Signposts: Cyprus, the UK and the Future of the SBAs

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ever since Cyprus gained independence in 1960, its political geography has proven quite exceptional.1 The creation of British Sovereign Base Areas (SBAs) and associated retained sites transformed the geopolitics of the eastern Mediterranean.2 As an exception to decolonisation, the UK was able to hold onto a significant piece of real estate that proved invaluable for monitoring the strategically important Middle East at the height of the Cold War. Although the idea of sovereign bases was highly controversial, their establishment was nevertheless agreed under the 1959 Zurich and London Agreements in exchange for Cypriot independence, with their spatial extent and the operational details subject to further negotiation. The date of independence for Cyprus was ultimately delayed three times as a consequence of arguments over these matters. After protracted talks, the parties involved eventually settled on the figure of 99 square miles (some 3 per cent of the total land area of Cyprus), which appeared to offer a modicum of symbolic achievement for the Greek Cypriot president-elect, Archbishop Makarios. The two main SBAs were subsequently established at Akrotiri (located west of Limassol and referred to as the 'Western SBA') and Dhekelia (located east of Larnaca and known as the 'Eastern SBA'), as illustrated in Map 1.

After the division of the island in 1974, the UK SBAs and other retained sites had to co-operate not only with the Republic of Cyprus (RoC), which controls the southern part of the island where all the UK sovereign base interests are to be found, but also with the seceding, internationally unrecognised Turkish Republic of Northern Cyprus (TRNC), which controls the northern part of the island and borders the Eastern SBA. In addition, the UK collaborates with and indeed participates in the UN Peacekeeping Force in Cyprus (UNFICYP), which has jurisdiction over the UN Buffer Zone separating the Turkish and Greek Cypriot sides. To that extent, the SBAs are an unusual international entity and one that has operated over the years within the exceptional state of affairs and competing jurisdictions on the island of Cyprus.

This article is devoted to the future place and role of the UK in Cyprus, and particularly of the SBAs, which are governed by the Ministry of Defence (MoD) and, unlike the Falkland Islands and Gibraltar, do not have a long-settled resident British population whose desire it is to remain UK citizens. The ongoing reunification talks between the Greek Cypriots and Turkish Cypriots offer up a new opportunity to reflect on how and why the UK retains the SBAs. Thus far the SBAs have not featured strongly in the current reunification talks led by the UN-appointed special adviser, Espen Barth Eide. More attention has been devoted to areas of immediate concern to Cypriots such as governance, territorial readjustments, property restitution and compensation. However, there has been public commentary about the manner in which the UK’s military presence further complicates the conclusion and implementation of a future settlement, especially when the withdrawal of other foreign armies from the island is expected or even demanded. While there is not room here to review in any detail the tortuous and complex history leading up to the 1974 division of the island and attempts since to promote peace and reconciliation, including the 2004 Annan
Plan which offered a comprehensive settlement, some historical legacies such as that of the SBAs themselves remain part of what Derek Gregory terms ‘the colonial present’.3

Following a brief introduction to the Eastern and Western SBAs, this article employs the notion of the ‘signpost’ to identify some of the local challenges confronting UK–RoC relations as well as to trace the current and possibly future status of the SBAs, including: the position and status of borders; the administration of water resources; the management of conservation and hunting efforts; and the regulation of refugees. While these ‘signs’ are to be found in both SBAs, they are distinct geographical spaces with their own particular histories of infrastructural development, political bordering, community development and environments. Within the Western SBA, for example, past conservation controversies involved the distinct ecosystem of the Akrotiri/Limassol salt lake (there is nothing similar in the Eastern SBA).4 Furthermore, the issue of sea zones and hydrocarbons in waters adjacent to the SBAs, although not publicly discussed by either the UK or the RoC, could be a source of future conflict if not fairly and adequately addressed.

