same Government (at www.airquality.dli.mlsi.gov.cy/site/page/39).

‘Because of the small size of the respirable particles and their negative effect on human health, the public and especially the vulnerable groups of population (children, older people, and patients) are advised to avoid circulating outdoors and exercising in open spaces during this event.

‘Also it is required that the employers take the appropriate measures (organizational or technical) after assessing the risks that their employees are facing while working in open spaces. Moreover, it is recommended that the workers in open spaces use appropriate means of personal protection.

‘More information on the measured pollutant concentrations is available online through the dedicated website maintained by DLI at www.airquality.gov.cy, and also through the free application “Air Quality Cyprus” on the Google Play and iOS App Store.’

⁸⁸ *Ibid.*

⁸⁹ ‘Theresa May visits Cyprus’, Sky News film showing ‘[e]xterior shots of Prime Minister Theresa May giving a speech addressing RAF personnel during a visit to RAF Akrotiri on December 22, 2017 in Akrotiri, Cyprus’ (Clip #: 898363506 HD). Posted on the website of Getty Images at www.gettyimages.com/detail/video/exterior-shots-of-prime-minister-theresa-may-giving-a-news-footage/898363506 Also see ‘UK PM May visits service personnel at Akrotiri base’, film taken on 22 December 2017 (Story No: 4131967). Posted on the website of the Associated Press Archive (‘the AP Archive’) at www.aparchive.com/metadata/youtube/dbeeb5d2970628c6e177e21555b8e285 and also on the Youtube Channel of the AP Archive at www.youtube.com/watch?v=PSjilTK61Rg

⁹⁰ *Ibid.*

⁹¹ A cursory perusal of the Twitter messages posted by British Forces Cyprus since 1 January 2015 suggest that the twin issues of dust clouds and air pollution have not been given any prominence whatsoever. Indeed, the words ‘dust’ and ‘pollution’ do not appear in the main body of any of these Twitter messages. See <https://twitter.com/bfcyprus?lang=en>

I look forward to your response to the matters raised in the previous paragraphs.

In the meantime, I note that successive governments of the United Kingdom have not had a good record of addressing air pollution. Evidence to this effect appears in *Improving Air Quality*, a report published on 15 March 2018 and composed by the House of Commons Environment, Food and Rural, Environmental Audit, Health and Social Care, and Transport Committees. Partly as a means of pressing you to treat air pollution with the seriousness it deserves and partly to underline the gravity of the issues raised in this open letter, I quote below the opening few lines of the ‘Summary’ at the start of *Improving Air Quality*:

‘Air pollution cuts short an estimated 40,000 lives across the country each year, costing the UK an annual £20 billion. Children, the elderly, and those with existing medical conditions are at the greatest risk. The UN special rapporteur recently said he was “alarmed that despite repeated judicial instruction, the UK government continues to flout its duty to ensure adequate air quality and protect the rights to life and health of its citizens. It has violated its obligations”. The detrimental effects on air quality from a series of policies by successive governments over many years has led to a number of court cases against the UK Government. There is an urgent need for national leadership and consensus-building to bring about a step change in how the problem of air quality is tackled.

‘The Government cannot continue to put public health at risk. ...’⁹²

I hereby endorse and reiterate these remarks.

The threats to – and defence of – the Republic of Cyprus

I sincerely hope that I am wrong, but the joint operation concluded on 14 April 2018 has raised the possibility of a backlash of some sort by Russia, by Syria or by other state or non-state actors. This was certainly the theme of a report, which was published on the website of Sky News on 15 April 2018. The report was accompanied by the following headline, the contents of which are self-explanatory:

‘RAF’s Tornado base in Cyprus fears retribution from Russia for Syria airstrikes[:]
Russia, which holds a position just 300 miles to the east, has missiles capable of striking Akrotiri from the Syrian coast.’⁹³

⁹² House of Commons Environment, Food and Rural Affairs, Environmental Audit, Health and Social Care, and Transport Committees, *Fourth Report of the Environment, Food and Rural Affairs Committee, Fourth Report of the Environmental Audit Committee, Third Report of the Health and Social Care Committee, and Second Report of the Transport Committee of Session 2017–19* (HC 433, House of Commons, Westminster 15 March 2018), page 4. Published online by the Parliament of the United Kingdom at <https://publications.parliament.uk/pa/cm201719/cmselect/cmenvfru/433/433.pdf> and (together with other supporting documents and details) at www.parliament.uk/business/committees/committees-a-z/commons-select/environment-food-and-rural-affairs-committee/inquiries/parliament-2017/improving-air-quality-17-19/

⁹³ Nick Martin, News Correspondent, Cyprus, ‘RAF’s Tornado base in Cyprus fears retribution from Russia for Syria airstrikes’, website of Sky News, 15 April 2018, at <https://news.sky.com/story/rafs-tornado-base-in-cyprus-fears-retribution-from-russia-for-syria-airstrikes-11330308>

Hitherto, it does not appear as if any such 'retribution' has taken place. Even so, the mere possibility of any such 'retribution' against the SBAs highlights the importance of asking a pair of wider questions of fundamental importance to all citizens of the United Kingdom who live or work in the Republic of Cyprus. To begin with, how, by whom and upon which legal basis will the Republic of Cyprus be defended or otherwise aided and assisted in the event of any armed attack or any imminent attack by any state or non-state actors? Furthermore, what role, if any, will the United Kingdom and the SBAs perform in the event of any attack or any imminent attack upon the Republic of Cyprus?

At least four factors have prompted me to ask this pair of questions which is effectively embodied in Question 5 below under the heading 'Ten Questions.

The first factor relates to the various inter-linkages between the SBAs and the Republic of Cyprus coupled with the proximity of the Island to Syria. These matters were implicitly touched upon in a recent interview granted to the Cyprus News Agency by H.E. Matthew Kidd, the then High Commissioner of the United Kingdom to the Republic of Cyprus. In that interview, High Commissioner Kidd reportedly divulged the following, ostensibly with reference to the strikes mounted from RAF Akrotiri on 14 April 2018:

'We recognise that using the bases in the way that we did created a possibility which we need to take very seriously, of needing to protect this whole island if you like, or at least the parts of it, the bases and around the bases, and we do that, and we have told the government that we do that.'⁹⁴

The second factor concerns the prevalence of proscribed terrorist organisations of one sort or another in the Eastern Mediterranean region. According to a recent publication of the Home Office, of which you were the ministerial head as the Home Secretary from 2010 until 2016, such organisations include a number which are based or active in Libya, Egypt, Palestine, Israel, Lebanon, Syria and Turkey as well as Greece.⁹⁵ In other words, the Republic of Cyprus and the SBAs are encircled by an array of unstable places which are peppered with proscribed terrorist organisations.

