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## SUBMISSION PROCEDURE

Manuscripts should be submitted on the journal's website [www.cyprusreview.org](http://www.cyprusreview.org). Should you encounter any difficulties, do not hesitate to contact the Editorial Team of *The Cyprus Review* at <cy\_review@unic.ac.cy>.

## FORMATTING REQUIREMENTS

- Articles should range between 8,000-10,000 words.
- Documents should be submitted in **A4 format, 1.5-spaced lines, in a 12-pt type-face, Times New Roman font.**
- Pages should be **numbered** consecutively.
- An abstract of no more than **150 words** should be included together with a **maximum of ten (10) keywords** to define the article's content. The abstract and keywords should be placed at the beginning of the first page just after the article's title and before the main text.
- **Policy Papers:** Policy Papers on subjects relating to Cyprus should range between 4,000 and 7,000 words in length.
- **Book Reviews** are normally 2,000 words maximum in length. The **reviewer's name** should appear at the end of the review. Guidance notes are available for book reviewers. Headings should appear as follows:

Title

Author

Publisher

(Place, Date), number of pages [pp. ....]

ISBN:

## SEPARATE FILES

- As manuscripts are sent out anonymously for editorial evaluation, the **author's name should appear on a separate covering page.** The author's **full academic address and a short bio of no more than 50 words** detailing current affiliation, areas of research interest and publications should also be included in the said cover page.
  - **Images, Tables, Figures, and Photos**
- *The Cyprus Review* has adopted a **strict BnW/no-more-than-three policy** regarding images and/or photos accompanying submitted articles. More than three (3) items can be accepted at the editorial team's discretion, **if (and only if)** they are deemed absolutely necessary for the sake of scientific completeness.
- In any case, the images should be submitted in **high resolution and black & white format.** The editorial team **retains the right** to place the images, photos, tables etc. in

a **separate annex, following** the end of the **article's main body**. References to such images etc. within the article should be made in a **footnote** citing the item's title and the word Annex, e.g. <sup>1</sup> Photo 1 'Vision of Cyprus' Annex.

- Images, tables, figures, graphs, and photographs should be **numbered consecutively** with **titles**, and submitted in **separate file(s)**. A **copyright credit should be added, if mandatory, under a permissions agreement**.

## GENERAL STYLE AND FORMAT

- *The Cyprus Review* uses **British spelling**, '-ise'/'-our' endings (e.g. 'organise' and 'organisation', 'labour' and 'honour'), and strongly supports the **Oxford comma**.
- Possessives of words (nouns and proper names) ending in -s (such as Cyprus, politics, Descartes etc.) should be formed by the addition of an apostrophe ( ' ') at the end of the word, e.g. Cyprus', politics', Descartes'.
- We would ask authors to use the following **formula in the headings (full capitals, as in CAPITALS, in headings are to be absolutely avoided)**.
- **Headings and subheadings** should appear as follows:

### 1. Part One

#### A. First Subheading

##### 1. Second Subheading

##### (a) Third subheading

##### (i) Fourth subheading

- All **nouns, verbs and adjectives** on the **first three levels** should **begin** with **capital letters**.
- The word '**state**' should begin with a **capital 'S'** when it denotes a polity, e.g. the international community of States; **but** the state of play.
- **Acronyms** should be **capitalised** in full.
- **Basic legal material** (e.g. the Treaty on the Functioning of the European Union, United Nations Charter) and their **short titles or abbreviations** should begin with **capital** letters (TFEU, UN Charter). The same rule applies to the **titles of books, chapters, articles** etc. cited in the footnotes and in the references section.
- Sources written **in languages other than English** (for instance French or German) follow their own rules regarding the **use of capital letters**. In such cases, it is preferable to follow the **rules** applicable in the **source's original language**. For instance:

Christopher Staker, 'Public International Law and the Lex Situs Rule in Proprietary Conflicts and Foreign Expropriations' (1987) 58(1) *British Yearbook of International Law* 151.

Antony Anghie, *Imperialism, Sovereignty and the Making of International Law* (Cambridge: Cambridge University Press, 2004).

Maarten Bos, 'Public International Law and Private International Law: Two Well Distinct Identities' ('Droit international public et droit international privé: deux identités bien distincte') in Jerzy Makarczyk (ed.), *Theory of International Law at the Threshold of the 21<sup>st</sup> Century: Essays in Honour of Krzysztof Skubiszewski* (The Hague/Boston MA: Kluwer Law International 1996) 89 (in French).

Georg Jellinek, *The Legal Nature of State Conventions: A Contribution to the Legal Construction of International Law* (*Die rechtliche Natur der Staatenverträge: Ein Beitrag zur juristischen Construction des Völkerrechts*) (Wien: Hölder 1880) (in German).

- Use **italics** for the following:
  - The **names of cases and judgments** either domestic or international:  
*Attorney General of the Republic v. Mustafa Ibrahim & Ors*  
*Military and Paramilitary Activities in and Against Nicaragua*  
*Distomo* case
  - The titles of published books, e.g. Professor Emilianides' *Constitutional Law in Cyprus*
  - The titles of periodicals, journals, and review e.g. *British Yearbook of International Law*, *American Journal of Legal History*, *The Cyprus Review*
  - **Short foreign phrases**, names or individual words, e.g. *Areios Pagos*, *Cour de Cassation*, *sui generis*.
  - However, **Latin abbreviations or words commonly used** should not be italicised: cf., e.g., ad hoc, i.e., per se.
  - Words or phrases which the author wishes to **emphasise**. Emphasis added by the author in a quoted passage should be explained in the corresponding footnote as follows:

'[...] gender equality in *every* aspect of economic and social life is a *basic* obligation for *every* state which ensures equal treatment for *all* citizens irrespective of their gender'.<sup>1</sup>
  - <sup>1</sup> Konstantinos Dimarellis, Christina Ioannou, 'Equal Treatment of Women and Men in Employment: An Analysis of the Cypriot and the Greek Legal Frameworks' (2018) 30(1) *The Cyprus Review* 259, 273 (emphasis added).
  - In a likewise manner, when the author wishes to **omit an emphasis** in a quoted passage, this should be explained in the corresponding footnote adding (emphasis omitted).
  - Emphasising by use of **Bold** is to **be absolutely avoided**. Exceptions may apply strictly for quoted passages where the original text already contains certain



emphasised passages in italics and the author wishes to add more emphasis in another part. The corresponding footnote should then contain the explanation: (italic emphasis in the original, bold emphasis added).

## **PUNCTUATION, FOOTNOTE INDICATORS, NUMBERS, AND ABBREVIATIONS**

- **Quotations** must correspond to the original source in wording, spelling, and punctuation.
- Any **alterations** to the original should be noted (e.g. use **brackets [...]** to indicate omitted information).
- **Single quotation marks (‘ ’)** are to be used to denote direct quotes and **double quotation marks (“ ”)** to denote a quote within a quotation.
- The **closing full stop** should be **outside** the closing quotation mark (‘ \_\_\_\_\_’.)
- **Footnotes** should be placed **after the closing quotation mark** (‘ \_\_\_\_\_’1), unless a specific reference to a term within the quoted passage is made.
- In general, **footnote numbers should be placed after the punctuation marks.** Footnote indicators should follow full stops, commas, semi-colons, quotations marks, and brackets or parentheses ( \_\_\_\_\_1 \_\_\_\_\_,1 \_\_\_\_\_;1 etc.).
- **Footnotes** should be used to provide additional comments and discussion or for reference purposes, and should be numbered **consecutively** in the text.
- **Acknowledgements, references to grants etc.** should appear within the footnotes.
- **Passages of more than three lines** should be printed as a **separate paragraph, indented, without quotation marks (11-pt, Times New Roman, Indent: Left 2,00 cm, Right 2,00 cm)**
- **Hyphens** joining composite words should be short [-] without spaces.
- **Em-dashes [—]** should be used as punctuation devices, introducing parenthetical phrases, **without a space in either side.**
- It is preferable **not to use hyphens**, when such a choice is **grammatically** available (e.g. coordination, transnational, intergenerational etc.).
- **Single parentheses ( )** should be used for all comments, remarks, and explanations either in the main text or in the footnotes.
- **Brackets [ ]** should be used in the following cases:
  - For the **publication year of reports/reviews lacking a volume number**, e.g. *A. Christodoulides v. The Republic* [1967] 3 CLR 356; Paul Craig, ‘Theory, “Pure Theory” and Values in Public Law’ [2005] *Public Law* 440.
  - For **modifications and explanatory remarks** within quoted passages.

- **Other parenthetic indicators and quotation marks**, such as **braces { }** or **Guillemets « »**, are to be **absolutely avoided**, even if preferred in the original language of a given source (e.g. French, Greek, or German).
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- The **period sign ( . )** should be used as a **decimal separator/radix** (e.g. 2.02 cm), while **comma ( , )** as a **groups of thousand's separator**, e.g. 100,000,000.
- **Dates** should follow the **day month year format**, as in 1 January 2000.
- **Months** should not be abbreviated in any case (e.g. February; not Febr.).
- **Decades** should be referred to as the 1930s, the 2000s etc.
- **Centuries** can be written in numerals, e.g. the 21st century.
- **Abbreviations** should be followed by a full stop, e.g. Doc., Cf., Appl., Suppl.
- The abbreviated form of the word **'number'**, i.e. **No**, should not be followed by a period.
- The word **'editors'** should be abbreviated as **eds** (without a period); the word **'editor'** should be abbreviated as **ed.** with a period.
- The word **'edition'** (i.e. 1st edition, 2nd edition etc.) should be abbreviated as **edn** (**without a fool stop**, while the word **'translator'** as **tr.** (followed by a full stop).
- **Abbreviations/Latin indicators**, such as 'Op. cit.' and 'Loc. cit.' should be avoided. The use of Latin bibliographic location indicators, such as *supra* or *infra* is also discouraged.
- The Latin abbreviation **'Ibid.'** (ibidem, the same) may be used where there are two or more consecutive references to a source.
- The moderate use of the Latin indicator **Cf. / cf.** (compare) is encouraged.
- When **two or more works of the same author** are cited, the indicator **'Id./id.'** can be used instead of repeating the name of the author.
- **Acronyms and law report abbreviations** should **not** be followed by **full stops**, e.g. UN, EU, NATO, CLR, EWCA Civ, WLR.
- It is preferable to **avoid abbreviating the title of journals, reviews, yearbooks, and other periodicals**. Titles should be written **in full and italicised** accordingly, e.g. *Journal of European Legal Studies* instead of JELS. However the **word 'and'** can be **replaced** with the ampersand sign (**&**), if and if only the ampersand is used in the official name of the respective journal, e.g. *The Law & Practice of International Courts and Tribunals, Law & Contemporary Problems, International & Comparative Law Quarterly, Science & Education*.

- The same rules apply to **publishing houses and university presses** (avoidance of acronyms, use of ampersand when adopted by the publisher), e.g. Harvard University Press, Taylor & Francis.
- In judgments and secondary sources with **more than three parties or authors** the abbreviation ‘& Ors’ or ‘et al.’ can be used respectively.
- When **introducing an abbreviation or short title of an entity’s or a source’s name**, the abbreviation should be stated **after the first mention of the entity or the source**.
- **Abbreviations of entities’ names** can appear **either in the main text or in a footnote**.
- **Sources** should be **abbreviated in the first footnote** citing them. Afterwards, the short title or abbreviation can be used in both the main text and the footnotes.
- **Avoid forming the possessive of a noun, when it is followed by an abbreviated or short form in parentheses**, e.g. the Third Post-Program Monitoring Discussions Staff Report of the International Monetary Fund (henceforth IMF) on Cyprus.

## REFERENCES IN FOOTNOTES

- As a general rule, if a secondary source is authored, edited etc. by **more than three scholars [in which case the formula Name, Name & Name is applicable]**, it is advisable to write **just the first name** of the author/editor etc., as it appears in the original source, and add **et al.**
- If the source’s **original language is not English**, both the **title** and possible **quotes** should be **translated** into English.
- When a book, book chapter, or article is written in a **language other than English**, its **original title** should be stated in **eclipses ( )**, **following the translated version**, using the **alphabet** (Latin or other) utilised by its **original** language. At the end, the **name of the language should be indicated** within **eclipses, i.e. (in ...)**.

Christina Ioannou, Demetris P. Sotiropoulos, Achilles K. Emilianides, *Cyprus in a New Era: Geostrategic Parameters, Economy, Foreign Policy (Η Κύπρος στη Νέα Εποχή: Γεωστρατηγικές Παράμετροι, Οικονομία, Εξωτερική Πολιτική)* (Nicosia: Hippasus, 2014) (in Greek).

Achilles C. Emilianides, ‘State and Church in Cyprus’ (‘Staat und Kirche in Zypern’) in Gerhard Robbers (ed.), *Staat und Kirche in der Europäischen Union (State and Church in the European Union)* (2<sup>nd</sup> edn, Baden-Baden: Nomos Verlagsgesellschaft, 2005) 231 (in German).

Georges Ténékidès, ‘The International Condition of the Republic of Cyprus’ (‘La condition internationale de la République de Chypre’) (1960) 6 *Annuaire Français de Droit International* 133 (in French).

- When a book has **more than one edition**, the **number of the cited edition** should be mentioned, **before** the rest of the **publication details**. The **translator** of the book, if existing, should be **mentioned before** the said details too. If the book has **several editions and different publishers** etc. (especially older books or classic works), the **date of first publication** should be mentioned. For instance:

Thomas Hobbes, *Leviathan* (first published 1651, London: Penguin 1985).

Charles de Visscher, *Theory and Reality in Public International Law* (Percy Ellwood Corbett tr., 1<sup>st</sup> edn, Princeton NJ: Princeton University Press, 1957).

Achilles Emilianides, *Family and Succession Law in Cyprus* (2<sup>nd</sup> edn, The Hague: Kluwer Law International, 2019).

- **Books**

[Author], [*Title*], [Vol. if from a series] [Volume’s number] [if applicable: *Volume’s title*] ([edn/tr.], [Place of Publication]: [Publisher, if not applicable omit], [Date]) [exact page if a direct quote or paraphrase].

When the **place of publication** is in the **United States**, it is advisable to state **both the city and the abbreviated version of the respective State’s name**, e.g. Boston MA, Cambridge MA, Chicago IL. The abbreviated version of the State’s name should follow the **USPS rules**, available at <https://pe.usps.com/text/pub28/28apb.htm>.

Furthermore **places of publication** which are **not major cities** may be accompanied by a **country indication**, e.g. Basingstoke UK or Harmondsworth UK.

Antônio Augusto Cançado Trindade, *The Access of Individuals to International Justice* (Oxford: Oxford University Press, 2011).

Jean-Marie Henckaerts, Louise Doswald-Beck, *Customary International Humanitarian Law*, Vol. 1 *Rules* (Cambridge: Cambridge University Press, 2005).

Polyvios G. Polyviou, *The Case of Ibrahim, the Doctrine of Necessity and the Republic of Cyprus* (Nicosia, 2015).

- **Edited Books**

[Editor (ed./eds)], [*Title*], [Volume, if from a series] ([edition], [Place of Publication]: [Publisher], [Date]).

Achilles C. Emilianides (ed.), *Religious Freedom in the European Union* (Leuven: Peeters, 2011).

Emilios Solomou, Hubert Faustman (eds), *Colonial Cyprus 1878-1960: Selected Reading* (Nicosia: University of Nicosia Press, 2010).

- **Journal & Yearbook Articles**

[Author], [‘Article Title’], (date) [Volume number](issue number) [*Full Title*] [first page of article], [page number if a direct quote or paraphrase].

Christina Ioannou, ‘The Problem of Collective Action: A Critical Examination of Olson’s Solution of “Selective Benefits”’ (2012) 2(3) *International Journal of Business & Social Research* 151.

Alain Pellet, ‘The British Sovereign Areas’ [2012] *Cyprus Yearbook of International Law* 57.

Jacques Ballaloud, ‘The Operation of the United Nations in Cyprus’ (‘L’operation des Nations Unies à Chypre’) (1976) 80 *Revue Générale de Droit International Public* 130, 161 (in French).

- **Chapters in Books**

[Author], [‘Chapter Title’] in [Editor (ed./eds)], [*Book Title*] ([Date]) [first page of chapter in book], [page number if direct quote or paraphrase].

Angelos Syrigos, ‘Cyprus and the EU: Sovereign State, Negotiations and Objections from an International Law Point of View’ in Andreas Theophanous, Nicos Peristianis & Andreas Ioannou (eds), *Cyprus and the European Union* (Nicosia: Intercollege Press, 1999) 91.

Nikos Skoutaris, ‘Legal Aspects of Membership’ in James Ker-Lindsay, Hubert Faustmann & Fiona Mullen (eds), *An Island in Europe: The EU and the Transformation of Cyprus* (London: I.B. Tauris, 2011) 42, 60.

- **Unpublished Theses**

[Author], [Thesis title] ([Date, if available]) (LLM/PhD Thesis, [Name of the University], [Date]) or

[Author], [Thesis title] ([Date, if available]) (LLM/PhD Thesis, [Name of the University], [Date]), available at [insert full URL] (last accessed day month year).

Javan Herberg, ‘Injunctive Relief for Wrongful Termination of Employment’ (DPhil thesis, University of Oxford, 1989).

- **Internet Sources**

[Author (individual author/s if named, organisation if authors unnamed)], [*Title*], [date of publication (in parenthesis if year only)], available at [insert full URL] (last accessed day month year), at [page number if a direct quote or paraphrase].

UN Global Compact, UN Environment Programme, *Business and Climate Change Adaptation: Toward Resilient Companies and Communities* (2012), available at [http://www.unglobalcompact.org/docs/issues\\_doc/Environment/climate/Business\\_and\\_Climate\\_Change\\_Adaptation.pdf](http://www.unglobalcompact.org/docs/issues_doc/Environment/climate/Business_and_Climate_Change_Adaptation.pdf) (last accessed 1 December 2019), at 3.

- **Blogs**

[Author], '[Title]' ([*Name of the Blog etc.*], [Date of Publication in day month year format or just year if further details are unavailable]), available at [insert full URL] (last accessed day month year)

Dimitrios Kourtis, 'The Rohingya Genocide Case: Who is Entitled to Claim Reparations?' (*OpinioJuris*, 21 November 2019), available at <https://opiniojuris.org/2019/11/21/the-rohingya-genocide-case-who-is-entitled-to-claim-reparations/> (last accessed 1 December 2019)

- **News Papers**

[Author], '[Title]' [*Name of the Paper*] ([Place of Publication], [Date of Publication]) [page number]

Jane Croft, 'Supreme Court Warns on Quality' *Financial Times* (London, 1 July 2010) 3.

- **Cross-references**

Cross-references within the same work should be made as follows:

[Author – only surname], [number of the footnote where the work was first cited in the form of (no ....)] [page number]

If two different works of the same author are cited in the same footnote, it is advisable to use a short title.

<sup>14</sup> Manley O. Hudson, 'The Proposed International Criminal Court' (1938) 32 *American Journal of International Law* 549.

...

<sup>28</sup> Hudson (no 14) 550.

OR

<sup>14</sup> Manley O. Hudson, 'The Proposed International Criminal Court' (1938) 32 *American Journal of International Law* 549; id., 'Membership in the League of Nations' (1918) 24 *American Journal of International Law* 436.

<sup>40</sup> Hudson, 'The Proposed ...' (no 14) 550.

....

<sup>45</sup> Hudson. 'Membership ...' (no 14) 438.

## REFERENCES (BIBLIOGRAPHY) SECTION

- For the **references (bibliography) section**, the same rules apply, provided that the surname of the authors, editors etc., precedes the name and other particulars. Names of the authors, editors etc. should be initialised. Diphthongs (St, Ch etc.) should be

preserved. The total number of an article's or book chapter's pages should be mentioned too. For instance:

In the footnotes

Lefkios Neophytou, Stavroula Valiandes & Christina Hadjisoteriou, 'Interculturally Differentiated Instruction Reflections from Cyprus Classrooms' (2018) 30(1) *The Cyprus Review* 397.

In the References

Neophytou L., St. Valiandes & Ch. Hadjisoteriou, 'Interculturally Differentiated Instruction Reflections from Cyprus Classrooms' (2018) 30(1) *The Cyprus Review* 397-408.

For the **citation of legal authorities**, *The Cyprus Review* strongly endorses the use of the **OSCOLA Reference Guide** (4<sup>th</sup> edn, 2012), available at:

[https://www.law.ox.ac.uk/sites/files/oxlaw/oscola\\_4th\\_edn\\_hart\\_2012.pdf](https://www.law.ox.ac.uk/sites/files/oxlaw/oscola_4th_edn_hart_2012.pdf).





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**LETTER  
FROM THE  
EDITOR-  
IN-CHIEF**

**Dear Readers,**

When I took over as Editor-in-Chief back in 2016 I envisioned a digital platform for our Journal, a rebranding, and a complete rejuvenation of *The Cyprus Review*. Fast-forward three-and-a-half years later, I can in retrospect say that we have been successful in these efforts. The website's growth, reach and audience's response have been impressive. Setting all these up was of course the product of hundreds of hours of work from numerous members of the *Journal's* Team. In the past few months that's most certainly true for our Publications Editor, Dimitris Kourtis, who has spent the better part of this year working tirelessly to redefine some of the Journal's policies, including our Author Guidelines amongst other things, and for this I am most thankful. This year, we were also blessed to have a remarkable Publication Designer who did an amazing job with all our 2019 issues, and was able to respond to extremely strict deadlines. My appreciation for this goes out to Thomas Costi for being a true professional.

Like our spring 2019 issue, this fall issue hosts a tribute to a colleague who left us last year. Prof. Andreas Sophocleous was a Professor in Communications and Mass Media at the University of Nicosia, and had served as a Dean of the School of Humanities, Social Sciences and Law (as it was called at the time), and as a Director of the Mass Media and Communication Institute. This Section is edited by our Assistant Editor Maria Hadjiathanasiou, who is currently a Horizon 2020 Research and Innovation Fellow at the School of Law of the University of Nicosia.

This issue sets off with an article by Fotios Nicolaou, which investigates the concept of the weakening of a right in the field of property law. This is a comprehensive study on a complex doctrinal issue touching upon the fundamental principles of private law and praxis. This is followed by an article by Nicos Satsias on the Guaranteed Minimum Income, which was introduced in Cyprus in 2014. Satsias argues that a minimum income system was a necessity for social balance in Cyprus, especially after the onset of the economic crisis in the country. The article by Petros Lois and Athina Christodoulou examines the impact of the global financial crisis and the resulting bail-in on the audit of Cypriot banks. It looks at audit fees charged to Cypriot banks, revealing that auditors charged higher audit fees after the crisis period compared to the pre-crisis period, and a larger and more significant increase

in audit fees continued during the bail-in period. As always, our aim is to encourage an interdisciplinary dialogue with and between our authors and readers, through articles that range thematically.

Our fall issue also hosts a Book Review Section at the end, followed by our forthcoming spring 2020 Special Section Call for Papers on '*Gender in Cyprus: Equality, Rights, and Beyond*'. We thus encourage authors to contribute to this effort through original scientific research pertinent to a broad range of Cyprological topics touching upon the issue of gender, with special but not exclusive, focus on the interplay between gender and equality, as well as gender and rights. The objective is to serve as a platform for introducing gender-based approaches into the scientific topos of Cyprological studies.

**Christina Ioannou**  
**Editor-in-Chief**

# **ARTICLES**



# **Weakening of a Right as a More Specific Manifestation of the Abusive Exercise of a Right, in the Light of the Greek and Cypriot Property Law**

**FOTIOS NIKOLAOU<sup>1</sup>**

## **Abstract**

*The purpose of this study is to further investigate the concept of the weakening of a right in the field of property law. The weakening of a right is applied by reference to the particular circumstances of a case, including an unreasonable and unexplained long period of plaintiff's delay in exercising his/her right, which causally prejudices the defendant's position. The analysis of the conditions and consequences of the weakening of a right is undertaken on the basis of the doctrine and case law of the Greek and Cypriot property law, in order to identify in a comparative law way the dynamic elements of each individual legal order and to shed light on the process of using the findings in the assessment and handling of real life cases covered by the above issue.*

**Keywords:** abuse of a right, constructive trust, estoppel by laches, principle of proportionality, property law, proprietary estoppel, resulting trust, right in rem, weakening of a right

## **Weakening of a Right under Greek Property Law**

### ***Prohibition of Abusive Exercise of a Right***

Under the mandatory provision of article 281 of the Civil Code (CC), an abusive exercise of rights is prohibited if it manifestly exceeds the bounds of good faith (objective good faith in transactions), morality or the economic or social purpose of that right (establishment of alternative criteria and, in particular, objective ones, i.e. abuse of right is not dependent on the existence of fault), which are vague legal concepts specified in concreto by the judge in the light of particular social perceptions<sup>2</sup>).<sup>3</sup>

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<sup>1</sup> Fotios Nikolaou, Lecturer, Department of Law, School of Law, University of Nicosia.

<sup>2</sup> Ap. Georgiades, *General Principles of Civil Law*, 4<sup>th</sup> edn (Athens: P. N. Sakkoulas, 2012) (in Greek), § 23, No. 26-31.

<sup>3</sup> The Prohibition of Abusive Exercise Has a Constitutional Basis as there Is an Explicit Prohibition in Article 25 § 3 of the Greek Constitution.



Rights in rem<sup>4</sup> (property rights) and claims in rem (property claims) or in personam (personal claims) arising therefrom,<sup>5</sup> in addition to other private rights, are subject to the control of CC 281. In particular, rights controlled for abusive exercise are ownership<sup>6</sup> and the resulting powers (e.g. rei vindicatio<sup>7</sup> or action for a declaration of ownership,<sup>8</sup> action for a negative declaration,<sup>9</sup> right to planting trees,<sup>10</sup> right to construct a wall obstructing the view of the neighbouring property to the sea,<sup>11</sup> etc.), appurtenant<sup>12</sup> or personal<sup>13</sup> easements, registration of mortgage,<sup>14</sup>

<sup>4</sup> For the Abuse of Rights in Rem, see in detail Ap. Georgiades, (2016) 'Article 281' (in Greek), at *CC Georgiades/Stathopoulos, General Principles, Volume IB (Articles 127-286)*, 2<sup>nd</sup> edn (Athens: P. N. Sakkoulas, 2016), No. 45-48; N. Georgiades, (2010) 'Article 281' (in Greek), in Ap. Georgiades, *Brief Interpretation of Civil Code I (Articles 1-946)* (Athens: P. N. Sakkoulas, 2010), No. 5.

<sup>5</sup> Ap. Georgiades, *Property Law*, 2<sup>nd</sup> edn (Athens-Thessaloniki: Sakkoulas Editions, 2010), § 7, No. 12 (in Greek).

<sup>6</sup> *Ibid.*, § 29, No. 8.

<sup>7</sup> *Ibid.*, § 58, No. 47.

<sup>8</sup> AP (Areios Pagos, Hellenic Supreme Civil and Criminal Court) 107/2011, *ABA (Athens Bar Association) Legal Database = Nomiko Vima* 2011, 1303; AP 1456/2010, *ABA Legal Database = Nomiko Vima* 2011, 774; AP 720/2010, *Nomos Legal Database*; AP 2038/2009, *ABA Legal Database = Nomiko Vima* 2010, 985; AP 679/2009, *Nomos Legal Database = Chronicles of Private Law* 2010, 96 = *Elliniki Dikaiosyni (Hellenic Justice)* 2011, 423; Patras Court of Appeal, 34/2003, *Achaiki Nomologia* 2004, 616.

<sup>9</sup> AP 1516/2009, *ABA Legal Database*.

<sup>10</sup> Court of Appeal of Larisa 787/2010, *ABA Legal Database*.

<sup>11</sup> Ap. Georgiades (no 5).

<sup>12</sup> I. Karakostas, *The Abuse of Right in Proprietary Relations: Exploitation of Property Items, as a Legal Instrument of Social Justice & Well-Being* (Athens: P. N. Sakkoulas, 2005) (in Greek), 99-102; AP 1796/2009, *ABA Legal Database = Nomiko Vima* 2010, 734 on abusive easement of way, since the dominant real estate ensured direct access to a public road; AP 1265/2007, *ABA Legal Database = Nomiko Vima* 2008, 172; AP 977/2002, *Nomos Legal Database*, which considered that the broad interpretation of CC 1017, in combination with the weakening of the right of CC 281, can enable the abolition (elimination) of the right of way in less than 20 years, due to inactivity, when the omission of use is accompanied by incidents that convince the court it is unlikely for the easement to be exercised in the future; AP 28/1999, *ABA Legal Database*; AP 273/1990, *Hellenic Justice* 1991, 974 = *Epitheorisi Dikaiou Polykatoikias (Apartment Building Law Review)* 1991, 149 = *Nomos Legal Database*; AP 1002/1983, *Efimeris Ellinon Nomikon (Greek Jurists Review)* 1984, 428 = *ABA Legal Database*; Dodecanese Court of Appeal 45/2003, *ABA Legal Database*; Larisa Court of Appeal 597/2002, *ABA Legal Database*; Piraeus Court of Appeal 689/1996, *Hellenic Justice* 1997, 665 = *Nomos Legal Database*; Piraeus Court of Appeal 1164/1995, *Hellenic Justice* 1996, 1122 = *Nomos Legal Database*; Piraeus Court of Appeal 100/1994, *Hellenic Justice* 1994, 1698; Multi-member Court of First Instance of Agrinio, 248/1999, *Armenopoulos* 2000, 36 = *ABA Legal Database*.

<sup>13</sup> Athens Court of Appeal 6131/1997, *Nomos Legal Database* and *Armenopoulos* 2001, 1043 on abuse of the right to use another's property as residence.

<sup>14</sup> AP 1946/2009, *ABA Legal Database*: registering a mortgage on behalf of the Bank on a debtor's property has been adjudicated as non-abusive; Thessaloniki Court of Appeal 51/1999, *Nomos Legal*

rights under law of neighbours (e.g. CC 1003, 1008),<sup>15</sup> etc. It is therefore abusive to claim real estate when the plaintiff has sold it lawfully but raises a claim because registration of the sale has not yet been completed (objection of property sold and delivered).<sup>16</sup> Especially in the case of actions in rem (e.g. rei vindicatio), by which the plaintiff demands the actual possession of the property, it is argued that the key socio-economic criterion for establishing abuse of right by the plaintiff is the long term financial exploitation and development of the property by the defendant, in contrast to the indifference of the plaintiff.<sup>17</sup>

The control of abuse under CC 281 is also of interest in cases of division of jointly-owned property (community of interests between the joint owners (CC 1113, 785 et seq. and 790 (a), which dictates the management and use of jointly-owned property in a manner that is appropriate and respects all joint owners). In this case, the exercise of the right of any joint owner to ask for the dissolution of the property under joint ownership as per CC 795 is subject to the control of CC 281,<sup>18</sup> depending on the conditions required (an indication of abuse may be the fact that the joint owner has effectively recognised as definitive and existing a priori informal dissolution agreement, which he/she subsequently contests because it no longer serves his/her economic interests).<sup>19</sup>

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*Database = Dikaio Epicheiriseon kai Etairion (Business and Company Law) 1999, 629 = Nomiko Vima 1999, 632.*

<sup>15</sup> Ap. Georgiades (no 5), § 31, No. 15 and § 33, § 4.

<sup>16</sup> Ibid, § 58, No. 42.

<sup>17</sup> See also the practical issue, which is set out together with the solution to Ap. Georgiades, *General Principles of Civil Law, Practical Issues with Solutions, 3<sup>rd</sup> edn* (Athens: P. N. Sakkoulas 2013) (in Greek), Example No. 64, 95 [the seller of a property by a private agreement after 33 years invokes the invalidity of the transfer on grounds of non-compliance with the legal procedure (CC 159 § 1, 180 in conjunction with CC 369, 1033) and requests the recognition of his ownership and the return of the property, although in the meantime the buyer has made use of the property in front of the eyes of the owner of the neighbouring property-seller, based on statements made by the seller (in the presence of third parties) that he does not intend to challenge ownership despite the lack of a notarial deed of the sale and transfer of the immovable property]; see also AP 1482/1979, *Legal Database and Nomiko Vima* 1980, 1063.

<sup>18</sup> Ap. Georgiades (no 4), No. 47; AP 1099/2014, *Nomos Legal Database*; AP 1080/2012, *Nomos Legal Database*; AP 1188/2010, *ABA Legal Database*; AP 971/2010, *ABA Legal Database*; AP 1878/2007, *ABA Legal Database*; AP 473/2001, *ABA Legal Database*: the partition of jointly-owned real estate adjudicated as abusive because one of the joint owners living in it was facing a housing problem; Thessaloniki Court of Appeal 301/2010, *ABA Legal Database = Armenopoulos* 2011, 764.

<sup>19</sup> AP 711/1982, *Nomos Legal Database = Nomiko Vima* 1983, 660; Court of Appeal of Crete 4/2006, *ABA Legal Database*.

Moreover, in horizontal property relations, testing for abuse under CC 281<sup>20</sup> is useful (for example, rights derived from the apartment building regulations may be exercised abusively,<sup>21</sup> in view of current technical, economic, building and environmental developments,<sup>22</sup> if they are directed against an act<sup>23</sup> or omission that causes neither significant damage<sup>24</sup> nor disturbance<sup>25</sup> to the joint owners nor does

<sup>20</sup> Ap. Georgiades (no 4), No. 48; AP 1481/2005, *ABA Legal Database*; AP 1592/2003, *Nomiko Vima* 2004, 974 = *Nomos Legal Database*; AP 6881/1998, *Nomiko Vima* 1999, 1302 with comment by K.A. Christakakou; ΑΠ 884/1995, *ABA Legal Database*: Abusive claim of heating costs; AP 699/1986, *Nomiko Vima* 1987, 727: Abusive claim of common expenses; Athens Court of Appeal 58/1994, *Nomos Legal Database* = *Apartment Building Law Review* 1994, 55: Abusive claim for a long-term exclusive use of parking places; AP 989/1980, *Nomiko Vima* 1981, 324 = *Nomos Legal Database*: Abusive claim for recovering the possession of a part of the external common area of an apartment building, which would result in the demolition of a central concrete pillar that supported the entire building structure; see also I. Karakostas (no 12), 83 and 90-99 with extensive case-law; I. Karakostas, (2007) 'Modification of Horizontal Property from Residence to a Store—Abuse in Invoking Apartment Building Regulations—Judicial Adjustment of the Contractual Obligations of Co-Owners' (in Greek), *Chronicles of Private Law*, 462 et seq.; see, however, AP 1555/1985, *Nomiko Vima* 1986 = *Nomos Legal Database*: non-abusive obligation to restore the facade of an apartment building following modifications in the external appearance of the building in breach of the regulation; Piraeus Court of Appeal 986/1998, *Apartment Building Law Review* 1999, 36 = *Nomos Legal Database*: Non-abusive claim by the co-owners to annul a deed of horizontal property for a car parking spot in the pilotis area.