The discussion over the SBAs’ future must also be anchored in political developments, such as recent ‘signalling’ by London – the most notable of which is the repeated offer to cede control of parts of the SBAs in the event of reunification. Most recently, in 2009, the UK offered to relinquish approximately half of the SBAs’ total land area if any reunification plan for Cyprus were to be successful.5 Since then, both the coalition and Conservative governments reiterated this offer made by the last Labour government.6

Another signal was sent by London in 2014, when the UK government agreed with the RoC to allow Cypriot residents and property owners in the SBAs to enjoy equal rights to development in the future.7 A process of normalisation – building continuity and/or avoiding more radical change – seems to be the sensible option.8 However, such activity does not necessarily lead to a single future direction but instead potentially to one of three different futures for the SBAs: a continuation of the status quo; a revised regime; or the dismantling of the SBAs altogether. Depending on how reunification talks progress,9 the UK might well face far more critical and sustained scrutiny of the arrangement it negotiated at the height of the Cold War and decolonisation. Nevertheless, the authors find that contemporary instabilities in the region could make dismantling the SBAs politically unthinkable, as an alliance with more powerful partners, such as the EU and the UK, might be the necessary – if not the preferred – option for Cypriots in the face of external threats.

**Signpost 1: The SBAs and UK Overseas Territories**

The Eastern and Western SBAs have remained under the British Crown since Cyprus gained its independence, as set out in the terms of the 1960 Treaty of Establishment.10 This is in addition to a number of retained sites spread across
the island (see Map 1). However, UK military personnel are not the only residents of the SBAs: civilian Cypriot communities also live and work within their boundaries. How these areas are to be governed is addressed in Annexes A and B of the 1960 Treaty of Establishment and Appendix O of the Independence Agreements, which comprise a lengthy list of terms and conditions including the provision that the UK should not set up and administer the SBAs as if they were ‘colonies’. There is also a restriction on how far the SBAs can be developed beyond their military remit. Yet the treaty allows for the UK government to be involved in the emergency management of local infrastructure should the need arise.11 The SBAs’ administrative and legal structure is distinct from that of both the UK and the RoC. The SBA Administration (SBAA), headed up by a senior military officer (the commander of British Forces in Cyprus) and based in Episkopi in the Western SBA, is in effect the civil government for the SBAs and has an annual budget of £10 million.12 There is an SBA police force and a sitting court that addresses non-military offences. When dealing with those RoC residents living and working within the SBAs, the SBAA works in close co-operation with RoC officials.

The status of the SBAs is unusual in other ways. As one drives through the Eastern SBA, there appears a barely visible sign for ‘Gibraltar Lane’ (Signpost 1) – a useful reminder, perhaps, that the SBAs and Gibraltar are the only British overseas territories that fall under some form of EU jurisdiction and in both cases that the British civilian and military presence arises out of treaty-based negotiations with other European countries that are now EU member states (the 1713 Treaty of Utrecht with Spain in the case of Gibraltar and the 1960 Treaty of Establishment with respect to the SBAs). While Spain actively contests the British occupation of Gibraltar, the case of the SBAs is less fraught, with the RoC regularly working in partnership with the SBAA under the terms of the Treaty of Establishment. Although the SBAs, unlike Gibraltar, are not officially part of the EU,13 certain EU legislation nevertheless applies to the SBAs, as noted in the European Union Ordinance (2004), which was negotiated at the time of the RoC’s admission into the EU.

Moreover, the UK authorities have at times demonstrated – rhetorically at least – a willingness to see their singular sovereignty over these European overseas territories as a matter for further discussion. With regard to Gibraltar, during the Blair and Brown administrations of 1997–2010, proposals were aired for a possible joint-sovereignty arrangement with Spain (only to be withdrawn when public opposition in Gibraltar resulted in a referendum in 2002 condemning the proposals). The situation in the SBAs is different because there are not significant numbers of resident British citizens whose desire to retain the political and legal status quo must be factored in to any decision about the future of the SBAs. While there are local British staff working for the SBAA and UK military personnel stationed at Akrotiri and Dhekelia, they are outnumbered by the Cypriot residents of the SBAs. Today, around 3,800 military and UK-based civilian personnel and their families work or live ‘behind the wire’ and approximately 10,000 Cypriots live ‘outside the wire’ in the two SBAs.14 In 2004, when the British government first offered to give up 48 per cent of the territory associated with the SBAs in the event of the reunification of Cyprus, there was no public resistance within the SBAs, in contrast to the situation in Gibraltar. This offer was repeated in 2009 to the UN special adviser on Cyprus.15 It has yet to be put to the test, and past efforts at such negotiation might be taken as a warning against any assumption that the offer to give up territory would be straightforward (which will be discussed further below).