The third factor relates to the steep descent of nearby Turkey into an elective tyranny,⁹⁶ coupled with its proven record of invading neighbouring states, including the Republic of Cyprus. To be sure, the descent of Turkey into an elective tyranny has arisen in the years since the two Turkish invasions of the Republic of Cyprus on 20 July and 14

⁹⁴ Cyprus News Agency, 'British envoy urges peace process to start quickly', *Cyprus Mail*, 18 April 2018, at <http://cyprus-mail.com/2018/04/18/british-envoy-urges-peace-process-start-quickly/>

⁹⁵ See the relevant entries in *Proscribed Terrorist Organisations* (Home Office, Whitehall, 22 December 2017. Published online by the Government of the United Kingdom at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/670599/20171222_Proscription.pdf

⁹⁶ For three graphic insights into the appalling situation in Turkey in recent years, see the relevant reports in the public domain including *Report on the human rights situation in South-East Turkey July 2015 to December 2016* (Office of the United Nations High Commissioner for Human Rights, February 2017) at www.ohchr.org/Documents/Countries/TR/OHCHR_South-East_TurkeyReport_10March2017.pdf, Marianne Mikko and Ingeborg Godsken, *The functioning of democratic institutions in Turkey* (Document 1482, Parliamentary Assembly of the Council of Europe, Strasbourg, 5 April 2017) at <http://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?FileID=23525&lang=EN> and *Turkey 2017 Human Rights Report* (United States State Department, Washington DC, 2018) at www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2017&dliid=277227#wrapper and at www.state.gov/documents/organization/277471.pdf

August 1974 and, more particularly, after the rise to prime ministerial power of Recep Tayyip Erdogan on 14 March 2003. However, this process has culminated in the Turkish invasion of northern Syria, which was launched on 20 January 2018. As history teaches us and as that invasion illustrates, there is often a clear inter-linkage between tyranny and acts of aggression, as well as efforts to mislead or to smother the truth.

In Orwellian fashion, Turkey has described its two invasions of the Republic of Cyprus as 'the Cyprus Peace Operation'.⁹⁷ It has also depicted its invasion of northern Syria as 'Operation Olive Branch'.⁹⁸ The latter phrase is particularly preposterous if one considers the observation of Emily Thornberry MP, a member of the British Labour Party and Shadow Foreign and Commonwealth Secretary, as relayed to the House of Commons on 20 February 2018. In the words of Ms Thornberry, Turkey 'has enlisted in its army [in Syria] the very jihadist militias that the Kurdish forces have worked so hard to drive out of northern Syria'.⁹⁹

If Turkey is indeed co-operating with 'jihadist militias', this underscores the dangers inherent in Turkey's ongoing occupation of the north of the Republic of Cyprus, its more recent occupation of the north of Syria and the wider dangers presented by Turkey, including those pinpointed in this open letter.

All of which brings me to the fourth factor which underlies the pair of questions posed a little earlier and which is embodied in Question 5 below. This factor concerns the succession of threats made against the Republic of Cyprus – and other European states¹⁰⁰ – by or on behalf of Mr Erdogan, particularly since he assumed the Presidency of Turkey on 28 August 2014. These threats include but are not limited to the neo-Ottoman and, therefore, neo-imperial threats embodied in a crude statement published on the official website of the Presidency of Turkey on 13 February 2018. Extracts from the Turkish presidential statement of 13 February 2018 are copied into the footnote below. As you will see, in the context of the Aegean and the Republic of Cyprus, the statement incorporates the following threat, among others, which was made less than one month after the Turkish invasion of northern Syria and at a time when the Republic of Cyprus was taking steps to exercise its rights within its Exclusive Economic Zone:

⁹⁷ 'Meaningful Anniversary Of The Cyprus Peace Operation Turkish Parliament Proclaims Solidarity With TRNC [i.e. the purported 'Turkish Republic of Northern Cyprus', the illegal subordinate administration of Turkey in the Turkish-occupied north of the Republic of Cyprus] And Demands Equal Treatment For The Two States [sic.] On The Island[:] Resolution of the Turkish Grand National Assembly 15 July 1999', website of the Ministry of Foreign Affairs of Turkey at www.mfa.gov.tr/meaningful-anniversary-of-the-cyprus-peace-operation-turkish-parliament-proclaims-solidarity-with-trnc.en.mfa

⁹⁸ 'Article by H.E. Mr. Mevlüt Çavuşoğlu published in Foreign Policy entitled "The Meaning of Operation Olive Branch", 5 April 2018', website of the Ministry of Foreign Affairs of Turkey at www.mfa.gov.tr/article-by-h_e_-mr_-mevlut-cavusoglu_-the-minister-of-foreign-affairs-of-turkey-the-meaning-of-operation-olive-branch.en.mfa

⁹⁹ Emily Thornberry MP, Shadow Foreign and Commonwealth Secretary, Hansard, House of Commons Debates, 20 February 2018, Column 3. Published by the Parliament of the United Kingdom at [https://hansard.parliament.uk/Commons/2018-02-20/debates/F65E61C1-9623-456D-A0E5-C31CF719A6A4/Turkey\(Afrin\)](https://hansard.parliament.uk/Commons/2018-02-20/debates/F65E61C1-9623-456D-A0E5-C31CF719A6A4/Turkey(Afrin))

¹⁰⁰ See, for example, 'We invite European Countries to Respect Democracy and Human Rights', statement published on 22 March 2017 on the website of the Presidency of the Republic of Turkey at www.tccb.gov.tr/en/news/542/73425/mansetlerle-carpisarak-bugunlere-geldik.html

'President Erdogan [has] stated that Turkish warships, air forces and other security units are currently monitoring the developments in the region with the authority to make any kind of intervention when necessary.'¹⁰¹

Turkey has invaded the Island on at least three occasions in history – once in 1570 and twice in 1974. Moreover, Turkey has recently invaded – or re-invaded – northern Syria.¹⁰² With this history in mind, the threat issued by President Erdogan raises the real possibility that it may result in concrete Turkish military action, particularly if any incident or false flag operation offers Turkey the pretext to pounce.

All in all, the threat issued by President Erdogan underlines the dangers arising from Turkey's detachment from the United Nations Law of the Sea Convention of 1982 ('UNCLOS') and, thus, Turkey's detachment from the dispute resolution mechanisms woven into UNCLOS. To date, Turkey has never signed let alone become a state party to UNCLOS.¹⁰³ Nor has Turkey signed dozens of other important treaties, such as the Rome Statute on the International Criminal Court of 1998 and others listed in this open letter and in the source mentioned in the footnote below.¹⁰⁴

More broadly, the various threats issued by Turkey underline the need for clarity as to how, by whom and upon which legal basis the Republic of Cyprus will be defended or

¹⁰¹ The said statement issued in the name of President Erdogan included the following passages, the threatening contents of which are self-explanatory:

'... "WE WARN THOSE WHO HAVE CROSSED THE LIMITS IN THE AEGEAN AND CYPRUS NOT TO MAKE ANY MISCALCULATIONS" ...