<sup>21</sup> AP 974/2010, *ABA Legal Database* = *Nomiko Vima* 2010, 2495; AP 1842/1999, *ABA Legal Database*: Non- weakening of the right to use the pilotis; Court of Appeal of Larisa 489/2006, *ABA Legal Database*: Abusive refusal of an owner to consent to the operation of a drink and food store.

<sup>22</sup> Athens Court of Appeal 1677/1994, *Nomos Legal Database* = *Apartment Building Law Review* 1994, 206: abusive invocation of a ban based on the regulation regarding the fitting of solar water heater on the terrace; Athens Court of Appeal, 3695/1990, *Nomos Legal Database* = *Apartment Building Law Review* 1990, 265; Athens Court of Appeal 1208/1990, *Nomos Legal Database* = *Apartment Building Law Review* 1990, 116: Abusive claim for the removal of an advertising panel from a horizontal property, as all the apartments in the surrounding apartment buildings are no longer inhabited and converted into shops or offices; Athens Court of Appeal 12892/1988, *Nomos Legal Database* = *Apartment Building Law Review* 1989, 45: Changing the nature of the area from purely urban to intensely commercial area; see also I. Karakostas (no 12), 90-99.

<sup>23</sup> AP 802/2009, *ABA Legal Database* = *Nomiko Vima* 2009, 2167: Use of an apartment as an ophthalmologist's practice for ten years in contravention of the apartment building regulation.

<sup>24</sup> AP 974/2010, *ABA Legal Database* = *Nomiko Vima* 2010, 2495; AP 1598/1997, *Nomiko Vima* 1998, 1072 = *Apartment Building Law Review* 1998, 34 and *Nomos Legal Database*; AP 1570/1987, *ABA Legal Database*; Court of Appeal of Larisa 498/2006, *ABA Legal Database*; Athens Court of Appeal 5224/2000, *Apartment Building Law Review* 2001, 29 = *Nomos Legal Database*.

<sup>25</sup> AP 1598/1997, *Nomiko Vima* 1998, 1072 and *Apartment Building Law Review* 1998, 34 = *Nomos Legal Database*; Athens Court of Appeal 1208/1990, *Nomos Legal Database* = *Apartment Building Law Review* 1990, 116.

it hamper the use of common areas<sup>26</sup> or create problems of static<sup>27</sup> or aesthetic<sup>28</sup> nature or damages<sup>29</sup> in the apartment building, nor does it reduce the safety of individual apartments,<sup>30</sup> nor affects any other legal interest of the joint owners, on the contrary, it is particularly beneficial for the liable party;<sup>31</sup> in particular, among joint owners of apartment buildings it is abusive to exercise any right, from which only damage to the defendant is caused without any expectation of benefit to the plaintiff).<sup>32</sup>

### ***Weakening of a Right: Meaning, Conditions, Consequences***

The weakening of a right (Verwirkung in German law/estoppel by laches in Anglo-Saxon law) constitutes a particular case of abusive exercise of a right, namely referring to the impairment of the right in such a way that exercise thereof is impossible (the defendant may raise the objection of CC 281 on abusive exercise).<sup>33</sup> The conditions<sup>34</sup> governing the weakening of the right, which must be cumulative,

<sup>26</sup> AP 974/2010, *ABA Legal Database = Nomiko Vima* 2010, 2495; AP 802/2009, *ABA Legal Database = Nomiko Vima* 2009, 2167; AP 629/2007, *ABA Legal Database = Nomiko Vima* 2007, 1873.

<sup>27</sup> Athens Court of Appeal 10105/1999, *Nomos Legal Database = Apartment Building Law Review* 2001, 122; Court of Appeal of Athens 1677/1994, *Nomos Legal Database = Apartment Building Law Review* 1994, 206; Court of Appeal of Athens 12892/1988, *Nomos Legal Database = Apartment Building Law Review* 1989, 45.

<sup>28</sup> AP 732/2002, *Nomos Legal Database*.

<sup>29</sup> AP 802/2009, *ABA Legal Database = Nomiko Vima* 2009, 2167.

<sup>30</sup> Court of Appeal of Larisa 489/2006, *ABA Legal Database*.

<sup>31</sup> AP 974/2010, *ABA Legal Database = Nomiko Vima* 2010, 2495; Piraeus Court of Appeal 376/2005, *Nomos Legal Database = Peiraiki Nomologia* 2005, 182.

<sup>32</sup> AP 1061/1992, *Efimeris Ellinon Nomikon* 1993, 718.

<sup>33</sup> Ap. Georgiades (no 2), § 23, No. 35; Ap. Georgiades (no 4), No. 255; AP 891/1980, *Efimeris Ellinon Nomikon* 1981, 43 = *ABA Legal Database* and AP 907/1982, *Efimeris Ellinon Nomikon* 1983, 480 = *ABA Legal Database*, which expressly name abuse in the specific case as weakening of a right; Ap. Georgiades (no 4) 'Introductory Remarks to Articles 247-280', No. 29-30 on the limitation and the weakening of a right, and 'Article 281' to distinguish waiver from weakening of a right (see also Patras Court of Appeal, 1019/2004, *ABA Legal Database = Achaiiki Nomologia* 2005, 25; Small Claims Court of Larisa 111/2010, *ABA Legal Database*).

<sup>34</sup> Ap. Georgiades (no 2), § 23, No. 36; Ap. Georgiades (no 4) 'Introductory Remarks to Articles 247-280', 26-27 and 'Article 281', 263-274; I. Karakostas (no 12), 78-80; N. Georgiades (no 4), 43-47; M.-Th. Marinos, (2003) 'The Objection of Weakening of a Right in the New Trademark Law' (in Greek), *Chronicles of Private Law*, 865 et seq.; S. Ioakeimidis, (2011) Observations to AP 1512/2010 (in Greek), *Chronicles of Private Law 2011*, 175 et seq.; P. Alikakos, *Abuse of a Right in Rem: Case Law Developments in the Abuse of Acquisition and Exercise of a Right in Rem* (Athens-Thessaloniki: Sakkoulas Editions, 2007) (in Greek), 38-47 for the theory views on weakening and 104-123 in relation to case-law positions regarding weakening; A. Karampatzos, *The Waiver of the Right to Reserved Portion, A Methodological Contribution to the Field of Inheritance Law* (Athens-Komotini: Ant. N. Sakkoulas

are: (a) the inaction of the holder of the right,<sup>35</sup> i.e. failure to exercise the right that is not due to any reasonable cause or inability<sup>36</sup> (examples of reasonable cause could be inexperience, no fault lack of knowledge, existence of affinity<sup>37</sup> or friendship<sup>38</sup> between the plaintiff and the defendant, an employment relationship or an economic relationship or a hierarchical dependence<sup>39</sup> between the plaintiff and the defendant, right under a condition precedent or deadline); (b) inaction over a long period of time, but less than the limitation or prescription period;<sup>40</sup> and

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Editions 2011) (in Greek), 186-187, which states that, as a result of the weakening of the right, the legal order aims to reward that person who holds an item for the purpose of economic and productive exploitation, in addition to protect the legitimate expectations of a person in a factual situation created by the behaviour of another person, that is to say, trust in the continuation of the same conduct and thus in the preservation of the factual situation in the future, to which the person has justifiably invested primarily in a financial perspective ('trust investment'); AP Plenary 8/2018, *Nomos Legal Database*; AP Plenary 10/2012, *Chronicles of Private Law* 2013, 433; AP Plenary 8/2001, *Nomos Legal Database = Hellenic Justice* 2001, 382 = *Episkopisi Emporikou Dikaiou (Commercial Law Review)* 2001, 392 = *Chronicles of Private Law* 2001, 217 with comments by G. Iatrou; AP Plenary 62/1990, *Nomos Legal Database = Hellenic Justice* 1991, 501 = *Efimeris Ellinon Nomikon* 1991, 320 = *Nomiko Vima* 1991, 389; AP 414/2018, *Nomos Legal Database*; AP 383/2010, *Nomos Legal Database*; AP 1708/2009, *ABA Legal Database = Nomiko Vima* 2010, 725; AP 1986/2009, *ABA Legal Database = Nomiko Vima* 2010, 977; AP 494/2009, *Nomos Legal Database = Efarmoges Astikou Dikaiou (Civil Law Applications)* 2010, 531 = *Chronicles of Private Law* 2011, 418 with comment by E. Poulou; AP 395/2009, *Nomos Legal Database = Hellenic Justice* 2010, 420; AP 1217/2008, *Nomos Legal Database*; AP 1947/2007, *Nomos Legal Database*; AP 1913/2007, *Nomos Legal Database*; AP 1173/2007, *Nomos Legal Database*; AP 223/2007, *Nomos Legal Database*; AP 628/2004, *Nomos Legal Database = Hellenic Justice* 2006, 125.

<sup>35</sup> Inaction does not exist, when the plaintiff has repeatedly raised the matter with the defendant (Small Claims Court of Larisa 111/2010, *ABA Legal Database*) or has directly exercised his/her legal rights from the moment he/she became aware that the debtor is impinging them (Appeal Court of Larisa 141/2010, *Legal Database ABA*) or protests before third parties (Appeal Court of Athens 8263/2007, *ABA Legal Database = Business and Company Law* 2008, 1115) or complaints to the authorities (Appeal Court of Larisa 141/2010, *ABA Legal Database*), see to that effect Ap. Georgiades (no 4) 'Article 281', No. 265.

<sup>36</sup> However, there is no fault requirement for the right to be weakened, see Ap. Georgiades (no 4) 'Article 281', No. 263; P. Alikakos (no 34), 44.

<sup>37</sup> See also AP 423/1999, *ABA Legal Database*.

<sup>38</sup> Athens Court of Appeal, 8263/2007, *ABA Legal Database = Business and Company Law* 2008, 1115.

<sup>39</sup> *Ibid.*

<sup>40</sup> The sole lapsing of a long period of time it is not sufficient, even if the defendant, acting in good faith has been convinced that the relevant right is not to be exercised; other incidents or special circumstances as well as coinciding events are required, relating to the behaviour of the plaintiff or defendant as a whole: see Ap. Georgiades (no 4), No. 267; P. Alikakos (no 34), 106-113; AP 259/2011, *ABA Legal Database = Nomiko Vima* 2011, 1889, 2164 = *Armenopoulos* 2012, 493; AP 227/2011, *ABA Legal Database = Nomiko Vima* 2011, 1614; AP 107/2011, *ABA Legal Database = Nomiko Vima* 2011, 1303; AP 823/2010, *ABA Legal Database = Nomiko Vima* 2010, 2480; AP 720/2010, *ABA Legal Database*

(c) that the inaction of the plaintiff has reasonably convinced the defendant, either that the right does not exist or that it is not going to be exercised anymore.<sup>41</sup> For the determination of the third condition, other specific instances or circumstances relating mainly to the person of the plaintiff should be taken into account (e.g. the plaintiff was aware or should have been aware<sup>42</sup> of the situation that was formed and has not reacted or given his consent to the execution of specific actions; he failed to bring legal claims, even though the defendant had invited the plaintiff to submit his/her objections<sup>43</sup> in writing; there were explicit assurances of a mandatory heir to a co-heir that he/she unconditionally recognises the disputed will<sup>44</sup> as valid; there was voluntary delivery of the possession of immovable property,<sup>45</sup> etc.), but also to the person of the defendant (for example, he made expenses on the basis of the plaintiff's behaviour).<sup>46</sup> The extent, intensity, etc. of such circumstances is a decisive criterion in determining the plaintiff's direct or indirect assurance to the defendant that the former does not wish to enjoy the benefits of his/her right.<sup>47</sup> The situation created in favour of the defendant and his/her conviction should be in a causal link with the plaintiff's previous behaviour.<sup>48</sup>

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= *Nomiko Vima* 2010, 2337; AP 383/2010, *ABA Legal Database* = *Nomiko Vima* 2010, 1756; AP 9/2010, *ABA Legal Database*; AP 1133/2009, *ABA Legal Database* = *Nomiko Vima* 2009, 2348, 2398; AP 1915/2007, *Nomiko Vima* 2008, 964 = *ABA Legal Database*; AP 1901/2007, *ABA Legal Database* = *Nomiko Vima* 2008, 964; AP 1111/2007, *ABA Legal Database*; AP 223/2007, *ABA Legal Database* = *Nomiko Vima* 2007, 1396; AP 138/2007, *ABA Legal Database*; AP 379/2006, *ABA Legal Database*; AP 1536/2005, *ABA Legal Database* = *Nomiko Vima* 2006, 401; AP 90/2004, *Chronicles of Private Law* 2004, 601; AP 205/2001, *ABA Legal Database* = *Hellenic Justice* 2001, 1572.

<sup>41</sup> Ap. Georgiades (no 4) 'Article 281', No. 269-270; AP 259/2011, *ABA Legal Database* = *Nomiko Vima* 2011, 1889, 2164 = *Armenopoulos* 2012, 493; AP 823/2010, *ABA Legal Database* = *Nomiko Vima* 2010, 2480; AP 316/2005, *ABA Legal Database*; AP 111/2005, *Hellenic Justice* 2006, 1693 = *ABA Legal Database*.

<sup>42</sup> Patras Court of Appeal 34/2003, *Nomos Legal Database* = *Achaiki Nomologia* 2004, 616.

<sup>43</sup> AP 269/2009, *ABA Legal Database* = *Nomiko Vima* 2009, 1419.

<sup>44</sup> AP 1513/1981, *Nomiko Vima* 1982, 919.

<sup>45</sup> AP 720/2010, *ABA Legal Database* = *Nomiko Vima* 2010, 2337.

<sup>46</sup> AP Plenary 8/2001, *Nomos Legal Database* = *Hellenic Justice* 2001, 382 = *Commercial Law Review* 2001, 392 = *Chronicles of Private Law* 2001, 217 with comments by G. Iatrou.

<sup>47</sup> Specifically, for conditions or circumstances to be taken into consideration in determining whether or not 'reasonable conviction of the defendant' is established, see Ap. Georgiades, (2016) 'Article 281' (in Greek), at *CC Georgiades/Stathopoulos*, No. 270. Especially in the case of affinity between the plaintiff and the defendant, see AP 448/2010, *ABA Legal Database* = *Nomiko Vima* 2010, 2052 and 2011, 717; see also AP 9/2010, *ABA Legal Database*, as well as AP 423/1999, *ABA Legal Database*, where affinity is estimated in the opposite way, i.e. as sufficient justification for the plaintiff and his/her predecessor not raising an objection to the exclusive use by the defendant of the common domicile.

<sup>48</sup> Ap. Georgiades (no 2), § 23, No. 36; Ap. Georgiades (no 4), No. 28 and 'Article 281', No. 270; S. Io-



It is questionable<sup>49</sup> whether a fourth condition should be met, i.e. the overturning

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akeimidis (no 34); P. Alikakos (no 34); AP Plenary 8/2018, *Nomos Legal Database*; AP Plenary 10/2012, *Chronicles of Private Law* 2013, 433; AP Plenary 62/1990, *Nomos Legal Database* = *Hellenic Justice* 1991, 501 = *Efimeris Ellinon Nomikon* 1991, 320 = *Nomiko Vima* 1991, 389; AP 414/2018, *Nomos Legal Database*; AP 403/2013, *ABA Legal Database*; AP 1708/2009, *ABA Legal Database* = *Nomiko Vima* 2010, 725; AP 395/2009, *Nomos Legal Database* = *Hellenic Justice* 2010, 420; AP 1217/2008, *Nomos Legal Database*; AP 628/2004, *Nomos Legal Database* = *Hellenic Justice* 2006, 125.

<sup>49</sup> According to one opinion the overturning of the consolidated situation must be burdensome or particularly/excessively burdensome for the defendant [AP Plenary 62/1990, *Nomos Legal Database* = *Hellenic Justice* 1991, 501 = *Efimeris Ellinon Nomikon* 1991, 320 = *Nomiko Vima* 1991, 389; AP Plenary 2101/1984, *Nomiko Vima* 1985, 648 = *Nomos Legal Database*; AP 383/2010, *Nomos Legal Database*; AP 9/2010, *ABA Legal Database*; AP 1133/2009, *Chronicles of Private Law* 2010, 175 with note by Ev. Nezeriti; AP 494/2009, *Nomos Legal Database* = *Civil Law Applications* 2010, 531 = *Chronicles of Private Law* 2011, 418 with comment by E. Poulou; AP 395/2009, *Nomos Legal Database* = *Hellenic Justice* 2010, 420; AP 2076/2007, *ABA Legal Database* = *Nomiko Vima* 2008, 976, 1266; AP 263/2007, *Nomiko Vima* 2008, 866 = *Nomos Legal Database*; AP 316/2005, *ABA Legal Database*; AP 65/2005, *Hellenic Justice* 2006, 779 = *ABA Legal Database*; AP 733/2003, *ABA Legal Database*; AP 762/2002, *ABA Legal Database*; AP 1073/1997, *ABA Legal Database* = *Efimeris Ellinon Nomikon* 1999, 115, which mentions (simply) burdensome effects; AP 572/2009, *Chronicles of Private Law* 2010, 32, which refers to such onerous consequences to the defendant that, in the light of good faith and morality, it is necessary to sacrifice the right, in order to prevent them; AP 1217/2008, *Nomiko Vima* 2009, 130 = *ABA Legal Database*, which mentions particularly onerous consequences for the defendant, and adds that the finding that the consequences entailed by the exercise of the right are onerous for the defendant, should also be dealt in conjunction with the corresponding consequences that may be suffered by the plaintiff due to the impediment to the satisfaction of his/her right; AP 1394/2007, *Nomos Legal Database*, which mentions excessively onerous consequences for the defendant; AP 1618/2006, *Nomos Legal Database*; AP 379/2006, *ABA Legal Database*, which mentions such onerous consequences for the defendant, that, in the light of good faith and morality, it is necessary to sacrifice the requested right; AP 829/2001, *ABA Legal Database*, referring to consequences for the defendant, not only particularly unfavourable, but also disproportionate to the benefit sought by the plaintiff; AP 205/2001, *Nomos Legal Database*, which mentions intolerable consequences for the defendant; AP 180/2001, *ABA Legal Database* = *Hellenic Justice* 2001, 1642, which refers to 'disproportionately onerous consequences'; Multi-member Thessaloniki Court of First Instance, 33912/2010, *Nomos Legal Database* = *Business and Company Law* 2011, 187]. In another point of view, it is sufficient for the impact on the defendant's interests to be merely unfavourable [AP Plenary 8/2018, *Nomos Legal Database*; AP Plenary 10/2012, *Chronicles of Private Law* 2013, 433; AP Plenary 8/2001, *Nomos Legal Database* = *Hellenic Justice* 2001, 382 = *Commercial Law Review* 2001, 392 = *Chronicles of Private Law* 2001, 217 with comments by G. Iatrou; AP 414/2018, *Nomos Legal Database*; AP 1352/2014, *Nomos Legal Database*; AP 439/2013, *Nomiko Vima* 2013, 1911 = *ABA Legal Database*, which states that merely adverse effects on the interests of the defendant are sufficient, however reversing the consolidated situation should create a disproportionate burden on the defendant in comparison with the plaintiff's benefit; AP 403/2013, *ABA Legal Database*; AP 298/2012, *Nomos Legal Database* = *Business and Company Law* 2013, 855; AP 952/2010, *Nomiko Vima* 2010, 2494 = *ABA Legal Database*; AP 1986/2009, *ABA Legal Database* = *Nomiko Vima* 2010, 977; AP 1708/2009, *ABA Legal Database* = *Nomiko Vima* 2010, 725; AP 1002, 1003/2009, *Nomiko Vima* 2009, 2386 = *ABA Legal Database*; AP 568/2009, *Nomiko Vima* 2009, 1712

of the established situation should lead to an intolerable position or (excessively) burdensome consequences for the defendant. It is more appropriate to accept<sup>50</sup> that the element of harm to the interests of the defendant is necessary and that the required damage intensity will be assessed in concreto in terms of the degree of fulfillment of the other elements of the right weakening (if the time element is met to a significant degree (e.g. 18 years of inactivity have passed), it is sufficient that the consequences to the defendant by reversing the consolidated situation are unfavourable; if, on the other hand, the plaintiff's inaction is shorter (7 years, for example), then the impact should be particularly burdensome). The elements of the right weakening are *movable*, i.e. they are not merely subject to a different degree of fulfillment, but also can *act* jointly, either as complementary or mutually interchangeable in intensity, developing a variable effect.<sup>51</sup> In any case, however, the *possibility of movement* of the elements of the right weakening does not include the possibility of substitution of one element by another (which is at a very high intensity).<sup>52</sup>

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= ABA Legal Database; AP 489/2009, *Chronicles of Private Law* 2009, 884; AP 1206/2008, *Chronicles of Private Law* 2009, 222; AP 1947/2007, *Nomos Legal Database*; AP 1915/2007, *Nomiko Vima* 2008, 964 = ABA Legal Database; AP 1913/2007, *Nomos Legal Database*; AP 1173/2007, *Nomos Legal Database*; AP 1111/2007, *ABA Legal Database*; AP 223/2007, *Nomiko Vima* 2007, 1396 = ABA Legal Database = *Nomos Legal Database*; AP 1026/2006, *ABA Legal Database*; AP 1412/2005, *ABA Legal Database*].

<sup>50</sup> Ap. Georgiades (no 2), § 23, No. 37; S. Ioakeimidis (no 34); M.-Th. Marinos (no 34), 865, 870, according to whom the definition of a time period as long depends on the specific circumstances of the case, namely the type and significance of the claim, the conviction that the plaintiff will not reasonably exercise his right, but also the need to protect the defendant (i.e. the limit is not stable); A. Karampatzos (no 34), 191, mentioning that the judgment of establishing right weakening will be the result of an overall in concreto weighting of the conflicting interests of the plaintiff and the defendant, where the judge must always take into account the particular circumstances of the individual case in question.

<sup>51</sup> W. Wilburg, 'Entwicklung eines beweglichen Systems im bürgerlichen Recht' [in German], *Rede, gehalten bei der Inauguration als Rector magnificus der Karl-Franzens-Universität in Graz* (Graz: Kienreich, 1950), passim; P. Papanikolaou, *Private Law Methodology and Interpretation of Legal Acts* (Athens-Komotini: Ant. N. Sakkoulas Editions, 2000) (in Greek), No. 138-139, 141; A. Karampatzos (no 34), 189-190; S. Ioakeimidis (no 34); N. Georgiades (no 4), No. 47; I. Karakostas (no 12), 80; P. Alikakos (no 34), 110.

<sup>52</sup> Ap. Georgiades (no 2), § 23, § 37 [but he himself, (2016) 'Article 281' (in Greek), at *CC Georgiades/Stathopoulos*, No. 263 states that the constitutive elements of the weakening of a right should be taken as 'elastic', which may show a different degree of fulfillment or intensity, and that, in the absence of any of the necessary conditions, the judge can accept the existence of a weakening of the right, provided that the other conditions or at least one of them are met to a particularly large extent (e.g. the plaintiff's inaction lasted for 19 years and six months; the defendant's reasonable belief relies on the plaintiff's written assurance; thus, P. Papanikolaou (no 51), No. 141; N. Georgiades (no 4), No. 47]; S. Ioakeimidis,



The exercise of the right by the plaintiff, when the conditions for the weakening of the right are met, is contrary to good faith and morality in the context of CC 281, and is therefore abusive. The consequences of weakening are the same as the consequences of an abuse of right.<sup>53</sup> Its practical use lies primarily with rights not subject to prescription or limitation (e.g. a right to the annulment of a marriage as a result of an impediment as per CC 1372, 1380, § 1; invoking nullity as per CC 180, since they are not subject to any time-bar (limitation or prescription periods)).<sup>54</sup> If the weakened right is transferred or inherited, its exercise by the successor will also be deemed to be abusive even if he/she has not been inactive in its exercise, as he/she enters into the legal relationship that has already been created on the basis of the weakening between the predecessor and the defendant.<sup>55</sup> If, until the death of the holder of the right, there has not been a period of inactivity sufficiently long so as to determine that the conditions for the weakening of the right have been met, however, his/her heirs continue to remain inactive until such period has been completed, the exercise of the right by the latter has to be regarded as abusive.<sup>56</sup>

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(no 34), stating that in another scenario we would end up with incorrect application of the CC 281, as it would be sufficient to accept the weakening of the right of less data than necessary for its implementation, whereas in some cases (on rights subject to a limitation) the institution of limitation could be circumvented; AP 695/2010, *ABA Legal Database = Nomiko Vima* 2010, 2336; AP 1536/2005, *ABA Legal Database = Nomiko Vima* 2006, 401; Appeal Court of Patras, 1019/2004, *ABA Legal Database = Achaiki Nomologia* 2005, 25.

<sup>53</sup> Ap. Georgiades (no 2), § 23, No. 38; Ap. Georgiades (no 4), No. 276, where the right still exists, but the exercise of that right is restricted vis-à-vis a certain defendant (and not vis-à-vis everyone) [inter partes action]. However, exceptional cases should not be excluded where the right is restored vis-à-vis the defendant (e.g. because of the defendant's later behaviour, which gives a plaintiff's reasonable confidence that the defendant will comply with the plaintiff's claim), see Ap. Georgiades (no 4), No. 276, footnote 1029; N. Georgiades (no 4), No. 48; A. Karampatzos (no 34), 194-195, stating that the right exists now informally [only formally?], after having become inactive [the objection of weakening of the right is a defence tool, an objection to the abuse of a right, the defendant however may be entitled to compensation under tort law (CC 914 et seq.)]; P. Alikakos (no 34), 39 and 161-168, stating that rights in rem cannot per se be impaired, but only the claims resulting therefrom, which is why the legal weakening of the rights in rem is not possible but only their 'real weakening'.

<sup>54</sup> Ap. Georgiades (no 2), § 23, No. 38.

<sup>55</sup> Ap. Georgiades (no 4), No. 279-281, with reference to the relevant theory and case law; Ap. Georgiades (no 2), § 23, No. 39, 40; G. Iatrou, 217, 220; P. Alikakos (no 34), 112-113 and 121-123 on the common attitude towards inactivity of the plaintiff and his/her predecessor.

<sup>56</sup> Ap. Georgiades (no 2), § 23, No. 39; Ap. Georgiades (no 4), No. 282; AP 830/1995, *ABA Legal Database = Efimeris Ellinon Nomikon* 1996, 728; Patras Court of Appeal 34/2003, *Nomos Legal Database = Achaiki Nomologia* 2004, 616.

*Caseload of Weakened Rights*

Incidents that may lead to impairment of a right shall be the following:<sup>57</sup> (a) The defendant, under the gaze of the plaintiff, possesses and enjoys the disputed property as his/her own, making a number of expenses or engaging in other forms of utilisation (e.g. drilling, planting, repairs, land shaping and rearrangement, house construction, water tank construction, house renovation and development of the surrounding domain, personal work, etc.);<sup>58</sup> (b) The defendant proceeded to improve the property sold to him/her (built a house, shaped the garden, constructed a cabin for the electrical installation, constructed a bridge over a passing torrent, to enable communication with the disputed property), to the knowledge of the plaintiffs and without any protest or objection, in such a way as to create to the defendant the reasonable confidence that they will not in the future exercise their right to joint ownership;<sup>59</sup> (c) In the case of fictitious sale of real estate and development, improvement and productive exploitation of the purchased property (replacing old trees with new ones, planting of new trees, constructing an irrigation pipeline and a wall to avoid flooding of the properties by the surrounding river, etc.), the seller's subsequent claim on the real estate by lodging an action for recognition of the fictitious character of the sale after 15 years of inactivity was considered abusive;<sup>60</sup> (d) Abuse of right was also found<sup>61</sup> in the plaintiffs' claim for the recovery of an expropriated real estate after five years from the withdrawal of the expropriation, with refund of the compensation, which had lost a very large

<sup>57</sup> Ap. Georgiades (no 4), No. 275; I. Karakostas (no 12), 127-139; P. Alikakos (no 34), 124-133.

<sup>58</sup> AP Plenary 1407/1984, *Nomiko Vima* 1984, 829 = *Nomiko Vima* 1985, 103 = *ABA Legal Database*; AP 1536/2005, *ABA Legal Database* = *Nomiko Vima* 2006, 401; AP 1142/2002, *ABA Legal Database*; AP 142/2002, *Hellenic Justice* 2002, 1042 = *ABA Legal Database*; AP 475/2001, *Nomiko Vima* 2002, 518 = *Nomos Legal Database*; AP 222/2001, *Nomos Legal Database*; AP 808/2000, *ABA Legal Database*; AP 409/2000, *ABA Legal Database*; AP 830/1995, *ABA Legal Database* = *Efimeris Ellinon Nomikon* 1996, 728; AP 1387/1989 *Efimeris Ellinon Nomikon* 1990, 572 = *Nomos Legal Database*: informal sale of land and financial investments of the new possessor; AP 940/1986, *Nomiko Vima* 1987, 1220 = *Nomos Legal Database*; Thessaloniki Court of Appeal, 1592/2003, *Armenopoulos* 2003, 1265 = *ABA Legal Database*.

<sup>59</sup> AP 13/1994, *Efimeris Ellinon Nomikon* 1995, 16 = *Nomiko Vima* 1994, 1146 = *Nomiko Vima* 1996, 33 = *Nomos Legal Database*; AP 2085/1983, *Nomiko Vima* 1985, 35 = *Nomos Legal Database*: The informal division of real estate between the heirs-siblings and a claim for joint ownership on the informally divided property after several years; Athens Multi-member Court of First Instance 7340/1990, *Apartment Building Law Review* 1997, 221 = *Nomos Legal Database*.

<sup>60</sup> AP 921/1979, *Nomiko Vima* 1980, 268 = *Nomos Legal Database*.

<sup>61</sup> AP Plenary 4/1991, *Archeio Nomologias (Case law records)* 1992, 42 = *Efimeris Ellinon Nomikon* 92/1998 = *Nomiko Vima* 91, 1080 = *Nomos Legal Database*.

part of its original value due to inflation (the plaintiffs did not exercise their right to recover the property earlier, i.e. when they refused to reply to a related question of the opposing parties, who, due to the inactivity of the plaintiffs implicitly accepted the non-reversal of the expropriation and made use of the property); (e) Abuse was also established<sup>62</sup> in a landowner's *rei vindicatio* against the buyer of horizontal property from a contractor of an apartment building built on the land on the basis of an exchange-in-kind contract (the buyer had paid almost the full price and proceeded to complete the property and settled in, immediately after the contractor's *default of payment*, incurring significant expenses, with the knowledge of the landowner, who had expressly reassured her of the definitive transfer of ownership of the property for the payment of a small additional price); and (f) A plaintiff abusively raises claims over the property at issue that was transferred by a private agreement in view of the revaluation of the land in the wider area in recent years, since the defendant had fenced the property, placed posts, planted trees, under the gaze of the seller, who lived nearby and never objected.<sup>63</sup> With regard to the adverse effects to the defendant as a result of the late exercise of the right, it is accepted<sup>64</sup> that they occur in particular where the defendant has incurred costs<sup>65</sup>

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<sup>62</sup> AP Plenary 56/1990, *Hellenic Justice* 1991, 494 = *Apartment Building Law Review* 1990, 317 = *Nomiko Vima*, 1991, 382 = *Nomos Legal Database*; see, however, AP 938/2003, *Chronicles of Private Law* 2004, 40.

<sup>63</sup> AP Plenary 7/2002, *Nomos Legal Database* = *Nomiko Vima* 2003, 648, where '[...] the plaintiffs with the informal distribution of the jointly-owned property, waived their rights to the contested plots and obtained, respectively, other properties, on which the originally defendant brother had joint ownership, who, from the year 1933 until the lodging of the action for distribution in the year 1987, that is to say, for 54 consecutive years, possessed and cultivated the land in question 'animo dominandi', which was known to the plaintiffs, without ever bearing any objections; AP 326/1995, *Nomiko Vima* 1996, 814 = *ABA Legal Database*, which accepted as an abuse criterion the subsequent significant increase in the value of the land; AP 437/1991, *ABA Legal Database*, for the abuse of the plaintiff's right after long-term inactivity and following a multiple increase in the value of the property in recent years; AP 536/1973, *Nomiko Vima* 1973, 1433; Thessaloniki Court of Appeal 850/1989, *Armenopoulos* 1990, 100 = *Nomos Legal Database*: sale of immovable property and subsequent claims by the seller after six years from the date of the establishment of the invalid sale and the delivery of possession to the defendant; Appeal Court of Patras, 1/1984, *Efimeris Ellinon Nomikon* 1985, 314 = *ABA Legal Database*: lodging an action for declaration of ownership against the possessor of a property after 19 years from the time of the informal sale to the latter.

<sup>64</sup> See also AP 9/2010, *ABA Legal Database*, where the late exercise of the right becomes abusive when the harm to the plaintiff is insignificant in relation to the damage the defendant will suffer; see also the caseload cited by Ap. Georgiades (no 4), (No. 272).

<sup>65</sup> AP Plenary 1407/1984, *Nomiko Vima* 1984, 829 = *Nomiko Vima* 1985, 103 = *ABA Legal Database*, which accepted the abuse of an action for a negative declaration by the plaintiff, despite the fact that

and efforts (rebuilding a property),<sup>66</sup> he will be forced to lose a building that he used as a supplementary area of his/her home,<sup>67</sup> would be required to be deprived of the use of his/her entire house due to static inadequacy,<sup>68</sup> and would not be able to use his/her buildings contrary to the plaintiff who would not suffer any detriment.<sup>69</sup>

## **The Weakening of a Right in the Context of Cypriot Property Law**

### ***Prohibition of Abusive Exercise of a Right***

Under the Cypriot property law, a ban on abusive exercise of rights is either explicitly reflected by the legislator or implied by the ratio legis of the provisions in place. The wording of article 38F (1) of the Immovable Property (Tenure, Registration and Valuation) Law (Chapter 224), states that

[...] the Director [of the Department of Lands and Surveys] may register jointly owned property as a limited jointly owned property, if the refusal of the owner of the unit to consent to the designation of a part of the jointly owned property as limited jointly owned property (which presupposes a decision of the owners of at least 75 % of the jointly owned property, unless otherwise specified in the Regulation) exceeds the limits imposed by good faith or the social or economic purpose of the right [...].