The point remains, however, that unlike in the case of Gibraltar, there are not thousands of residents who consider themselves British and who are bitterly opposed to any final settlement involving the return of territory. In short, if the broad strategic interests of the UK are guaranteed, it might entertain some kind of revision to the status and administration of the SBAs in order both to reduce the burdens of governing a foreign population and to secure its long-term presence on the island.

Signpost 2: Borders and Boundaries

On the road to Famagusta, there are a number of large signs reminding the driver that the boundary of the Eastern SBA lies along a de facto border (Signpost 2): that of the internationally unrecognised TRNC. This border emerged in its current position as a consequence of the 1974 Turkish invasion, being the line where the Turkish troops stopped in order to avoid entering the SBA. De jure, this boundary has always been there since the SBAs were first established.

Signpost 2: SBA sign advising of the boundary with the Turkish Republic of Northern Cyprus.
in 1960 and is no different to the other boundaries that delimit the SBAs vis-à-vis the RoC. However, in practice, since 1974 it has been a more ambiguous ‘border’. There are guard posts on the Turkish side but not on the British side. There is no UN Buffer Zone, unlike the areas that separate the Turkish troops and the Greek Cypriot National Guard elsewhere on the island. Thus, although the border is visibly demarcated, it is also easily crossed, especially when travelling from north to south.

Interestingly, the de facto border between the TRNC and the Eastern SBA is also a de jure external border of the EU. Since the RoC’s accession to the EU in 2003, the acquis communautaire was suspended in the northern part of the island – that is to say, in areas not controlled by the RoC. Thus, because under the 1960 Treaty of Establishment the UK assumed responsibility for protecting the interests of residents and those working within the SBAs, the SBAA is now responsible for enforcing EU regulations regarding the movement of people and goods across the border between the Eastern SBA and TRNC, even though the SBA itself is not legally part of the EU.

As is evident in recent scholarship, there are examples of both borders and ‘bordering’ in the context of the SBAs and its relationship to the RoC, the TRNC and the UN Buffer Zone. Most important is that bordering should be seen as a process rather than a fixed outcome.16 Within the SBAs, borders exist between the militarised spaces and the civilian areas. These divisions take multiple forms. Fences, barbed wire, concrete walls, security guards, ‘no photography’ zones, tail gates and checkpoints clearly mark the restricted military areas as they create what might be called ‘sites within sites’. Internal boundaries within the SBAs also delimit enclave villages, an RoC power station, two desalination plants and archaeological sites. These boundaries are not merely symbolic. They serve a particular purpose, diffusing authority and creating hybrid forms of governance entangling the SBAA, the RoC and local authorities.

The boundaries separating military from civilian areas are the most distinct. Unlike some of the others within the SBAs, they are not ‘soft’ – that is, subject only to intermittent administration and surveillance. Access is only granted to those with the necessary paperwork and official passes, thus allowing no ‘freedom of access’ as is the case in other parts of the SBAs and retained sites.17 However, this does not mean that evidence of the UK’s military presence is contained within these restricted areas. Whilst previously the UK might have sought a low-key presence in Cyprus, the extensive use of RAF Akrotiri in support of recent operational campaigns has meant that the UK military presence has become increasingly visible and audible to everyone who passes through the base areas or simply sunbathers on the popular Lady’s Mile beach within the Western SBA. It creates an ambivalent feeling of being in a military zone and a holiday resort at the same time.