'Drawing attention to the latest incidents in the Aegean, President Erdogan underlined that the opportunistic attempts undertaken with regard to the islets in the Aegean Sea and the natural gas exploration in waters off Cyprus don't escape Turkey's attention. "We warn those, who take advantage of Turkey currently getting focused on developments in its south and thus cross the limits in the Aegean and Cyprus, not to make any miscalculations," stressed President Erdogan, and added: "We do and will foil such miscalculations, too, just as we foiled with Operation Euphrates Shield the schemes of those who made miscalculations along our southern borders and just as will soon do with Operation Olive Branch in Manbij and in other regions." ...

"TO US, OUR RIGHTS IN THE AEGEAN AND CYPRUS ARE THE SAME AS AFRIN"

'President Erdogan stated that Turkish warships, air forces and other security units are currently monitoring the developments in the region with the authority to make any kind of intervention when necessary, and continued: "We advise the foreign companies operating off Cyprus not to be an instrument to the initiatives that exceed their power and limits by relying on the Greek side. Their swagger lasts only until they come across with our army, ships and planes. We once again remind that the way to handle this issue is not to secretly pose for photographs on remote islands away from eyes or dispatch to the region drill ships with agreements that have no validity. Such unserious and childish steps yield no results other than disgracing their perpetrators. Turkey will pursue to the very end its rights emanating from history, agreements and international law. To us, our rights in the Aegean and Cyprus are the same as Afrin [in Syria]." ...'

'Those Who Come from Thousands of Miles Away Cannot Ask Turkey to Be a Mere Spectator to the Formations Right across Its Borders', statement published on 13 February 2018 on the website of the Presidency of the Republic of Turkey at www.tccb.gov.tr/en/news/542/90401/those-who-come-from-thousands-of-miles-away-cannot-ask-turkey-to-be-a-mere-spectator-to-the-formations-right-across-its-borders.html

¹⁰² With regard to a previous occasion on which Turkey invaded and occupied northern Syria, see Shane Reeves (Associate Professor and the Deputy Head of the Department of Law at the United States Military Academy, West Point, New York) and David Wallace (Professor and the Head of the Department of Law at the United States Military Academy, West Point, New York), 'Has Turkey Occupied Northern Syria?', website of Lawfare, 22 September 2016, at www.lawfareblog.com/has-turkey-occupied-northern-syria

¹⁰³ See the details published on the United Nations Law of the Sea Convention by the United Nations Treaty Collection at https://treaties.un.org/Pages/ViewDetailsIII.aspx?src=IND&mtmsg_no=XXI-6&chapter=21&Temp=mtmsg3&clang=en

¹⁰⁴ See the non-exhaustive list of treaties which Turkey has not signed or ratified or otherwise become a state party to in Klearchos A. Kyriakides, 'The Search for Security via Answers to Questions on Law, Criminal Justice and Impunity: A working paper published in connection with the 'Conference on Cyprus' in Geneva on 28 June 2017', *Agora Dialogue*, 17 June 2017, pages 50 to 54, at <http://agora-dialogue.com/wp-content/uploads/2017/06/K.-A.-Kyriakides-Working-Paper-for-Agora-Dialogue-as-at-17.06.17-as-amended-on-19.06.2017.pdf> and at <http://agora-dialogue.com/2017/06/17/the-search-for-security-via-answers-to-questions-on-law-criminal-justice-and-impunity/>

otherwise aided and assisted in the event of any armed attack or any imminent armed attack whether it is launched by Turkey or by any other state or non-state actor.

If or when Brexit takes place on 29 March 2019, this seismic development may have an impact on this issue I have raised. To take just one example, upon Brexit, the United Kingdom will cease to be bound by Article 42.7 of the Treaty on European Union, unless provision is made to the contrary. Under Article 42.7, which currently binds both the United Kingdom and the Republic of Cyprus:

'If a Member State [of the EU] is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all the means in their power, in accordance with Article 51 of the United Nations Charter. This shall not prejudice the specific character of the security and defence policy of certain Member States. ...'¹⁰⁵

In the light of the above, I will be grateful if you, perhaps in tandem with the President of the Republic of Cyprus and an appropriate representative of the EU, could please publish a statement. Such a statement should clarify how, by whom and upon which legal basis the Republic of Cyprus will be defended and otherwise aided and assisted in the event of any armed attack or any imminent attack launched by any state or non-state actor (i) before Brexit and (ii) after Brexit. I will also be grateful if such a statement could clarify whether, in the event of any such attack, the United Kingdom and the SBAs would spring to the defence of the Republic of Cyprus or otherwise aid and assist the Republic.

The importance of my request is enhanced if one bears in mind at least three additional factors.

The first additional factor is that, in contrast to the United Kingdom and several of its other partners in the EU, the Republic of Cyprus is not a member of the North Atlantic Treaty Organization ('NATO').¹⁰⁶ Accordingly, the Republic of Cyprus is not bound or protected by Article 5 of the North Atlantic Treaty of 1949.¹⁰⁷ By contrast, Turkey is a party to the North Atlantic Treaty. Even so, for decades, Turkey does not appear to

¹⁰⁵ A Consolidated Version of the Treaty on European Union has been published by the European Union at https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/DOC_1&format=PDF

¹⁰⁶ As to the reasons why the Republic of Cyprus was not invited to accede to the North Atlantic Treaty upon its establishment on 16 August 1960, see K.A. Kyriakides, 'NATO and Cyprus: the reaction of the British government to the 1959 Greco-Turkish proposal to admit an independent Cyprus to NATO', *Cambridge Review of International Affairs*, Volume 6, Issue 1, 1992, pages 52-63, available online at www.tandfonline.com/doi/abs/10.1080/09557579208400076

¹⁰⁷ Under Article 5 of the North Atlantic Treaty of 1949:

'The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defence recognised by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area.

'Any such armed attack and all measures taken as a result thereof shall immediately be reported to the Security Council. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.'

Official text of the North Atlantic Treaty, Washington D.C., 4 April 1949, website of NATO, at www.nato.int/cps/ic/natohq/official_texts_17120.htm

have taken seriously the undertaking it has given under Article 1 of the same Treaty, which indirectly protects non-NATO members such as the Republic of Cyprus.¹⁰⁸

The second additional factor concerns the defence-related provisions found in two of the 1960 Treaties relating to the Republic of Cyprus.¹⁰⁹ Not least because of the two Turkish invasions of the Republic of Cyprus in 1974 and the status of Turkey as the occupying power in the north of the Republic, these provisions appear to have become dead letters.¹¹⁰ Accordingly, unless I am mistaken, these provisions cannot be relied upon to provide for or facilitate the defence of the Republic of Cyprus.