Similarly, in article 14 of Chapter 224, the legislator, with the aim of preventing the abuse of the limited right in rem of easement, entitles the owner of either the dominant or the servient estate to apply to the Director of the Department of Lands and Surveys and request the designation or modification of the position or direction of any such easement of passage, ditch, pipe, tube, etc. in such a way that, the determination or modification will not affect any of the properties less favourably than before. The requested change can refer either to the time or the manner in which the easement functions (e.g. if it concerns an easement of water supply, the supply is to be carried out at night instead of during the day, or using

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the defendant's investment was insignificant (field cultivation and pasture use); see however Court of Appeal of Larisa 50/2003, *ABA Legal Database*.

<sup>66</sup> AP Plenary 2101/1984, *Nomiko Vima*, 1985, 648 = *Nomos Legal Database*: occupation of a plot after an informal agreement and building a complex where a school is operating; AP 1145/2010, *ABA Legal Database*; Court of Appeal of Larisa 207/2004, *ABA Legal Database*: reconstruction of the disputed property with the knowledge of the other joint owners, who did not object.

<sup>67</sup> AP 1674/2001, *ABA Legal Database*.

<sup>68</sup> AP 808/2000, *ABA Legal Database*.

<sup>69</sup> AP 1516/2009, *ABA Legal Database*.

tubes instead of ditches; in the case of a right of way, the owner of the dominant estate has to pass through a different spot of the servient estate, as the owner of the latter wishes to cultivate the part where the easement is currently exercised). The elements that are weighted in order to decide on the change in the way the easement functions, are whether the proposed method of operation is less onerous for the owner of the servient property than the current one, whether the economic purpose of easement is equally achieved by the change requested and whether the claimant for the change advances the necessary costs for it.<sup>70</sup> If, in addition, there is no longer a need for passage due to the opening of a public road or another route or for any other reason the easement no longer makes sense (in which case the continuation of the easement becomes abusive), the Director of the Department of Lands and Surveys may, on request, proceed with discontinuation thereof [article 12 (3) of Chapter 224]. The ratio legis of article 12 (3) of Chapter 224 requires that it is applied in every case of easement, the exercise of which has become impossible either by an actual (e.g. self-sufficiency of the dominant property) or a legal reason (e.g. the inclusion of the servient property to publicly available property and therefore not subject to easement).

The prohibition of abuse is further achieved through the implementation of equity rules. These rules, which have been developed over time, express fundamental principles of law and take the form of legal *remedies* to fill gaps and address weaknesses in English common law in order to be able to grant justice in concreto.<sup>71</sup> *Gateways* of equity rules in the Cypriot legal system, which are of particular importance in the context of Cypriot property law, are the principle of proprietary estoppel, the constructive trust and the resulting trust.

According to proprietary estoppel, if someone is under the false impression that a piece of land belongs to him/her and, based on this false impression, he/she invests on that land, and the actual owner thereof, while being aware of such activities, does not take any action to inform the former, in order to prevent his/her mistake, then the actual owner is not allowed to refuse the right of the mistaken

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<sup>70</sup> On the conditions for changing the exercise of an easement in the context of Article 1128 of the Greek CC, see Ap. Georgiades (no 5), § 72, No. 3.

<sup>71</sup> M. Nikolatos, (2015) 'The Role of the Cypriot Courts in Defending Morality' (in Greek), *Speech at the 10<sup>th</sup> Panhellenic Philosophical Conference on 'Law and Ethics'*, Limassol, 30 October 2015, available at [www.supremecourt.gov.cy](http://www.supremecourt.gov.cy).

person over his/her property, that is he/she is prevented from enjoying the fruit of his/her dishonest behaviour.<sup>72</sup>

Resulting and constructive trusts are created, operate and are enforced by equity rules by operation of law.<sup>73</sup> Constructive trusts are imposed in view of the formed state of affairs and regardless of the intention of the property owner, whether explicit or implicit, in cases where it would be unfair to establish a proprietary interest only for a particular person or that person to deny someone else's interest or in cases where it would constitute an abuse of trust on behalf of the legitimate owner to retain property for his/her own benefit.<sup>74</sup> A recognised form of constructive trust is

<sup>72</sup> Ibid; T.-E. Synodinou, *Cypriot Property Law, Immovable Property* (Athens-Thessaloniki: Sakkoulas Editions, 2011) (in Greek), No. 109-110 and 427 footnote 510; see also G. Pikis, *An Analysis of the English Common Law, Principles of Equity and their Application in a Former British Colony, Cyprus* (Leiden, Boston: Brill/Nijhoff, 2017), 65-66, where it is stated that '[...] Two prerequisites must be satisfied to found an equitable estoppel: (a) clear representation that the representor will not insist on the enforcement of strict legal rights; and (b) in the circumstances it would be inequitable not to allow the representee who has been so influenced by the representation as to warrant the intervention of equity' and 69-70 in particular for the principle of proprietary estoppel; see also Navsika Stylianou and others v. Kyriacos Papacleovoulou and another (1982) 1 *Cyprus Law Reports* 542, under which immovable property could be registered under the application of the equity rules and in particular the proprietary estoppel; Andreas Odysseos v. Pieris Estates and others (1982) 1 *Cyprus Law Reports* 557, which accepted the application of possessory estoppel with regard to the right of property possessor under a sale contract to continue to possess it in the event of a petition for eviction by the registered owner; Agisilaos Tsalis v. Dora Chatziandreou (2000) 1 *Decisions of the Supreme Court of Cyprus* 1250; Ioannis Chrysostomou s/o Antonios v. Eleni Christou Antonios Fragkou et al. (2000) 1 *Decisions of the Supreme Court of Cyprus* 622, according to which '[...] Minimum requirement for the existence even of a reason for estoppel, is the representation, on behalf of the owner of the land, that s/he waives his/her rights on it, and that the person towards whom it is made, can consider that land to be his/her own property. The wrong impression of the owner as to the boundaries of his/her property does not provide a basis for the establishment of a right [...]'; but see below Vereggaria Papakokkinou and others v. Municipality of Pafos (1998) 1 *Decisions of the Supreme Court of Cyprus* 2398, where it is stated that '[...] The provisions of Chapter 224(4) are restrictive as regards the establishment of privileges on immovable property and prohibitive for the adoption of rules of Common law and Equity. Recognising the establishment of rights on immovable property by means of a proprietary estoppel would be completely at odds with the provisions of article 4, which does not allow the application of the rules of Common law and Equity to the creation of rights on immovable property in Cyprus. The rights that can be obtained may not be other than those expressly laid down in Chapter 224(4) [...]'] [Database: www.cylaw.org].

<sup>73</sup> According to the case-law of the Supreme Court of Cyprus [see Mr. Andreas Tsaggaris v. Makedonia, Gavriilidou, etc. (2003) 1 *Decisions of the Supreme Court of Cyprus* 472; Christoforou v. Christoforou (1998) 1 *Decisions of the Supreme Court of Cyprus* 1551 (Database: www.cylaw.org)] Articles 4 and 65IE of Chapter 224 do not exclude the application of the principles of equity with respect to constructive trusts and resulting trusts.

<sup>74</sup> Christos Cliridis v. Herodotus Stavridis (1998) 1 *Decisions of the Supreme Court of Cyprus* 521;

the case in which a retention of property is attempted for proper benefit by means of a fraudulent or unacceptable exploitation or abuse of legislative provisions or other fundamental principles of law, resulting in the use of the law as a tool for fraud (e.g. a person who is in a position of trust in relation to someone else exploits his/her position to gain profit at the expense of the other person (e.g. a company's managing director, taking advantage of the confidential information he has due to his/her position, makes a profit to the detriment of the company, to which he/she has a duty of loyalty); someone committing fraud in order to unlawfully gain assets to the detriment of the person deceived, is presumed to have acquired what he/she obtained on behalf and for the benefit of the deceived person, whom he/she must ultimately render it to).<sup>75</sup>

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Georgios Pentafkas v. Anna Pentafka d/o Georgios (1991) 1 *Decisions of the Supreme Court of Cyprus* 547; see also M. Nikolatos (no 71); T.-E. Synodinou (no 72), No. 427, which points out that usually a type of informal agreement is assumed, or at least the mutual acceptance that the beneficiary will have a right or an interest on the property which the trustee denies; in this connection, the constructive trust is similar to the proprietary estoppel. As stated in the judgment of the Supreme Court of Cyprus, Andreas Tsaggaris v. Makedonia Gavriilidou, et al. (2003) 1 *Decisions of the Supreme Court of Cyprus*, 472, '[...], the principle of constructive trust has a wider use appearing "as a matter of conscience, where the facts justify this [...]" without the need for a joint intention' and applies "even where there was no declared or even implicit intention of the parties but the equity system has shielded a particular series of transactions not only with legality but also with accountability" [...]' [Database: www.cylaw.org]; G. Piki (no 72), 51-52.

<sup>75</sup> M. Nikolatos (no 71); T.-E. Synodinou (no 72), No. 428-429; Christoforou. v. Christoforou (1998) 1 *Decisions of the Supreme Court of Cyprus* 1551; see also Saint George's Car hire Ltd et al. v. Makedonia Gavriilidou, et al. (2006) 1 *Decisions of the Supreme Court of Cyprus* 47, relating to the purchase of apartments in an apartment building built on the basis of an exchange-in-kind contract [the contractor (or else *beneficiary*) undertakes to develop the property with the obligation to transfer a part of the developed property (i.e. apartments of an apartment building) to the landowners], where due to financial difficulties of the construction company, the building remained incomplete and the buyers of the apartments completed them at their own cost; in the refusal of the building owners, namely the registered owners of the real estate, on which the building was built, to recognise property rights to the unfortunate buyers, the Supreme Court opposed the establishment of a constructive trust to the benefit of the buyers; that is, it was acknowledged that the owners of the land were only *trustees* of the disputed sold apartments and held their *legal ownership* for the benefit of the *beneficial owners* of the apartments; see also Iera Moni Machaira et al. v. Maria Papasavva Kouvatzia et al. (2007) 1 *Decisions of the Supreme Court of Cyprus* 436, where in a case of transfer of immovable property of a monk to his blood relatives despite the provision of the Constitutional Charter of the Church of Cyprus and the Monastery Regulations, under which the property of the monks belong to the Monastery, the Supreme Court did not accept the establishment of a constructive trust in favour of the Monastery on the transferred immovable property; At the judgment of the Court, the state of things in the specific case did not indicate that the property was withheld in an unacceptable manner or by abuse of the principles of law [Database: www.cylaw.org].



Resulting trusts, which are created or operate primarily on the basis of the intention presumed by the facts of each case, mostly relate to cases of transfer of ownership in the name of a person, during which a part of the price or even the price in its entirety has not been paid by the buyer, but by another person. In this case, it is recognised that a resulting trust has been established in favour of the person who paid the money, which is based on the presumed absence of intention to make the buyer and registered owner richer.<sup>76</sup>

The right of the beneficiary of the trust is a right in personam (a personal right), directed against the trustee in relation to the execution of his/her duties (no breach of the trust and preservation of the beneficiary's advantage). However, the above right can also develop a right's in rem (property right) force in so far as the beneficiary of the trust may have claim against third parties possessing the property, as well as the person, to whom the trustee has transferred the ownership, if this person is not a buyer in good faith buying the property for a valid consideration.<sup>77</sup>

### *The Principle of Equity Known as 'Estoppel by Laches'*

The origin of the term *laches* lies with the Latin saying 'vigilantibus, et non dormientibus, jura subveniunt' (the law assists those that are vigilant with their rights, and not those that sleep thereupon). This is a principle of equity, according to which a delay in the pursuit of a remedy under the equity law can be an obstacle to the granting of the sought remedy.<sup>78</sup> To be precise, the principles of equity are not

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<sup>76</sup> M. Nikolatos (no 71) T.-E. Synodinou (no 72), No. 430-431; *Christoforou v. Christoforou* (1998) 1 *Decisions of the Supreme Court of Cyprus* 1551; *Crestar (overseas) Ltd. v. Tatiana Vissotskagia* (2008) 1 *Decisions of the Supreme Court of Cyprus* 942 [Database: www.cylaw.org].

<sup>77</sup> T.-E. Synodinou (no 72), No. 433; see also *Andreas Pirillos v. Roupinetta Konnari* (2000) 1 *Decisions of the Supreme Court of Cyprus* 1153, which concerned a transfer of immovable property for the purpose of securing a debt, where there was an explicit reference in the parties' written agreement to re-transfer the property to the transferor after the repayment of the debt; according to the judgment of the Court, this agreement, which was not registered to the Land Registry and which did not explicitly refer to a trust, entails the establishment of a constructive trust (the sale by the trustee of the property to a third party while s/he is aware of the substantial property interest of the beneficiary, turns the buyer into a trustee of constructive trust too and s/he cannot be regarded as a bona fide buyer; thus, the buyer was not entitled to burden the property that was subject to the preexisted constructive trust in favour of the plaintiff-beneficiary of the trust, and the latter was entitled to annulment of the sale contract's deposit and registration to the Land Registry for specific performance purposes) [Database: www.cylaw.org].

<sup>78</sup> See the *Cyprus Telecommunications Authority v. Antonis Kleanthous* (2013) 1 *Decisions of the Supreme Court of Cyprus* 158; *Kleanthi Katerina Grigoriou, et al. v. Michalakis Sianios*, in his capacity as administrator of the estate of the deceased Kyriakos Grigotis Makris (2009) 1 *Decisions of the Supreme Court of Cyprus* 180; also *Yannis Savviziikkis-Karpasitis et al. v. Georgios A. Siokouros*



intended to help the party who, tranquil on its rights, shows undue delay in taking action to safeguard them. The law of equity does not set any specific time limit for the claim of an actionable right, but the court examines the matter in the light of the circumstances of each case, taking into account: (a) the plaintiff's consent to the defendant's infringement of his/her rights from the moment the plaintiff is fully aware of the essential facts; and (b) any change that has occurred in the meantime to the defendant, which adversely affects him.<sup>79</sup> However, there is no scope for applying this principle, when there are explicit time limits for the claim of civil rights, even if the remedy sought is an equitable remedy.<sup>80</sup> In other words, if the law provides for a statute of limitations in relation to an actionable right, the plaintiff shall be entitled to the full time period laid down by law before his/her claim becomes unenforceable.

Whether the specific principle of equity is applicable in a particular case is a matter that relates to the discretionary power of the court, a power that is exercised in the interests of justice and to a substantial extent depends on whether or not it would be unreasonable to grant the requested remedy. In addition to the delay, the defendant, should also show such actions in the time elapsed before the claim

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(2002) 1 *Decisions of the Supreme Court of Cyprus* 472 where it is noted that the unreasonable delay (laches) as a defense in a lawsuit can be raised in cases where the plaintiff asks for remedy on the basis of equity law (equitable remedy); same opinion in *Hartziotis Trading Co Ltd v. Director of Customs Department* (Civil Appeal No. 94/2011, 22/12/2015), which adds that '[...]In any event, even if it were to be considered that the issue of laches could be raised in an action where the plaintiff seeks remedy citing a right stemming from the law, in the present case the condition that the adjudication of the claimed remedy would be unfair to the defendant today is not fulfilled [...]' [database: www.cylaw.org]; see also G. Pikis no 72), 61.

<sup>79</sup> *Christofidou Nasa Patapiou v. Dimitris Papachrysostomou*, as manager of the property of Theofili Papadopoulou (2009) 1 *Decisions of the Supreme Court of Cyprus* 1360 [Database: www.cylaw.org]; see also G. Pikis (no 72), 61, stating that '[...] The doctrine of laches is applied by reference to the particular circumstances of a case, including (a) the period of delay and the extent to which defendant's position has been prejudiced by the delay and (b) the extent to which the prejudice was caused by actions of the plaintiff [...]'.

<sup>80</sup> *Cyprus Telecommunications Authority v. Antonis Kleanthous* (2013) 1 *Decisions of the Supreme Court of Cyprus* 158; also *Kyriakou Kostas v. Therapontas Anastasiou* (2013) 1 *Decisions of the Supreme Court of Cyprus* 148, which states that the defense of laches is only applied to equity law and not when a statutory limitation period is provided, and it concerns cases where a right is being abandoned due to an excessive time lapse before raising a claim when such inaction has affected the rights of the other party, with the loss of evidence in writing or in person; *Christofidou Nasa Patapiou v. Dimitris Papachrysostomou*, as manager of the property of Theofili Papadopoulou (2009) 1 *Decisions of the Supreme Court of Cyprus* 1360 [Database: www.cylaw.org].

is brought, so that the interest of justice is served in concreto by rejecting the requested remedy.<sup>81</sup>

## Conclusions

The prohibition of abuse of a right, a more specific manifestation of which is the weakening of a right, whether it is provided for by an explicit legislative requirement or arises from the application of the equity rules, expresses and implements the principle of proportionality in the field of proprietary rights.<sup>82</sup> In the

<sup>81</sup> Cyprus Telecommunications Authority v. Antonis Kleanthous (2013) 1 *Decisions of the Supreme Court of Cyprus* 158; see also *Hartziotis Trading Co Ltd v. Director of Customs Department* (Political Appeal No. 94/2011, 22/12/2015), where it is stated that the indispensable requirement for the defense of laches is for the defendant to show, citing data and facts, that the success of the remedy would be unfair to him/her in the light of the long period of time that has elapsed from the birth of the actionable right till the lodging of the claim; see also *Rena Aristotelous Ltd et al. v. Benfleet Enterprises Ltd etc.*; (2006) 1 *Decisions of the Supreme Court of Cyprus* 280, which states that the invocation of the equitable remedy of laches, firstly presupposes an unreasonable delay in the commencement of the proceedings and secondly, that the consequences of the delay render the adjudication of the requested remedy unfair [Database: www.cylaw.org].

<sup>82</sup> The principle of proportionality, which is constitutionally enshrined in Article 25 § 1, Sec. D of the Greek Constitution, permeates the entire internal system of private law and entails: a) the principle of adequacy, in the sense of the suitability of the restriction imposed in order to achieve the aim pursued by it, b) the principle of necessity, in the sense that the least burdensome for the subject of the right in question is to be chosen for restrictions of equivalent effectiveness; and c) the principle of stricto sensu proportionality, in the sense that the restriction should be more advantageous of the resulting damage to the interests of the person subject to the right. On the application of the principle of proportionality under Greek private law see Ph. Doris, (2005) 'The Principle of Proportionality in the Case Law of Civil Courts' (in Greek), *Human Rights Review – Issue Out of Series III/2005*, 25-39; Ph. Doris, (2004) 'The Principle of Proportionality in the Field of Regulation of Private Relations and in particular in Civil Law' (in Greek), in *Honorary Volume of the Council of State for its 75 years* (Athens-Thessaloniki: Sakkoulas Editions, 2004), 229-249; Ph. Doris, (2006) 'The Importance of the Principle of Proportionality on Conflicting Rights in Property Law' (in Greek), in *Genethlion Apostolos S. Georgiades Volume I* (Athens-Thessaloniki: Sakkoulas Editions, 2006), 249-277; I. Sontis, *Mandatory Easements in Accordance with the Civil Code* (CC 1012-1017, 1028-1031) (Ant. N. Sakkoulas Editions, 1981), 81-88; F. Nikolaou, (2014) 'Bona Fide Acquisition of Ownership of Stolen or Lost Movables Sold in the Market (CC 1039 Sec. B)' (in Greek), *Civil Law Applications*, p. 822, 823-825; F. Nikolaou, *Acquisition of Ownership of a Movable by a Good Faith Transferee*, (Athens: Nomiki Vivliothiki Law Publications, 2014) (in Greek), 35-41; Ev. Beis, (1999) 'The Principle of Proportionality—from Public to Civil and Administrative Procedural Law and Private Law' (in Greek), *Diki*, Vol. 30, 467-498; see also AP 1512/2010, *Chronicles of Private Law* 2011, 275 with remarks S. Ioakeimidis, who speaks of a disproportionate burden on the defendant to the benefit of the plaintiff; see also article 18 of the ECHR; cf. under German private law C.-W. Canaris, (1989) 'Grundrechtswirkungen und Verhältnismäßigkeitsprinzip in der richterlichen Anwendung und Fortbildung des Privatrechts', *Juristische Schulung*, 161; cf. also Decision of the Supreme

case of weakening of a right, the plaintiff's right recedes (that is, becomes inactive, cannot be exercised) in favour of the defendant's interest and subsequently can either be transferred from the plaintiff to the defendant (e.g. by later validating a non-valid transfer) or be eliminated (e.g. due to prescription). The principle of proportionality is the controlling criterion as to whether the right in question is exercised in an abusive way (and thus weakened), i.e. that is to say whether, on the basis of the specific circumstances of the individual case (e.g. the nature of the right, place and time for the exercise of the right, circumstances occurring in the face of either the plaintiff or the defendant), the limits set by good faith, morality or the socio-economic purpose of the right are exceeded.

In order to give effect to the weakening of the right, it is necessary for the holder of the right to demonstrate unreasonable delay in the exercise of his/her right, fact which has created a causal link with the defendant's belief that the right will not be exercised, so that the exercise of the right damages the interests of the defendant as a result of reversing the established status quo. The element of harm to the interests of the defendant is necessary, but the intensity of the harm required will be judged in concreto by the degree to which the other elements of the weakening are fulfilled. These elements of the weakening are by nature *changeable*, in the sense that depending on the specific circumstances of the individual case in question, they can be met with fluctuating intensity each time.

In the context of Greek property law, weakening can occur either to non-time-barred rights (e.g. the right to invoke the invalidity of a contract for failure to comply with the necessary formalities or due to legal incapacity), as well as time-barred rights (subject to limitation or prescription). In the latter case, however, the plaintiff's inaction should be accompanied by special circumstances, which make it necessary to sacrifice the right, so that the institution of limitation or prescription is not circumvented. Under Cypriot property law, the defendant's protection against the plaintiff's weakened right is mostly fulfilled through the activation of proprietary estoppel, rather than by means of the mechanism of negligence or delay in seeking remedy (estoppel by laches). The latter covers a limited range of cases, as it is established in case law<sup>83</sup> only as defense to an action, by which the plaintiff claims

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Court, *Henry v. Henry* (2010) 1 All E.R. 988 (s. c.), which states that 'Proportionality lies at the heart of the doctrine of proprietary estoppel and permeates its every application'.

<sup>83</sup> See in detail above under footnote 78; see, however, the case of *Hartziotis Trading Co Ltd v. Director of Customs Department* (Political Appeal No. 94/2011, 22/12/2015), which expresses a tolerance of

remedy under the law of equity and only when there is no statutory limitation period of the right. In fact, if we accept that *immovable property* under Cypriot property law (see also article 2 (e) of Chapter 224) covers under its umbrella, not only the right of ownership but also limited proprietary rights (e.g. appurtenant easements, usufruct), the proprietary estoppel may also be applied in cases of abusive exercise (due to weakening) of limited rights in rem (for example, abuse of the right of way after a long unjustified inactivity of the holder of the easement and in any case before the right is time-barred after lack of exercise for a full period of 30 years without interruption in accordance with article 12 (2) of Chapter 224). Finally, it is worth noting that the examination of a right weakening offers useful serviceable tools to diagnose abusive exercise of a right in other more specific forms (e.g. in the case of contradictory behaviour criticised by law (*venire contra factum proprium*)).

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# Minimum Income in Praxis. Cyprus Reality and the European Minimum Income Network (EMIN)

NICOS SATSIAS<sup>1</sup>

## Abstract

*This article presents the Cypriot reality regarding Guaranteed Minimum Income which was introduced in 2014. The introduction of a completely new social protection scheme changes the philosophy for the safeguard of vulnerable groups of people although incidentally configures a new environment within society and labour market. The historical background of Cyprus is presented briefly as well as the reasons for the evolution to the new reality, which influenced both the effectiveness and the general perspectives for improvement. The EMIN programme is considered action research while it brings together academics, non-government organisations (NGO's), social partners and people experiencing poverty and social exclusion, in an effort to progressively realise that adequate, enabling and accessible minimum income systems contribute to the reduction of poverty and additionally generate social balance. The recommendations by EMIN Cyprus present views by civil society actors and provide an independent delineate of the Cypriot system, which in this respect is considered reasonably objective.*

**Keywords:** EMIN, Cyprus, Europe, minimum income, poverty, activation, quality services

## Introduction

The discussion for minimum income systems has become quite popular the last two decades, while progressively more countries realise the need to broaden their social protection systems, in the framework of their general effort to provide support to the people in need. Marx and Nelson (2013 p. 1) refer to the call by the European Parliament on the Commission and the Member States to *guarantee the right to a minimum income irrespective of individuals' chances in the labour market*<sup>2</sup>. Social protection necessity became even more crucial during the years of

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<sup>2</sup> Marx & Nelson Minimum Income Protection in Flux (Work and Welfare in Europe), (2012) Palgrave Macmillan UK, New York



austerity and especially for those countries under austerity measures. Empiricism gained more value whereas the issue of minimum income is not considered simply a theory, rather than a legal framework in all countries of the EU<sup>3</sup> and of course in many others worldwide. Even though for countries like Cyprus, the experience is not particularly wide, bearing in mind that the new legal framework was introduced in 2014<sup>4</sup>, several lessons and attitudes configure the outlines and structure and consequently the general social impact on the one hand and the path for the future on the other.

Under these circumstances it is generally accepted that there is a better realisation regarding the impact of minimum income systems, not only on poverty and social exclusion, but on other benefits and labour market as well. However, it is far more important to deeply analyse each country's system separately, to better understand the trends and outcomes and even more to be able to modify the legislation where it is needed, apply administrative changes according to basic administration principles on operational level and investigate the alternatives for funding opportunities.

The case of Cyprus is quite interesting while it highlights the consequences of financial crisis in the general discussion within the EU about minimum income systems and provides knowledge to other countries regarding the evaluation of such schemes. The political EU context is relatively wide since the primary discussions started during the 90s and specifically with the 1992 recommendation of the European Council, on common criteria concerning sufficient resources and social assistance in social protection systems<sup>5</sup>. After this recommendation a number of new initiatives, recommendations, road maps, opinions etc., have been developed at European levels but all these are characterised by the soft governance of the EU<sup>6</sup>, without any specific obligations by the member States. Therefore, each

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<sup>3</sup> The last country of the EU introducing a minimum income system was Greece. The Social Solidarity Income (Δ23/οικ.30299/2377/2016 ΦΕΚ 2089/Β/7-7-2016) was introduced at the 1 January 2017, following a pilot programme of Guaranteed Minimum Income program, in 13 public authorities.

<sup>4</sup> On July 2014 the Cypriot Parliamentary Body voted a new legal framework for Guaranteed Minimum Income 109(1)2014.

<sup>5</sup> 92/441/EEC: Council Recommendation of 24 June 1992 on common criteria concerning sufficient resources and social assistance in social protection systems.

<sup>6</sup> Soft governance is used to characterise policies without legal obligations by the States. A historical view describes soft governance or soft law as a notion created at a time when political scientists and international legal scholars needed new concepts to progress the realisation of a changing world. Ac-

country created a framework according to the existing national level economic and social circumstances and sometimes with more attention on decreasing the social expenditures in order to configure a healthy economy rather than to provide adequate support for those who really need it. The designers of the memorandum of agreement (MoU) with Troika<sup>7</sup> particularly for Cyprus had limited interest on social inequalities, while the main priority was to address the issues of the problematic economy. Therefore the introduction of a new institutional framework under crisis circumstances inevitably was guided by conservative approaches regarding clear governance necessities and commonly related issues were underestimated and downgraded so that provisions of the MoU were strictly followed.

### The Minimum Income Historical Background of Cyprus

The first legislation considered as a minimum income scheme was the so called Public Assistance Benefit (PAB) law<sup>8</sup> which was introduced after the Turkish invasion in the country in 1975, when many people and particularly refugees needed support to survive. The legal framework was developed through the years with a number of modifications, but the adjustments did not correspond to the actual needs of the society, while the requirements were significantly higher and the vulnerable groups were becoming progressively more. In 1998 a report was drafted by the General Auditor of the Cyprus Republic<sup>9</sup>, identifying a number of problems regarding the general governance of the PAB system, with limited cover for those in real need, coverage of people not in real needs, problematic electronic connection between the public services etc., highlighting incidentally the necessity to apply changes that would correspond to the reality and the circumstances of those times.

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ording to Snyder, (1993, p. 198), soft laws are: *“rules of conduct which, in principle, have no legally binding force but which nevertheless may have practical effects”*.

<sup>7</sup> The Economic Adjustment Programme for Cyprus, (bail in) is a memorandum of understanding on financial assistance to the Republic of Cyprus in order to cope with the 2012–2013 Cypriot financial crisis.

<sup>8</sup> Cyprus Republic (1975) Public Assistance and Services law (N. 10/75)

<sup>9</sup> General Auditor's Report) Administrative Control, Public Assistance Benefit by Social Welfare Services, (1998) available at [http://www.audit.gov.cy/audit/audit.nsf/All/458CDBD6CD6F3781C2256D630029BBDB/\\$file/%CE%A0%CE%B1%CF%81%CE%BF%CF%87%CE%AE%20%CE%94%CE%B7%CE%BC%CF%8C%CF%83%CE%B9%CF%89%CE%BD%20%CE%92%CE%BF%CE%B7%CE%B8%CE%B7%CE%BC%CE%AC%CF%84%CF%89%CE%BD.pdf?OpenElement](http://www.audit.gov.cy/audit/audit.nsf/All/458CDBD6CD6F3781C2256D630029BBDB/$file/%CE%A0%CE%B1%CF%81%CE%BF%CF%87%CE%AE%20%CE%94%CE%B7%CE%BC%CF%8C%CF%83%CE%B9%CF%89%CE%BD%20%CE%92%CE%BF%CE%B7%CE%B8%CE%B7%CE%BC%CE%AC%CF%84%CF%89%CE%BD.pdf?OpenElement)

Public Assistance Benefit was operated under the administration of Social Welfare Services while it was considered the foundation of social welfare, but with negative criticism regarding its impact to the real problems of the society and regarding the uncontrollable spending.

Pashardes study of National Policies (2009)<sup>10</sup> for PAB, does not identify non take up's or false take up's while at this time there is no available information, however the discussions at political circles characterised the system not only inadequate, but with consequences that broadened inequality as well. The above study however, referred additionally to the social exclusion that PAB recipients experienced, even though the benefit reduced the depth of poverty among disadvantaged groups, such as families with non working heads, especially those below 45, with dependent children, women and low educated citizens.

In March 2013, Eurogroup decided a levy on Cypriot Bank deposits,<sup>11</sup> mainly because of the exposure of these banks to high risks, which eventually created the inability to refund the States expenses from international markets.

This decision triggered a steep increase in unemployment and accordingly a rise in poverty and social exclusion, while many people lost their jobs and fell into the trap of poverty and social exclusion. It was more than obvious that the public needed support, and solidarity gained more value not only between families but by the church and everyone who volunteered to donate.

Countries that have undergone austerity policies experienced a significant decline in employment. In particular, Cyprus has seen a significant decline, from 74,4% in 2005 and 76,8% in 2007, to 67,8% in 2015. At the same time in Greece the employment decline was even greater, after falling from 64,4% in 2005 to 54,9% in 2015. The same trend is observed in another European country in Portugal which decreased from 72,2% in 2005 to 69,1% in 2015. (The following table by Eurostat analysing employment percentages between EU countries (years 2005-2015) is relevant (next page).