**Signpost 3: Refugees**

The fate and figure of the refugee today looms a great deal larger in the context of recent events in the southern Mediterranean. In the aftermath of various crises in Afghanistan, Iraq, Syria and Libya, a new stream of refugees and migrants has used, however precariously, land and sea routes to travel from North Africa and the Middle East towards Europe. EU member states such as Greece, Italy, Spain and Malta have been on the front line in terms of handling such movements. Cyprus, as the closest EU member state to Syria, has also attracted migrant flows and has a migrant-processing centre at Menoyia. In 2014, the UN refugee agency (UNHCR), citing French news agency Agence France-Presse, reported that around 2,000 Syrian citizens had arrived in Cyprus since 2011 and that only ten of these had been granted official refugee status.18 However, the issue of refugees is not a new one.19 One signpost outside the Eastern SBA announces that ‘this is the life of refugees [sic] living in the English bases’ (Signpost 3). It highlights the case of a small number of Iraqi refugees who have been trapped in the Eastern SBA for seventeen years, and have been refused asylum status by the UK. While the SBAA provides for their day-to-day needs, they were not allowed to seek asylum within the RoC as the UK government suggested they should, because the RoC government argued that their boat had landed on the shoreline of the SBA and therefore they fell under the responsibilities of the UK as sovereign—presenting an interesting example of how borders and bordering in and around the SBAs are flexible and varied. Their case remains controversial, as even some families who were eventually granted refugee status within the SBA were not given permission to move to the UK. Local human-rights groups in Cyprus complain that the UK is failing in its international humanitarian obligations to re-settle the
refugee community living there, while the long-term fate of refugees within the SBAs is rarely reported by the British media, in comparison to the plight of refugees in other parts of the eastern Mediterranean.

As a consequence, the island’s complex political geography involving competing jurisdictions (the RoC, SBAs, UN Buffer Zone and TRNC) creates opportunities for ambiguity, and even a grading of refugeehood, with some being given safe haven, rights and priority and others significantly less so. It also creates zones of distinction where ‘visible’ refugee communities become ‘invisible’ unless they protest, provoke arrest or go on hunger strike and possibly die on the island. Since March 2015, for example, the people trapped in the refugee camp of Richmond Village in the Eastern SBA have protested about their unresolved status, which will not be addressed by the plans to move the families to new accommodation (Victoria Park) within the SBA. The families have complained that their welfare allowances from the SBAA have been reduced in retaliation for their public protesting.

What this ongoing case reveals is the paradoxical nature of the SBA border regime. The UK has sought selectively to expand and constrict its sovereign reach – eager on the one hand to continue wielding the powers and rights set out in the 1960 Treaty of Establishment, while on the other hand willing, in the case of refugees and migrants, to defer to the RoC the duties and responsibilities of sovereignty in terms of addressing their needs despite their location within the SBAs. The UK authorities are concerned that if these ‘failed asylum seekers’ and recognised refugees living in Richmond Village were allowed to move to the UK, this might draw yet more to the SBAs rather than to other EU Mediterranean member states. However, this particular fear regarding future arrivals might well be unfounded, as a 2004 memorandum, which accompanied the RoC’s admission into the EU, noted that the RoC would take responsibility for refugees and migrants arriving thereafter.

Signpost 4: Water Resources

Placed in a prime location, outside one of the fenced-off militarised spaces, drivers passing the playing fields in the Eastern SBA cannot miss the prominent signpost alerting them to the fact that water is a sought-after resource on the island (Signpost 4). In the height of summer, the green of well-watered playing fields within the SBAs stands in sharp contrast to the dusty and dry surrounding Cypriot landscape. These verdant cricket and rugby fields of the SBAs have come to represent power and an overflow of resources – or perhaps, even more problematic, excess and wastefulness. The signpost, then, serves as a preventive to further criticism, legitimating SBA policy and practice.

However, the signpost also acts as a reminder that territories not only refer to land but need to be understood with respect to the resources that lie below the surface (such as water and oil) and above the terrain itself (such as air and, again, water). Recognising the notion of territorial ‘volumes’ rather than ‘areas’ brings to the fore an understanding of the SBAs as three-dimensional rather than two-dimensional spaces. One must look down, into the underground, as well as up to understand the scale of such spaces. As established in the 1960 Treaty, water flows beneath and beyond those carefully drawn lines on the map that demarcate UK territory. The governance of water thus becomes a measure of responsible stewardship. Yet it also brings to the fore wider political and legal questions about sovereignty and authority, particularly relating to what role, if any, vertical and subterranean boundaries play in the governance of the UK base areas, how the SBAs can be defined as ‘bounded space’, and what power relations are at stake.