The third additional factor is that in the aftermath of each of the two Turkish invasions of the Republic of Cyprus in 1974, the United Kingdom abstained from taking any military action in defence of the Republic. Instead, the United Kingdom restrained itself to taking limited action to defend the SBAs, to defend the rights of the United Kingdom at Nicosia Airport in the territory of the Republic of Cyprus and to evacuate British citizens. This in spite of Article II of the Treaty of Guarantee of 1960 under which the United Kingdom, in common with Greece and Turkey, had undertaken to ‘recognise and guarantee the independence, territorial integrity and security of the Republic of Cyprus ...’. This also in spite of the second paragraph of Article IV of the same Treaty under which the United Kingdom had reserved ‘the right to take action with the sole aim of re-establishing the state of affairs created by the present Treaty.’¹¹¹

If Turkey or any other state or non-state actor attacks the Republic of Cyprus in the future, will the United Kingdom repeat what it did in 1974 and thereby do nothing of any substance to defend the Republic by military means? Or will the United Kingdom adopt a more robust stance? As the Prime Minister of the United Kingdom, I respectfully suggest that you owe a clarification to me, to other British citizens living in the Republic of Cyprus and, indeed, to the citizens of the Republic of Cyprus itself.

Some relevant duties and their implications in a ‘very British’ corner of Europe

For various reasons, the recent history of the Eastern Mediterranean has created an insecure state of affairs with profound implications for British citizens and for British military personnel in the Republic of Cyprus and in the SBAs. Indeed, if the claims you

¹⁰⁸ Under Article 1 of the North Atlantic Treaty of 1949:

‘The Parties undertake, as set forth in the Charter of the United Nations, to settle any international dispute in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered, and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations.’

¹⁰⁹ One of these defence-related provisions is Article 3 of the Treaty of Establishment of 1960 under which: ‘The Republic of Cyprus, Greece, Turkey and the United Kingdom undertake to consult and co-operate in the common defence of Cyprus.’ See the Treaty of Establishment signed in Nicosia on 16 August 1960, as published online by the United Nations at https://peacemaker.un.org/sites/peacemaker.un.org/files/CY_600816_TreatyNicosia.pdf. The other defence-related provision is Article 1 of the Treaty of Alliance of 1960 (to which the United Kingdom is not a party) under which: ‘The High Contracting Parties [i.e. Greece, Turkey and the Republic of Cyprus but not the UK] undertake to co-operate for their common defence and to consult together on the problems raised by that defence.’ See the Treaty of Alliance signed in Nicosia on 16 August 1960, as published online by the United Nations at https://peacemaker.un.org/sites/peacemaker.un.org/files/CY%20GR%20TR_600816_Treaty%20of%20Alliance%20%28with%20additional%20protocols%29.pdf

¹¹⁰ For further insights into these matters, see 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, pages 427-439

¹¹¹ Article II, *Treaty of Guarantee, Signed at Nicosia, on 16 August 1960*, as registered at the UN by the United Kingdom on 12 December 1960. Published by the United Nations at https://peacemaker.un.org/sites/peacemaker.un.org/files/CY%20GR%20TR_600816_Treaty%20of%20Guarantee.pdf

made on 14 and 16 April 2018 are correct, such persons are too close for comfort to the places in Syria where chemical weapons have been used and where American, French and British forces have targeted chemical weapons precursors, chemical weapons, chemicals including 'Syrian sarin', or a combination thereof.

In addition, such persons are too close for comfort to other sources of potential danger. These include dust clouds originating in the Middle East and other forms of air pollution not to mention the nuclear power plant under construction on the southern coast of Turkey, the armed forces of Turkey and a plethora of proscribed terrorist organisations.

As the Prime Minister of the United Kingdom, you and the Government in which you serve owe moral and legal duties to the British military personnel deployed to or stationed in the Island. You also owe parallel duties to the families of such personnel.

In the context of these moral duties, I remind you that under the Armed Forces Covenant to which the Government of the United Kingdom is committed to honouring:

'The first duty of Government is the defence of the realm. Our Armed Forces fulfil that responsibility on behalf of the Government ... In return, the whole nation has a moral obligation to the members of the Naval Service, the Army and the Royal Air Force, together with their families. They deserve our respect and support, and fair treatment.'¹¹²

I also remind you that substantial numbers of British military personnel are in the Republic of Cyprus and in the SBAs. To begin with, according to the MoD's *Annual Report and Accounts 2016/17*, 'around 250 [British military personnel are] currently deployed in support of UN operations [in Cyprus i.e. in UNFICYP].'¹¹³ That, however, is just the tip of a substantial British demographic iceberg in the Republic of Cyprus and the SBAs.

In relation to British Forces Cyprus, which are largely though not wholly concentrated in the two SBAs, the Defence Infrastructure Organisation of the MoD disclosed the following statistics on 23 October 2017: 'British Forces Cyprus (BFC) has over 3,000 military personnel serving abroad, over 300 civil servants and over 3,700 spouses and children.'¹¹⁴

¹¹² *The Armed Forces Covenant* (Ministry of Defence, Whitehall, 2011), page 1. Published online by the Government of the United Kingdom at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/49469/the_armed_forces_covenant.pdf

¹¹³ See page 8 of the MoD's *Annual Report and Accounts 2016/17* at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/652915/UK_Defence_in_Numbers_2017_-_Update_17_Oct.pdf

¹¹⁴ Lt. Col. Steve Nicholls, 'New nurseries supporting forces families in Cyprus', blog entry dated 23 October 2017 and published on the website of the Defence Infrastructure Organisation of the MoD at <https://insidedio.blog.gov.uk/2017/10/23/new-nurseries-supporting-forces-families-in-cyprus/>

More broadly, in 2012, the population of the SBAs, including citizens of the Republic of Cyprus living within their boundaries, was said to be 15,700.¹¹⁵ The Government of the United Kingdom owes moral and legal duties to each and every one of these people.

Albeit in different circumstances, you and the Government of the United Kingdom likewise owe moral and legal duties to me and to thousands of other British citizens who are living, working or holidaying in the Republic of Cyprus. At the very least, the relevant legal duties must surely include a duty to refrain from injuring any of us,¹¹⁶ a related duty not to cause any injury to us and, in certain situations, a duty not to act in any way that is incompatible with any of our human rights.¹¹⁷ Ironically, it is the Cyprus-related case law of the European Court of Human Rights that supports the proposition that the European Convention on Human Rights is capable of having extraterritorial effect.¹¹⁸

My fellow British citizens and I are not exactly thin on the ground in the Republic of Cyprus. In 2017, the Office of National Statistics ('the ONS') referred to statistics assembled in 2011 and disclosed that 24,046 citizens of the United Kingdom live in the Republic of Cyprus. This represents what the ONS describes as '[t]he highest concentration of British citizens' among the 27 Member States of the EU outside the United Kingdom. Indeed, as much as '2.9% of the population' of the Republic of Cyprus holds 'only British citizenship.'¹¹⁹ Once again, I must declare an interest; since 1 September 2015, I have fallen into this latter category.