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<sup>10</sup> Pashardes, *Cyprus Minimum Income Schemes*, (2009) A Study of National Policies, on behalf of European Commission, DG Employment Social Affairs and Equal Opportunities

<sup>11</sup> Financial Post, *Why is Cyprus imposing a tax on people's Bank deposits?* (2013) Available at <https://business.financialpost.com/news/economy/cyprus-tax-levy>

MINIMUM INCOME IN PRAXIS. CYPRUS REALITY AND THE EUROPEAN MINIMUM INCOME NETWORK

|                    | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 |
|--------------------|------|------|------|------|------|------|------|------|------|------|------|
| EU-28              | 67.9 | 68.9 | 69.8 | 70.3 | 69.0 | 68.6 | 68.6 | 68.4 | 68.4 | 69.2 | 70.1 |
| Euro area (EA-19)  | 67.9 | 69.0 | 69.9 | 70.2 | 68.8 | 68.4 | 68.4 | 68.0 | 67.7 | 68.2 | 69.0 |
| Belgium            | 66.5 | 66.5 | 67.7 | 68.0 | 67.1 | 67.6 | 67.3 | 67.2 | 67.2 | 67.3 | 67.2 |
| Bulgaria (*)       | 61.9 | 65.1 | 68.4 | 70.7 | 68.8 | 64.7 | 62.9 | 63.0 | 63.5 | 65.1 | 67.1 |
| Czech Republic (*) | 70.7 | 71.2 | 72.0 | 72.4 | 70.9 | 70.4 | 70.9 | 71.5 | 72.5 | 73.5 | 74.8 |
| Denmark            | 78.0 | 79.4 | 79.0 | 79.7 | 77.5 | 75.8 | 75.7 | 75.4 | 75.6 | 75.9 | 76.5 |
| Germany (*)        | 69.4 | 71.1 | 72.9 | 74.0 | 74.2 | 75.0 | 76.5 | 76.9 | 77.3 | 77.7 | 78.0 |
| Estonia            | 72.0 | 75.9 | 76.9 | 77.1 | 70.0 | 66.8 | 70.6 | 72.2 | 73.3 | 74.3 | 76.5 |
| Ireland (*)        | 72.6 | 73.4 | 73.8 | 72.2 | 66.9 | 64.6 | 63.8 | 63.7 | 65.5 | 67.0 | 68.7 |
| Greece (*)         | 64.4 | 65.6 | 65.8 | 66.3 | 65.6 | 63.8 | 59.6 | 55.0 | 52.9 | 53.3 | 54.9 |
| Spain              | 67.5 | 69.0 | 69.7 | 68.5 | 64.0 | 62.8 | 62.0 | 59.6 | 58.6 | 59.9 | 62.0 |
| France (*)         | 69.4 | 69.4 | 69.9 | 70.5 | 69.5 | 69.3 | 69.2 | 69.4 | 69.5 | 69.3 | 69.5 |
| Croatia            | 59.9 | 60.6 | 63.9 | 64.9 | 64.2 | 62.1 | 59.8 | 58.1 | 57.2 | 59.2 | 60.5 |
| Italy              | 61.5 | 62.4 | 62.7 | 62.9 | 61.6 | 61.0 | 61.0 | 60.9 | 59.7 | 59.9 | 60.5 |
| Cyprus (*)         | 74.4 | 75.8 | 76.8 | 76.5 | 75.3 | 75.0 | 73.4 | 70.2 | 67.2 | 67.6 | 67.9 |
| Latvia             | 69.1 | 73.2 | 75.2 | 75.4 | 66.6 | 64.3 | 66.3 | 68.1 | 69.7 | 70.7 | 72.5 |
| Lithuania          | 70.7 | 71.3 | 72.7 | 72.0 | 67.0 | 64.3 | 66.9 | 68.5 | 69.9 | 71.8 | 73.3 |
| Luxembourg (*)     | 69.0 | 69.1 | 69.6 | 68.8 | 70.4 | 70.7 | 70.1 | 71.4 | 71.1 | 72.1 | 70.9 |
| Hungary            | 62.2 | 62.6 | 62.3 | 61.5 | 60.1 | 59.9 | 60.4 | 61.6 | 63.0 | 66.7 | 68.9 |
| Malta              | 57.4 | 57.9 | 58.6 | 59.2 | 59.0 | 60.1 | 61.6 | 63.1 | 64.8 | 66.4 | 67.8 |
| Netherlands (*)    | 75.1 | 76.3 | 77.8 | 78.9 | 78.8 | 76.8 | 76.4 | 76.6 | 75.9 | 75.4 | 76.4 |
| Austria (*)        | 70.4 | 71.6 | 72.8 | 73.8 | 73.4 | 73.9 | 74.2 | 74.4 | 74.6 | 74.2 | 74.3 |
| Poland (*)         | 58.3 | 60.1 | 62.7 | 65.0 | 64.9 | 64.3 | 64.5 | 64.7 | 64.9 | 66.5 | 67.8 |
| Portugal (*)       | 72.2 | 72.6 | 72.5 | 73.1 | 71.1 | 70.3 | 68.8 | 66.3 | 65.4 | 67.6 | 69.1 |
| Romania (*)        | 63.6 | 64.8 | 64.4 | 64.4 | 63.5 | 64.8 | 63.8 | 64.8 | 64.7 | 65.7 | 66.0 |
| Slovenia           | 71.1 | 71.5 | 72.4 | 73.0 | 71.9 | 70.3 | 68.4 | 68.3 | 67.2 | 67.7 | 69.1 |
| Slovakia (*)       | 64.5 | 66.0 | 67.2 | 68.8 | 66.4 | 64.6 | 65.0 | 65.1 | 65.0 | 65.9 | 67.7 |
| Finland            | 73.0 | 73.9 | 74.8 | 75.8 | 73.5 | 73.0 | 73.8 | 74.0 | 73.3 | 73.1 | 72.9 |
| Sweden             | 77.9 | 78.8 | 80.1 | 80.4 | 78.3 | 78.1 | 79.4 | 79.4 | 79.8 | 80.0 | 80.5 |
| United Kingdom (*) | 75.2 | 75.2 | 75.2 | 75.2 | 73.9 | 73.5 | 73.5 | 74.1 | 74.8 | 76.2 | 76.8 |
| Iceland            | 85.5 | 86.3 | 86.7 | 85.3 | 80.6 | 80.4 | 80.6 | 81.8 | 82.8 | 84.9 | 86.5 |
| Norway (*)         | 78.2 | 79.5 | 80.9 | 81.8 | 80.6 | 79.6 | 79.6 | 79.9 | 79.6 | 79.6 | 79.1 |
| Switzerland        | ..   | ..   | ..   | ..   | ..   | 81.1 | 81.8 | 82.0 | 82.1 | 82.3 | 82.8 |
| FYR of Macedonia   | ..   | ..   | ..   | ..   | ..   | 48.1 | 48.4 | 48.2 | 50.3 | 51.3 | 51.9 |
| Turkey (*)         | ..   | ..   | ..   | ..   | ..   | 47.9 | 48.4 | 48.2 | 50.3 | 51.3 | 51.9 |
|                    | ..   | ..   | ..   | ..   | ..   | 50.0 | 52.2 | 52.8 | 53.4 | 53.2 | 53.9 |

(\*) 2010: break in series.  
 (\*) 2011: break in series.  
 (\*) 2007: break in series.  
 (\*) 2009: break in series.  
 (\*) 2005-2013: excluding overseas departments and territories.  
 (\*) 2015: break in series.  
 (\*) 2008: break in series.  
 (\*) 2006: break in series.  
 (\*) 2014: break in series.  
 Source: Eurostat (online data code: lfs\_emp\_a)

Source: Eurostat-Employment between EU countries, years 2005-2015

|                   | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 |
|-------------------|------|------|------|------|------|------|------|------|------|------|------|
| EU-28             | 9.0  | 8.2  | 7.2  | 7.0  | 9.0  | 9.6  | 9.7  | 10.5 | 10.9 | 10.2 | 9.4  |
| Euro area (EA-19) | 9.1  | 8.4  | 7.5  | 7.6  | 9.6  | 10.2 | 10.2 | 11.4 | 12.0 | 11.6 | 10.9 |
| Belgium           | 8.5  | 8.3  | 7.5  | 7.0  | 7.9  | 8.3  | 7.2  | 7.6  | 8.4  | 8.5  | 8.5  |
| Bulgaria          | 10.1 | 9.0  | 6.9  | 5.6  | 6.8  | 10.3 | 11.3 | 12.3 | 13.0 | 11.4 | 9.2  |
| Czech Republic    | 7.9  | 7.1  | 5.3  | 4.4  | 6.7  | 7.3  | 6.7  | 7.0  | 7.0  | 6.1  | 5.1  |
| Denmark           | 4.8  | 3.9  | 3.8  | 3.4  | 6.0  | 7.5  | 7.6  | 7.5  | 7.0  | 6.6  | 6.2  |
| Germany           | 11.2 | 10.1 | 8.5  | 7.4  | 7.6  | 7.0  | 5.8  | 5.4  | 5.2  | 5.0  | 4.6  |
| Estonia           | 8.0  | 5.9  | 4.6  | 5.5  | 13.5 | 16.7 | 12.3 | 10.0 | 8.6  | 7.4  | 6.2  |
| Ireland           | 4.4  | 4.5  | 4.7  | 6.4  | 12.0 | 13.9 | 14.7 | 14.7 | 13.1 | 11.3 | 9.4  |
| Greece            | 10.0 | 9.0  | 8.4  | 7.8  | 9.6  | 12.7 | 17.9 | 24.5 | 27.5 | 24.9 | 24.9 |
| Spain             | 9.2  | 8.5  | 8.2  | 11.3 | 17.9 | 19.9 | 21.4 | 24.8 | 26.1 | 24.5 | 22.1 |
| France            | 8.9  | 8.8  | 8.0  | 7.4  | 9.1  | 9.3  | 9.2  | 9.8  | 10.3 | 10.3 | 10.4 |
| Croatia           | 13.0 | 11.6 | 9.9  | 8.6  | 9.2  | 11.7 | 13.7 | 16.0 | 17.3 | 17.3 | 16.3 |
| Italy             | 7.7  | 6.8  | 6.1  | 6.7  | 7.7  | 8.4  | 8.4  | 10.7 | 12.1 | 12.7 | 11.9 |
| Cyprus            | 5.3  | 4.6  | 3.9  | 3.7  | 5.4  | 6.3  | 7.9  | 11.9 | 15.9 | 16.1 | 15.0 |
| Latvia            | 10.0 | 7.0  | 6.1  | 7.7  | 17.5 | 19.5 | 16.2 | 15.0 | 11.9 | 10.8 | 9.9  |
| Lithuania         | 8.3  | 5.8  | 4.3  | 5.8  | 13.8 | 17.8 | 15.4 | 13.4 | 11.8 | 10.7 | 9.1  |
| Luxembourg        | 4.6  | 4.6  | 4.2  | 4.9  | 5.1  | 4.6  | 4.8  | 5.1  | 5.9  | 6.0  | 6.4  |
| Hungary           | 7.2  | 7.5  | 7.4  | 7.8  | 10.0 | 11.2 | 11.0 | 11.0 | 10.2 | 7.7  | 6.8  |
| Malta             | 6.9  | 6.8  | 6.5  | 6.0  | 6.9  | 6.9  | 6.4  | 6.3  | 6.4  | 5.8  | 5.4  |
| Netherlands       | 5.9  | 5.0  | 4.2  | 3.7  | 4.4  | 5.0  | 5.0  | 5.8  | 7.3  | 7.4  | 6.9  |
| Austria           | 5.6  | 5.3  | 4.9  | 4.1  | 5.3  | 4.8  | 4.6  | 4.9  | 5.4  | 5.6  | 5.7  |
| Poland            | 17.9 | 13.9 | 9.6  | 7.1  | 8.1  | 9.7  | 9.7  | 10.1 | 10.3 | 9.0  | 7.5  |
| Portugal          | 8.8  | 8.9  | 9.1  | 8.8  | 10.7 | 12.0 | 12.9 | 15.8 | 16.4 | 14.1 | 12.6 |
| Romania           | 7.1  | 7.2  | 6.4  | 5.6  | 6.5  | 7.0  | 7.2  | 6.8  | 7.1  | 6.8  | 6.8  |
| Slovenia          | 6.5  | 6.0  | 4.9  | 4.4  | 5.9  | 7.3  | 8.2  | 8.9  | 10.1 | 9.7  | 9.0  |
| Slovakia          | 16.4 | 13.5 | 11.2 | 9.6  | 12.1 | 14.5 | 13.7 | 14.0 | 14.2 | 13.2 | 11.5 |
| Finland           | 8.4  | 7.7  | 6.9  | 6.4  | 8.2  | 8.4  | 7.8  | 7.7  | 8.2  | 8.7  | 9.4  |
| Sweden            | 7.7  | 7.1  | 6.1  | 6.2  | 8.3  | 8.6  | 7.8  | 8.0  | 8.0  | 7.9  | 7.4  |
| United Kingdom    | 4.8  | 5.4  | 5.3  | 5.6  | 7.6  | 7.8  | 8.1  | 7.9  | 7.6  | 6.1  | 5.3  |
| Iceland           | 2.6  | 2.9  | 2.3  | 3.0  | 7.2  | 7.6  | 7.1  | 6.0  | 5.4  | 5.0  | 4.0  |
| Norway (*)        | 4.5  | 3.4  | 2.5  | 2.5  | 3.2  | 3.6  | 3.3  | 3.2  | 3.5  | 3.5  | 4.4  |
| Turkey (*)        | 9.5  | 9.0  | 9.1  | 10.0 | 13.0 | 11.1 | 9.1  | 8.4  | 9.0  | 9.9  | 10.3 |
| Japan (*)         | 4.4  | 4.1  | 3.8  | 4.0  | 5.1  | 5.0  | 4.6  | 4.3  | 4.0  | 3.6  | 3.4  |
| United States     | 5.1  | 4.6  | 4.6  | 5.8  | 9.3  | 9.6  | 8.9  | 8.1  | 7.4  | 6.2  | 5.3  |

(\*) Break in series: 2006.

(\*) Break in series: 2007.

(\*) Break in series: 2011.

Source: Eurostat-Employment between EU countries, years 2005-2015

Comparing the unemployment rates over the same period shows a corresponding increase in the countries that have undergone austerity policies. The following Eurostat table analysing unemployment percentages between EU countries (years 2005-2015) is indicative (previous page).

Moreover according to the Cyprus Statistical Services the percentage of at risk of poverty threshold (AROP) had reached in 2015 at 28,9% which is the highest of the last years, verifying that society needed social protection more than ever. In essence more than one person out of four was at the risk of poverty and this trend of increase began much earlier and particularly in 2009. The following table by Cyprus Statistical Services presents the percentages of AROP through the years:

| 2008  | 2009  | 2010  | 2011  | 2012  | 2013  | 2014  | 2015  | 2016  | 2017  |
|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| 23.3% | 23.5% | 24.6% | 24.6% | 27.1% | 27.8% | 27.4% | 28.9% | 27.7% | 25.2% |

Source: Cystat (Available at: [www.mof.gov.cy](http://www.mof.gov.cy))

All the above tables justify the need for broader social protection which had to be focusing on those in need, something that was considered as a challenge for the designers of GMI and at same time the new framework should promote recipients capable to work in employment.

### ***Crisis and Guaranteed Minimum Income***

The Economic adjustment Programme of Cyprus, namely the MoU<sup>12</sup>, included the introduction of a Guaranteed Minimum Income (GMI) system, which was supposed to provide support to everyone in need and be the last safety net for those who did not have the ability to survive under a decent level of living. The fact that austerity measures and additional reduction in social expenditures reflected in the MoU, was quite an oxymoron, since a new system required, apart from social and legal reforms, an alternative financing, in order to become viable.

### ***GMI Legislation Outlines***

The aim of GMI, as set out by its designers, was to guarantee a decent level of living for all citizens, when they are unable to cover their needs, by providing the necessary amount of living and incidentally by providing quality services.

<sup>12</sup> European Commission, Available at [https://ec.europa.eu/info/business-economy-euro/economic-and-fiscal-policy-coordination/eu-financial-assistance/which-eu-countries-have-received-assistance/financial-assistance-cyprus\\_en](https://ec.europa.eu/info/business-economy-euro/economic-and-fiscal-policy-coordination/eu-financial-assistance/which-eu-countries-have-received-assistance/financial-assistance-cyprus_en)



The total amount of financial support is calculated by taking into account the basic needs, which are identified by the study for the Minimum Living Basket, which reflects the lowest necessary amounts of living. In cases where the applicant is renting thus paying for his home, he is covered by the GMI, which also covers municipal, and other similar taxes that each person or family is required to pay. The GMI covers care needs as well as any other emergencies cannot be anticipated in advance.

Regarding eligibility of the GMI, it is considered that it has been significantly improved compared to PAB, whereas all those who have incomes below the decent level of living are eligible<sup>13</sup>. Even if the source of income is an employment fund, an applicant may be considered eligible, provided that he or she meets the criteria of the legislation. Beneficiaries for GMI may be unemployed, retired or self-employed.

The capability of applying for GMI for the long term unemployed, for the pensioners below the basic needs, the working poor according to the calculation of the minimum living basket, and for those who receive unemployment benefit, are new important provisions.

These vulnerable groups of the population were not covered by PAB, something that is considered as a substantial difference from the previous institutional framework. Essentially, the new framework configures a broader social protection system, with the main aim as the provision of support to those suffering from extreme poverty, and additionally the provision of opportunities for work and the facilitation for reintegration into the labour market.

GMI eligible beneficiaries may be citizens of the Republic of Cyprus or citizens of the European Union or third-country nationals, who have a 'long-term resident' status in the Republic under the Aliens and Immigration Law.

Third country nationals who hold legal status provided by the Refugee Law, with the exception of asylum seekers or persons who are victims within the meaning of the Prevention and Combating of Trafficking in Persons and Exploitation and Protections Victims Law, are also eligible applicants.

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<sup>13</sup> Cyprus Republic (2014), *Law for the Guaranteed Minimum Income and generally for social benefits of 2014*, 109(1)2014, Κυπριακή Δημοκρατία (2014) *Νόμος που προνοεί για το Ελάχιστο Εγγυημένο Εισόδημα και γενικότερα περί κοινωνικών παροχών του 2014*, 109(1)2014

The applicant must be over 28 years of age, a married person of any age, a single parent of any age, an orphan of any age, a disabled person of any age, or an adult who is under the age of 18 years.

In order to be eligible, applicants must have a continuous five-year stay in the Republic of Cyprus. This restriction can also be seen as a critical one in the context of the abolition of policies that can characterise a country as a migrant subsidy paradise, which has been widely discussed in political circles during the period of PAB.

The monthly amount corresponding to the living basket is EUR480 for the beneficiary, EUR240 for the spouse and for each family member over 14 years old, and EUR144 for each family member under 14 years old.

Consequently a typical family with two dependents, one older than 14 and one younger than 14, receives a monthly minimum income as detailed in the table below:

| Family Leader | Spouse | Child above 14 years old | Child below 14 years old | TOTAL   |
|---------------|--------|--------------------------|--------------------------|---------|
| EUR480        | EUR240 | EUR240                   | EUR144                   | EUR1104 |

As far as asset conditions concerns the legislation, provisions are the following: All assets of the beneficiary unit movable and immovable are means-tested. Assets other than deposits (including bonds and shares) cannot exceed EUR5,000. The beneficiary is eligible to have cash deposits in a bank up to an amount of EUR5,000 something that increases by EUR1,000 for each additional dependent of the family. However, this amount can be increased up to EUR20,000 if there is a loan which is securing the deposits or if the deposits are under the name of a minor or belongs to disabled persons. The recipient should not have immovable property that exceeds a value of EUR100,000.

According to the audit of the General Auditor (2017),<sup>14</sup> in 2016 the GMI covered 86,919 citizens a number that included Cypriot citizens (27,735), EU citizens (5,416), citizens of other countries (2,791), former PAB recipients (21,292), and low pensioners (29,685). Comparing these elements with PAB, there was a

<sup>14</sup> Auditors Office of the Cyprus Republic - Ministry of Labour Welfare and Social Insurances, Welfare Benefits Administration Services, (2017), *Accounts audit for Guaranteed Minimum Income and other benefits for the year 2015*



significant increase regarding population covered, while according to the Annual Report of the Welfare Services in 2013<sup>15</sup> this was the last year of PAB 20886 citizens received PAB.

According to Kouroufexis (2017),<sup>16</sup> the annual cost of GMI was EUR255 million and is mainly funded by governmental funds and the European Social Fund through which are financed programmes in cooperation with the Human Resources Development Authority.

Nevertheless, the introduction of a new GMI system in a period of austerity was accompanied with a series of problems, gaps and distortions as follows:

- Understaffing competent public services both in quality and quantity, hence with inability to respond to the numerous applications.
- Long applications (ten pages) in order to obtain the most objective control possible, which in return created difficulties to complete the applications especially for low educated people.
- Inability to apply the provisions of the legislation in their entirety. For example “social intervention” could not be applied due to inability by the Social Welfare Services.
- Introducing new provisions without the necessary infrastructures.
- The new system was introduced during the period of labour market deregulation with low wages, something that created inability to find work on the one hand and disincentives to enter labour market on the other.
- Absence of a National Minimum Wage, which was a cause for undeclared work increase and at the same time the reason for uncontrollable falling of the wages. This particular deficiency broadened the gap between GMI economic assistance and the labour market which are considered and should be interconnected pillars for minimum income systems. In some cases the proposed wages for beneficiaries capable to work, were below the support provided by the benefits, thus entering the labour market was not considered as a good option while a job should essentially translated to reduction of incomes.

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<sup>15</sup> Cyprus Welfare Services (2013), Annual Report

<sup>16</sup> EAPN-Cyprus Congress *Guaranteed Minimum Income Policies in Cyprus and Greece*, (2017), available at <https://eapncy.wordpress.com/>

However, the new legal framework introduced some innovations compared to the former PAB legal framework as follows:

- The Social Benefit Register was created.
- More vulnerable groups covered, that previously were not.
- Electronic interconnection of government departments.
- Increase in income support to the eligible applicants.
- Provisions of "social intervention" and investment in human capital (education and training of applicants).
- The GMI operates in a supplementary manner for the working poor.
- Conditional criteria's were introduced for applicants to avoid system exploitation and trapping.
- The State accepted through its legislation its responsibility that from the very first moment of joining the GMI that the State's actions for activation, were be intensified (social inclusion, labour market).

Even though the new legislation was introduced almost four years ago, there is no evaluation or impact assessment yet by the State, which is going to be analysing the three interconnected pillars of the GMI<sup>17</sup> system, identifying the possible gaps and distortions, highlighting the good practices and most importantly recommending changes for improvement. However Pashardes and Koutsambelas (2015) Thematic Report for minimum income, evaluated the system as an adequate one, fairly comprehensive regarding coverage, with partial take by those entitled to minimum income benefits, with limited impact in reducing the AROP, yet with strong impact in reducing the AROP depth, medially effective regarding the link to Active Labour Market Policy and medially effective regarding the link to Adequate Services. However, this particular report was made one year after the introduction of the new legal framework and the results cannot be considered as fairly objective while the legislation was modified on 1 August 2015.

The first external assessment for the implementation of the provisions of the new institutional framework for the GMI, is essentially carried out by the Cyprus

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<sup>17</sup> According to the theory of minimum income systems (Marx and Nelson 2013, Moreira 2008, Van Lacker 2015), the support is provided under three interconnected pillars:

- Economic support under eligibility criteria
- Access to the labour market
- Access to quality services

Audit Office on 21 November 2017, throughout which, the Welfare Benefits Administration Services (YDEP) accounts and the overall administration of the GMI for F2015, were checked<sup>18</sup>. This report became an object of publications (Michaelides, 2017, Dialogue 2017, Phileleftheros 2017) while it was identifying weaknesses regarding operational administration mechanisms and with a number of other important problems identified at the time of reference.

The general auditor in the above inspection made recommendations in several areas of GMI administration, but most of them focused on the adaptation of control mechanisms, interconnection of software systems, improvement of the electronic governance and the creation of simple evaluation procedures concerning the applications, in order to respond on time and approve or disapprove an applicant.

The second unofficial evaluation was made by the European Minimum Income Network-Cyprus, a programme in which 32 countries participated, with the target being to raise awareness and build consensus on progressive realisation that accessible, adequate and enabling minimum income schemes contribute to the reduction of social inequalities. What European Minimum Income Network<sup>19</sup> actually is, and how the general overviews of this programme contribute to the efforts of improvements will be analysed in the next section.

### **European Minimum Income Network (EMIN)**

European Minimum Income Network (EMIN) is an informal Network of organisations, individuals and generally representatives of civil society committed to attain progressive understanding of the fundamental human right of dignity, hence the right to adequate, accessible and enabling Minimum Income Schemes. EMIN brings together various experts, professionals, academics, social partners and diverse entities, all active in the fight against poverty and social exclusion.

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<sup>18</sup> Cypriot Auditing Services (2017) Special Report nu YEPKA-YDEP/01/2017, available at [http://www.audit.gov.cy/audit/audit.nsf/All/B92583FA15016DF0C22581DF002706C4/\\$file/2017.11.21%20%CE%A5%CF%80%CE%B7%CF%81%CE%B5%CF%83%CE%AF%CE%B1%20%CE%94%CE%B9%CE%B1%CF%87%CE%B5%CE%AF%CF%81%CE%B9%CF%83%CE%B7%CF%82%20%CE%95%CF%80%CE%B9%CE%B4%CE%BF%CE%BC%CE%AC%CF%84%CF%89%CE%BD%20%CE%A0%CF%81%CF%8C%CE%BD%CE%BF%CE%B9%CE%B1%CF%82%202015%20\(%CE%A5%CE%95%CE%A0%CE%9A%CE%91-%CE%A5%CE%94%CE%95%CE%A0-01-2017\).pdf?OpenElement](http://www.audit.gov.cy/audit/audit.nsf/All/B92583FA15016DF0C22581DF002706C4/$file/2017.11.21%20%CE%A5%CF%80%CE%B7%CF%81%CE%B5%CF%83%CE%AF%CE%B1%20%CE%94%CE%B9%CE%B1%CF%87%CE%B5%CE%AF%CF%81%CE%B9%CF%83%CE%B7%CF%82%20%CE%95%CF%80%CE%B9%CE%B4%CE%BF%CE%BC%CE%AC%CF%84%CF%89%CE%BD%20%CE%A0%CF%81%CF%8C%CE%BD%CE%BF%CE%B9%CE%B1%CF%82%202015%20(%CE%A5%CE%95%CE%A0%CE%9A%CE%91-%CE%A5%CE%94%CE%95%CE%A0-01-2017).pdf?OpenElement)

<sup>19</sup> European Minimum Income Network, available at <https://emin-eu.net/>

EMIN is organised at a EU as well as at national levels, in all the Member States of the European Union and in Iceland, Norway, Fyrom and Serbia. This network is coordinated by the European Anti-Poverty Network<sup>20</sup> (EAPN).

EMIN started as a two-year project (EMIN 1, 2013-2014) and was essentially funded by the European Commission. Its aim was to build consensus through the reports of each country and general synthesis reports whereas particular pillars were analysed and provided. It was to be the general framework which would allow to plan the necessary steps towards the progressive realisation of adequate and accessible minimum income schemes in EU Member States.

For the period 2017-2018 EMIN received financial support by the European Union Programme for Employment and Social Innovation (EaSI) to develop its activities in the EU Member States and at EU level as well. This was the EMIN2 project which included a number of activities not only by campaigning but by adopting any kind of method each National Network considered available, achievable and realistic, in order to embrace knowledge, create commitment for improvement by the actors and stakeholders involved and configure a general idealistic institutional framework accepted by the EU itself. In reality the main purpose of EMIN was to configure a directive within which the fundamental human rights were be practically protected taking into account under the course of a comprehensive approach, all the relevant aspects of the society.

The EMIN2 project was aiming at the progressive realisation of the right to adequate, accessible and enabling minimum income schemes, through:

- Strengthening the EMIN networks and networking at EU and national levels
- Building awareness that adequate and accessible incomes are not only good for the people who directly benefit but also for the whole of society
- Ensuring progress through engaging in relevant policy debates and initiatives at EU and national levels

Van Lacker (2015 p.8) at the synthesis report of EMIN1 highlights that *'countries involved in the EMIN project ideally consider MISs as a short-term form of assistance for people in need but the assistance should be available as long*

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<sup>20</sup> The European Anti-Poverty Network (EAPN) is the largest European network of national, regional and local networks, involving anti-poverty NGOs and grassroot groups as well as European organisations, active in the fight against poverty and social exclusion. It was established in 1990, available at <https://www.eapn.eu/>

*as needed if people's dignity is to be protected. All schemes are means-tested and are noncontributory, thus funded through the tax system.*' In this regard a theory can be developed that MIS are not supposed to create social benefits traps, rather than to facilitate citizens and empower them in order to be able to enter the labour market on the one hand and included in the society on the other. However, there is an ongoing discussion whether means-tested benefits create inequalities in the sense that eventually a number of citizens who need support are somehow excluded (non take-ups). This is something that was observed in many countries of the EU (Van Lacker, 2015, 2017). Yet, one of the biggest issues is funding and considering the general EU policies and the focal points of Troikas memorandums, it is rather obvious that these have been influenced negatively while the States were unable to refund their expenses.

For the purposes of EMIN2, definitions were given to the three main pillars that the programme highlighted as the most critical in order to identify minimum requirements, which in return could provide the ability to each citizen in need to live in dignity and based on these pillars create the new directive. These definitions are the following:

**Adequacy:** The level of the income which is considered necessary to live in dignity and be part of the general society. Adequate minimum income schemes are evaluated and adjusted according to the cost of living for each country.

**Accessibility:** The systems, which provide comprehensive cover to all the people who need support and for the time that they need it. The accessible minimum income schemes have clear definition criteria, such as to not discriminate any vulnerable group of people and promote simple application procedures. They avoid:

- Institutional barriers like bureaucratic and complicated regulations and procedures. Accessible minimum income systems have the minimum required conditions.
- Obstacles during implementation mainly because of the approach for each applicant.
- Personal barriers like the lack of information and the stigmatisation.

**Activation:** It is considered the empowerment of people which is expected to enable them to enter the labour market on the one hand and to include them in the society on the other.

The three pillars are essentially the most critical issues in the framework of the effort to create a European Directive. Therefore, each country evaluates them through the activities that each network is promoting and under the particular circumstances that influence the social protection system. In reality, for the case of Cyprus EMIN, it is actually the first time that the general scheme is externally evaluated with the exception of the General Auditor's Report in 2017 for the year 2015.

EMIN published several reports and recommendations regarding the gaps and distortions identified although at the same time good practices in specific areas have been discussed and this exchange of empiricism created even more ideas on how to improve the schemes at national levels and additionally created a path through understanding and realisation which is expected to guide decision makers<sup>21</sup>. Among the obligations of the countries was the participation in one of the three peer reviews organised at European level. The first peer review took place at Helsinki with the subject being: *Coverage and Non take-ups*. The second one took place at Antwerp with the title: *The use of Reference Budgets<sup>22</sup> for policy purposes*. The third one took place in Madrid and the title was the *Active Inclusion*. Each peer review was devoted to the three above pillars accordingly: The first one was about the accessibility, the second one about the adequacy and the third one about activation. For each one of the peer reviews there is a report and recommendations.

Even though there are issues relevant to each area of the three above pillars for all countries, the Cypriot delegation participated in the third pillar of the active inclusion while it was considered as the most crucial one from the day of the introduction of the new system until the time of reference. This was primarily attributed to the inability of beneficiaries' to enter the labour market as well as other weaknesses identified in this area. Another attribution was the perspective of the inclusion in the general society which was considered a problematic area as well, whereas the lack of infrastructures to promote this, was generating barriers.

However, the two previous reports (Satsias, 2014, Satsias 2017) have not only demonstrated the insufficient aspects of the Cypriot system but the innovations and good practices as well. In this respect there is a mutual communication between

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<sup>21</sup> Available at <https://emin-eu.net/publication-on-this/emin-publications/>.

<sup>22</sup> Scientific methodological approach for the calculation of both the needs and the level of support. The methodology includes ten baskets of goods and services needed for a person or a family to live in dignity and according to the standards of living for each country (Penne et. al. 2016).

EMIN-Cyprus and the respective ministry and authority, which is providing the ability to evaluate and understand what needs to be done, even though most of the changes have to be made at a political level rather than civil society deliberation, especially those referring to the institutional framework. This is not exclusively a matter of the relevant legislation but it concerns the general social protection legal framework. For example what was discussed in detail, was the absence of a national minimum wage which actually works as a disincentive for the insertion in the labour market. Even more, other legal frameworks could enable the general effort for active inclusion, which EMIN-Cyprus identified as deficient fields. There was a distinctive reference for the social economy<sup>23</sup> and social entrepreneurship which is absent as a legal framework in the country. Social economy configures a framework with new jobs relevant to minimum income and in addition develops infrastructures for the provision of quality services. Through a different perspective social economy provides the capability for funding through other multiple resources. These resources do not only concern European Structural Funds but the business world as well. Corporate social responsibility is taken very seriously by many decent companies and businessmen who develop initiatives that will benefit society. Under these circumstances and if the legal framework allowed the development of social businesses, the business world could adopt new approaches and many issues could have been solved.

### **EMIN-Cyprus Reports and Recommendations**

From the year 2013 until 2018 EMIN Cyprus organised several activities, drafted reports, launched campaigns and organised seminars, asked for support by different actors of the civil society, promoted coalition building for the general benefit, involved people experiencing poverty and social exclusion and raised awareness for an issue which in reality concerns everyone. In this respect from the beginning of the new legislation and even before, many worries were written while the general environment in Cyprus during the introduction on GMI was not ideal for activation. Even more of a gap was identified by the social partners and the ministry itself, regarding the States quality services infrastructures, something that

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<sup>23</sup> The achievements of the social economy (co-operatives, mutual, associations, and foundations) have become more apparent. Their historical close ties to communities and specialised support for disadvantaged groups give them a unique advantage when dealing with the social inclusion of the disadvantaged. This has led to a substantial growth of work integration social enterprises (WISE) in Europe (Spear, 2008).

had to be covered alternatively but with the only option being the replacement of quality care services by economic support.

One of the biggest worries was the fact that there were no jobs<sup>24</sup> available due to the consequences of the economic crisis and moreover undeclared work was rising, while at the same time the responsible governmental authorities could not face the problem<sup>25</sup>. This was a negative parameter which had to be taken into account before the designing, in order to develop alternative strategic approaches to overcome at least temporarily the problem, since the experts assessed that in the long term economic development was going to create new jobs. For this reason beneficiaries capable to work, could not enter the labour market because no jobs were available.

Another significant parameter is the fact that the new legal framework covers the working poor in a supplementary manner, a completely new reality which widens the eligible population and influences directly the labour market and indirectly the social security system. On the one hand this can be assessed positively while it provides support to low income employees in order to push them out of poverty and on the other hand it can be criticised while it can be used by employers as an alibi to pay low salaries.

This divergence often creates barriers to the extend and impact of activation related policies while at the same time information on minimum income protection systems has remained limited regarding their ability to activate beneficiaries. So there is a critical question which is an object of debate whether minimum income systems are enabling activation or promoting workfare<sup>26</sup> (Lodemel and Moreira, 2014). At the moment there is no clear evidence specifically about the case of Cyprus regarding this question, although the general environment is progressively improving and new jobs are created. However, this is not a problem concerning

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<sup>24</sup> Στατιστική Υπηρεσία Κύπρου, available at [https://www.mof.gov.cy/mof/cystat/statistics.nsf/labour\\_32main\\_gr/labour\\_32main\\_gr?OpenForm&sub=2&sel=2](https://www.mof.gov.cy/mof/cystat/statistics.nsf/labour_32main_gr/labour_32main_gr?OpenForm&sub=2&sel=2)

<sup>25</sup> Εργατική Φωνή (2015) *Οργιάζει στην Κύπρο η αδήλωτη εργασία*, available at file:///C:/Users/orgeeklk1/Downloads/15.7.2015%20(2).pdf

<sup>26</sup> Workfare is an alternative, and controversial, way of providing money to otherwise unemployed or underemployed people, who are applying for social benefits. In a sense it is considered as an obligatory work for each applicant while in case that an applicant does not accept the job offered; he/she is considered voluntarily unemployed and therefore not eligible to benefits. Peck (2001) argues that activation policies under means tested benefits create complicate and difficult procedures for application so that the recipient is forced to accept unstable job with low pay.



exclusively Cyprus, but is considered a general deviation related with minimum income systems.

EMIN-Cyprus (Satsias, 2014) from the year 2014 promoted the following recommendations for the improvement of the general system:

- Restart social dialogue about the adequacy of the Guaranteed Minimum Income (EEE), which should involve NGOs and the civil society as well.
- Upgrade care services in the private and public sector-introduction general health plan.
- Introduction of plans to boost growth, even if there is a need to finance public works, in order to create jobs.
- Within the framework of social dialogue to conduct a study to protect and extend the minimum wage so as to cover all professions and incidentally become a reference point for reintegration into the labour market. Measures should be taken so as the minimum wage is certainly above the poverty line. Even more wages should be protected as determined by the collective agreements.
- The GMI should be progressively developed into a national development tool, which connects social protection with employment. Within the framework of the GMI (like Denmark which is considered a good practice concerning minimum income), finance public works in order to create new decent jobs.
- Individualised support by specialised employment counsellors should not only be limited to GMI beneficiaries, although should be expanded within a scientific approach and in collaboration with educational institutions, to all students. In particular, career guidance in schools and universities should facilitate development towards professions with prospects in accordance with the Cypriot reality, in order to generate direct employment after school.

Even though these recommendations were made four year ago, most of them are currently valid whereas the only legislation amendment was made in 2015 (Satsias, 2017) by improving some particular eligibility criteria and some income criteria for a specific vulnerable population (people with disabilities). In 2017, EMIN2 highlighted the fact that a new amendment for a social security law was going to be promoted to the parliamentary body as a good evolution, which was expected to reduce undeclared work. The amendment included fines increase and in general a stricter legal framework for those who violate the law. Furthermore, according to

the announcement of the Ministry of Labour, Welfare and Social Insurances, the general reform at operational level included the development of a new dedicated department with competent inspectors. However, the political discussions led to disagreements and even today, there is no evidence whether this amendment is going to be adopted eventually.