The fact that water – like air, with regard to pollutants – cannot be contained by fences or barbed wire forces an acceptance of shared responsibilities between UK and RoC authorities. This is recognised by the SBAA with respect to its administration of water resources within the SBAs. The governing document – Water (Integrated Management of Water Resources) Ordinance 2014 – observes the intention specifically to mirror the RoC’s law on the management of water resources. Similarly, it is noted that the ‘powers and duties conferred on the [SBAA] Chief Officer mirror those of the Director of Water Resources Department in the Republic’. To this end, the supply of water is highly regulated within the SBAs, and the SBAA chief officer is empowered to ‘take such measures as...
are necessary and expedient in order to protect, preserve, redistribute, replenish, re-instate or increase water resources. Such measures include restricting the supply of water ‘due to drought’, ‘due to a reduction in water resources’ and ‘in order to protect water resources’. Nonetheless, the relationship between the SBAA and local communities is often tense because of water scarcity and the prioritisation afforded to British military over Cypriot agricultural needs. Note, for example, the restrictions on the drilling of boreholes that might endanger the SBA wells within a kilometre of the bases, something that has been deeply resented by local Cypriot communities. Although the construction of desalination and water-recycling plants has helped to reduce such resentment, it resurfaces in years of drought.

The wider discussion about the management of water resources points to central questions about British stewardship and sovereignty, about responsibility and accountability, and about the role that the UK can and should play in Cyprus’s future. For example, to what extent can the responsibility to protect scarce water resources within the UK base areas sit comfortably within a defence and security agenda that has seen an increase in British military activity on the island in support of recent military operations? How can the fair distribution of water be achieved beyond building environmentally unfriendly desalination plants? These are questions that a reunified Cyprus might wish to address even if it were to acknowledge that thus far the SBAA – while not party to an apparent water-mismanagement crisis – is nonetheless given priority over local communities. The recent completion of a pipeline connecting mainland Turkey to the TRNC may help in alleviating water scarcity across the island in the event of reunification. However, the inability so far to reach a settlement on the future of Cyprus or distribution disputes following success in this regard could well mean that problems relating to water resources will continue for the foreseeable future.

**Signpost 5: Conservation and Hunting**

Close to the boundary of the Eastern SBA, an interesting sign warns visitors in Greek, Turkish and English that they are entering a zone where hunting is prohibited. However, only in English does the sign designate a ‘wildlife conservation area’ (Signpost 5). The latter is a rather sensitive issue with regard to what local hunters consider ‘game’ and what internationals and local authorities see as ‘protected species’, and points to an aspect of the responsibilities of both the RoC and British authorities within the SBAs that has been publicly criticised. It is also an area of growing concern, not least since a recent report by BirdLife Cyprus claimed that 2014 was ‘the worst year’ for the illegal hunting of birds within the SBAs, with a record 900,000 songbirds killed in Dhekelia (with the Eastern SBA) alone during the autumn months. The report also highlighted that the Eastern SBA – Cape Pyla in particular – has become a ‘hotspot’ for mist netting and the planting of acacia trees to attract and illegally trap wild birds, with local hunters occasionally even using boats to go out to sea and using a voice simulator to attract birds towards their nets.

A number of interests are at stake here. While local voices have called for the right to hunt certain species of birds within the SBAs, conservationists and NGOs (such as the Royal Society for the Protection of Birds and BirdLife Cyprus) continue to lobby for greater commitment from the authorities as well as increased penalties for poachers and their supply networks. Legal frameworks and international directives are in place to regulate the management of local initiatives, as the movement and trading of birds across RoC–SBA borders – as well as, in effect, those of the EU – ultimately necessitates a sharing of obligations between central authorities.

Yet this raises a wider question about British stewardship and about the UK’s ability and willingness, via the SBAA, to co-operate with local RoC authorities in order to clamp down on the infrastructure and underlying economic drivers of these activities. Although suspected offenders are handed to the RoC for legal prosecution, bilateral co-operation in countering illegal hunting is exercised through an established partnership between the SBA Police Anti-Poaching Unit, the RoC’s Game and Fauna Service (a subsidiary of the Ministry of Interior) and the anti-poaching unit of the Cyprus Police. Looking at the SBAA Action Plan for ‘strategic governance’ in relation to the protection of wildlife on the island, it is evident that the SBAA seeks greater co-operation between the relevant British and RoC authorities through a ‘Joint Declaration of Intent’ and a ‘partnership against wildlife crime’. In terms of the wider governance of the SBAs, as well as UK responsibilities within and beyond its own borders, this form of partnering with local authorities should be seen as essential to broader defence policy. This
is not simply about image management, reputation and local public opinion (although these are important factors); above all, it highlights the necessity of developing and sustaining strong civil-military co-operation.