To cap it all, the United Kingdom additionally owes moral and legal duties to the Republic of Cyprus and to each one of its citizens, particularly the citizens of the Republic who live or work in the two SBAs and thereby help to ensure the viability of the SBAs as pillars of the national security of the United Kingdom.¹²⁰ In this regard, I

¹¹⁵ *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 online by the Government of the United Kingdom at <http://jncc.defra.gov.uk/pdf/2012-07-20%20SBAs.pdf>

¹¹⁶ In the words of Lord Pearson in the case of *Nissan v Attorney General* [1970] AC 179 at par. 17: 'Although there is no legally enforceable duty to protect subjects in foreign parts (*China Navigation Co.* [1932] 2 K.B. 197), it would be a novel concept to hold that a government owes no duty at all to help or protect or refrain from injuring them. And there seems little logical justification for saying that although a country owes some measure of protection to its subjects when they are outside the realm, yet it may treat them as if they were mere aliens whenever it chooses to impinge upon their personal rights. Also it must be remembered that aliens abroad can rely upon their own governments to make representations through diplomatic channels and obtain redress from our government if they are injured by its acts of State. But if our government can injure its subjects abroad without remedy in the Courts, there are no diplomatic channels open to them.'

¹¹⁷ Under section 6(1) of the Human Rights Act 1998: 'It is unlawful for a public authority to act in a way which is incompatible with a Convention right.' Section 6(3) clarifies the following:

'In this section "public authority" includes— (a) a court or tribunal, and (b) any person certain of whose functions are functions of a public nature, but does not include either House of Parliament or a person exercising functions in connection with proceedings in Parliament.'

¹¹⁸ See, for instance the cases cited in Lord Dyson MR, 'The extraterritorial application of the European Convention on Human Rights: Now on a firmer footing, but is it a sound one?', transcript of a lecture delivered at the University of Essex on 30 January 2014, website of the Judiciary of England and Wales at www.judiciary.gov.uk/wp-content/uploads/JCO/Documents/Speeches/lord-dyson-speech-extraterritorial-reach-echr-300114.pdf

¹¹⁹ '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/jan2017

¹²⁰ In relation to the 'Cypriot employees' who are employed by the Sovereign Base Areas, see *inter alia* the written ministerial answer to the House of Lords by Earl Howe, dated 24 November 2017. Published by the website of the

remind you that having been the imperial ruler of the Island from 1878 until 1960, the United Kingdom remains locked into a treaty relationship with the Republic of Cyprus. This relationship exists by virtue of the Treaty of Establishment of 1960 and the Treaty of Guarantee of 1960, not to mention other legal instruments including the Treaty on European Union, the latter of which, pending Brexit, continues to be binding upon the United Kingdom.

Against this background, the British Foreign and Commonwealth Office ('FCO') continues to regard the United Kingdom as having 'an important role' as a 'Guarantor Power'.¹²¹ In turn, this effectively underlines the enduring duty embodied in Article II of the Treaty of Guarantee of 1960 under which, I remind you, the United Kingdom has undertaken to 'recognise and guarantee the independence, territorial integrity and security of the Republic of Cyprus ...'.¹²²

For these and for other reasons, the Government and – I would add the Parliament – of the United Kingdom cannot ignore the grave matters raised in this open letter. These matters not only concern the Republic of Cyprus. They also concern the citizens, the military personnel and, indeed, the national security of the United Kingdom.

Ten Questions including a call for an independent inquiry

In view of the contents of this open letter, a number of pressing questions have arisen. These questions include the ones scattered across the preceding pages plus those expressly listed below which I trust you will address as soon as reasonably practicable. If it is deemed necessary for any of these questions to be dealt with under the Freedom of Information Act 2000 or the Environmental Information Regulations 2004, I trust that the relevant procedures will be activated.

Question 1

Before you decided to authorise the RAF strikes mounted on 14 April 2018 against a 'military facility' alleged by you to contain 'chemical weapons' and 'Syrian sarin', did you commission or receive any risk assessments concerning the risks that might be presented by any such strikes to the Republic of Cyprus or to the SBAs? If so, when were such risk assessments carried out and what did they reveal? If no such risk assessments were commissioned, will you please account for such a failure?

Question 2

The Question articulated below is in two inter-twined parts. Both flow from the duties owed by the Republic of Cyprus to its own citizens, its lawful residents and others,

Parliament of the United Kingdom at www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2017-11-14/HL3241/

¹²¹ See 'Foreign Secretary joins crucial Cyprus settlement talks in Switzerland offering full UK support', statement of 27 June 2017 published by the Foreign and Commonwealth Office at www.gov.uk/government/news/foreign-secretary-joins-crucial-cyprus-settlement-talks-in-switzerland-offering-full-uk-support

¹²² Article II, *Treaty of Guarantee, Signed at Nicosia, on 16 August 1960*, as registered at the UN by the United Kingdom on 12 December 1960. Published by the United Nations at https://peacemaker.un.org/sites/peacemaker.un.org/files/CY%20GR%20TR_600816_Treaty%20of%20Guarantee.pdf

coupled with the seemingly informed media speculation from 11 April 2018 onwards that RAF Akrotiri might be involved in some form of military action against Syria.¹²³

2.1 Did the President, Government, National Guard or House of Representatives of the Republic of Cyprus or anybody acting on any of their respective behalves ask you or any other part of the Government of the United Kingdom to commission any risk assessments of the types mentioned in Question 1 above?¹²⁴ If so, how, when and with what results?

2.2 In the days leading up to 14 April 2018, did the President, Government, National Guard or House of Representatives of the Republic of Cyprus make any other representations to you or the Government of the United Kingdom with regard to the prospect of military action in Syria?

Question 3

As a courtesy or for any other reason, did you, any other minister of the Crown or anybody else acting on behalf of the Crown, brief, consult or forewarn the President, Government or House of Representatives of the Republic of Cyprus (i) before you took the decision to authorise the RAF to launch the strikes carried out on 14 April 2018 or (ii) before the RAF launched these strikes? If not, why not?

Question 4

Will you please account for and clear up the confusion caused by the inconsistent messages issued by you, the MoD, and Ambassador Pierce, as pinpointed at the outset of this open letter? In the assessment of the British Government, what was struck by RAF aircraft on 14 April 2018 – chemical weapons precursors, chemical weapons, chemicals or a combination thereof? In so far as you or the British Government is aware, what was struck by the armed forces of France and the United States during the joint operation concluded on 14 April 2018?