Another constituent very critical for minimum income systems is adequacy which is discussed at European level under the approach of Reference Budgets (Storms et al. 2014)<sup>27</sup>. Nevertheless, Cyprus is a completely idiomorphic case study in regards with this particular aspect of minimum income, since the calculation for the decent level of living<sup>28</sup> is estimated through a method developed by exception of some of the baskets of goods and services, because they are considered that these are provided free by the State. For example, health is not included because the public hospitals provide access to the GMI beneficiaries without any cost, yet there are huge waiting lists for patients with serious health problems which need operations or advance health examinations. When this is happening to a GMI recipient, time is quite crucial and thus sometimes waiting can become fatal.

Adequacy is interconnected with dignity and the levels of relevant poverty,<sup>29</sup> however these two indicators do not only differ from each other in theory and philosophy, but are also used differently by each country. Cyprus adopted the decent level of living which is currently institutionally accepted (minimum income legislation) but in reality is below the relevant poverty threshold. The specific numbers for a single person family justify the deviance while the GMI is EUR480 which means EUR6,240 per year and for 2018 the poverty threshold was EUR9,202 per year. In essence through the legislation the State accepts the existence of the poor, even though for some the system in Cyprus is considered as a generous one. This particular point illustrates the significance of the national minimum wage, while there are cases of families who receive benefits above EUR1,100, hence the possibilities of entrapment in benefits is progressively becoming bigger. Even

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<sup>27</sup> Storms et al., *Pilot project for the development of a common methodology on reference budgets in Europe, Review of current state of play on reference budgets practices at national, regional and local level, (2014)*, European Commission, Employment Social Affairs & Inclusion

<sup>28</sup> According to the legislation the decent level of living is calculated through a research made before the introduction of the legislation based on the basic needs of a single person and a family which is increased according to the number of the members of the family. The calculation is adjusted to the OECD scale.

<sup>29</sup> Relevant poverty is calculated by Eurostat as the 60% of the median country income.

though the benefits are actually inadequate there is a controversy between the economic support provided and the perspectives for re-integration in the labour market which are characterised by disincentives.

The general discussion about adequacy in the framework of EMIN2 demonstrates a convergence of views with the main element being the acceptance of relevant poverty threshold as the minimum standard that should be adopted for adequacy, which is one of the three pillars expected to configure the European Directive. The relevant poverty indicator is accepted by European Commission and by the States as well, through their statistic surveys and provides a relatively objective indication for the number of people living at risk of poverty and social exclusion and therefore minimum income should not be below this particular threshold. The existence of the poor is not a necessity for any country and a European Directive must not include indirectly hypocrisy elements. The acceptance of minimum income below this threshold is creating critical barriers for social inclusion and is considered ethically wrong.

## Conclusion

The introduction of a new minimum income system in Cyprus was a necessity for social balance, especially when the economic crisis struck the country and predominantly when Eurogroup decided a levy on bank deposits. Ideally, it should have been introduced before the vast consequents to the vulnerable groups of people; however the general public opinion is that the new system is better than the former legal framework. The four years of experience provided valuable elements and information which can be used to improve the system.

Minimum income system is interconnected with many other aspects of the society (Crebaldi C. et al. 2011)<sup>30</sup>, therefore is evidently considered as the cornerstone of social protection system (Marx, 2007)<sup>31</sup>. The Labour market, welfare services, health, social insurances, housing etc. are some of these aspects and for this reason the designing of such a system has to be based on fundamental principles and rights. The general overview of the Cypriot system provided an understanding on how the State should proceed in order to create a fairer and equity based scheme.

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<sup>30</sup> Crebaldi C. et. al. *The role of minimum income for social inclusion in the European Union 2007-2010*, (2011), European Parliament, Directorate General for Internal Policies, Employment and Social Affairs

<sup>31</sup> Marx Ive, *A new Social Question? On Minimum Income Protection in the Post Industrial Era*, Amsterdam University Press, (2007)

For the time being there are only three evaluations of the system but none by the responsible Ministry of Labour, Welfare and Social Insurances, which is expected for configuring improvement guidelines. EMIN Cyprus developed perspectives for European networking, selected views and recommendations by many stakeholders, recorded experiences by the recipients and applicants and drafted reports identifying gaps and distortions and yet highlighted the positive practices of the Cypriot system.

The European Social Model has been under attack during the years of austerity but the epistemic knowledge gained through continuous studies and surveys created a field of databases, synthesis reports and assessments all required to solve many crucial problems of social protection systems. In this regard there is plenty of room to upgrade existing schemes before expecting a European Directive to do so.

Most of the feasible changes for the Cypriot scheme concern operational levels and particularly the capability of the government to hire competent personnel for all relevant governmental authorities, now that the MoU provisions for no hiring have ended. This can reduce the problems of accessibility with the other two pillars adequacy and activation, depending on political will, hence political decisions to introduce new legal frameworks in order to improve the social standards.

The developments of new perspectives for activation for example, are interconnected with national minimum wage, which is expected to build and regulate at a degree the existing deregulated labour market (Tacsi, 2013)<sup>32</sup>. The most important parameter however regarding national minimum wage is the fact that it is going to motivate minimum income beneficiaries to re-enter the labour market as long as they will receive higher income than social benefits. Yet, minimum wage does not constitute the only alternative while the labour market is still suffering from austerity and other employment issues which are expected to be solved by the intervention of trade unions in the framework of social dialogue and collective bargaining.

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<sup>32</sup> Tacsi F., *Understanding Minimum Income Support through Minimum Wage*, (2013), Turkish Journal of Business Ethics, Istanbul University

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# Impact of the Global Financial Crisis and Resulting Bail-In on the Audit of Cypriot Banks

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## Abstract

*This study aims to examine the impact of global financial crisis and the resulting bail-in on audit fees of Cypriot banks as a result of increased audit risks. It is investigated by examining audit fees charged to Cypriot banks during three sample periods: Pre-global financial crisis (2000-2007), post global financial crisis (2008-2012) and during bail-in period (2013-2015). This study includes a quantitative research design, including an audit fee regression model to examine the impact of global financial crisis and resulting bail-in on audit fees. The results reveal that auditors charged higher audit fees after the crisis period compared to pre-crisis period and a larger and more significant increase in audit fees continued during the bail-in period. This study also provides additional test carried out on controlling the connection of Cypriot banks with Greece and supplementary tests on the robustness of the model.*

**Keywords:** pre-global financial crisis, post-global financial crisis, bail-in, audit fees, Cypriot banks

## 1. Introduction

### 1.1 Background

The global financial crisis of 2008-2009 is deeper and wider than any previous one, reflecting the growth in financial penetration and globalization in contrast to previous crises.<sup>3</sup> It is considered to be the most severe since the Great Depression.<sup>4</sup>

The global financial crisis emerged from the credit crisis, which resulted from the debacle of the U.S. housing market. The background of the problem is complex, but one of the primary factors that stipulated the economic downturn was the intro-

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<sup>3</sup> M. Clerides and C. Stephanou. 'The Financial Crisis and the Banking System in Cyprus' (2009) 3(1) *Cyprus Economic Policy Review* 27-50.

<sup>4</sup> H.H. Friedman and L.W. Friedman *The Global Financial Crisis of 2008: What Went Wrong?* (2009) SSRN eLibrary, available at <http://ssrn.com/abstract=1356193>.



duction of sub-prime mortgages that targeted people with lower credit and savings and made house ownership more affordable. Simultaneously, financial innovation led to the growth of Collateralised Debt Obligations (CDOs), which consisted of tranches and these tranches were sold to interested investors. Pooled assets such as mortgages, bonds, and loans were served as collateral for CDOs. Financial innovation also led to the introduction of another highly complex financial instrument, namely Credit Default Swap (over-the-counter derivative), which was making a CDO tranche much safer as it was insurance for it. Rating agencies put AAA ratings on these CDOs that made them highly desirable to foreign investors and pension funds. Therefore, the substantial securitisation with highly complex financial products has spread asset-backed securities related to U.S. home loans globally.

The bursting of the U.S. housing bubble resulted in enormous losses to both homeowners and financial institutions. This affected many groups including mortgage lenders, investment banks (e.g. Lehman Brothers), foreign investors, and insurance companies (e.g. AIG). Homeowners started defaulting on their loans and investment banks started selling the houses leading to a dramatic fall in the U.S. real estate valuations. The failure of the U.S. housing market also resulted in the damage to the global financial environment and eventually to the recession of the global economy.<sup>5</sup> The economic downturn had a negative impact on the global financial market and financial stability, triggering a negative chain reaction that has caused the collapse of stock markets at a global level. Thus, the confidence of investors in the financial system had been lost. Consequently, this led to many macroeconomic problems including the dramatic fall of global GDP, the significant decrease in international trade globally, and the decline of global wealth on the whole.

The bank risk during the financial crisis was the largest since the Great Depression. The decimation of banking shares' market values during this period was unprecedented as the market capitalisation of banks in Europe and the U.S. was decreased by 82%.<sup>6</sup> Problems in the banking sector resulted in an extremely severe impact on the real economy and to high levels of unemployment mainly in European countries such as Ireland, Portugal, Spain, Greece, and Cyprus.

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<sup>5</sup> P. Österholm 'The Effect on the Swedish Real Economy of the Financial Crisis' (2010) 20(4) *Applied Financial Economics* 265–274.

<sup>6</sup> Y. Altunbas, M. Simone, and M.I. David 'Bank Risk During the Financial Crisis: Do Business Models Matter?' (2011) *ECB Working Paper No. 1394*, SSRN eLibrary, available at <http://ssrn.com/abstract=1945143>.

During the financial crisis, a number of governments bailed out failing financial institutions because the services that these institutions provide are critical to households, companies, and governments. Governments intervened to support these institutions in order to allow for the continuous function of the financial system.<sup>7</sup> Following the financial crisis, the development of a new tool known as bail-in intended to manage the failure of financial firms. Bail-in was first implemented in Cyprus and then it was developed as a policy for Eurozone.<sup>8</sup>

The financial system of Cyprus was closed and tightly controlled including inward-looking and conservative banks until 2000. Financial Institutions in Cyprus are regulated and supervised by three authorities: (a) Central Bank of Cyprus (CBC), which is responsible for the supervision of commercial banks and the cooperative credit institutions; (b) the Superintendent for Insurance Control (SI), and (c) the Cyprus Securities and Exchange Commission (CySEC). However, due to changes that were introduced by the EU's Single Supervisory Mechanism (SSM) in 2014, the supervision of all the Eurozone's largest banks was transferred to the European Central Bank (ECB). To this end, the supervision of the Bank of Cyprus, Hellenic Bank and RCB Bank was transferred from the CBC to the ECB (<https://www.cypprusprofile.com/en/doing-business/legal-and-regulatory-framework>).

Following the turn of the century, a number of events drastically altered the environment such as the liberalization of the financial system, Cyprus' entry to the European Union and adoption of the euro.<sup>9</sup> The bad management of this transition from banks, supervisors, and the political system in general eventually led to the banking crisis.

The depositor bail-in of March 2013 was an unprecedented event. The deteriorating European economic environment (especially in Greece) following the global financial crisis is considered the primary cause of the banking crisis. The public debt crisis in Greece triggered the banking crisis in Cyprus.<sup>8</sup> Additional factors that contributed to this uncharted territory for the banking sector were bad choices regard-

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<sup>7</sup> L. Chennells and V. Wingfield 'Bank Failure and Bail-In: An Introduction' (2015) 55(3) *Bank of England Quarterly Bulletin* 228–242.

<sup>8</sup> S.A. Zenios 'Fairness and Reflexivity in the Cyprus Bail-In' (2014) *The Wharton Financial Institutions Center Working Paper No. 14-04*.

<sup>9</sup> S. Clerides 'The Collapse of the Cypriot Banking System: A Bird's Eye View' (2014) 8(2) *Cyprus Economic Policy Review* 3–35.

ing public finances, bad political decisions, weak corporate governance, the haircut of the Greek government bonds, and inadequate regulation of cross-border banking.<sup>10</sup>

The recapitalisation of the banking system and the resulting bail-in have been imposed on Cyprus and had an estimated impact of €7 billion on the country's banking system and uninsured depositors. Overall there was a €17 billion rescue package between the government of Cyprus and the Troika (the International Monetary Fund (IMF), the European Central Bank (ECB) and the European Commission (EC)), which consisted of €10 billion in the form of a loan plus €7 billion from the bail-in. This led to the resolution of one of Cyprus' two biggest banks and to the restructure of the other. Capital controls had to be imposed within the Eurozone for the first time resulting in the *devaluation* of the euro in Cyprus.<sup>10</sup>

The bail-in period was building up a number of imbalances and risks. The biggest risk was considered to be the stability of the banking system.<sup>11</sup> Therefore, auditors had to face a higher level of risk after the global financial crisis and an even higher risk during the bail-in period. Consequently, it is a good opportunity to analyse how auditors respond to higher risk levels in the banking sector by examining the change in audit fees of Cypriot banks.

### **1.2 Research Purpose**

The paper aims to investigate the impact of the global financial crisis and the resulting bail-in on audit fees of Cypriot banks as a result of increased audit risks. I find a positive and significant correlation between audit fees and post-crisis variable and an even more significant relationship between audit fees and bail-in variable. This implies that there was an increase in audit fees after the crisis period (2008-2012) compared to the pre-crisis period (2000-2007) and a larger and more significant increase during the bail-in period (2013-2015) compared to the pre-bail-in period (2000-2012). The result suggests that auditors appeared to have increased their audit work in order to decrease the detection risk, as the level of business risk was higher after the crisis and significantly higher during the bail-in period. Possible measures that auditors could implement are additional audit procedures, more time spent on the audit process and the use of more experienced staff. Therefore, it seems that auditors responded to higher inherent risk by increasing their audit fees

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<sup>10</sup> A. Michaelides 'Cyprus: From Boom to Bail-In' (2014) 29(80) *Economic Policy* 639–689.

<sup>11</sup> G.A. Hardouvelis 'Overcoming the Crisis in Cyprus' (2014), *Economy & Markets*, IX (1), 1–20.

as a result of incremental audit effort during the periods under investigation. This is in line with Xu et al.<sup>12</sup> who found a rise in audit fees and audit procedures during the global financial crisis. Alexeyeva and Svanström<sup>13</sup> also found that auditors charged higher audit fees during the post-crisis period compared with the pre-crisis period. This study uses the period of 2008-2012 as the crisis period as the Cypriot economy started facing fiscal imbalances in 2008 resulting from the 2008 presidential election and the worsening European sovereign debt crisis.<sup>10</sup> Following the crisis period, the bail-in period of 2013-2015 is used as the bail-in that took place in March 2013.<sup>10</sup>

### ***1.3 Contribution of the Study***

This study contributes to the existing literature in a number of ways:

*Firstly*, prior literature related to this study is available in the U.S., Australia, China, Hong Kong, Sweden, and the UK. This study will contribute to the existing literature by examining the impact of the crisis in Cyprus, a European Union country that has been affected by the crisis in a way that no other country experienced ever before in the world. The post-crisis period had led to a rescue package by the European Union, which incorporated a bail-in of the banking sector. It is worth noting that financial services companies are excluded from the majority of studies. To this end, it is considered both an opportunity and beneficial to examine the effect of the crisis and bail-in in the banking sector as a component of the financial services sector.

*Secondly*, this study provides decisive evidence on the impact of the financial crisis on audit fees and how audit fees are related to the higher risk after the global financial crisis. Prior studies analysed two possible effects of the economic downturn on audit fees. The literature review section discusses that the crisis might lead to lower or higher audit fees. Therefore, this study investigates how audit fee levels are associated with the post-crisis period in Cyprus.

*Thirdly*, it is important to note that there is no prior study examining the impact of bail-in on the audit fees of banks, as bail-in has never before been applied any-

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<sup>12</sup> Y. Xu, E. Carson, N. Fargher and L. Jiang 'Responses by Australian Auditors to the Global Financial Crisis' (2013) 53(1) *Accounting & Finance* 301–338.

<sup>13</sup> I. Alexeyeva and T. Svanström 'The Impact of the Global Financial Crisis on Audit and Non-Audit Fees: Evidence from Sweden' (2015) 30(4/5) *Managerial Auditing Journal* 302–323.

where else in Europe.<sup>8</sup> This constitutes unchartered territory for the global banking sector and the financial services sector at large.

*Lastly*, regulators, auditors, and financial information users will make good use of the findings in future studies. This study might be useful for auditors as a self-assessment method to distinguish auditors' responses to the financial crisis and bail-in periods. They can examine whether or not sufficient resources were invested by auditors towards addressing the increased risks in response to the financial downturns. Auditors' strategies can also be assessed including the level of professional scepticism employed over key areas and in general to the approach of audit processes. As a result, regulators can make a reasonable judgement on whether auditors' practises were appropriate after the crisis and during the bail-in periods. Regulators can also use the analysis of audit fees for the three sample periods (pre-crisis, post-crisis, and during the bail-in periods) in order to anticipate the pricing of audit services.

#### ***1.4 Structure of the Paper***

The remainder of this paper is structured as follows. *Section 2*, provides the framework for the hypotheses development resulting from the analysis of prior research papers linked to the area under examination. *Section 3* addresses the methodology followed including the sample selection and the audit fee model. Thereafter, *Section 4* presents the results obtained, the additional test, and robustness check. Finally, *Section 5* provides the conclusion, some limitations of the study, as well as opportunities for future research.

## **2. Background Information and Literature Review**

The Global Financial Crisis (GFC) and bail-in resulted in the further development of the banking regulatory framework and the financial services sector compliance regulations, increase in audit failure risk, and higher litigation risk. Therefore, it was harder for auditors to acquire sufficient appropriate evidence to decrease audit risk to an acceptable level.<sup>12</sup> According to ISA 200,<sup>14</sup> *'the auditor shall obtain sufficient appropriate evidence to reduce audit risk to an acceptably low level and thereby enable the auditor to draw reasonable conclusions on which to base the auditor's opinion'*.

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<sup>14</sup> International Standard on Auditing 200 'Overall Objectives of the Independent Auditor and the Conduct of an Audit in Accordance with International Standards on Auditing' (2010) *ISA - International Standards on Auditing* 71.

ISA 315,<sup>15</sup> states that ‘*auditors must follow the risk based approach to assess the risks, address the risks and review the results to confirm that the risk of material misstatement had been reduced at an acceptable level*’. Audit risk can be defined as the risk of stating that the financial statements are true and fair when in fact they are not and they are materially misstated. The two components of audit risk are the risk of material misstatement and detection risk. The risk of material misstatement consists of two sub-components as shown in the following formula:

$$\text{Audit Risk} = \text{Inherent Risk} \times \text{Control Risk} \times \text{Detection Risk}$$

Auditors use the above model as their planning tool to help them decide whether they would accept or reject the client. Inherent risk is the risk of errors or misstatements due to the nature of the company and its transactions. Control risk can be defined as the risk of errors or misstatements because the company’s internal controls are not strong enough to prevent, detect, and correct them. The inherent and control risks are in the control of the client and can also be referred to together as a business risk. The last component of the audit risk model, detection risk, is the risk that auditor’s procedures do not detect the errors or misstatements. Both inherent risk and control risk are in the control of the client and cannot be directly influenced by the auditors.

It is argued that auditors must reduce the detection risk when inherent and control risks of companies are high, in order to keep the total audit risk at an acceptable level.<sup>16</sup> The selection of a larger sample size, the use of more experienced staff and increased substantive testing can reduce the detection risk.

Two additional risk-management strategies including increased propensity to issue going-concern modified audit reports and increased audit effort are identified.<sup>12</sup> The main purpose of the research was to investigate the changes in auditors’ behaviour during the global financial crisis period in Australia by observing whether the GFC influenced the propensity of auditors to issue going-concern modified audit reports and audit effort. A sample of listed non-financial companies was selected and the two periods under examination were 2005-2007 (pre-financial crisis period) and 2008-2009 (the financial crisis period). They conclude that the pro-

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<sup>15</sup> International Standard on Auditing 315, available at [www.frc.org.uk/Our-Work/Publications/APB/ISA-315-Identifying-and-assessing-risks-of-material-misstatement.pdf](http://www.frc.org.uk/Our-Work/Publications/APB/ISA-315-Identifying-and-assessing-risks-of-material-misstatement.pdf) (last accessed: 20 November 2015).

<sup>16</sup> C.E. Hogan and M.S. Wilkins ‘Evidence on the Audit Risk Model: Do Auditors Increase Audit Fees in the Presence of Internal Control Deficiencies?’ (2008) 25(1) *Contemporary Accounting Research* 219–242.

pensity to issue going-concern opinions and audit effort, as proven by audit fees, were increased during the financial crisis period compared with the pre-financial crisis period. Their result designates that there was an increase in audit fees during the period 2008-2009 compared with the period 2005-2007 due to higher business risk and increased audit procedures. They also conclude that auditors responded to higher risk exposure during the GFC period by increasing audit work and thus there was an increased likelihood to provide going-concern opinions.

The failure of the audit industry to detect or predict company failures in the financial services sector can be regarded as one of the reasons for the financial crisis. Many accounting issues and inadequacies were revealed during the global financial crisis and bail-in periods. For instance, certain companies used financial engineering and creative accounting policies to improve the appearance of their financial statements. Several financial institutions also collapsed without any advance warning from their auditors during the financial crisis of 2008-2009.<sup>17</sup> As a result, the authenticity of the auditing profession was immensely criticised and doubts about the role and quality of external auditing were raised. The public attention was mainly concentrated on the extremely high fees charged to clients by auditors during the crisis period (p.868).<sup>18</sup> Following the global financial crisis, the bail-in crisis hit Cyprus, which resulted from a deteriorating European economic environment, the haircut of the Greek government bonds and other contributing factors including inadequate regulation and insufficient auditing.<sup>10</sup>

A difficult environment was created for companies after the financial crisis and during bail-in periods and this led to the failure of some firms as stated earlier. Therefore, auditors are required to give additional assurance for the viability of companies in order to help investors regain confidence. Schwartz and Menon<sup>19</sup> claim that shareholders require additional assurances when a company is facing financial difficulties. Therefore, higher quality auditors may be preferred during and after economic downturns to provide shareholders with the necessary assurances concerning the credibility of the financial statements. Therefore, auditors who offer

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<sup>17</sup> R. Doogar, S.P. Rowe and P. Sivadasan 'Asleep at the Wheel (Again)? Bank Audits During the Lead-Up to the Financial Crisis' (2015) 32(1) *Contemporary Accounting Research* 358–391.

<sup>18</sup> P. Sikka 'Financial Crisis and the Silence of the Auditors' (2009) 34(6) *Accounting, Organizations and Society* 868–873.

<sup>19</sup> K.B. Schwartz and K. Menon 'Auditor Switches by Failing Firms' (1985) 60(2) *The Accounting Review* 248–261.



higher quality services may charge their clients higher audit fees. Abbott et al.<sup>20</sup> suggest that big audit firms charge their clients higher audit fees due to the provision of a high quality of service. Therefore, greater assurance is offered compared to the smaller audit firms.

Prior studies have investigated the impact of the financial crisis on audit fees concluding that this event influenced the amount of audit fees. Alexeyeva and Svanström<sup>13</sup> examine the impact of the Global Financial Crisis (GFC) on audit and non-audit fees in Sweden by investigating the audit and non-audit fees of 714 listed firms during pre-GFC (2006-2007), GFC (2008-2009), and post-GFC (2010-2011) periods. Their main finding is that auditors charged higher audit fees during the post-global financial crisis compared with the pre-GFC period due to a structural change in the audit fee model. Their results also show that non-audit fees decreased in the GFC and post-GFC periods as difficult economic conditions may force companies to prioritise cost-savings<sup>13</sup> and to this end focus on their core activities.

Gul et al.<sup>21</sup> have examined during the economic recession in Hong Kong the correlation between two variables: conservatism and audit fees. Using observations from companies listed in the Hong Kong stock exchange and the normal audit fee model, they conclude that there is a negative correlation between the two variables i.e. during the financial downturn audit fees have gone up and conservatism decreased. They also find that there was a relationship between significant differences in conservatism between the downturn years (1996-1997) and non-downturn years (1994-1995) and audit fees. To assure themselves that higher audit fees are related to lower conservatism and not directly to the downturn, they have investigated the relationship between the conservatism measure and audit fees over a longer period. They find a negative relationship and they attribute it to the reduced level of inherent risks that auditors assign to firms, which adopt conservative accounting policies. Conservative reporting improves the credibility of accounting figures and therefore auditors are required to perform less substantive tests. Ultimately, this reduced need for testing leads to lower overall audit risk.

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<sup>20</sup> L.J. Abbott, S. Parker, G.F. Peters and K. Raghunandan 'An Empirical Investigation of Audit Fees, Non-Audit Fees, and Audit Committee' (2003) 20(2) *Contemporary Accounting Research* 215–234.

<sup>21</sup> F.A. Gul, B. Srinidhi and T. Shieh 'The Asian Financial Crisis, Accounting Conservatism and Audit Fees: Evidence from Hong Kong' (2002) SSRN eLibrary, available at <https://www.researchgate.net/publication/228306596>.



Zhang and Huang<sup>22</sup> have conducted a study in China and their research purpose is to examine the correlation between audit fees and firm risk during the GFC period of 2007-2008. They find that auditors charged higher fees in the presence of higher firm risk during the crisis. They also conclude that auditors' effort was increased following the crisis and as a result firms' auditing was affected. The findings also suggest that any potential audit failures can be avoided by increased audit scope.

The positive relationship between audit fees and firm risk is consistent with other studies. Bell et al.<sup>23</sup> among other things examine whether the audit fees are related to auditors' perceived business risk in the U.S. using data from a large international accounting firm for 422 audits. They find that the number of audit hours increase in the presence of high business risk. Hill et al.<sup>24</sup> explore the relationship between audit fees and client business risk in the Savings and Loan (S&L) industry throughout the period 1983-1988. The positive and significant correlation between client business risk and audit fees indicates that auditors were more careful to the risks associated with S&L during the period 1983-1988. Simunic and Stein<sup>25</sup> also find that auditors responded to higher inherent risk by increasing their audit fees because of incremental audit procedures. This result is in line with the findings of Simunic<sup>26</sup> who investigated the cost of audit-related services, and his audit fee model suggests that audit fees have a positive correlation with the client's business risk. Findings show that audit fees, particularly in the banking sector, are expected to rise during a crisis. The use of risk premium is another way to respond to the client's increased risk. Auditors might use risk-adjusted billing rates to compensate for possible losses such as litigations, sanctions, impaired reputation, and financial costs.<sup>27</sup>

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<sup>22</sup> T. Zhang and J. Huang 'The Risk Premium of Audit Fee: Evidence from the 2008 Financial Crisis' (2013) 1(1) *China Journal of Accounting Studies* 47-61.

<sup>23</sup> T.B. Bell, W.R. Landsman and D.A. Shackelford 'Auditors' Perceived Business Risk and Audit Fees: Analysis and Evidence' (2001) 39(1) *Journal of Accounting Research* 35-43.

<sup>24</sup> J.W. Hill, R.J. Ramsay and D.T. Simon 'Audit Fees and Client Business Risk During the S & L Crisis: Empirical Evidence and Directions for Future Research' (1994) 13(3) *Journal of Accounting and Public Policy* 185-203.

<sup>25</sup> D.A. Simunic and M.T. Stein 'The Impact of Litigation Risk on Audit Pricing: A Review of the Economics and the Evidence' (1996) 15(2) *Auditing: A Journal of Practice & Theory* 119-134.

<sup>26</sup> D.A. Simunic 'The Pricing of Audit Services: Theory and Evidence' (1980) 18(1) *Journal of Accounting Research* 161.

<sup>27</sup> C.A. Brumfield, R.K. Elliot and P.D. Jacobsen, 'Business Risk and the Audit Process' (1983) 155(4) *Journal of Accountancy* 60-68.

A number of studies have been conducted on the impact of economic downturns on audit fees and it has been observed that audit fees are sometimes decreased during and after an economic crisis. A possible reason for this can be increased competitive audit market during economic downturns as economic fluctuations often cause changes in market conditions. Audit firms tend to involve competitive pricing aiming to keep and gain clients. Beattie and Fearnley<sup>28</sup> suggest that, due to higher competition, audit firms may have to compete for clients by tendering for audit services. This may result in substantially lower audit fees. Casterella et al.<sup>29</sup> also find that audit fees are high when the bargaining power of clients is low and audit fees are low in the presence of increased competition associated with high clients' bargaining power. Abdel-Khalik<sup>30</sup> examines the association between economic conditions in various U.S. regions and audit market competition. He finds that demand for audit services fell and competition among audit firms increased during economic downturns.

Maher et al.<sup>31</sup> investigate the behaviour of audit fees with increased competition between 1977 and 1981 and find a fall in audit fees resulting from higher competition during the economic downturn of the late 1970s and early 1980s. This has instigated a federal investigation of the competitive environment in the audit profession, which eventually has brought changes to the profession. However, it is important to consider that banks were not included in the sample and may have impacted on the findings of the study because regulation changes in the banking industry may have affected the structure of audit fees.

Krishnan and Zhang<sup>32</sup> conduct a study in the U.S. and explore the correlation between audit fees and the quality of financial reporting of banks during the financial crisis of 2008-2009. They conclude that 32% of banks received cuts in audit fees by their auditors during the period 2008-2009. These results are consistent with the

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<sup>28</sup> V.A. Beattie and S. Fearnley 'The Changing Structure of the Market for Audit Services in the UK: A Descriptive Study' (1994) 26(4) *British Accounting Review* 301–322.

<sup>29</sup> J.R. Casterella, J.R. Francis, B.L. Lewis and P.L. Walker 'Auditor Industry Specialization, Client Bargaining Power, and Audit Pricing' (2004) 23(1) *Auditing: A Journal of Practice & Theory* 123–140.

<sup>30</sup> A.R. Abdel-Khalik 'The Jointness of Audit Fees and Demand for MAS: A Self-Selection Analysis' (1990) 6(2) *Contemporary Accounting Research* 295–322.

<sup>31</sup> M.W. Maher, P. Tiessen, R. Colson and A.J. Broman 'Competition and Audit Fees' (1992) 67(1) *The Accounting Review* 199–211.

<sup>32</sup> G.V. Krishnan and Y. Zhang 'Is there a Relation Between Audit Fee Cuts During the Global Financial Crisis and Banks' Financial Reporting Quality?' (2013) 33(3) *Journal of Accounting and Public Policy* 279–300.

findings of McCann,<sup>33</sup> who reports that audit fees fell in 2008 and 2009. Audit fees fell by an average of 8% in 2008 for companies with revenues ranging from \$100 million to \$250 million and by 5% for those companies that had revenues from \$250 million to \$500 million. Likewise, Whitehouse<sup>34</sup> reports that ‘63% of the S&P 500 firms won price concessions for 2009 from their external auditors’.

### **2.1 Hypothesis Development**

Carrying on the existing discussion from prior literature, the authors hypothesise the following:

*H1: Auditors for banks charge higher audit fees in the post-global financial crisis up to the bail-in period compared to the pre-global financial crisis period.*

*H2: Auditors for banks charge higher audit fees during the bail-in period compared to the pre-bail-in period.*

The existing literature provides mixed evidence regarding the impact of the global financial crisis on audit fees. Some studies find an increase in audit fees during and after the crisis period<sup>12,22</sup> in response to increased business risk. Entity risk is likely to increase after the global financial crisis and bail-in periods. Therefore, auditors may have to increase their audit work and perform more procedures. Bell et al.<sup>23</sup> find that the audit work is performed more extensively in the presence of high business risk. They suggest that auditors’ risk-based approach is associated with increased audit effort. Choi et al.<sup>35</sup> also find that auditors increase their efforts in a higher risk environment. Thus, auditors may improve the quality of their work by obtaining more reliable evidence through the selection of a bigger sample, by using more experienced staff, by improving their substantive procedures, and by obtaining a second partner review.

The auditors conduct the audit with the attitude of professional skepticism, which includes a questioning mind and a critical assessment of evidence. Their professional skepticism has to be alert after the financial crisis and during bail-in periods because firms’ reduced performance may induce managers to manipulate

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<sup>33</sup> D. McCann ‘Audit-Fee Fall: It’s a Matter of Trust’ (2010) *CFO*, available at <http://ww2.cfo.com/accounting-tax/2010/10/audit-fee-fall-its-a-matter-of-trust/> (last accessed 25 November 2015).

<sup>34</sup> T. Whitehouse ‘Exclusive Report: Audit Fees Continue to Plummet’ (2010) *Compliance Week*, available at <http://www.complianceweek.com/exclusive-report-audit-fees-continue-to-plummet/article/186924> (last accessed 22 November 2015).

<sup>35</sup> J. Choi, J. Kim, X. Liu and D.A. Simunic ‘Audit Pricing, Legal Liability Regimes, and Big 4 Premiums: Theory and Cross-Country Evidence’ (2008) 25(1) *Contemporary Accounting Research* 55–99.

financial results in order to meet higher targets and get bonuses and better remuneration packages. Therefore, the possibility of using various methods such as window dressing and creative accounting to improve the financial results is increased. Additionally, the likelihood of accounting fraud increases in companies facing financial difficulties and viability issues during the crisis.<sup>22</sup> To minimise the associated risks of such methods used by managers, auditors may take counter measures including additional audit procedures and more substantive testing, which inevitably will result in higher audit fees. Higher audit fees are also charged to reflect the higher risk of any litigation proceedings against auditors.

However, research from other studies reveals that audit fees are sometimes decreased during and after the crisis period.<sup>32,33</sup> Greater financial pressure during and after the crisis might lead banks to negotiate more strongly for lower audit fees. Therefore, it is an empirical question to verify whether the hypothesis is supported or not.

Although there are mixed results in the literature, it is expected that after the financial crisis period, audit work will increase resulting in higher audit fees compared to the pre-crisis period and an even further increase will occur during the bail-in period compared to the pre-bail-in period.

### **3. Data Research and Methodology**

#### ***3.1 Sample Selection***

The sample selected in this study is based on Cypriot banks, as the banking industry is the focus of this paper. I obtained the data required for the study from banks' annual reports and this data collection methodology is consistent with Alexeyeva and Svanström<sup>13</sup> who obtained companies' data directly from annual reports. The financial statements of the listed companies are publicly available. However, some annual reports were collected directly from the finance departments of the various banks having sent them a letter to officially request access to their annual reports. The response from all banks was positive and they welcomed my initiative requesting access to the findings upon the completion of the study. The period under study is 2000-2015, which includes data collected for the Cypriot banks during the following periods: *pre-global financial crisis* (2000-2007), *post-global financial crisis* (2008-2012), and *during the bail-in period* (2013-2015). Table 1 illustrates the relevant sample distribution by year.