The establishment of new Special Areas of Conservation (SACs), moreover, requires close co-operation between these key stakeholders, as well as engagement with the local communities (in particular, farmers within the SBAs). This is especially relevant, as the British bases in Cyprus have recently announced three new SACs in Akrotiri-Episkopi in the Western SBA, as well as in Agios Nikolaos and Dhekelia-Cape Pyla in the Eastern SBA. Reflecting on the designation of these new SACs, the English-language Famagusta Gazette noted that this ‘will support the existing network of designated sites [NATURA 2000] within the Republic of Cyprus and across Europe’. It is expected that these sites will be formally designated as SACs following the consultation period, which ended in July 2015.

UK authorities have an obligation to designate SACs under the Protection and Management of Nature and Wildlife Ordinance (2007), which satisfies their responsibilities under the Bern Convention and replicates the RoC’s legal framework for the protection of nature and wildlife from 2003. However, as mentioned above, under the terms of the 1960 Treaty the SBAs and retained sites were intended as British training areas within the RoC. This demonstrates another paradoxical feature of the UK’s sovereign authority in the base areas. Whilst on the one hand their ‘primary function’ is to act as training grounds for the British armed forces, on the other hand the UK is responsible for protecting and managing biodiversity in these areas – thereby highlighting challenges with regards to the MoD’s ability to fulfil civic as well as military responsibilities.

The SBAA has sought, however, to respond to these challenges. In late November 2014, the SBAA adopted a new strategy for the protection of wild birds – the SBAA notes that it is responsible for managing ‘a substantial number of designated sites with statutory obligations to protect, conserve and where appropriate enhance’. Indeed, the SBA Game and Wild Birds Ordinance (2008, amended in 2015) provides for the protection of wild birds by prohibiting, for instance, the intentional killing or trapping of these birds. However, the ordinance also imposes a legal obligation on the UK authorities to regulate hunting in general within the SBAs, and puts in place a regulatory framework for the hunting of game. This suggests that stewardship has proven a productive source of sovereign authority for the SBAA and the MoD more generally in Cyprus.

Returning to the signpost referenced at the start of this section, it is likely that those travelling through the SBAs in the coming months and years will encounter an increasing number of these or similar signposts. Along with expanding conservation efforts, as part of wider EU initiatives, and because of the designation of a growing number of SACs, the SBAA intends to ‘erect signs on the site to advertise the presence of protected areas and of species’. The signposts thus act as visual reminders of the UK presence in Cyprus and of its wider responsibilities on the island. They acquire unexpected symbolic value, legitimising the existence of the SBAs through the apparent pursuit of environmental good governance, as established through the policy frameworks discussed here.

**Signpost 6: Sea Limits – the Missing Signpost**

Although the SBA is commonly envisaged as an exclusively land-based territory, it was not originally planned as such. The presence of wire fencing on a beach at the boundary of the Eastern SBA (Signpost 6) is a reminder that boundaries in both SBAs run along the coastline and, controversially, extend into the Mediterranean. However, the authors could not find a signpost acknowledging the extent of UK sovereignty in this regard.
There are, though, indicators to be found within other sources. Within Annex A of the 1960 Treaty of Establishment, the RoC undertook not to claim territorial waters adjacent to the baseline of the SBAs (which prior to the agreement of UNCLOS in 1982 extended 3 nautical miles from the shore, and since then up to 12 nautical miles). It is, however, disputed by the RoC that this provision gives authority to the UK to establish its own territorial sea, or to claim sovereign rights over an Exclusive Economic Zone (EEZ) and continental shelf. So far, the UK has only referred to territorial-sea rights; it has never officially declared ownership of an EEZ or claimed rights pertaining to the continental shelf. Furthermore, the UK has not challenged the RoC over its own declaration of an EEZ along the SBA coastline. The crucial question remains, however, whether the SBAs – as exceptional sovereign entities under the administration of the SBAA – can be treated as a normal coastal state with exclusive sovereign rights over the sea.