Question 5

This Question is in two inter-twined parts.

5.1 Preferably after consulting the Government of the Republic of Cyprus, will you please clarify by whom and upon which legal basis will the Republic of Cyprus will be defended or otherwise aided and assisted in the event of any armed attack or any imminent attack by any state or non-state actor (i) before Brexit and (ii) after Brexit?

¹²³ See, for instance, Alistair Bunkell, 'What are Britain's options in Syria?', Sky News, 11 April 2018, at <https://news.sky.com/story/what-are-britains-options-in-syria-11326907>, 'RAF bombers on standby in Cyprus', e-Kathimerini, 11 April 2018, at www.ekathimerini.com/227536/article/ekathimerini/news/raf-bombers-on-standby-in-cyprus and Jo Riley, 'RAF Tornado jets prepared at air base for possible air strikes on Syria ahead of crunch cabinet meeting', *Daily Mirror* (online edition), 12 April 2018, www.mirror.co.uk/news/world-news/raf-tornado-jets-prepared-air-12351881

¹²⁴ Statement by the Prime Minister of 14 April 2018, published by the Prime Minister's Office, 10 Downing Street, on the website of the Government of the United Kingdom at www.gov.uk/government/news/raf-jets-strike-chemical-weapon-facility-in-syria

5.2 In the event of any armed attack or any imminent attack on the Republic of Cyprus by any state or non-state actor, would the United Kingdom, the SBAs and British Forces Cyprus and any other armed forces of the United Kingdom spring to the defence of the Republic of Cyprus? If so, on which legal basis? If not, why not?

Question 6

Do you agree with one of my submissions in my written evidence to the House of Lords Constitution Committee, dated 12 October 2017, in relation to the European Union (Withdrawal) Bill¹²⁵ i.e. that the bilateral relationship between the United Kingdom and the Republic of Cyprus as well as the office of Administrator of the SBAs must be reformed via a transparent programme of democratisation and modernisation for the mutual benefit of all concerned? If so, do the pre-Brexit negotiations provide an appropriate opportunity to activate such a programme?

Question 7

Bearing in mind that any use of chemical weapons amounts to a violation of international humanitarian law, will you please clarify which steps the United Kingdom has taken, is taking and proposes to take to foster in the Eastern Mediterranean a culture of compliance with international humanitarian law and a related culture in favour of international criminal justice?

Question 8

Will you please clarify how you propose to address the alarming state of affairs painted by the map published by the International Criminal Court at the source specified in the footnote below,¹²⁶ the gist of which is expressed below?

- Greece and the Republic of Cyprus are the only sovereign states in the Eastern Mediterranean which are state parties to the Rome Statute on the International Criminal Court, as adopted in 1998; the United Kingdom is also a state party;
- Turkey, Lebanon, Israel and Libya have never signed let alone become state parties to the Rome Statute;
- In common with Russia and the United States, Egypt and Syria have signed but not ratified the Rome Statute.¹²⁷

¹²⁵ 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. Published on the website of the Parliament of the United Kingdom

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>

¹²⁶ See the map published by the International Criminal Court at https://asp.icc-cpi.int/en_menus/asp/states%20parties/pages/the%20states%20parties%20to%20the%20rome%20statute.aspx

¹²⁷ See the details published on the Rome Statute by the United Nations Treaty Collection at https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=XVIII-10&chapter=18&lang=en

Question 9

Has any part of the Government of which you are Prime Minister commissioned or received any reports into the causes, consequences or toxicity of the various dust clouds, dust events and other forms of air pollution, which have engulfed or otherwise affected the SBAs as well as the Republic of Cyprus in recent years, particularly since the US-led invasion of Afghanistan in October 2001?¹²⁸ If so and if such reports are not freely available to the public, will you please release them into the public domain as soon as reasonably possible?

Question 10 – A call for an independent inquiry

Preferably after consulting the Government of the Republic of Cyprus, the European Environment Agency (an agency of the EU) and any other relevant legal authorities, will you please commission or co-commission an independent inquiry: (i) to investigate how, why and with what consequences the atmosphere of the SBAs (and of the Republic of Cyprus) has been adversely affected by toxic dust clouds, dust events and by other sources of air pollution in the years since the US-led invasion of Afghanistan in October 2001; and (ii) to assess what can be done to address any other natural or man-made environmental threats to the SBAs (and to the Republic of Cyprus)?

If you accede to my call, as pinpointed above, will you please ensure that any such inquiry addresses all pertinent questions including those listed at points 10.1 to 10.10 below, none of which appear to fall within the remit of a worthy and much-needed but understandably narrow EU-funded research project which, I understand, is currently being co-ordinated by the University of Cyprus. Whereas that project is dedicated to 'providing a field-based evidence for the adoption of a strategic plan for mitigating the health effects of DDS [desert dust storms] events in south-east Europe',¹²⁹ the inquiry I am calling for should have a much wider remit.

10.1 What have been the causes and the consequences of each of the toxic dust clouds, dust events and other forms of air pollution, which, from time to time, have afflicted the SBAs (and the Republic of Cyprus) since October 2001?

¹²⁸ In Question 9 and Question 10, I have mentioned Afghanistan in view of the post-2001 conflict there and the relatively close distance between that country and the Republic of Cyprus. For instance, the distance in a straight line between Nicosia, the capital of the Republic of Cyprus, and Kabul, the capital of Afghanistan, is 3,251 kilometres. That is less than the distance of 3,268 which separate London from Paralimni on the south-east coast of the Republic of Cyprus. These direct distances have been made with the assistance of the OpenStreetMap distance calculator provided by the European Commission at https://ec.europa.eu/programmes/erasmus-plus/resources/distance-calculator_en

¹²⁹ See 'LIFE-MEDEA - Mitigating the Health Effects of Desert Dust Storms Using Exposure-Reduction Approaches LIFE16 CCA/CY/000041', website of the European Commission at http://ec.europa.eu/environment/life/project/Projects/index.cfm?fuseaction=search.dspPage&n_proj_id=6228 This research project involves Dr Panayiotis Yiallourous of the University of Cyprus whose published curriculum vitae includes an impressive list of publications including three relating to dust. These are cited therein as follows: Achilleos S, Evans JS, Yiallourous PK, Kleanthous S, Schwartz J, Koutrakis P. PM10 concentration levels at an urban and background site in Cyprus: The impact of urban sources and dust storms. *J Air Waste Manag* 2014; 64 (12): 1352-1360; Neophytou AM, Yiallourous P, Coull BA, Kleanthous S, Pavlou P, Pashiardis S, Dockery DW, Koutrakis P, Laden F. Particulate matter concentrations during desert dust outbreaks and daily mortality in Nicosia, Cyprus. *J Expo Sci Environ Epidemiol*. 2013 May; 23(3): 275-80; and Middleton N, Yiallourous P, Kleanthous S, Kolokotroni O, Schwartz J, Dockery D, Demokritou P, Koutrakis P. A 10-year time series analysis of respiratory and cardiovascular morbidity in Nicosia, Cyprus: The effect of short term changes in air pollution and dust storms. *Environmental Health* 2008 July; 7: 39. The curriculum vitae of Dr Yiallourous has been published at www.ucy.ac.cy/medical/documents/CVs/CVenglYIALLOUROUS_2015-10-07_SHORT.pdf