**Table 1:** Sample distribution by year

The table shows the number of observations, which is the number of banks obtained in the period (2000-2015) under study.

| Year  | No of Observations | %      |
|-------|--------------------|--------|
| 2000  | 6                  | 3.95   |
| 2001  | 6                  | 3.95   |
| 2002  | 6                  | 3.95   |
| 2003  | 6                  | 3.95   |
| 2004  | 9                  | 5.92   |
| 2005  | 10                 | 6.58   |
| 2006  | 10                 | 6.58   |
| 2007  | 10                 | 6.58   |
| 2008  | 11                 | 7.24   |
| 2009  | 11                 | 7.24   |
| 2010  | 11                 | 7.24   |
| 2011  | 12                 | 7.89   |
| 2012  | 13                 | 8.55   |
| 2013  | 12                 | 7.89   |
| 2014  | 12                 | 7.89   |
| 2015  | 7                  | 4.61   |
| Total | 152                | 100.00 |

Some variables for the period under investigation have been excluded, as information was not available. This is in line with Krishnan and Yu<sup>36</sup> who eliminated some observations because some variables had missing data.

The exclusion of missing variables reduced the sample size to 152 observations. To the eye of the observer, this may be viewed as one of the limitations of this study because a relatively smaller sample size may have an impact on the result of the model. However, the sample selected is representative of the whole population because the number of banks in Cyprus is small and includes all of the big banks. The number of banks/credit institutions registered in Cyprus is shown in the extract from the Central Bank of Cyprus in Appendix A.

<sup>36</sup> G.V. Krishnan and W. Yu 'Further evidence on knowledge spillover and the joint determination of audit and non-audit fees' (2010) 26(3) *Managerial Auditing Journal* 230–247.

### 3.2 Audit Fee Model

Simunic<sup>26</sup> established the original audit fee model evaluating the impact of different determinants on audit fees. He finds that the key explanatory variables are the client size, complexity of the business, firm's risk, and auditor size. Consequently, a number of studies have been conducted investigating the impact of different variables on audit fees in several countries.

The audit fee regression model is used to measure the impact of the global financial crisis and the resulting bail-in on audit fees. The dependent variable used in this study is the external audit fee charged for conducting the audit of each bank as reported in the annual reports, and the general model specification based on prior literature is as follows:

$$AUDIT FEES = \beta_0 + \beta_1 \text{Size of Client} + \beta_2 \text{Complexity} + \beta_3 \text{Risk} + \beta_4 \text{Size of Auditor} + \beta_5 \text{Post-Crisis} + \beta_6 \text{Bail-In} + \varepsilon$$

#### 3.2.1 Size of the Client

Size of the client (or auditee) has been found to be the most important factor in determining audit fees according to prior research.<sup>37</sup> There are two ways used to measure the size of a client such as total assets or total turnover of the firm. Simunic<sup>26</sup> used total assets as a measure for client size because 'the stock of assets seems more closely related to possible loss exposure than would an accounting flow measure, such as revenue, because defective financial statements, which result in a lawsuit, frequently involve some deficiency in asset valuation'<sup>26</sup> (p.172). A variety of subsequent studies used total assets as a measure for auditee size.<sup>38,39,40</sup>

It is reasonable to expect that audit fees will have a positive correlation with client size, as auditors will have to increase their efforts in a larger firm. They will have to perform additional substantive procedures ensuring adequate compliance in order to compensate for the increase in client size. Several studies support this view, as client size is strongly positively associated with the amount of audit fees.<sup>38-40</sup>

<sup>37</sup> D.C. Hay, W.R. Knechel and N. Wong 'Audit Fees: A Meta-Analysis of the Effect of Supply and Demand Attributes' (2006) 23(1) *Contemporary Accounting Research* 141–191.

<sup>38</sup> D.A. Simunic 'Auditing, Consulting, and Auditor Independence' (1984) 22(2) *Journal of Accounting Research* 679–702.

<sup>39</sup> I. Gerrard, K. Houghton and D. Woodliff 'Audit Fees: The Effects of Auditee, Auditor and Industry Differences' (1994) 9(7) *Managerial Auditing Journal* 3–11.

<sup>40</sup> M.O. Al-Harshani 'The Pricing of Audit Services: Evidence from Kuwait' (2008) 23(7) *Managerial Auditing Journal* 685–696.

However, Simunic<sup>26</sup> (p.172) hypothesised that the positive association between client size and audit fees is non-linear. Gerrard et al.<sup>39</sup> argued that the increase in client size results in the achievement of economies of scale by auditors, meaning that audit fees increase at a lower rate. A number of subsequent studies also support this non-linear relationship. As a result, natural logarithm of the auditee's total assets is commonly used to improve the linear relationship with audit fees and to ensure a better fit of this measure in the regression model. This is consistent with other studies, which followed the same procedure.<sup>41,42</sup>

*The study under discussion measures the size of the Cypriot banks by using the natural logarithm of total assets value.*

### 3.2.2 Complexity

Prior studies indicate that the level of client's complexity is another essential determinant of external audit fee.

By logical reasoning, an increase in organisation complexity is expected to result in increased audit fees because additional efforts and time will be required from auditors in planning, co-ordinating and conducting the audit of the firm.<sup>26,39</sup> It is argued that the more complex the client firm is, the higher the level of difficulty for auditors in reviewing transactions and evaluating the firm's financial statements.

There are difficulties in measuring the level of a firm's complexity according to prior studies. Complexity of the client can be measured by different ways, as it is a wide concept. Hay et al.<sup>37</sup> identified 33 specific metrics that may be used as proxies for complexity in an audit fee model. All the variables were positively correlated with audit fees. However, the number of subsidiaries and the number of foreign subsidiaries are the most commonly used measures. Other typical indicators of complexity in addition to these two measures are the proportion of foreign assets, the number of business segments, and a subjective complexity rating given by the audit team.

Palmrose<sup>42</sup> found that there is a non-linear relationship between audit fees and complexity. Due to non-linearity of this relationship, she used the natural logarithm of the measures of complexity and she found a positive and significant correlation with audit fees. This is in line with Al-Harshani<sup>40</sup> who followed the same procedure.

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<sup>41</sup> L. Barkess and R. Simnett 'The Provision of Other Services by Auditors: Independence and Pricing Issues' (1994) 24(94) *Accounting and Business Research* 99–108.

<sup>42</sup> Z. Palmrose 'Audit Fees and Auditor Size: Further Evidence' (1986) 24(1) *Journal of Accounting Research* 97–110.

*This study measures the complexity of banks by using the number of subsidiaries as a proxy.*

### 3.2.3 Risk

There are three metrics used to measure the risk such as inherent risk, leverage, and profitability, which are usually included in the audit fee model.

Inherent risk is the risk of errors or misstatements due to the nature of the company and its transactions. Prior literatures indicate a positive relationship between inherent risk and audit fees as auditors respond to higher inherent risk by increasing their audit procedures.<sup>26,37</sup> Incremental audit procedures result in higher audit fees as additional effort and time to identify clients' possible material misstatements and audit high risk certain parts of the audit have to be compensated. The two most risky areas to be considered are receivables and inventories according to Simunic<sup>26</sup> and specialised auditing procedures are recommended for these financial statement components. A combination of metrics is commonly used to capture inherent risk more precisely such as inventory divided by total assets, receivables divided by total assets, and the combination of inventory and receivables divided by total assets.<sup>37</sup>

*This study uses the proportion of trade receivables to total assets as an inherent risk metric due to the structure of the banks.*

Another measure of risk is considered to be client profitability. Generally, as the performance of an organisation worsens, higher risk is associated with an audit resulting in increased audit fees. There are two common variables used to measure the profitability of a client such as return on assets and existence of a loss (a dummy variable). The meta-analysis of Hay et al.<sup>37</sup> has reported a significant positive correlation between audit fees and a dummy variable for loss. Krishnan and Yu<sup>36</sup> have also found a positive relationship between these two variables. It is predicted that the correlation between audit fees and loss variable will be positive.

*This study includes the existence of a loss as a dummy variable in the audit fee model.*

Another metric of risk is considered to be leverage. Leverage ratio (ratio of debt to total assets) and quick (liquidity) ratio are the most common measures of leverage.<sup>37</sup> A high leverage ratio connotes higher risk to the audit firm as the financial health and stability of a firm are considered to be low due to the worsening financial results of a firm, resulting in higher audit fees. The equity-debt ratio, which is a



transformation of the leverage ratio, can be also used as a measure for leverage and yields consistent results.<sup>37</sup> It is expected that the relationship between audit fees and leverage will be negative.

*This study measures leverage by using the leverage ratio as defined by the Basel III (Total Equity (capital measure)/ Total Debt (exposure)) in the audit fee model.*

### 3.2.4 Auditor Size

The size of auditor is positively highly related to audit fees, as large accounting firms (known as ‘Big Eight/ Five/ Four’) receive a fee premium for the conduct of their audits.<sup>43,44</sup> Other studies support the strong positive correlation between audit fees and auditor size.<sup>42,45</sup> They have argued that the Big Eight firms charge higher audit fees and the higher audit fees are consistent with higher quality auditing services resulting from increased time spent and audit work compared to the non-Big-Eight accounting firms’ lower efforts.

*In this study, I do not include auditor size in the audit fee model because only the Big Four accounting firms audit the Cypriot banks and the inclusion of the variable would distort my results.*

### 3.3 Regression Model

The research paper’s main objective is to determine the impact of the global financial crisis and the resulting bail-in on audit fees based on audit risks. Banks are operating in a higher business risk environment after the global crisis and during the bail-in period. As a result, incremental efforts and audit procedures are required in order to decrease audit risk to an acceptable level. This is consistent with the findings of Simunic<sup>26</sup> who has examined the cost of audit services and he finds that audit fees have a positive correlation with client’s business risk, which is expected to rise during a crisis, particularly in the banking sector.

Alexeyeva and Svanström<sup>13</sup> and Ferguson et al.<sup>43</sup> used a model modelling audit fees in relation to business risk. A regression model is used to examine the impact

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<sup>43</sup> A. Ferguson, J.R. Francis and D.J. Stokes ‘The Effects of Firm-Wide and Office-Level Industry Expertise on Audit Pricing’ (2003) 78(2) *Accounting Review* 429–448.

<sup>44</sup> T.V. Caneghem, ‘Audit Pricing and the Big 4 Fee Premium: Evidence from Belgium’ (2010) 25(2) *Managerial Auditing Journal* 122–139.

<sup>45</sup> D.T. Simon and J.R. Francis ‘The Effects of Auditor Change on Audit Fees: Tests of Price Cutting and Price Recovery’ (1988) 63(2) *Accounting Review* 255–269.

of the two periods on audit fees. The regression analysis is multivariate with the dependent variable to be the natural logarithm of audit fees. The independent variables are firm-specific variables including size of the client, complexity, and firm's risk. Their measures are illustrated in Table 2 (as discussed in Section 3.2). The regression equation also includes indicator variables of the post-crisis and bail-in periods.

**Table 2:** Main audit fee measures and their variables

The table shows the independent variables used in the regression equation below.

| Measure        | Variable   |
|----------------|--|
| Size of Client | Natural log of total assets  |
| Complexity     | Natural log of the number of subsidiaries                              |
| Firm's Risk    | Leverage, proportion of receivables to total assets, existence of loss |

Audit fee model equation:

$$LNAF = \beta_0 + \beta_1POST-CRISIS + \beta_2BAIL-IN + \beta_3LNTA + \beta_4LNSUBS + \beta_5LEV + \beta_6RECTA + \beta_7LOSS + \varepsilon$$

Where,

- LNAF: Natural logarithm of audit fees
- POST-CRISIS: Indicator variable of the post-crisis period taking the value of 1 during 2008-2012, otherwise 0
- BAIL-IN: Indicator variable of the bail-in period taking the value of 1 during 2013-2015, otherwise 0
- LNTA: Natural logarithm of total assets
- LNSUBS: Natural logarithm of the number of subsidiaries
- LEV: Leverage ratio (Gearing ratio) as defined by the Basel III: Total Equity (capital measure)/ Total Debt (exposure)
- RECTA: Accounts receivables divided by total assets
- LOSS: A dummy variable that equals 1 if the firm made a loss, otherwise 0

In order to capture the effects of changed economic conditions, I include two indicator variables, POST-CRISIS and BAIL-IN, taking the value of 1 for periods (2008-2012) and (2013-2015) respectively, and 0 otherwise. If the hypothesis is supported, i.e. if auditors are exposed to higher risk post the financial crisis and during bail-in periods compared to previous years, they will charge higher audit fees post financial crisis and even greater fees during the bail-in period. Therefore, I expect that the POST-CRISIS and BAIL-IN variables of interest to be significantly positively correlated with audit fees.

#### 4. Descriptive Statistics and Analysis of Results

In order to test the hypotheses about the impact of global financial crisis and bail-in on audit fees, the following three samples were investigated: *Pre-global financial crisis period* (2000-2007), *post-global financial crisis period* (2008-2012), and *during bail-in period* (2013-2015). The whole study period includes all banks selected. I carried out descriptive and inferential statistics on all three investigated samples to provide a summary of the data and to detect any possible emerging patterns. Tables 3 and 4 below exhibit the results of the summary statistics.

**Table 3:** Descriptive and inferential statistics for audit fees and control variables for hypothesis 1 ( $H_1$ )

| <b>2000-2007 (Pre-Financial Crisis Period)</b> |             |                           |                     |               |                     |
|--|-------------|---------------------------|---------------------|---------------|---------------------|
|  | <b>Mean</b> | <b>Standard Deviation</b> | <b>3rd Quartile</b> | <b>Median</b> | <b>1st Quartile</b> |
| <b>LNAF</b>                                    | 11.72       | 1.35                      | 12.74               | 11.72         | 10.41               |
| <b>LNTA</b>                                    | 21.56       | 1.64                      | 22.74               | 21.94         | 19.71               |
| <b>LNSUBS</b>                                  | 1.70        | 1.35                      | 3.22                | 1.39          | 0.69                |
| <b>LEV</b>                                     | 10.18       | 62.96                     | 0.92                | 0.78          | 0.38                |
| <b>RECTA</b>                                   | 0.03        | 0.03                      | 0.05                | 0.01          | 0.01                |
| <b>LOSS</b>                                    | 0.35        | 0.48                      | 1.00                | 0.00          | 0.00                |
| <b>n</b>                                       | 63          |                           |                     |               |                     |

| <b>2008-2012 (Post-Financial Crisis Period)</b> |             |                               |                         |               |                         |  |                |
|---|-------------|-------------------------------|-------------------------|---------------|-------------------------|--|----------------|
|   | <b>Mean</b> | <b>Standard<br/>Deviation</b> | <b>3rd<br/>Quartile</b> | <b>Median</b> | <b>1st<br/>Quartile</b> | <b>Pre-Crisis to<br/>Post-Crisis<br/>t-Value</b> | <b>p-Value</b> |
| <b>LNAF</b>                                     | 12.44       | 1.52                          | 12.72                   | 11.71         | 11.26                   | -1.93<br>*                                       | 0.06           |
| <b>LNTA</b>                                     | 22.16       | 1.63                          | 22.87                   | 22.28         | 20.41                   | -2.45<br>**                                      | 0.02           |
| <b>LNSUBS</b>                                   | 1.65        | 1.33                          | 2.94                    | 1.79          | 0.69                    | 0.60   | 0.55           |
| <b>LEV</b>                                      | 1.55        | 3.35                          | 0.84                    | 0.48          | 0.13                    | 1.02   | 0.31           |
| <b>RECTA</b>                                    | 0.01        | 0.01                          | 0.01                    | 0.00          | 0.00                    | 3.00<br>***                                      | <0.01          |
| <b>LOSS</b>                                     | 0.44        | 0.50                          | 1.00                    | 0.00          | 0.00                    |  |                |
| <b>n</b>  | 58          |                               |                         |               |                         |  |                |

**Table 4:** Descriptive and inferential statistics for audit fees and control variables for hypothesis 2 (H<sub>2</sub>)

| <b>2013-2015 (Bail-In Period)</b> |             |                               |                         |               |                         |  |                |
|-----------------------------------|-------------|-------------------------------|-------------------------|---------------|-------------------------|--|----------------|
|                                   | <b>Mean</b> | <b>Standard<br/>Deviation</b> | <b>3rd<br/>Quartile</b> | <b>Median</b> | <b>1st<br/>Quartile</b> | <b>Pre-Crisis to<br/>Post-Crisis<br/>t-Value</b> | <b>p-Value</b> |
| <b>LNAF</b>                       | 12.70       | 1.49                          | 13.85                   | 12.13         | 11.35                   | -2.46<br>**                                      | 0.02           |
| <b>LNTA</b>                       | 21.85       | 1.45                          | 22.72                   | 21.73         | 20.33                   | -0.76  | 0.45           |
| <b>LNSUBS</b>                     | 2.05        | 1.33                          | 3.23                    | 2.48          | 0.69                    | -1.18  | 0.24           |
| <b>LEV</b>                        | 10.48       | 32.01                         | 5.15                    | 1.36          | 0.44                    | -0.51  | 0.61           |
| <b>RECTA</b>                      | 0.01        | 0.01                          | 0.01                    | 0.01          | 0.00                    | 2.31<br>**                                       | 0.02           |
| <b>LOSS</b>                       | 0.73        | 0.46                          | 1.00                    | 1.00          | 0.00                    |  |                |
| <b>n</b>                          | 31          |                               |                         |               |                         |  |                |

\*\*\*, \*\*, and \* denote significance at the 1%, 5%, and 10% levels respectively

The descriptive statistics tables show that the lowest value of the dependent natural logarithm audit fees (LNAF) was before the crisis and the highest value was during the bail-in period. The mean of LNAF, before the crisis, was 11.72 and increased to 12.44 after the crisis indicating that audit fees increased after the economic downturn. Following the crisis, the mean of LNAFE increased to 12.70 during the bail-in period indicating that audit fees increased even more during the bail-in period compared to the pre-bail-in period (including pre-crisis and post-crisis periods). The difference in the mean from pre-crisis to post-crisis is significant at the 10% level with a p-value of 0.06 and the difference in the mean from pre-bail-in period to bail-in period is significant at the 5% level with a p-value of 0.02. These results suggest that there may be an increase in audit fees after the financial crisis and during the bail-in periods compared to prior periods based on their mean values. However, I will need to carry out regression analysis in order to identify the association between these two periods and audit fees.

Turning to control variables, the LOSS variable followed the same trend, whose mean increased from 0.35 before crisis to 0.44 after crisis and then rose even further to 0.73 during the bail-in period. This indicates that a larger number of banks were loss-making after the crisis and even more banks during the bail-in period due to the negative effects of these two periods on the economy.

The mean of the total assets (LNTA) increased from 21.56 to 22.16 between pre-crisis and post crisis periods as banks' customers were not repaying their loans and the interest charges attached to the loans were capitalised, increasing the loan amounts due from customers. Loans to customers fall under the financial assets category, which comprises a significant proportion of total assets. Following the crisis, the mean of LNTA declined to 21.85 during the bail-in period because the loans that were securitised by deposits were written off up to the amount of the deposits that were cut resulting in a huge amount of impairment/provisioning. Some loans were also restructured.

The mean of subsidiaries (LNSUBS) decreased post the financial crisis period indicating that banks decreased their operations by closing down existing subsidiaries and turned their focus to their main business. This is also in line with the deleveraging policy that led banks to closing down primarily overseas subsidiaries and any other local non-core business subsidiaries. Surprisingly, the mean of LNSUBS increased to 2.05 during the bail-in period suggesting that banks have started new operations by opening new subsidiaries. Banks incorporated new subsidiaries

during the bail-in period in view of a new policy that has been adopted to acquire properties in settlement of their customers' debts during the reorganisation and restructuring process of non-performing loans. These properties are held directly or through companies (SPE-Special Purpose Entities) controlled by the bank whose sole business activity is the management of these properties.

Leverage, receivables to total assets (RECTA) and loss variables are measures of firm's risk as discussed in Section 3.2. Table 3 shows that the crisis led to a higher level of risk as the mean of leverage (LEV) decreased substantially from 10.18 to 1.55. This implies that lower profitability resulted in substantially lower total equity. The increasing trend of the LOSS variable's mean indicates lower profitability after the crisis. Following the crisis, the recapitalisation of a number of banks (including the large ones) through bail-in uninsured deposits and debt securities led to a higher LEV ratio of 10.48 during the bail-in period. New investors and the government also invested substantial capital in some of the banks. The level of risk seemed to be lower during the bail-in period according to the LEV ratio. The mean of RECTA decreased slightly from 0.03 to 0.01 between pre-crisis and post-crisis. Following the crisis, the value remained the same (0.01) during the bail-in period. Possible reasons are the increase in total assets and banks might have had only long-term loans whereby their repayment period exceeded 12 months. This might indicate a higher level of risk post the financial crisis period and during the bail-in period. The increase in the mean of LOSS variable also indicates an increased level of risk during the two periods. Its increase of 0.09 from pre-crisis period to post-crisis period indicates that a larger number of banks were loss-making due to the negative impact of the economic downturn on the economy. During the bail-in period, the mean of LOSS variable rose to 0.73, implying an even larger number of banks were making a loss.

#### ***4.1 Correlation Analysis***

Correlation analysis is useful for investigating the degree of relationship between variables. The strength of association between the variables can be determined by the Pearson's correlation coefficient whose range is between -1 and 1.

Correlation greater than 0.8, can result in a multicollinearity effect according to Judge et al.<sup>46</sup> (p.868). A high correlation figure (above 0.8) amongst two inde-

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<sup>46</sup> G.G. Judge, R.C. Hill, W.E. Griffiths, H. Lutkepohl and T.C. Lee Introduction to the Theory and Practice of Econometrics (2<sup>nd</sup> edn, New York, NY: Wiley, 1988).

pendent variables can lead to biased regression estimates and higher standard errors. There will also be difficulty in differentiating the contribution of the individual variables. Therefore, it is important to measure the extent of multicollinearity by examining the correlation coefficient between the independent variables. Table 5 displays the matrix of correlations between the variables for the audit fee model including 152 observations for the whole sample period.

**Table 5:** Correlation matrix between the dependent and independent variables during the whole sample period from 2000 to 2015

|             | LNAF                | POST-CRISIS          | BAIL-IN             | LNTA                | LNSUBS             | LEV              | RECTA             | LOSS |
|-------------|---------------------|----------------------|---------------------|---------------------|--------------------|------------------|-------------------|------|
| LNAF        | 1.00                |                      |                     |                     |                    |                  |                   |      |
| POST-CRISIS | 0.135<br>(0.156)    | 1.00                 |                     |                     |                    |                  |                   |      |
| BAIL-IN     | 0.174<br>(0.067)    | -0.376<br>(0.00)***  | 1.00                |                     |                    |                  |                   |      |
| LNTA        | 0.882<br>(0.00)***  | 0.155<br>(0.103)     | 0.005<br>(0.963)    | 1.00                |                    |                  |                   |      |
| LNSUBS      | 0.767<br>(0.00)***  | -0.057<br>(0.547)    | 0.111<br>(0.241)    | 0.703<br>(0.00)***  | 1.00               |                  |                   |      |
| LEV         | -0.164<br>(0.084)*  | -0.096<br>(0.313)    | 0.038<br>(0.687)    | -0.163<br>(0.084)*  | -0.021<br>(0.823)  | 1.00             |                   |      |
| RECTA       | -0.228<br>(0.012)** | -0.256<br>(0.007)*** | -0.196<br>(0.034)** | -0.234<br>(0.013)** | -0.171<br>(0.071)* | 0.038<br>(0.690) | 1.00              |      |
| LOSS        | 0.003<br>(0.710)    | -0.025<br>(0.589)    | 0.270<br>(0.002)*** | -0.210<br>(0.045)** | 0.048<br>(0.445)   | 0.143<br>(0.145) | -0.013<br>(0.958) | 1.00 |

\*\*\*, \*\*, and \* denote significance at the 1%, 5%, and 10% levels respectively

The highest correlation of 0.703 is between LNTA and LNSUBS and the second highest correlation of 0.270 is between BAIL-IN and LOSS according to Table 5. The significance of both correlations is also high at the 1% level with p-values of less than 0.01. The correlation among the majority of independent variables is low and below the suggested threshold of 0.8. Therefore, it can be deduced that my regression model is not negatively affected by multicollinearity.

### 4.2 Regression Analysis

Table 6 illustrates the result of the regression equation using the sample of 152 observations during the whole sample period from 2000 to 2015. The table examines whether there is an increase in audit fees after the global financial crisis and during the bail-in periods.

**Table 6:** Regression analysis

| Variables                       | Expected Sign | Coefficient Value | p-Value |
|---------------------------------|---------------|-------------------|---------|
| <b>Dependent Variable: LNAF</b> |               |                   |         |
| INTERCEPT                       | ?             | -2.928 ***        | 0.001   |
| POST-CRISIS                     | +             | 0.351 **          | 0.010   |
| BAIL-IN                         | +             | 0.627 ***         | <0.001  |
| LNTA                            | +             | 0.648 ***         | <0.001  |
| LNSUBS                          | +             | 0.294 ***         | <0.001  |
| LEV                             | -             | -0.002            | 0.137   |
| RECTA                           | +             | 3.121             | 0.249   |
| LOSS                            | +             | 0.308 **          | 0.012   |
| <b>F-value = 94.714</b>         |               |                   |         |
| <b>Adjusted R2 = 86%</b>        |               |                   |         |
| <b>n= 152</b>                   |               |                   |         |

\*\*\*, \*\*, and \* denote significance at the 1%, 5%, and 10% levels respectively

The research paper investigates seven variables, where three are highly significant and all the variables' coefficient values have the expected positive or negative sign. The fit of the audit fee model is high as shown by the adjusted R<sup>2</sup> of 86% in Table 6. It seems that the tested regression model fits the data well and 86% of the variation in the audit fees can be accounted for by the seven explanatory variables. However, the small number of observations might distort the value of adjusted R<sup>2</sup> by making it appear excessively high. It is also important to examine the joint significance of the slope coefficients using the F-statistic. The F value is significant indicating that the models have statistically significant predictive capability.

The most important variables of interest are POST-CRISIS and BAIL-IN, which are significantly positive and are in line with their expected signs. A p-value of



0.010 implies that the POST-CRISIS variable is significant at the 5% significance level, combined with a positive coefficient of 0.351. This is consistent with Alexeyeva and Svanström<sup>13</sup> who also have found out that the POST-CRISIS variable is significant and has a positive sign. The BAIL-IN variable is also positively related to audit fees as it is highly significant at the 1% level of significance with a p-value of less than 0.001 and a positive coefficient of 0.627. These results indicate an increase in audit fees after the crisis and an even further increase during the bail-in period suggesting that both hypotheses are supported. Therefore, this implies that auditors charged higher audit fees for the audit of Cypriot banks after the crisis compared to the pre-crisis period and even higher audit fees during the bail-in period compared to the pre-bail-in period (including pre-crisis and post-crisis periods) in order to compensate for incremental audit efforts in response to the increased level of business risk.

The coefficient sign of LNTA is consistent with its expected sign (positive) and it is strongly significant at the 1% level with a p-value of less than 0.001. The coefficient of LNTA of 0.648 is the second highest among the other variables implying that the natural logarithm of total assets can largely explain the increase in audit fees. This is further indicated by the p-value, which is the lowest amongst the other variables. This finding is in line with prior studies,<sup>47</sup> which confirm the importance of client size by identifying this variable as one of the most significant determinants of audit fees.

The measure of a client's complexity, which is the natural logarithm of the number of subsidiaries (LNSUBS), is strongly and positively associated with audit fees. Table 6 shows that LNSUBS is highly significant with a p-value of less than 0.001 and a positive sign as expected of 0.294. This implies that the higher the complexity level of the organisation, the higher the audit fees. This result is consistent with Simunic<sup>26</sup> who also measured the complexity of the organisation using subsidiaries and has found a positive, significant relationship with audit fees.

The coefficient sign of LEV is consistent with its expected sign (negative), but it is not significant. The coefficient sign of RECTA is also in line with its expected sign (positive) but it is not significant.

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<sup>47</sup> J.R. Francis and D.J. Stokes 'Audit Prices, Product Differentiation, and Scale Economies: Further Evidence from the Australian Market' (1986) 24(2) *Journal of Accounting Research* 383–393.

The signs of LNTA, LNSUBS and LOSS are in line with their expected signs and significant for the investigated period. The results indicate that the main determinants of audit fees are client size, complexity and risk, which are consistent with prior studies.

## 5. Additional Test

### *5.1 Control for Connection with Greece*

The exposure of Cypriot banks to Greece was high during the global financial crisis and bail-in periods. The Greece-Cyprus banking relationship is considered a main cause of the problems created in the banking sector of Cyprus.<sup>10</sup> A number of banks in Cyprus have operations in Greece and therefore it will be interesting to examine a possible effect on audit fees.

To control for this possible effect, I firstly identified the banks that have a minimum 25 per cent of their business in Greece and then I included a dummy variable, GREECE, in my audit fee model to control for the banks that are related to Greece. The methodology applied is consistent with Alexeyeva and Svanström<sup>13</sup> who included a dummy variable (USA) to control for the companies' relationship with the USA. The result is shown in Appendix B.

The result indicates that the GREECE variable is significant with a p-value of 0.025 at the 5% confidence level implying that the Greek economic environment affects the audit fees for Cypriot banks, which have a minimum 25 per cent of their business in Greece. The relationship between the GREECE variable and audit fees is negative with a coefficient value of -0.388 implying a decrease in audit fees. A possible reason for this reduction in audit fees could be the greater financial pressure that Cypriot banks (having operations in Greece) had to face. Therefore, an increase in financial distress might lead banks to negotiate more strongly for lower audit fees.

## 6. Robustness Check

### *6.1 The Effect of Companies' Risk Variables on Audit Fees*

The individual effect of risk variables on audit fees has been adopted from Alexeyeva and Svanström<sup>13</sup> as a sensitivity test for robustness. The methodology used is applicable to this study as it will be interesting to examine the individual impact of the companies' risk variables on audit fees for Cypriot banks.

Assuming an intricate relationship between the variables of interest (POST-CRISIS and BAIL-IN) and banks' risks, I examined the interaction between them. The critical main variables are considered to be those whose effects are of primary interest according to White and Lu. I hypothesised that including all risk variables simultaneously can have a cumulative impact on audit fees. Therefore, I included the different risk variables (LEV, RECTA, and LOSS), one by one, in the regression model in order to eliminate the risk of a possible cumulative impact. The results of these additional tests are shown in Appendix C.

The results indicate that audit fees increased after the global financial crisis and during the bail-in periods despite the level of banks' risks. The POST-CRISIS and BAIL-IN variables are significant in all three of the regression models indicating that my initial main regression model is insensitive to changes. The results are consistent with prior literature<sup>13</sup> that has also found out the variables of interest (GFC and POST-GFC) significant. The additional tests confirm the reported main results and contribute to the robustness of my analysis.

### ***6.2 Heteroscedasticity Tests***

I conducted the White's test for heteroscedasticity using EViews in order to ensure the reliability of the results from the regression analysis. The regression model is based on the assumption of equal variance for all the data of the dependent variable and this is called homoscedasticity. Therefore, it is important to carry out this test in order to test the data for heteroscedasticity.

Appendix D shows the results of the White's test on the data. The results indicate that my regression model suffers from heteroscedasticity as the probability of chi-square is less than 5%, indicating that it is significant. Therefore, the null hypothesis of homoscedasticity is rejected implying that the standard errors in the model might not be appropriate and hence any implications made could be misleading.

Therefore, I have re-run the regression model with White's heteroscedasticity-consistent standard errors and covariance. The estimated standard errors are now robust and t statistics are asymptotically standard, normally distributed and thus the reliance on p-values is feasible. Appendix E displays the results of the new regression model.

The results of the main regression model still hold with the variables of interest being significant. Therefore, this can further contribute to the robustness of my analysis.

## 7. Conclusion, Limitations and Suggestions

### 7.1 Conclusion

This study addresses the response of auditors to increased risk associated with the global financial crisis and bail-in periods in the banking sector of Cyprus. More specifically, this study focuses on how the post-crisis and bail-in periods affected the audit fees paid to auditors. The risk management approach that auditors adopt in response to increased risk is increased audit effort, which results in higher audit fees. Therefore, controlling for various other factors i.e. all other things being equal, I hypothesise that auditors charged higher audit fees after the global financial crisis and during the bail-in periods compared to pre-crisis and pre-bail-in periods in order to compensate for the increased risk.

The regression model indicates a positive and significant relationship between the variables of interest (POST-CRISIS and BAIL-IN) and audit fees with positive coefficients of 0.351 and 0.627 at 5% and 1% confidence levels respectively using a sample of Cypriot banks during 2000 and 2015. This suggests that auditors increased their audit fees after the economic downturn and during the bail-in period.

It is important that auditors present good reasons to their clients when charging higher audit fees. Some valid reasons are the increased audit effort and additional procedures used, more time spent on the audit planning and during the audit process, and more experienced staff employed. Furthermore, the increase in audit fees may be justified by the fact that clients are willing to accept higher audit fees during the two periods under investigation in order to make sure that the financial statements show a true and fair view both to existing and potential investors and other stakeholders. Shareholders tend to use audit fees as a measure of audit quality because there is no accepted proxy for audit quality.<sup>48</sup> Therefore, lower audit fees may indicate lower audit quality and vice-versa. As a result, this may be the reason why banks are willing to accept higher audit fees, anticipating they will receive better audit quality after the financial downturn and during the bail-in period. Additionally, macroeconomic conditions can affect the demand for audit services and eventually the pricing of these services. The findings indicate the behaviour of banks and auditors in fluctuating economic conditions.

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<sup>48</sup> A. Ferguson, C. Lennox and S. Taylor 'Audit Fee Rigidities in the Presence of Market Frictions: Evidence and Explanations' (2005) *Working Paper* (University of New South Wales, NSW; Hong Kong University of Science and Technology, Hong Kong), 1–50.

The additional test carried out in controlling the connection of Cypriot banks with Greece indicates that the GREECE variable is significant with a p-value of 0.025. This implies that the Greek economic environment affects the audit fees for Cypriot banks and Cypriot banks are exposed to the economic conditions of the Greek economy. The relationship between the GREECE variable and audit fees is negative with a coefficient value of -0.388 implying a decrease in audit fees. Therefore, it cannot be deduced that higher audit fees are charged to Cypriot banks that have operations in Greece and this may be due to the strong negotiations for lower audit fees between banks and auditors resulting from increased financial pressure.