In a more recent manifestation, the 2004 Annan Plan for the settlement of the Cyprus problem revealed that while the UK was prepared to relinquish some SBA territory, it would receive in return certain liberties with regard to sea delimitation. The land boundaries of the SBAs (according to the fifth version of the Annan Plan that was the subject of the April 2004 referendum) were to be delimited by ‘two duly qualified persons to be designated by the Governments of the United Cyprus Republic and of the United Kingdom’, but in the case of the sea lines ‘which delimit the waters adjacent to the Sovereign Base Areas that the United Cyprus Republic shall not claim as part of its territorial sea[,] these] shall be set out in a report to be prepared by a duly qualified person to be designated by the Government of the United Kingdom’, without the possibility of international adjudication. As noted, in effect:

[In exchange for relinquishing 45 square miles of base (land) territory, the UK government could appoint a person who was solely in charge to delimit its base (sea) territory, and over whose final ruling, whatever that might be, the Cypriot government could not appeal in any international tribunal or refer the matter to an independent mediator or arbitrator. Land square miles would have been returned ... and instead sea square miles would have been seized in technical, non-publicised fashion, authorised through annexed details of the UN Plan settling the inter-ethnic conflict in Cyprus.

This debate over sea delimitation is all the more significant in the light of current levels of interest in maritime surveying and exploratory drilling in the Eastern Mediterranean on the part of Cyprus, Turkey, Israel and Egypt. The RoC and Turkey have been locked in a dispute over surveying work undertaken in the waters to the south of Cyprus, with arguments raging over the ownership and potential sharing of hydrocarbon resources. The problem is complicated further by the presence of the SBAs, although this has not been publicly discussed yet. Instead, the RoC and the UK have tried to reach an understanding over the issue using soft rather than hard law; that is to say, not via an international treaty but an ‘Arrangement’, a memorandum of understanding, signed in 2014 which requires no legislative scrutiny and ratification.

Although this document makes no direct reference to sea zones, the issue is addressed ‘between the lines’. Section 11 reaffirms the UK declaration given on the date of Cypriot independence (16 August 1960) – the famous Appendix O – which makes reference to SBA ‘territorial waters’, specifying that the RoC ‘will be invited to issue licences’ by the SBA and ‘collect and keep revenue’ from mining, meaning that the UK will have priority in determining who can exploit hydrocarbons within SBA territorial waters. In short, the Arrangement – which does progressively give the RoC other significant benefits with regard to land development – avoids flagging the maritime issue and works carefully and elliptically towards a compromise with regard to sea zones. The ‘missing signpost’ of SBA maritime limits represents a future challenge that should not be underestimated.

Conclusion: The Future of the SBAs

Reflecting on the possible future of the SBAs is timely in the light of Cypriot reunification talks that are being heralded as the most positive in tone and spirit for four decades. There are three possible scenarios facing the UK SBAs in the near future – the maintenance of the status quo, revisions to the current regime and the dismantling of the SBAs – and the scale and extent of change to their status will depend upon an array of factors.

The best scenario from the UK government’s perspective might be for the continuation of the status quo, regardless of the outcome of reunification talks regarding the island of Cyprus. The provisions of the 1960 Treaty of Establishment are generous to the UK and there remains plenty of scope for the country to act in exceptional circumstances prevailing in the SBAs, the retained sites and even the wider island under the terms of Appendix O. In this scenario, the 99 square miles of territory would remain intact, or perhaps reduced in a way that was only symbolic, and the UK would not resist asserting its claims to the waters off the shoreline of the SBAs, at least within its ‘territorial waters’. Any progress towards reunification would not compromise the status or existence of the SBAs and they might even be seen once again as offering a safe haven to the indigenous communities, as was the case in both 1963–64 and 1974.

The second scenario – the revision of the current regime – would involve a substantial reduction in the surface area of the SBAs. Permission would be given to Cypriots to fully and unconditionally develop the land and operate more freely in the rest of the SBAs. This could in return entail the UK agreeing to the joint exploitation of maritime resources in the SBAs’ territorial waters. In other words, revising the regime in line with the 2014 UK–RoC Arrangement plus progressively diluting the ‘sovereignty’ of the UK bases, so that it is more akin to that of the UK base in Brunei or US bases in the UK where the host’s sovereignty is recognised. The revised regime would thus keep the bases under a long-term lease to be periodically renegotiated and consensually agreed.
The third scenario – dismantlement – is the most radical of the three. It might follow the reunification of the island and the expression of the new government’s strong determination to remove the British bases. This would involve revisiting the 1960 and post-1960 agreements on the understanding that they were based on ‘coerced consent’, as well as reconsidering the role of the three guarantor powers – the UK, Greece and Turkey – in the context of EU membership. Cyprus could assume control of the bases and sovereign ability to offer military facilities and/or rent them to interested powers and allies.