10.2 Have the various conflicts which have unfolded in Afghanistan (since 2001), Iraq (since 2003), Syria (since 2011), Libya (since 2011) or elsewhere (such as south-east Turkey, Sudan or Yemen) directly or indirectly contributed to the toxic dust clouds, dust events and other forms of air pollution which, from time to time, have afflicted the SBAs and the Republic of Cyprus since October 2001?

10.3 Bearing in mind that the United Kingdom has been intimately involved in co-triggering, fuelling or otherwise participating in the aforementioned conflicts in Afghanistan, Iraq, Syria and Libya, to what extent does the United Kingdom shoulder any responsibility for any such dust clouds or other forms of air pollution?

10.4 To what extent, if at all, has the alleged or actual use of chemical weapons in Syria contributed to the toxic dust clouds, dust events and other forms of air pollution which, from time to time, have afflicted the SBAs (and the Republic of Cyprus) since October 2001?

10.5 Did the RAF strikes undertaken in Syria on 14 April 2018 result in the release into the air of any sarin, any other toxic chemicals or anything else which is toxic? If so, has any such release given rise to any actual or potential danger to (i) the health of humans, (ii) the health of wildlife including farm animals and fish, (iii) crops, (iv) sources of fresh water, reservoirs and other water supplies, (v) any other part of the environment or (vi) anybody or anything else in the SBAs (or the Republic of Cyprus)? If the American or French strikes concluded on 14 April 2018 triggered any similar releases and if you or the British Government have relevant details, will you please disclose them?

10.6 Which remedies may be sought from the various state and non-state actors who may be responsible for the problems caused in the SBAs (and in the Republic of Cyprus) by toxic dust clouds and by air pollution since October 2001? Alternatively, or in addition, how should such actors be held to account?

10.7 Particularly in the light of the environmental problems generated by the post-2001 conflicts in Afghanistan, Iraq, Syria, Libya and elsewhere, should the United Kingdom formally endorse the campaign to recognise ecocide as an international crime?¹³⁰

10.8 What else should be done to prevent or respond to the dust clouds, dust events and other forms of air pollution mentioned in this open letter?

10.9 How will Brexit affect the ability of the United Kingdom to influence the EU in policy areas which directly or indirectly affect air pollution or the quality of the air in the SBAs? In the post-Brexit epoch, what role may the Republic of Cyprus perform in the EU in order to promote the existence of clean air in the SBAs?

10.10 How, why and to what extent are environmental or other risks presented to the SBAs (and the Republic of Cyprus) by the nuclear power plant under construction at Akkuyu in Turkey, the wider Turkish nuclear energy programme of which it forms part

¹³⁰ See the websites relating to ecocide at <http://eradicatingecocide.com/our-earth/>, www.thisisecocide.org/ and www.facebook.com/Ecocide/ Also see the website of Polly Higgins, a barrister by profession, who has been the driving force behind the campaign to recognise ecocide as an international crime, at <http://pollyhiggins.com/>

and the Turkish-Russian nuclear energy alliance? In the event of any Chernobyl-style catastrophe in Akkuyu or in any other part of Turkey, how might the SBAs (and the Republic of Cyprus) be affected and how should they respond? As a means of preventing any such outcome, which legal steps should the United Kingdom (and other actors, including the Republic of Cyprus) take to address, minimise or eliminate this and any other related nuclear-related risks?

The importance of the issues raised in this open letter

None of the specific questions I have pinpointed above were addressed by you or by any other MP during the protracted proceedings focusing on Syria in the House of Commons on 16 April 2018. Indeed, it is somewhat astonishing that during the course of over six hours of proceedings in relation to Syria, not a single MP expressly mentioned the Republic of Cyprus, British citizens living there, the SBAs, RAF Akrotiri or British Forces Cyprus.¹³¹

That being said, during the first set of Syria-related proceedings held in the House of Commons on 16 April 2018, Jeremy Corbyn MP, the Leader of the Labour Party and HM Opposition, did ask two pertinent questions which dovetail with some of mine, as posed above. To quote Mr Corbyn:

‘On the mission [of 14 April 2018] itself, what assessment have the Government made of the impact of bombing related military facilities, where the regime is assessed as storing chemical weapons? What about the impact on local people of chemicals being released into the local environment?’¹³²

In your response to the Leader of the Opposition, you did not appear to answer any of his questions, as quoted above. For this and for other reasons, I shall be sending a copy of this open letter to, among others, the Leader of the Opposition and to the Chairs of the House of Commons Select Committees on Environmental Audit, Defence and Foreign Affairs. As I indicated earlier, the contents of this open letter are relevant to the Parliament as well as the Government of the United Kingdom.

Closing remarks

I look forward to your response to the various issues raised in this open letter.

In the meantime, as the future unfolds, I trust that you, your fellow ministers and your successors will take the three matters outlined below into account.

¹³¹ See Hansard, *House of Commons Debates*, 16 April 2018, Columns 39 to 92. Published online by the Parliament of the United Kingdom at <https://hansard.parliament.uk/commons/2018-04-16/debates/92610F86-2B91-4105-AE8B-78D018453D1B/Syria>. Also see Hansard, *House of Commons Debates*, 16 April 2018, Columns 105 to 154. Published online by the Parliament of the United Kingdom at <https://hansard.parliament.uk/commons/2018-04-16/debates/F60340EF-63CD-44DB-BE7B-CFE2D125BB9D/Syria>

¹³² Jeremy Corbyn MP, Leader of HM Opposition, Hansard, *House of Commons Debates*, 16 April 2018, Column 45. Published online by the Parliament of the United Kingdom at <https://hansard.parliament.uk/commons/2018-04-16/debates/92610F86-2B91-4105-AE8B-78D018453D1B/Syria>

Firstly, whenever any British military action is being contemplated in the Eastern Mediterranean or in the Middle East or further afield, the relevant decision-makers in the British Government must bear fully in mind the welfare of thousands of British people in the Republic of Cyprus and in the SBAs, the welfare of thousands of other people inhabiting the Republic of Cyprus and the duties of the United Kingdom towards the Republic of Cyprus. Accordingly, the national security of the United Kingdom must be given a wide meaning which encompasses a 'very British' corner of Europe.