### *7.2 Limitations and Suggestions for Future Research*

This study has some limitations. *Firstly*, the number of observations after taking into consideration unavailable data for some variables is relatively small even though the sample size is considered representative of the whole population. The sample size may have been an important obstacle in finding a trend and eventually could impact on my results.

*Secondly*, audit fees may not be considered a good direct determinant of audit effort as Schelleman and Knechel<sup>49</sup> suggest that the audit fees variable does not fully include the additional efforts required by auditors in response to increased risk levels.

*Thirdly*, there may be other factors affecting the control risk and performance of banks that have not been included in the model due to absence of data. For instance, firms may have inadequate human resources after the global financial crisis and during the bail-in periods resulting in alterations in the banks' internal control systems and eventually to changes in the level of control risk.

*Lastly*, I have not included further robustness statistical and misspecification tests in my results to confirm the reliability of the regression model due to a limited time frame.

Given my preliminary results, I would *recommend* further investigation into the following matters: *Firstly*, audit report lag can be taken into account when analysing further audit effort. Furthermore, analysis on modified opinion and going concern decision during the period 2000-2015 may be considered to help identify the

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<sup>49</sup> C. Schelleman and W.R. Knechel 'Short-Term Accruals and the Pricing and Production of Audit Services' (2010) 29(1) *Auditing: A Journal of Practice & Theory* 221–250.

effect of the global financial crisis and bail-in periods on the audit of Cypriot banks. This may lead to the enhancement of the results.

*Secondly*, the effect of merger and acquisitions on audit fees can be taken into account, as it will be useful to carry out sensitivity analysis on banks that have completed a merger. The results might be different, because following the merger of two banks audit fees being charged in the previous year may not be comparable to current year audit fees. In addition, the probability of default of each bank for each year can be included as an additional explanatory variable and identify the effect on audit fees.

*Thirdly*, the study uses total assets as a measure for the size of the client but total revenue can also be used in order to compare the results using both measures. In addition, the study uses the number of subsidiaries as a measure for complexity but other measures such as revenue diversification and dependence on interbank rate can be also used, which may lead to the enhancement of the results. Furthermore, the study uses the proportion of trade receivables to total assets but other possible measures such as the NPL ratio, volatility in the share price can also be used to identify if the results using all three measures are similar. An additional suggestion would be to use popular metrics such as ROE or ROA to capture possible losses by a bank instead of using a dummy variable, which is used in this paper.

*Finally*, further exploration could study the trend of audit fees after the global financial crisis and during the bail-in period on other financial services sub-sectors, such as the insurance industry. It would be interesting to examine the results for other financial services sectors and identify whether they are similar to the results for the banking sector.

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## Appendices

### Appendix A: Sample selection

Source: Central Bank of Cyprus

## Licensing & Supervision

Register of Credit Institutions operating in Cyprus

### 1. LOCAL AUTHORISED CREDIT INSTITUTIONS

#### A. BANKS

1. Ancofia Bank Limited
2. Bank of Cyprus Public Company Ltd
3. Cyprus Development Bank Public Company Limited (The)
4. Cyprus Popular Bank Public Co Ltd\*
5. Hellenic Bank Public Company Limited
6. Housing Finance Corporation
7. RCB BANK LTD

\*The "Cyprus Popular Bank Public Co Ltd" is currently subject to resolution. In view of the above it is prohibited from assuming any new obligations to the public in the form of deposits, securities or other evidence of debt.

#### B. COOPERATIVE CREDIT INSTITUTIONS

- I. COOPERATIVE CENTRAL BANK LTD (CENTRAL BODY OF COOPERATIVE CREDIT INSTITUTIONS)

### 2. FOREIGN AUTHORISED CREDIT INSTITUTIONS AND BRANCHES OF FOREIGN CREDIT INSTITUTIONS FROM EU MEMBER STATES OPERATING UNDER THE "EUROPEAN PASSPORT"

#### A. SUBSIDIARIES OF FOREIGN CREDIT INSTITUTIONS

##### I. SUBSIDIARIES OF FOREIGN CREDIT INSTITUTIONS FROM E.U. MEMBER STATES

1. Alpha Bank Cyprus Ltd
2. Eurobank Cyprus Ltd
3. National Bank of Greece (Cyprus) Ltd
4. Piraeus Bank (Cyprus) Ltd

##### II. SUBSIDIARIES OF FOREIGN CREDIT INSTITUTIONS FROM NON E.U. MEMBER STATES

1. Societe Generale Bank-Cyprus Limited
2. USB Bank Plc

**Appendix B: Results of the audit fee model  
after controlling connection with Greece**

| <b>Variables</b>                | <b>Coefficient Value</b> |     | <b>p-Value</b> |
|---------------------------------|--------------------------|-----|----------------|
| <b>Dependent Variable: LNAF</b> |                          |     |                |
| <b>INTERCEPT</b>                | -4.853                   | *** | 0.001          |
| <b>POST-CRISIS</b>              | 0.270                    | *   | 0.049          |
| <b>BAIL-IN</b>                  | 0.512                    | *** | 0.002          |
| <b>LNTA</b>                     | 0.756                    | *** | <0.001         |
| <b>LNSUBS</b>                   | 0.237                    | *** | <0.001         |
| <b>LEV</b>                      | -0.002                   |     | 0.130          |
| <b>RECTA</b>                    | 0.918                    |     | 0.742          |
| <b>LOSS</b>                     | 0.361                    | *** | 0.003          |
| <b>GREECE</b>                   | -0.388                   | **  | 0.025          |
| <b>F-value = 88.24</b>          |                          |     |                |
| <b>Adjusted R2 = 86%</b>        |                          |     |                |
| <b>n = 152</b>                  |                          |     |                |

\*\*\*, \*\*, and \* denote significance at the 1%, 5%, and 10% levels respectively

**Appendix C: Results of the audit fee model  
according to companies' risk variables**

| <b>Variables</b>                | <b>Coefficient Value</b> |     | <b>p-Value</b> |
|---------------------------------|--------------------------|-----|----------------|
| <b>Dependent Variable: LNAF</b> |                          |     |                |
| INTERCEPT                       | -1.678                   |     | 0.108          |
| POST-CRISIS                     | 0.361                    | *** | 0.006          |
| BAIL-IN                         | 0.686                    | *** | <0.001         |
| LNTA                            | 0.596                    | *** | <0.001         |
| LNSUBS                          | 0.334                    | *** | <0.001         |
| LEV                             | -0.002                   |     | 0.210          |
| <b>F-value = 123.77</b>         |                          |     |                |
| <b>Adjusted R2 = 85%</b>        |                          |     |                |
| INTERCEPT                       | -2.180                   | **  | 0.037          |
| POST-CRISIS                     | 0.425                    | *** | 0.002          |
| BAIL-IN                         | 0.748                    | *** | <0.001         |
| LNTA                            | 0.615                    | *** | <0.001         |
| LNSUBS                          | 0.328                    | *** | <0.001         |
| RECTA                           | 3.504                    |     | 0.208          |
| <b>F-value = 123.79</b>         |                          |     |                |
| <b>Adjusted R2 = 85%</b>        |                          |     |                |
| INTERCEPT                       | -3.082                   | *** | 0.005          |
| POST-CRISIS                     | 0.310                    | **  | 0.012          |
| BAIL-IN                         | 0.552                    | *** | 0.001          |
| LNTA                            | 0.659                    | *** | <0.001         |
| LNSUBS                          | 0.276                    | *** | <0.001         |
| LOSS                            | 0.335                    | *** | 0.006          |
| <b>F-value = 132.05</b>         |                          |     |                |
| <b>Adjusted R2 = 86%</b>        |                          |     |                |
| <b>n = 152</b>                  |                          |     |                |

\*\*\*, \*\*, and \* denote significance at the 1%, 5%, and 10% levels respectively

**Appendix D: White's heteroscedasticity test**

**White's Heteroscedasticity Test**

|                           |                 |                            |               |
|---------------------------|-----------------|----------------------------|---------------|
| <b>F-statistic</b>        | <b>2.667962</b> | <b>Prob. F(7,152)</b>      | <b>0.0140</b> |
| <b>Obs*R2</b>             | <b>17.05050</b> | <b>Prob. Chi-Square(7)</b> | <b>0.0171</b> |
| <b>Scale explained SS</b> | <b>21.32954</b> | <b>Prob. Chi-Square(7)</b> | <b>0.0033</b> |

**Test Equation:**

**Dependent Variable: RESID2**

**Included Observations: 152**

| <b>Variable</b>            | <b>Coefficient</b> | <b>Std Error</b> | <b>t-Statistic</b> | <b>Prob.</b> |
|----------------------------|--------------------|------------------|--------------------|--------------|
| <b>C</b>                   | -0.952             | 0.456            | -2.086             | 0.039        |
| <b>POST-CRISIS2</b>        | -0.008             | 0.109            | -0.074             | 0.941        |
| <b>BAIL-IN2</b>            | 0.095              | 0.131            | 0.725              | 0.470        |
| <b>LNTA2</b>               | 0.003              | 0.001            | 2.999              | 0.003        |
| <b>LNSUBS2</b>             | -0.054             | 0.016            | -3.451             | 0.001        |
| <b>LEV2</b>                | 0.000              | 0.000            | -0.756             | 0.452        |
| <b>RECTA2</b>              | -2.866             | 3.312            | -0.865             | 0.389        |
| <b>LOSS2</b>               | -0.015             | 0.100            | -0.145             | 0.884        |
| <b>R2</b>                  | <b>0.152</b>       |                  |                    |              |
| <b>Adjusted R2</b>         | <b>0.095</b>       |                  |                    |              |
| <b>S.E. of Regression</b>  | <b>0.467</b>       |                  |                    |              |
| <b>Sum Squared Resid.</b>  | <b>22.721</b>      |                  |                    |              |
| <b>F-statistic</b>         | <b>2.668</b>       |                  |                    |              |
| <b>Prob. (F-statistic)</b> | <b>0.014</b>       |                  |                    |              |

**Appendix E: Results of the re-run audit fee model**

**Dependent Variable: LNAF**

**Included Observations: 152**

**White's Heteroscedasticity-Consistent Standard Errors and Covariance**

| <b>Variable</b>            | <b>Coefficient</b> | <b>Std Error</b> | <b>t-Statistic</b> | <b>Prob.</b> |
|----------------------------|--------------------|------------------|--------------------|--------------|
| <b>C</b>                   | -2.580             | 1.031            | -2.502             | 0.014        |
| <b>POST-CRISIS</b>         | 0.369              | 0.124            | 2.977              | 0.004        |
| <b>BAIL-IN</b>             | 0.696              | 0.143            | 4.861              | 0.000        |
| <b>LNTA</b>                | 0.633              | 0.052            | 12.111             | 0.000        |
| <b>LNSUBS</b>              | 0.268              | 0.059            | 4.521              | 0.000        |
| <b>LEV</b>                 | 0.000              | 0.000            | 2.742              | 0.007        |
| <b>RECTA</b>               | 1.507              | 0.592            | 2.547              | 0.012        |
| <b>LOSS</b>                | 0.246              | 0.104            | 2.358              | 0.020        |
| <b>R2</b>                  | <b>0.869</b>       |                  |                    |              |
| <b>Adjusted R2</b>         | <b>0.861</b>       |                  |                    |              |
| <b>S.E. of Regression</b>  | <b>0.556</b>       |                  |                    |              |
| <b>Sum Squared Resid.</b>  | <b>32.164</b>      |                  |                    |              |
| <b>F-statistic</b>         | <b>98.861</b>      |                  |                    |              |
| <b>Prob. (F-statistic)</b> | <b>0.000</b>       |                  |                    |              |



Andreas C. Sophocleous (1940-2018)

**GUEST-  
EDITED  
SECTION**

**Tribute to the memory of  
Professor Andreas C. Sophocleous**





## Dear Readers,

It is with a sense of responsibility and respect that I serve as the Guest Editor to this Special Section of *The Cyprus Review* dedicated to the memory of Prof. Andreas C. Sophocleous who passed away in July 2018. Prof. Sophocleous was a Professor in Communications and Mass Media at the University of Nicosia. A valued member of the University, during his long career, he served as a Dean of the School of Humanities, Social Sciences and Law, and as a Director of the Mass Media & Communication Institute.

Prof. Sophocleous was born in Mesogi, Paphos on 28 August 1940. He graduated from the Paphos Gymnasium (1958) and the Cyprus Pedagogical Academy (1960). He studied Music in Cyprus and abroad, and Geography at the Cyprus College and the University of London. He further enhanced his academic qualifications by studying Journalism, Tourist Studies and Public Relations, joining the Press and Information Office as a Public Information Officer in 1969. In 1973, he won a Fulbright scholarship for graduate studies in Media Studies at the University of Denver (Colorado, U.S.A.). In 1983, he enrolled at the Department of Political Science and Public Administration at the School of Law, University of Athens to pursue a doctoral degree. Prof. Sophocleous served as the Press and Information Office's Director from 1991 to 1995, giving special attention through his official duties to the Cyprus Problem, the Foreign Press and International Relations.

Prof. Sophocleous research interests were primarily the history of the Cypriot Press, to which he dedicated an extensive part of his published work; the history and geography of Cyprus; media and communications; Cypriot literature and bibliography. Prof. Sophocleous's publication record on the history of the Cypriot Press, spanning a period covering British colonial rule in Cyprus, beginning to end (1878-1960) and the birth of the Cyprus as an independent state (1960), allowed him to establish himself as the leading scholar of the history of the Cypriot Press. His work is today an essential reference tool for any researcher of the above topics.

In this Special Section of *The Cyprus Review* eight authors pay tribute to Prof. Andreas C. Sophocleous, each with an article contribution that falls within the sphere of the Professor's research interests.

Haralambos A. Alexandrou's "Cyprus in twilight": *The Times* and *The Manchester Guardian* on the Greek and Turkish arguments, 1954-1959' brings to the

foreground significant primary material, namely the position of the above newspaper editorials on the Greek and Turkish political stands over the Cyprus Issue. The article attempts to analyse the editorials in order to answer a set of important questions related to the period covering the Cyprus revolt against the British ruler, for example the extent to which the views of the two newspapers conflicted or coincided. This original article treads into new territory thus giving access to the reader to new and interesting material previously unpublished, expanding in this way the secondary literature on the modern history of Cyprus.

Mike Hadjimichael's 'Cyprus is an Island (1946) – ethnographic reflections on a colonial documentary' is an engaging piece of work that opens a window to the reader's understanding of colonisers-colonized power relations, colonial governance, history of 'nation branding', propaganda and ethnography through the case-study of a British colonial documentary about Cyprus, produced shortly after the end of the Second World War. The primary material collected by the author for his article (archival visual material and interviews) is original and therefore contributes further to the literature on the above topics.

Mary Papageorgiou and Ioannis Giokaris' 'Maestro or scapegoat?: The role of Henry Kissinger in the depiction of USA foreign policy on Cyprus's occupation of 1974' is a fascinating article that utilizes original, previously unpublished primary material found in *Fileleftheros* newspaper issues and published in the aftermath of the Turkish Invasion of Cyprus. Following *Fileleftheros's* coverage of the events, the authors identify a targeted rhetoric and tone towards the then US secretary of State, Henry Kissinger, which presents him as being responsible for the shortcomings and failures of the American negotiations to manage the crisis that jeopardized the security of Cyprus. The authors' findings validate the hypothesis formulated, namely that Kissinger was framed as a scapegoat in order not to generate strong Anti-American sentiments amid the bipolar system and great powers competition.

George Pavlides' 'The right of freedom of expression and its' limits: Hate speech in Cyprus public television (CyBC) - Interview given by the singer Notis Sfakianakis on the CyBC programme 'Tête-à-Tête' explores the right to freedom of expression through the study of the contested case of Greek singer Notis Sfakianakis's interview to Tasos Tryfonos. The article brings to surface original material, using primary information (quotations from the interview, decision of the Ethics Commission, other press material etc.) while giving enough attention to a broad but relevant bibliography on the subject.

Niki Sioki's 'Neighbours on paper: A contribution to the history of multiscrypt printing in colonial Cyprus' brings attention to the largely unexplored aspect of Cypriot local printing history, namely the production of multiscrypt documents that served the needs of a linguistically diverse society. The article is original in its use and analysis of primary written and visual sources, providing new information so far inaccessible to the viewer/reader. The author acknowledges and pays respect to Prof. Andreas C. Sophocleous' foundational work on the history of Cypriot Press which traces the history of printing in Cyprus. Following her predecessor's steps, Sioki further charts this research field and opens unexplored, fascinating gateways of study to future researchers.

Nikolaos Stelgias and Magdalene Antreou's 'Propaganda war during the peak of the *enosis* campaign: the case of the English edition of *Halkin Ses*' introduces the reading audience to the Turkish Cypriot English-language newspaper 'Weekly English Edition of the *Halkin Ses*'. This edition was published in Cyprus during the first period of EOKA's armed action and had as its primary objective to propagate the thesis of the Turkish Cypriot leadership regarding the Cyprus Issue. The authors' study into the newspaper's identity is enriched by the concurrent analysis on two other English-language newspapers published during the same period, namely the local English-language newspapers *Times of Cyprus* and the *Cyprus Mail*. The article generates important, new findings that complement and expand the history of journalism in colonial Cyprus.

On my part, as the Guest Editor of this Special Section of *The Cyprus Review*, I would like to thank all the contributing authors and members of the journal's team, for dedicating time, energy, faith and well intentions to this mutual effort toward a shared goal: to pay tribute to a leading researcher of Cyprus, Prof. Andreas C. Sophocleous, highlighting at the same time the importance that such inspiring people have in any researcher's career and eventually, life.

**Maria Hadjiathanasiou**  
Guest Editor



# **‘Cyprus in Twilight’: *The Times and The Manchester Guardian* on the Greek and Turkish Arguments, 1954-1959**

**HARALAMBOS A. ALEXANDROU<sup>1</sup>**

## **Abstract**

*The paper analyses the arguments found in the editorials of two British newspapers, the Manchester Guardian and the Times, on the Cyprus issue. The analysis focuses mainly on the position of the newspapers’ editors on the Greek and Turkish political stands over Cyprus during the crucial period between 1954-1959. The major questions addressed are the following: to what extent did the views of the two newspapers conflict or coincide with one another? What was their starting point and what did they consider to be important in the discussion for Cyprus: Britain’s needs, Greek demands or Turkish anxieties? When did the editors publish editorials on Cyprus and what motivated them to do so? As Andreas Sophocleous wrote, the significance of the British press, as well as the Greek and the Turkish, in understanding the period 1955-1959, is great. The paper analyses sources that, despite their significance, remain only partially explored.*

**Keywords:** British Press, British Public Opinion, Cyprus 1955-1959, Enosis, Self-Determination, Partition, EOKA

## **Introduction: The importance of the Press**

During 1954-1959, significant political developments and diplomatic processes took place in Cyprus that shaped the future of the island. At the same time, situation was intensified by the armed insurgency led by EOKA (1955-1959). Consequently, this period is considered to be one of the most important in the recent history of Cyprus. The study of the various aspects of the historical past and the events that constructed the sociopolitical arena, require research in important decision-making power centers outside Cyprus, such as Britain. Such a research is required because it can give us a very informative insight of the British way of thinking and acting, as well as the divisions within British public opinion.

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For the purposes of the introduction, a brief analysis of the importance of the press will be outlined. According to Andreas Sophocleous, 'Press [...] and other forms of printed communication are now an integral part of our everyday life. They inform, keep us up-to-date, educate. They satisfy our needs, but also direct us, control and shape our opinion according to the interests they serve and promote'.<sup>2</sup> Moreover, the newspapers by endorsing and applauding or condemning and rejecting statements and views exert pressure and get transformed from mass media into a medium of political criticism.

Here comes the debate on the relationship of the press with the political parties and the dependence of the press on them. The nature of this relationship varies from a loose association between the newspaper-owner and a party to the situation that a party owns a newspaper. However, it is likely that there is no interdependence, but merely accord of opinion. Because, once the newspaper expresses its opinion, it is likely that this view will be the same as that of a party in one way or another.

The role of the press in shaping public opinion has to do with whether the information given to the reader is assimilated by him rather than reading it and then forgetting it. In this sense the view of a newspaper has an effect on the reader if it challenges him to think. A stronger impact is considered when it provokes changing or strengthening of the reader's view on a subject. Ultimately, the strongest effect is to cause not only a change in views but also in the actions of the reader, such as his electoral behavior.

Additionally, the press is not only influencing the reader but also the protagonists of the political events: party and government officials and MPs. This is based on the assumption that scandals and mismanagement by the government, will be dealt with, if they are revealed, if questions are raised and if criticism is exerted constructively. Regarding the sources used by the press, Andreas Sophocleous states that 'Press draws its information mainly from government sources, not only plain events, but also their interpretation and their analysis'.<sup>3</sup>

The distinctive power of the press as a means of communication stems from the ability of the editor to evaluate and prioritise the significance of news stories and

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<sup>2</sup> A. Sophocleous, *Introduction in communication, persuasion and propaganda* (in Greek) (Nicosia: n/a, 1977), p. 24.

<sup>3</sup> A. Sophocleous, *Press and Dependency, The Cyprus Crisis of 1974 and the newspaper The New York Times* (in Greek) (Nicosia: Intercollege, 1995), p. 10.

decide whether they will be included in the newspaper or not. Equally important, is the handling of information. The time of publication, the frequency of repetition, the position in the newspaper pages and layout style are factors that result to either great publicity and hence impact, or leave it to go 'in small print'.

Undoubtedly, however, the newspaper's view is not expressed through the news reports, but through the editorial article, usually written by the editor or the owner of the newspaper. The editorial article highlights an event and states the newspaper's position on it clearly. Although these articles are positioned under the newspaper's logo without signature may go unnoticed by the readers, this is not the case for journalists and politicians, as the official position of the newspaper is expressed through them. It is precisely these editorial articles that this article will analyse, because they are suitable for drawing conclusions, since they present the arguments and the official point of view of the newspaper on the events.

### **The British Press**

As to the significance of the study of the British press, Andreas Sophocleous, in the preface to the publication 'The EOKA Struggle (1955-1959) in the Athenian Press', had identified and stressed 'the great importance of gathering the material about the EOKA Struggle 1955-1959, from the British, Turkish, American and the rest of the European press. The creation of such a press archive will be a valuable source for the historians of the future who will study and evaluate the international dimensions of the struggle'.<sup>4</sup> Therefore, the importance of analyzing the views of British newspapers on the Cyprus issue is profound.

The criterion of selecting the British newspapers for this article was their positions towards the Cyprus issue. Two 'quality' newspapers were selected because of that and because of the volume of material found. These are the *Times* and the *Manchester Guardian*. Generally the 'quality press' largely focuses on political and economic affairs, while 'popular press' or 'Tabloids' focus mainly on social issues, entertainment, sports and television. Therefore, their readership is different. On average, the quality newspaper has three times more words than the popular one, which says what has to be said with more pictures and cartoons than the 'quality' newspapers.<sup>5</sup>

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<sup>4</sup> A. Sophocleous, (ed.), *The EOKA struggle (1955-1959) in the Athenian Press* (in Greek) (Nicosia: Mass Media Institute Intercollege, 2005), p. 10.

<sup>5</sup> The subject of the cartoons during this period is of particular interest. About the cartoons published



The *Times*, is one of the oldest (first published January 1, 1878), and most important British newspapers. During the period under research the *Times* was the quality newspaper with the second-highest circulation (following the *Daily Telegraph*). The owner of the newspaper, Colonel John Jacob Astor, despite having been a MP with the Conservative Party for 23 years (1922-1945), was trying not to interfere with the views of the newspaper, having the reputation that, although he was the owner, he did not even read it!<sup>6</sup> This was highlighted by the decision of John Jacob Astor not to accept the attribution of the Baron's title right away, in the 1956 annual honorary list, thinking that the acceptance of the title would seem as a retreat from the unfettered character of the newspaper.<sup>7</sup>

In terms of sales, a downward trend was noted from 1950, ending in 1956 at a loss of 8% compared to 1950. By 1960, however, sales returned to 1950 levels. The responsibility for the reduced circulation of *Times* is mainly attributed to the editor William Haley. The views he expressed in his editorials were not considered clear, and although he generally supported the Conservative Government, about Suez crisis, he changed his opinion three times.<sup>8</sup>

The *Manchester Guardian* was then being printed in Manchester but circulated across Britain.<sup>9</sup> In 1960 it dropped the local prefix from its name and the next year began printing in London. The *Manchester Guardian*, along with the *Times* and the *Daily Telegraph*, were considered to be the three major quality British newspapers. The *Manchester Guardian* had a clearer political affiliation than the *Times*, since it maintained traditional relations with the Liberal Party. The ownership of the newspaper at that time was held by the Scott Trust. The editor, A.P. Wadsworth, due to illness, ceded his place to the thirty-nine-year-old Alastair Hetherington in 1956, who was remembered for his fierce criticism against the British government.<sup>10</sup>

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in *The Manchester Guardian* and the *Daily Mirror* about Cyprus, see H. Alexandrou (ed.), *The Cyprus struggle (1955-1959) through the pen of the cartoonists of Manchester Guardian and Daily Mirror* (Nicosia: Council of the Historical Memory of EOKA Struggle, 2009, in Greek).

<sup>6</sup> C. Seymour-Ure, *The British Press and broadcasting since 1945* (Oxford: Blackwell, 1991), p. 35. More information about *The Times* see D. Griffiths (ed.), 'The Times', *The Encyclopedia of the British Press* (London: Macmillan, 1992), pp. 562-563 and I. MacDonald, *The History of Times*, V. 5 (London: Times Books, 1984).

<sup>7</sup> Griffiths, 'Astor, John Jacob, First Baron Astor of Hever', *Encyclopedia*, p. 81.

<sup>8</sup> Griffiths, 'Haley Sir William', *Encyclopedia*, p. 286.

<sup>9</sup> Griffiths, 'The Guardian', *Encyclopedia*, pp. 280-281.

<sup>10</sup> R. Greenslade, *Press gang, How newspapers make profit from propaganda* (London: Macmillan, 2003), p. 124 and A. Hetherington, *Guardian years* (London: Chatto & Windus, 1981), Introduction.

A few days before the 1950 elections, A.P. Wadsworth expressed the philosophy of the newspaper eloquently by writing that while it is hard for someone to be convinced that Conservatives or Labor have to be cordially supported, the common political instinct, asks to choose side. But maybe, he continues, sometimes the wisest way is to try to tell to all the parts their wrongs deeds and to suffer the derogatory remarks that always hurt the prospective friends.<sup>11</sup> The circulation of the newspaper in the 1950s increased 24.5%, taking advantage of the vacancy caused by the fall of the *Times* and also because of its steady position on serious domestic and foreign policy issues.<sup>12</sup>

### **British press on Cyprus**

The chronological breakpoints that define the beginning and the end of the period under consideration are on one side the first Greek recourse in December 1954 that effectively brought the Cyprus issue before the international audience and impelled the British political parties to re-examine and debate the Cyprus issue. On the other side is the signing of the Zurich-London Agreements on 19 February 1959 which was considered to be the solution to the issue.

It is important to provide some data which will help the understanding of the material. Editorials about Cyprus appeared in December 1954 when the issue of Cyprus was first discussed in the UN following the first Greek recourse, in July 1955, when the organisation of the Tripartite Conference was announced and then August-September when the Conference was held. The second instance that seems to have caused the great interest of the press was Archbishop Makarios' deportation in March 1956, as well as the leader of EOKA Dighenis' declaration of the first ceasefire in August of the same year. In 1957, the lowest number of editorials was recorded, mainly due to the EOKA ceasefire and the low profile that the British Government deliberately kept regarding the Cyprus issue. The consequences of the Suez crisis and the absence of any turbulent debates in the House of Commons about Cyprus is another reason why the number of such editorials about Cyprus was limited. However, in 1958 there was a sharp increase in numbers, mainly in the second half of the year due to the personal involvement of the Prime Minister, Har-

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<sup>11</sup> D. Ayerst, *'Guardian': A biography of a newspaper* (London: Collins, 1971), p. 605. This was the answer given by the editor of the *Manchester Guardian* to Winston Churchill who was delivering a pre-election speech in Manchester during which he called 'Mr Manchester Guardian' to choose his side as every Briton should do.

<sup>12</sup> Greenslade, *Press gang*, p. 122.

old Macmillan, on the Cyprus problem through the MacMillan Plan and the deterioration of the situation in the island caused by the intercommunal conflicts, the intense EOKA activity and the ill-treatment complaints against the British troops made by Cypriots.

In *Times* had published 155 editorials related to the Cyprus issue, while 187 were found in the *Manchester Guardian*. This means that from December 1954 to February 1959, for about 51 and a half months, on average one editorial about Cyprus was published every eight to ten days. The significance of the Cyprus issue for the British press is obvious just with a primary qualitative analysis. Quantitative analysis prior to December 1954, confirms these findings. The reduced importance of the Cyprus issue for the British press and the British political scene before the period under consideration is profound in the first lines of the *Times* editorial on February 25, 1954 titled 'The people of Cyprus': 'There is justice in Lord Winster's complaint that Cyprus is too rarely mentioned in Parliament, but the debate which he initiated in the House of Lords on Tuesday explained the reason. Neither Government nor Opposition speaker found anything new to say'.<sup>13</sup> Actually, the appearance of the Cyprus issue in the newspaper was rarer than in the House of Commons. Having laid the background, we move on to our main analysis. An issue highlighting the difference in the views and approaches of the two newspapers under consideration, are their stands regarding Greek and Turkish arguments on Cyprus.

### **Points of view on the Greek arguments**

Starting from the way the Greek arguments were presented, the editor of the *Times* argued on Britain's ability to act 'unfettered' in the Middle East, something that required Britain to retain sovereignty over Cyprus. He initially attributed responsibility for the deadlock with Greece, meaning the persistence of Athens in calling for a referendum in Cyprus, instead of accepting a constitution for Cyprus allowing self-government. According to Evanthis Hatzivassiliou, probably, the intention behind the suggestion of long-term self-determination was the hope for disintegration of the Enosis front. This hope was founded on the assumption (or the certainty) that during a long period of self-government, Right and Left will be in dispute and, as a result, the demand for Enosis would diminish.<sup>14</sup>

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<sup>13</sup> 'The people of Cyprus', *The Times*, 25 February 1954, p 7.

<sup>14</sup> E. Hatzivassiliou, *Britain and the international status of Cyprus* (Minneapolis: University of Minnesota, 1997), p. 34.

The main argument put forward by the *Times* was that the demand for self-termination through a referendum, could not be accepted because it was not a policy that was applied by the British in their colonies.<sup>15</sup> Athens and the Ethnarch Council of the Greek Cypriots were also considered responsible also because they did not advise the Cypriots to accept self-government, since Britain had clearly rejected the request for a referendum. The editor also blamed Athens for the unconditional support for Cypriots and for ignoring the problems that the Enosis demand (the demand of the Cyprus union with Greece)<sup>16</sup> had created in Greek-Turkish relations and the Balkan Pact. Another major accusation against Greece was regarding the broadcasts of Athens radio, which were considered responsible for the turmoil in the island.<sup>17</sup> The Greek attitude was considered to be irresponsible by the editor of the *Times*, who thought it was creating problems for NATO's unity. What he suggested in September 1955 was self-government for Cypriots in the (undefined) future when the people will be more experienced to decide their fate.<sup>18</sup>

In the first editorial notes, the editor of the *Times* did not hesitate to recognize Britain's responsibility in the escalation of the crisis. In December 1955, he suggested to the British Government should have never stated 'never' but had to clarify his position in a more diplomatic way.<sup>19</sup> He also accused London of wasting time and denying to negotiate with Greece, actions that he considered to have intensified the crisis. In spite of the British responsibilities, his standpoint, which would re-

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<sup>15</sup> «Cyprus», *The Times*, 3 December 1955, p. 7.

<sup>16</sup> It is worth noting that when the British newspapers referred to the issue of Cyprus, Union with Greece, they wrote 'Enosis' without explaining what was the meaning of the term. This alone demonstrates how much the British public has been concerned with the Cyprus issue.

<sup>17</sup> British Government replied to the 3<sup>rd</sup> Greek recourse to the UN with a counter-recourse titled 'Support from Greece for terrorism in Cyprus' and published a leaflet titled 'Greek Irredentism and Cyprus terrorism' in which could be found long quotations of the Athens radio broadcasts on Cyprus. The decision taken by the Governor John Harding, to jam the broadcasts in early 1956, makes obvious the relation between the Athens Radio and the 'terrorism' in Cyprus, according to the British perception

<sup>18</sup> 'Testing time', *The Times*, 5 September 1955, p. 9 and 'After the setback', 8 September 1955, p. 11, etc.

<sup>19</sup> Henry Hopkinson, Minister of State for Colonial Affairs, announcing the 'fresh initiative' of the British Government in Cyprus, made a statement that is considered to be responsible for the escalation of the tension between British Government and the Greeks. Especially the use of word 'never' was provocative for the Greeks: 'It has always been understood and agreed that there are certain territories in the Commonwealth which, owing to their particular circumstances, can never expect to be fully independent'. Debates (Commons), 1953-1954, vol. 531, 28 July 1954, par. 508.

main till the end, was that ‘the worst mistakes have, without any doubt, been made by the other side’.<sup>20</sup>

The editor of the *Guardian* agreed that London was supposed to face the Cyprus problem in response to the fulfillment of Britain’s and NATO’s geostrategic obligations in the Middle East. However, he perceived the situation differently as he considered the Greek requests justified and expressed the view that the possibility of conceding Cyprus to Greece would not affect the effectiveness of NATO in the Middle East. On the contrary, he believed that the bitterness and tension of the Greeks because of Britain’s refusal to grant the right of self-determination was the factor that would probably push Greece outside NATO, which would cause more damage to Britain and the North Atlantic Treaty Organisation than Enosis.<sup>21</sup>

The editor of the *Guardian* didn’t diminish the accountability of the British Government only in his first editorials, as his counterpart in the *Times*. The accusations against London were continuous and related to Whitehall’s procrastination in settling the Cyprus issue. In addition, the British government was accused that because of the expressed ‘never’, provoked an anti-colonial revolution and was running the visible risk of rupture in Greek-British and Greek-Turkish relations. Analyzing these circumstances David French, Evanthis Hatzivassiliou, Francois Crouzet and Robert Holland agree that in late 1956 and early 1957 was difficult for Eden and Macmillan governments to shape a clear policy on Cyprus mainly because of four reasons: Harding’s confidence that he was able to defeat EOKA, Britain’s obligations to Turkey through mainly the Baghdad Pact, Britain’s strategic needs in the Middle East and finally the need to appease the ‘Suez rebels’ (the backbenchers right wing Tories who were against every ‘sell-out’ of the ‘Empire’).<sup>22</sup> The result of all this was an erratic policy, which was portrayed by the editor of the *Manchester Guardian* in an ironic style:

The Government insists that it must retain sovereignty over Cyprus, because in its view the military base cannot in any other conditions operate effectively. But in the same breath it purports to promise the right of self-determination to

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<sup>20</sup> ‘Cyprus’, *The Times*, 3 December 1955, p. 7.