Ultimately, in the event of reunification, there would be direct pressure to revise the terms of the operation of or completely phase out the SBAs because reunification would most likely alter the UK’s position as a guarantor power. The RoC, at present, is in no position to demand such operational revision or removal but a unified Cyprus might decide – immediately upon coming into existence or at some point in the future – that a different guarantee system is required, one free from the foreign privileges and interventions of the post-independence era. Better yet, it might decide to embrace a truly post-colonial future where overseas military bases and guarantor powers are a thing of the past. However, it might still decide, in the context of a common European security policy and regional instabilities involving countries such as Syria and Lebanon, as well as non-state actors such as Daesh (also known as the Islamic State of Iraq and Al-Sham), that a different kind of guarantee is required – perhaps a more strategic partnership with more powerful allies, such as the UK and the EU – against a different kind of danger. All things considered, it appears that in the longer term the continuation of the status quo with regard to the SBAs is not sustainable; it is also the least likely scenario, especially if a comprehensive settlement of the Cyprus issue is finally achieved.

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Notes


2 The history of the SBAs is complicated but one in which the extensive Annexes to the 1960 Treaty of Establishment provide a great deal of detail regarding UK discretionary rights, including the right to intervene in the administration of crucial facilities and services should the RoC be unable to exercise sovereign authority. From a legal and political perspective two aspects currently stand out. First, the extent to which the entire regime of the SBAs can at some point be invalidated by reference to Cypriot ‘coerced consent’ in 1960, employing Article 52 of the Law of Treaties. Second, the challenge of implementing the provisions and negotiating in practice the rights under as well as the limits to British sovereignty, such as on environmental responsibility and the exploitation of maritime resources. For a detailed discussion, see Costas M Constantinou and Oliver Richmond, ‘The Long Mile of Empire: Power, Legitimation and the UK Bases in Cyprus’, Mediterranean Politics (Vol. 10, No. 1, 2005).


7 Cyprus Mail, ‘“Historic” Bases Deal to Boost Development’, 16 January 2014.

8 However, normalisation also carries with it political dangers in the UK-Cypriot context. In September 2014, British Foreign Office minister David Lidington’s decision to hold a meeting in London with a foreign-affairs ministerial representative from the TRNC, Ozdil Nami, typically drew a stinging criticism from the RoC for offering any perceived legitimacy to the TRNC.

9 The current reunification talks are being described as the most hopeful ever, given the personal rapport between the Greek Cypriot leader Nicos Anastasiades and Turkish Cypriot leader Mustafa Akinci. Consequently, it is likely that the UK’s military presence will face greater scrutiny.


11 On this see Constantinou and Richmond, ‘The Long Mile of Empire’.


14 SBAA, ‘The Sovereign Base Areas’

16 For a good overview of recent scholarship see Thomas Wilson and Thomas Donnan (eds), A Companion to Border Studies (Chichester: John Wiley, 2012).

17 The 1960 Treaty of Establishment notes that ‘Cyriots (and others resident in the Republic) will have freedom of access and communications to and through the Sovereign Base Areas’. See <http://www.mfa.gr/images/docs/kypriako/treaty_of_establishment.pdf>, accessed 28 August 2015.


19 In the aftermath of the 1974 Turkish invasion, a tented refugee camp was established in ‘Happy Valley’ in the Western SBA, to accommodate Turkish Cypriot refugees fleeing Limassol and the immediate area. They eventually left for the northern part of Cyprus in 1975. Some Greek Cypriot refugees remain on the land in parts of the SBAs, such as in the tented village known as Achna Forest, however.


23 Andreou, “‘Boat People’ Marooned on British Bases’, Guardian, ‘We’re in Limbo’.

24 Constantinou and Richmond, ‘The Long Mile of Empire’, p. 76.


27 Ibid.

28 Ibid.


41 SBAA, ‘Policy Instruction – Poaching (Illegal Trapping of Wild Birds)’.