Secondly, the United Kingdom must live up to the noble sentiments which you expressed at the close of each of your two statements of 14 April 2018. In both, you referred to the need to 'defend the global rules and standards that keep us all safe.'¹³³ It is neither just nor consistent with British values for the United Kingdom to do nothing of any substance to hold to account Turkey and any other state or non-state actors who may be responsible for the commission of grave international crimes, including crimes against humanity and war crimes, in the Republic of Cyprus.¹³⁴

Thirdly, irrespective of the 'rights and wrongs' of your decision to authorise the RAF to participate in the joint operation concluded on 14 April 2018, your decision and the role of RAF Akrotiri have effectively highlighted the absurd, antiquated and neo-colonial state of affairs which prevails in the Republic of Cyprus and in the Island within which the Republic exists.¹³⁵

On the one hand, Turkey, the imperial ruler of the Island from 1571 until 1878, not only rules the roost in the territorial sea, territory and airspace of the Turkish-occupied north of the Republic of Cyprus; Turkey has also subjected the occupied north to a programme of ethno-religious cleansing, demographic engineering and colonisation.¹³⁶

¹³³ 'PM statement on Syria: 14 April 2018', published by the Prime Minister's Office, 10 Downing Street, on the website of the Government of the United Kingdom on 14 April 2018 at www.gov.uk/government/news/pm-statement-on-syria-14-april-2018 and 'PM's press conference statement on Syria: 14 April 2018', published by the Prime Minister's Office, 10 Downing Street, on the website of the Government of the United Kingdom on 14 April 2018 at www.gov.uk/government/speeches/pms-press-conference-statement-on-syria-14-april-2013

¹³⁴ On this subject, see Klearchos A. Kyriakides, 'The Fourth Geneva Convention of 1949 and its relevance to the 'Conference on Cyprus' in Geneva on 12 January 2017', *Agora Dialogue*, 2 January 2017, at <http://agora-dialogue.com/2017/01/02/the-fourth-geneva-convention-of-1949-and-its-relevance-to-the-conference-on-cyprus-in-geneva-on-12-january-2017/>. The same article has also been published in Panayiotis Ifestos and Yiannos Charalambides (eds.), *Eurodialogue*, Vol. 5, November 2016, 'Cyprus Issue: Sliding on a Knife Edge', pages 59-83. A variation of the questions raised via this article also appears in Greek in Κλέαρχος Κυριακίδης, 'Τελικά, τι θα συζητήσουν στη Γενεύη; Η 4η Σύμβαση της Γενεύης του 1949 και η σχέση της με την επικείμενη «Διάσκεψη για την Κύπρο»', *Σημερινή*, 8 Ιανουάριος 2017, at www.sigmalive.com/simerini/politics/394181/telika-ti-tha-syzitisoun-sti-genevi. Also see Klearchos A. Kyriakides, 'The Search for Security via Answers to Questions on Law, Criminal Justice and Impunity: A working paper published in connection with the 'Conference on Cyprus' in Geneva on 28 June 2017', *Agora Dialogue*, 17 June 2017, at <http://agora-dialogue.com/wp-content/uploads/2017/06/K.-A.-Kyriakides-Working-Paper-for-Agora-Dialogue-as-at-17.06.17-as-amended-on-19.06.2017.pdf> and at <http://agora-dialogue.com/2017/06/17/the-search-for-security-via-answers-to-questions-on-law-criminal-justice-and-impunity/>

¹³⁵ The post-1960 history of the Island of Cyprus illustrates the thesis of Kwame Nkrumah, the first post-independence Prime Minister of Ghana, who argued that 'neo-colonialism' is 'the last stage of imperialism'. See Kwame Nkrumah, *Neo-Colonialism, the Last Stage of Imperialism* (Thomas Nelson & Sons Ltd, London, 1965).

¹³⁶ See *inter alia* Alfons Cuco (Rapporteur), *Report on the Demographic Structure of the Cypriot Communities* (Doc 6589, Council of Europe Committee on Migration, Refugees and Demography, Strasbourg, 27 April 1992), as published online by the Parliamentary Assembly of the Council of Europe at www.assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?fileid=6916&lang=EN and at www.assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewHTML.asp?FileID=6916&lang=EN, 'Illegal Demographic Changes', October 2006, website of the Ministry of Foreign Affairs of the Republic of Cyprus at www.mfa.gov.cy/mfa/mfa2016.nsf/mfa15_en/mfa15_en?OpenDocument and at www.mfa.gov.cy/mfa/mfa2016.nsf/mfa15_en/mfa15_en?OpenDocument&print

On the other hand, the United Kingdom, the imperial ruler from 1878 until 1960, rules the roost in the territorial sea, territory and airspace of the two SBAs; in addition, under the Treaty of Establishment, the United Kingdom continues to possess an extraordinary array of neo-colonial treaty rights over the territorial sea, territory and airspace of the Republic of Cyprus.¹³⁷

In other words, the Republic of Cyprus remains geographically sandwiched between the past two imperial rulers of the Island. As a result, the Republic of Cyprus remains hostage to the actions or omissions of these past two imperial rulers. In turn, the citizens and lawful residents of the Republic of Cyprus remain inherently vulnerable to the consequences of any such actions or omissions. If that is not a neo-colonial state of affairs in need of a substantive overhaul, what is?

I end this open letter by reiterating that the contents herein reflect my personal views. Consequently, these contents should not be interpreted as those of any organization or body with which I have or have ever had any affiliation. Furthermore, please be aware that in line with my duties as an academic and as a means of promoting liberal democracy, the rule of law, transparency and the public interest, I intend to publish any replies which I receive to this open letter in my forthcoming publications.

I look forward to hearing from you and, in the meantime, I wish you well as you continue to discharge your duties as Prime Minister.

Yours sincerely

Klearchos A. Kyriakides

Postscript: Dr Klearchos A. Kyriakides is an Assistant Professor of Law at the Cyprus Campus of the University of Central Lancashire and the Co-ordinator of its programme dedicated to the Rule of Law and the Lessons of History. This open letter forms part of a series of open letters, articles and other publications published by Agora Dialogue and available via the hyperlinks available at www.uclancyprus.ac.cy/en/courses/school-law/academics/dr-klearchos-kyriakides

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¹³⁷ On the theme of British neo-colonialism, particularly as applied to the SBAs, see *inter alia* Richard Clogg, 'The Sovereign Base Areas: colonialism redivivus?', *Byzantine and Modern Greek Studies*, Volume 39, Issue 1, 2015, pages 138-150 and Andreas Stergiou, 'The Exceptional Case of the British Military Bases on Cyprus', *Middle Eastern Studies*, Volume 21, Issue 2, 2015, pages 285 to 300.