<sup>21</sup> ‘Cyprus’, *The Manchester Guardian*, 23 November 1955, p. 8.

<sup>22</sup> D. French, *Fighting EOKA, The British Counter-Insurgency Campaign on Cyprus, 1955-1959* (Oxford: Oxford University Press, 2015), p. 187; Hatzivassiliou, *Britain and the international status of Cyprus*, pp. 89-93; F. Crouzet, (translation in Greek: Aristotelis Fridas), *The Cyprus Conflict 1949-1959* (Athens: MIET, 2011), p. 848; R. Holland, *Britain and the revolt in Cyprus 1954-1959* (Oxford: Clarendon Press, 1998), p. 136.

the Cypriots 'in the course of time'. Unless it is proposing an infinite delay in application, or implying that soon there will be no need for military base in the island, its position is self-contradictory. Probably it has no idea what it means. It must speak more plainly.<sup>23</sup>

The international complications created by the Cyprus problem led the *Guardian* editor to make an important proposal early on: the Cyprus issue to be handled no longer by the Colonial Office, but by the Foreign Office. When he realised that hopes for resolving the issue arose, especially during periods of diplomatic processes, he made recommendations to Athens and London. During the negotiations between Archbishop Makarios and Governor John Harding (October 1955-February 1956), the editor suggested to the Greeks to accept the British proposals because the difference from self-government to self-determination was not great. Furthermore, he proposed to the Greeks to accept self-government and reach self-determination, in a way, which would not affect the collective security system in the region and would not worry Turkey. At the same time, he credited time to the British Government to prove its intentions, not requiring that the time limit for self-determination should be set. He was satisfied by the replacement of 'never' with 'not in the foreseeable future'.<sup>24</sup>

The editor of the *Times* introduced for the first time yet another argument in December 1955 by supporting that Greek attitude in Cyprus urged the Greek Leftists to pursue a more unfettered international orientation for Greece and expressed fears about the outcome of the upcoming elections in Greece. The same fear was expressed by the editor of the *Guardian* in his editorial on the occasion of the collapse of the Tripartite Conference in September 1955 and the anti-Hellenic pogroms in Constantinople organised by the Turkish Government. The fear of a change in Greek position/stance did not originate, according to the *Guardian*, from Greece's irresponsibility as claimed by the *Times*, but from Britain's failed initiative of the Tripartite, which, according to the *Guardian* editor, 'is declared to have been worse than a failure'.<sup>25</sup>

The *Times*, echoing the rhetoric of British diplomacy, introduced the 'Lost Opportunity Theory' in June and August 1958. The aim was to blackmail the Greeks to accept the Macmillan Plan, which was then under discussion. In one of his edi-

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<sup>23</sup> 'When?', *The Manchester Guardian*, 20 July 1956, p. 6.

<sup>24</sup> 'The Greek Question', *The Manchester Guardian*, 13 October 1955, p. 6.

<sup>25</sup> 'Greek dismay', *The Manchester Guardian*, 16 September 1955, p. 8.

torials, the editor of the *Times*, referred to the Radcliffe constitution presented and rejected the previous year 'as a good opportunity that has been lost'.<sup>26</sup> In another editorial he tried to persuade the Greeks (both Greek Cypriots and the mainland Greeks) that Enosis, which he considered unfeasible in June 1958, could have been achieved by accepting Britain's first proposals in 1955 and 1956 on 'smooth constitutional development'. The contradiction in this view lies in the fact that in the *Times* editorial published on, July 29, 1954, a day after the Hopkinson's 'never', satisfaction was expressed because 'any development of self-government will be separate from the right of self-determination'.<sup>27</sup> Therefore, despite the fact that up to 1956 he keenly rejected Enosis, even as the final stage of the process of self-government, in 1958 he considered that Enosis could have been achieved if Greeks were more prudent. The reason that prompted the editor to make this recommendation to the Greeks, despite the contradiction, was to convince them that their strategies they followed had failed and therefore had to support the new British proposals, the Macmillan Plan. The editor of the *Guardian* also tried to put forward the 'Lost and Last Opportunity Theory' in his editorial on 16 August 1958, in order to bend Greeks morale and persuade them that if they did not accept the Macmillan plan, chaos would prevail.

### Points of view on the Turkish arguments

As for the Turkish positions, mainly the demand for partition of the island, the *Times* initially made occasional reports stating that Ankara's interest in the island had to be taken into account. The editor of the newspaper expressed the view that Turkey was more important than Greece, having as a criterion, as mentioned earlier, Britain's geostrategic needs.<sup>28</sup> On March 12, 1956, three days after Makarios' deportation from Cyprus, which caused a stormy international reaction, the editor of the *Times* instead of commenting on the deportation, published an editorial titled 'The Best Ally'. The editorial emphasised and analysed Ankara's role as an important British ally in the Middle East, the Eastern Mediterranean, the Balkans, Europe and NATO. The intention of the editor, was to emphasise that Britain could not overlook the importance of Turkey by accepting the Greek demands. This emphasis on the Turkish factor and Turkish sensitivities in Cyprus were made in order to stress the role of Britain on the island as mediator between Greeks and Turks of

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<sup>26</sup> 'Last chance', *The Times*, 16 June 1958, p. 9.

<sup>27</sup> 'No to Cyprus', *The Times*, 29 July 1954, p. 7.

<sup>28</sup> 'Limited patience?', *The Times*, 18 February 1958, p. 9.



the island. In this notion Britain's withdrawal would create chaos as it happened in Palestine, where Britain's withdrawal did not bridge the gap between Arabs and Israelis.<sup>29</sup> However, actually the situation was more serious in Cyprus than in Palestine. Greece and Turkey were both members of NATO and a Greco-Turkish war over Cyprus would have been extremely disastrous for the Southeastern flank of NATO.

Gradually in *Times* editorials another parameter was gaining ground: The argument put forward by Turkey that the country's interest on Cyprus was not only due to strategic reasons but also for the protection of the Turkish population which consisted the one fourth of the population of the whole island. However, on March 23, 1956, two weeks after the deportation of Archbishop Makarios, the same editor in his editorial titled 'The Turks in Cyprus' admitted that Turkey's objection to Enosis was not so much the concern for the Turkish community on the island as much as the strategic value of Cyprus, which Turkey considered an extension of Asia Minor.<sup>30</sup> An important comment made in the same editorial was that EOKA's tactics, the 'Greek terrorism' did not directly aim the Turks.<sup>31</sup>

What differentiated the editor of the *Guardian* from the editor of *Times* was the view of the former that the concerns of Turkey were unreasonable. In July 1956, the editor of the *Guardian*, on the occasion of the assignment of Lord Radcliffe to create a constitution for Cyprus, published an editorial note whose first sentence gives the mark: 'The government prefers Turks to the Greeks, but it must have been studying at Delphi'.<sup>32</sup> Referring to the ambiguous, controversial and sibyllic statements on the future of Cyprus made by the Government officials, he re-published the words of Clement Davies, the head of the Liberal Party in the House of Commons: 'Ankara has succeeded in dictating to Whitehall (...) and the Turks in Cyprus may take a stubborn cue.' The editor's opinion was also stated: that the Government was not decisive towards the Turks, but also that the British Government was using the Turks to justify its reluctance to act.<sup>33</sup> Additionally, in an editorial in January 1958 the editor expressed the opinion that London's acceptance of parti-

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<sup>29</sup> 'Forced move', *The Times*, 14 March 1956, p. 11.

<sup>30</sup> 'The Cyprus talks', *The Times*, 6 February 1956, p. 9 and 'Limited patience?', *The Times*, 18 February 1958, p. 9.

<sup>31</sup> 'The Turks in Cyprus', *The Times*, 23 March 1956, p. 11.

<sup>32</sup> 'When?', *The Manchester Guardian*, 20 July 1956, p. 6.

<sup>33</sup> 'Little and late', *The Manchester Guardian*, 13 July 1956, p. 8 and 'Nothing to offer', *The Manchester Guardian*, 15 May 1956, p. 6.



tion, only because Turkey was considered by Whitehall to be a more important ally than Greece, was an unjust decision for the Cypriots.

Furthermore, the editor of the *Guardian*, commenting on Turkish concerns, stressed that these concerns could not be used indefinitely to justify the oppression of the four-fifths of the Cyprus population. It therefore called the Turks to realise that their interests would be better served by a solution which would guarantee the future of the Turkish population on the island, in contrast to the continuing impasse. He continued with the fact that the Turks of Cyprus had no reason to feel insecure if Cyprus was united with Greece, because, Greece as a civilised country, respected and protected the Turkish populations that existed in Thrace. The *Guardian* also stressed that Greece was an ally in NATO and gave no reasons for not trusting it. But even if Communists would come into power in Greece (which was an argument against Enosis put forward by Turks), it would be such a blow to Turkey that the occupation of Cyprus from Greece or Britain would not matter much.

The rejection of Turkish arguments by the *Guardian* can be found in the editorial of September 7, 1957 titled 'Lord Byron's mistake'. In this article the editor replied point-to-point to the Turkish arguments as published in a bulletin issued by the Turkish Embassy in London. Amongst others, the editor replied to the Turkish argument that 'Cyprus is 'a natural continuation of Anatolia' and 'part of Turkey geopolitically', stating that 'Canada, likewise, is part of the United States geopolitically, and Holland of Germany; it is an argument which has endless possibilities'. Answering to the racist argument that 'the Christian population of Cyprus is not Greek, but a 'mixed race'' he referred to the right of the people to self-determine their selves: 'This is probably true, for everybody in Europe belongs to a mixed race; one wonders why they [the Greeks of Cyprus] are so ignorant as to want to join their Greek rather than their Anatolian kinsmen'. The last sentence shows diachronically the misunderstanding which occurs when a diplomatic mission reproduces internationally, arguments suitable only for domestic use: 'Every country has its wild men, but their theories are not usually disseminated in embassy bulletins'.<sup>34</sup>

Regarding the Turkish positions, the main issue for the editors of the newspapers to comment on, was the Turkish request of Partition. The *Guardian* considered that the only reason it would be useful to refer to partition during the talks

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<sup>34</sup> 'Lord Byron's mistake', *The Manchester Guardian*, 7 September 1957, p. 4.

was to put pressure on the Greeks. This was also the view of the editor of the *Times*, who warned that it would eventually become inevitable because of the action of the Greek 'extremists'.

The declaration of the Minister of Colonies in the House of Commons on 19 December 1956 is considered to have signaled the dialogue on the issue of partition. The Colonial Minister had stated: 'Any exercise of self-determination should be effected in such manner that the Turkish Cypriot community shall, in the special circumstances of Cyprus, be given freedom to decide for themselves their future status. In other words, Her Majesty's Government, recognises that the exercise of self-determination in such a mixed population must include partition among eventual options'.<sup>35</sup>

The *Guardian*, while admitting that partition 'seemed plausible, in the last resort', nevertheless characterised it as 'craven', 'ill fated' and 'an abdication of responsibility' since it considered that the government, by partitioning Cyprus, would create a mess that would affect international relations for many years. India, Palestine and Ireland, were indicated as examples to be avoided because those cases proved that partition would not serve the security of Turkey and the West.<sup>36</sup> Moreover, the editor considered that partition was inapplicable for both political and economic reasons and that the bloodshed between the Greeks and the Turkish Cypriots would not stop if partition was promoted. On the contrary, partition, according to the editor of the *Guardian*, would threaten Turkish interests and he raised once more the question of whether Cyprus, united to the Greek state, would be more dangerous for Turkey than Bulgaria and the Soviet Union, hostile countries with which Turkey shared borders too. The editor of the *Guardian* insisted on arguing against partition, by writing that it would not solve the problem that Turkey faced at its southeastern border after the Iraqi revolution that left the country exposed and the Baghdad Pact without... Baghdad. On the contrary, he supported that partition would worsen the problem, as the danger of the encirclement of Turkey by hostile countries, if Greece left NATO due to the Cyprus problem, was visible.

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<sup>35</sup> Debates (Commons), 1956-1957, vol. 562, 19 December 1956, col 1268. The same period the Turkish Prime Minister, Adnan Menderes, asked the Professor (and afterwards Foreign Minister) Nihat Erim to form reports that would be the policy of the country on the Cyprus issue. Those reports dated 24.11.1956 and 22.12.1956 inter alia considered out of question both Enosis and the return of the island to Turkey and proposed partition as a 'compromise' solution..

<sup>36</sup> 'Up to Britain', *The Manchester Guardian*, 29 January 1958, p. 6 and 'Second chance', *The Manchester Guardian*, 28 January 1957, p. 6.

The *Times*' view was identical with that of the *Guardian*, that partition was the hindmost solution. But the justification suggested by the editor of *The Times* was different. He argued that partition was inappropriate in Cyprus because there was simply no population separation since Greeks and Turks were scattered throughout the island. Partitioning was therefore a solution that, according to an editorial note of May 1957, raised objections, since in order to be implemented, Cypriots should be 'uprooted and moved'.<sup>37</sup> In February 1957, the editor considered the partition unacceptable, unworkable and dysfunctional because it would cause administrative difficulties. The editor in order to emphasise his negative view on partition did not hesitate on July 24, 1958 to describe the appeals made by the Turkish Cypriot leader, Fazıl Kuchukto Ankara for military intervention, as a 'stupid threat'.<sup>38</sup> However, this threat was not made accidentally. The summer of 1958 was a dramatic one because of the intercommunal clashes between Greek and Turkish Cypriots. Turks became more intransigent because they were exploiting the British preference for them and realised that 'the more violent and unreasonable the Turks became, the more the British moved to their views'.<sup>39</sup>

## Conclusion

Summing up, it appears that the factor which determined the way Greek and Turkish positions were dealt by the British newspapers was what they considered the essence of the issue. In general, British newspapers dealt with the Cyprus issue when the echo of events reached London, mainly through parliamentary debates in the House of Commons, Greek recourses to UN or when a new diplomatic initiative was being prepared. It is worth mentioning that the Greek positions are more commented than the Turkish ones, since the crisis had arisen from the diplomatic confrontation between Greece and Britain. The systematic commentary on Turkish positions can be seen after December 1956 and focuses on the demand for partition. Another finding seen through the comparison of the editorial notes of the newspapers to the arguments put forward during discussions in the House of Commons on the Cyprus issue, is that the press followed the divisions of the British political scene, the Conservative Government on the one hand and on the other the Labour opposition which expressed the decolonization notion. Thus the *Times* (and other newspapers identified with the Government's views) largely reproduced the

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<sup>37</sup> 'A task for NATO', *The Times*, 04 May 1957, p. 7.

<sup>38</sup> 'Incipient civil war', *The Times*, 24 July 1958, p. 9.

<sup>39</sup> Hatzivassiliou, *Britain and the international status of Cyprus*, p. 128.

arguments of the Conservative government, while the *Guardian* (and other newspapers identified with the opposition's views) used the opposition rhetoric.

The reader could reasonably ask whether the criticism of the government made by the opposition was honest. Was the Labour party pro-Greek, or were they criticizing the Government in order to corrode its power hoping for the next elections? What would happen if Labour was Government? Would they apply what they promised? No one can know for sure.

Their previous act of not accepting the volumes of the 1950 Enosis Referendum and the refusal to discuss the Cyprus issue when they were in power, although the circumstances were different back in 1950, gives a partial answer. However, the Labour M.P. Tom Driberg was fiercely attacked by the Conservative Press because in August 1954 he was present during a sermon in Cyprus where Archbishop Makarios denounced the anti-sedition law which was enacted earlier that month and declared the tenacious and persistent Enosis struggle.<sup>40</sup> In addition, the annual Labour Conference which took place in Brighton (30 September-4 October) decided that self-determination was the solution for Cyprus: 'Mrs Barbara Castle gave two assurances by the Executive: 'The next Labour Government within lifetime would try to give Cyprus self-determination without partition''.<sup>41</sup> Nevertheless, Labour party supported the Macmillan Plan in 1958, when the General Elections of 1959 were closer. Nancy Crawshaw spots the relation between the positions of the Labour Party and the Greek anticipations, referring to the Macmillan Plan: 'In spite of the attitude of the socialist and liberal newspapers in Britain, the Greek Cypriots still hoped for the support of the Labour Party'.<sup>42</sup> Last but not least, another factor must be added. The decade of 1950 was the decade when the de-colonisation of the British Empire reached a peak. It seems that the de-colonisation notion, expressed mainly by the Labour Party, was another 'prism' through which the arguments about Cyprus were seen. Nevertheless, John Reddaway, who was serving as Administrative Secretary in Cyprus (1957-1960) writes down his straightforward opinion. 'If they [the British Labour Party] had found themselves in power when the crunch came over the application of self-determination to Cyprus it is probable they too would have ended up in much the same position as the Conservatives'.<sup>43</sup>

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<sup>40</sup> 'Tom Driberg gets a hero's 'Hello'', *Daily Express*, 23 August 1954, p. 2.

<sup>41</sup> 'Labour Party Conference, Concern for the Colonies', *The Manchester Guardian*, 05 October 1957, p. 2.

<sup>42</sup> N. Crawshaw, *The Cyprus revolt* (London: George Allen & Unwin, 1978), p. 297.

<sup>43</sup> J. Reddaway, *Burdened with Cyprus* (London: Weidenfeld & Nicolson, 1986), p. 101

The arguments of the newspapers were based on the way their editors perceived the situation. The *Times* advocated maintaining sovereignty over the island as important for Britain's ability to fulfill its strategic obligations in the Middle East and to shape international and colonial policies. The *Guardian*, having the same criterion, defending the Middle East from the Soviet threat, faced with more sensitivity and realism the demands of the Greeks and argued that Enosis would not have negative impact on Britain's Middle East interests and Turkish security.

From the first editorials, it appears that the editor of the *Guardian* did not overlook Britain's strategic interests in the Middle East by supporting self-determination, but, free from colonial obsessions, considered that the concession of Cyprus to Greece did not diminish the operational capacity of the British in the Middle East. On the other hand, for the editor of the *Times*, the demands of the Greeks for self-determination were not justified, so they were presented in a negative way. The conclusion was that Greece was responsible for the turmoil in Cyprus and the deterioration of the Greek- Turkish relations. In this context, it was necessary for Britain to retain the control of the island having the role of the arbitrator. Although the *Guardian* did not hesitate to attribute accountability to Greece, mainly for the broadcasts of Athens radio, expressed the opinion that the burden of responsibility was on the British Government, which took such actions that, instead of solving the problem, made it more complicated. Regarding the role played by Britain, the newspaper did not accept that it should be that of the arbitrator, but, having ruled the island for about 80 years, was obliged to find a viable solution. The editor of the *Guardian* therefore worried that, with irresponsible actions, Britain would create chaos, recalling the results that caused similar decisions in other colonies. Finally yet importantly, the attitude of each newspaper to the essence of the Cyprus problem is to be found in the way they dealt with the Zurich-London agreements in February 1959. The *Times* hailed them as proof that NATO could solve its internal problems efficiently and the *Guardian* as a victory of reason.

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# ***Cyprus is an Island* (1946) – Ethnographic Reflections on a Colonial Documentary**

**MICHAEL HADJIMICHAEL<sup>1</sup>**

## **Abstract**

*The late Andreas Sophocleous discussed with the author many British colonial texts, from John Thomson's photos (1878) to Lawrence Durrell's prose in *Bitter Lemons* (1957). The documentary, *Cyprus is an Island* (1946), by Laurie Lee and Ralph Keene, intrigued us, since little had been written about it and its accompanying book *We Made a Film in Cyprus* (1947). This essay, in tribute to Andreas, considers the value of ethnography in the articulation of 'lived stories' about texts and experiences of the past. This is far from trivialising British colonialism in Cyprus (1878-1960). As a discourse (and a system) of dominance and subjugation, colonialism needed texts (travelogues, documentaries, commentaries, photographic works or novels) to justify it ideologically, politically, and morally. These discursive endeavours represent forms of propaganda, from 'soft' to 'hard'. Seldom studied is the interaction between 'makers' (in this case film documentary) and participants (the filmed or framed subjects). Ethnography is one way to explore this through the concept of history as 'lived experience', to be invoked through inquiry.*

**Keywords:** colonial texts, documentary, Cyprus, discourse, ethnography, lived text,  
Laurie Lee

## **Introduction**

Texts, despite what their authors might declare, are seldom innocent of purpose. They do not just happen, as implied in *Bitter Lemons* where Lawrence Durrell declares from the outset, 'Journeys, like artists, are born and not made'.<sup>2</sup> On the contrary, texts are a product of the context from which they emerge, and are evidently ideologically and politically woven and bound to setting. A recurrent problem with reviewing past texts, in this case a documentary made about Cyprus in 1946 titled *Cyprus is an Island*, is a kind of academic laxity that regards such texts as

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<sup>2</sup> L. Durrell, *Bitter Lemons* (London: Faber & Faber, 1982) p. 15.



'historical' or significant without rigorously examining their discursive content with regard to matters of representation, ideology and power. I encountered this kind of approach when researching John Thomson's photos of Cyprus, first published in 1878 (Hajimichael, 1998; 2006). Durrell's *Bitter Lemons* also represented a kind of complacency, with some audiences seeing the book merely as an interesting travel novel (Hajimichael, 1998). So the fact that some readers simply take texts from the colonial past through the motions of a superficial reading has always been problematic. This essay is an effort to bring history to life in an organic manner, which is an issue that fascinates the author for a number of reasons. Forms of media analysis on representation, questions of absence/presence, who speaks/who does not speak in media texts (Hall, 1997), and a methodology relying on Critical Discourse Analysis (Fairclough, 1995) are significant inspirations to the current text.

Critical Discourse Analysis (CDA) recognizes media play a significant role in information distribution, which is more evident in the form of documentary film because it claims to represent real life. The approach also argues texts play a crucial role on the formation of ideas and discussions about particular contexts and people, which can be defined as problematic, due to issues of bias, misrepresentation and inaccuracy, all of which is driven by the notion of ideology. Ideological practices treat a phenomenon as so self-evident as to exempt it completely from critical inspection and to render it inevitable, as a kind of 'common sense' or as something that appears 'naturalised' – just like colonialism or the impact of advertising – in everyday life.<sup>3</sup> These beliefs remain unquestioned because they reflect absoluteness. Ideology is there for all to see and is invisible because of its obviousness. In this sense, ideology exists in texts as assumptions that remain untold, but are presupposed. For example, the famously notorious (due to its historical pervasiveness) stance of the Conservative Minister of State for Colonial Affairs Henry Hopkinson took in 1954 in the British Parliament stipulated: 'there can be no question of any change of sovereignty in Cyprus... certain territories have to be dealt with in particular ways, and that it is not possible to treat every British Colonial Territory in exactly the same way..<sup>4</sup>

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<sup>3</sup> T. Streete, The Semiotics of Media [https://www.uvm.edu/~tstreete/semiotics\\_and\\_ads/ideology\\_intro.html](https://www.uvm.edu/~tstreete/semiotics_and_ads/ideology_intro.html).

<sup>4</sup> CYPRUS (CONSTITUTIONAL ARRANGEMENTS) HC Deb 28 July 1954 vol. 531 cc504-14 <https://api.parliament.uk/historic-hansard/commons/1954/jul/28/cyprus-constitutional-arrangements>.

How and why colonies existed was always justified in ways viewed as unjust by colonised peoples. In this context, the ideology of colonialism and its continuation always had an unquestioned and absolute character. This is the way it is, accept it, Cyprus would never be totally decolonised.<sup>5</sup> Through the lens of CDA it is possible to view a particular text, in this case, *Cyprus is an Island* as a form of social practice within a specific historical context. How this text is positioned and positions itself is of interest particularly within the specific context of Lythrodontas, where part of the documentary was filmed. This leads to an explanation of the linkage to ethnography, driven largely by a desire to bring the text to life in an organic manner, by attempting to trace surviving villagers in Lythrodontas, through interviews, who had recollection or experiences of the documentary at that time. This exploration of recollections and memories of human interaction represents agency, how people related to each other in a given context in 1946. Combining this with CDA, through the text of *Cyprus Is An Island* represents a method that extends the text through a denser contextualization and provides deeper understanding of how things may have happened. Izabel Magalhães has adopted such an approach for the last 20 years, which she defines as ‘discursive ethnography’.<sup>6</sup>

*Cyprus is an Island* was created in what is known as the post-war period, when a newly-elected British Labour government under Clement Attlee embarked on welfare reforms, redistributing wealth through taxation and beginning a process of significant decolonisation, starting with India and Pakistan in 1947.<sup>7</sup> Properly locating the text within such an historical setting took me back initially to the seminal work of Berger and Mohr.<sup>8</sup> The relationship between those doing the ‘surveying’ and the ‘surveyed’ was informed by this approach in my earlier analysis of Thomson, the British colonial photographer who toured Cyprus in 1878 taking ‘sun pictures’ (Hajimichael, 2006). Much of that analysis was speculative, even conjectural, as

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<sup>5</sup> Evident as well by the reality of British sovereign bases in Cyprus since 1960, remnants of colonialism manifest as British Overseas Territories (BOT) that represent a practice of neo-colonialism H. Yusuf and T. Chowdhury, ‘The persistence of colonial constitutionalism in British Overseas Territories’, *Global Constitutionalism*, 8(1), 157-190. doi:10.1017/S2045381718000369 (2019).

<sup>6</sup> I. Magalhães et al (2017) *Análise de Discurso Crítica: um método de pesquisa qualitativa [Critical Discourse Analysis: A Qualitative Research Method]*, University of Brasília Press.

<sup>7</sup> The creation of the documentary needs to be viewed in this context as it was a process that started with the filming in 1945, as the War ended, and continued with its screening in Cyprus and England (1946-7) as well as the publication of the accompanying book *We Made a Film in Cyprus* (1947).

<sup>8</sup> J. Berger and S. Mohr (1989) *Another Way of Telling*. Penguin Books/Granta. This work proved invaluable to in 1997, when finishing my PhD thesis.

it was not possible to interview participants in Thomson's photographic exercise over a century later. We can hypothesise however on the relationship between the 'photographer' and the 'photographed' and a number of possibilities on these relationships. *Cyprus is an Island* provides a different challenge ethnographically, as some people, in particular from the village of Lythrodontas where significant scenes in the documentary were filmed, are still alive today and they provide valuable insight into the documentary and their village.<sup>9</sup> Furthermore, Thomson offers scant references to Cypriots in his text in terms of his relationship to them, and their selection. Lee and Keene in contrast wrote a book shortly after the documentary giving an account of its making, where they filmed, who they met, and even how they set up specific scenes. Ethnographically, people from the village today provide a valuable, informed description of where and how the film was made, and how villagers interacted with the makers, the crew and the film itself as a finished and released text. This is considered important because it sheds some light on the ways people interacted in the making of the documentary, how its makers were perceived and received in the village and how villagers reacted and interacted with it after its release. I will return to these matters later in this article. How I came across the film in the early 2000s is also an interesting point of reference. Dave Edmonds, a videographer and archivist in London somehow located the documentary in Pathé's extensive archive and uploaded it onto YouTube (in four instalments).<sup>10</sup> What happened to it the years between 1947 and 2000 is a mystery; Edmonds deserves credit for making it available to a more global online public because a much more limited audience in Britain and Cyprus before this had seen it. This curiosity took a new turn in 2015, when Jonathan Stubbs wrote the first academic article that referred to *Cyprus is an Island*.<sup>11</sup> His work has proved valuable for my

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<sup>9</sup> Lythrodontas is located at the foothill of the Machairas mountain area in the district of Nicosia. In 1946, the population of the village was about 1,300 people (<https://www.cyprusisland.net/cyprus-villages/nicosia/lythrodontas>). The current population is estimated at around 3,000. <https://el.wikipedia.org/wiki/%CE%9B%CF%85%CE%B8%CF%81%CE%BF%CE%B4%CF%8C%CE%BD%CF%84%CE%B1%CF%82>.

<sup>10</sup> At the time, YouTube had a rule about content over a certain length. Dave Edmonds, also known as Dave Efthyvoulou, well known in London for his extensive video archives, has a YouTube Channel under the tag 'Grokked': <https://www.youtube.com/user/grokked/videos>.

<sup>11</sup> J. Stubbs (2015) 'Did you ever notice this dot in the Mediterranean? Colonial Cyprus in the post-war British documentary'. In *Historical Journal of Film, Radio and Television*, DOI: 10.1080/01439685.2015.1027561.

research, particularly in terms of who (which audiences) viewed the documentary shortly after its release.

I must also make an auto-ethnographical confession on how I accidentally stumbled upon links to Lythrodontas, one Sunday in 2008 over dinner with my father-in-law, George Toufexis, who after hearing my idea of writing about a documentary made in 1947 confessed: ‘Yes, I was there when they made it, they filmed it in Lythrodontas.’<sup>12</sup> Some time later, having studied the documentary online, the book that accompanied it was duly purchased and I found myself with the challenging prospect of analysing and comparing the two texts, along with ethnographic interviews that could somehow give a different interpretative life to the texts. That led back to George Toufexis, who shared some photos given to his family during the filming of the documentary in the spring of 1945. Many of these photos, made from stills from the film, became a source for a different kind of visual ethnography. Who were these people in the photos? Were any of them still alive? How might they be approached about the documentary? How did they interact with the makers/crew of the documentary? Moreover, most crucially, when did they view the documentary and how did they react to it? Again reflecting on my previous challenges of posing such questions with Thomson’s photos from 1878, *Cyprus is an Island* had a different kind of dynamic as a lived text. Before addressing these findings, I would like to refer to the context of Cyprus at the time, notably during the Second World War and the post-war conjuncture.

### **Context – benevolent colonialism**

Towards the end of World War Two, a film crew arrived to make *Cyprus is an Island*. They filmed in various locations throughout the island. The timing may seem odd, given the war was still going on. However, the Colonial Office, on advice from the Governor of Cyprus, decided to proceed. Lee had been to Cyprus before the war and so together the team set out to make a film ‘about people as yet unfilmed’.<sup>13</sup> The place where they stayed the longest, preparing and filming, was Lythrodontas. The crew lodged at what they called the ‘village inn’ for two weeks.<sup>14</sup> The villagers called this place *To Xani* – which simply means ‘the inn’. It stood as a central building in the village up to its demolition in the 1990s, after which the site became a municipal

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<sup>12</sup> Conversations and interviews with George Toufexis, Lythrodontas, Cyprus 2008-present.

<sup>13</sup> L. Lee and R. Keene *We Made a Film in Cyprus* (Longmans, Green and Co. 1947) p. I.

<sup>14</sup> *Ibid.*

car park.<sup>15</sup> Keene describes the last day of filming in Lythrodontas in a section of the book about the technical making of the documentary. Lee's focus, in the first part of the book, is more descriptive and literary; after all, he became an accomplished writer.<sup>16</sup> He describes the last day of filming, on Easter Monday 1945, over ten pages (Lee and Keene, 47-57). The date was historic as it marked the official end of World War Two in Europe, on 8 May.<sup>17</sup> Lee downplays this momentous event in a passage on the elderly people in the village, which is worth quoting:

'But to the old ones living in this valley, so seldom left and so seldom visited, what did it mean? It meant the end of a bad game, and they were glad. But the whole war been to them a thing of unpronounceable names, and they had seen nothing of it. They would not have known there was a war but for the garrison soldiers who stole the stones from their terraces and left their daughters in miserable conditions.'<sup>18</sup>

Interestingly, the phenomenon of the end of the war is not included in the film, despite its historical significance. In contrast, I would like, as part of our understanding of context, to focus on the war with regard to Cyprus and Lythrodontas in particular.

Cypriots, like many colonised subjects, participated in the Second World War. They enlisted in the Cyprus Regiment from 1940, with around 25,000 people applying.<sup>19</sup> But the process of enlisting Cypriots was not straightforward, as Kazamias states:

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<sup>15</sup> Based on an interview with Clitos, from Lythrodontas, a grandson of the man cast as 'Nikos' in the documentary.

<sup>16</sup> Lee wrote numerous books, plays and poems, his most celebrated work being *Cider with Rosie* (1959), which sold over 1 million copies in paperback: <https://www.theguardian.com/books/2017/jul/04/laurie-lee-cider-with-rosie-interview-1977>.

<sup>17</sup> 'German Surrender Documents ending World War II' <https://web.archive.org/web/20080517100354/http://www.law.ou.edu/hist/germsurr.html>.

<sup>18</sup> Lee and Keene, p. 53.

<sup>19</sup> Figures vary on this from 20,000 – 30,000. Many Cypriots also enlisted around 10,000, from communities outside Cyprus where Cypriots lived, such as London. ([www.cyprioveteransassociation.com](http://www.cyprioveteransassociation.com)). It is difficult to estimate the exact population at the time in 1941 as a census was carried out in 1931 and 1946. But it is significant to note the total population was 450,114 in 1946. As such 20,000 volunteers from Cyprus is considered to be a sizable amount in relation to the total population. Source: Statistical Service of the Republic of Cyprus, figures for 1946, [https://www.mof.gov.cy/mof/cystat/statistics.nsf/populationcondition\\_22main\\_keyfarchive\\_en/populationcondition\\_22main\\_keyfarchive\\_en?OpenForm&yr=193193C6CBFCB5F1ABCFF7A0B363854FDEA4&n=1931](https://www.mof.gov.cy/mof/cystat/statistics.nsf/populationcondition_22main_keyfarchive_en/populationcondition_22main_keyfarchive_en?OpenForm&yr=193193C6CBFCB5F1ABCFF7A0B363854FDEA4&n=1931).

Despite the efforts of the authorities and a relaxation of the recruiting (as well as the criminal) standards in March 1941, the rejection ratio continued to be high: it was estimated that by March 1942, over 56.4% of the 19,179 persons who had applied since the beginning of recruitment had been rejected.<sup>16</sup> The rejection ratio continued to be high: by July 1944, 55.15% of the 23,861 applicants had been rejected.<sup>20</sup>

Furthermore, this testament of generic ‘bad health’ conditions amongst young Cypriot males aged 20-35 along with the high incidence of crime indicate a lot about the contextual situation of Cyprus during and after the Second World War, namely that of ‘a colony with an impoverished population’.<sup>21</sup>

I traced the phenomenon of recruitment through a series of official correspondence and exchanges to the 1930s in the British National Archives and several issues stood out. In the lead-up to the Second World War, there was concern about Cypriots joining the British armed forces, largely based around issues of skin colour and political leanings. In one line of the communiqués, for example, an official named Fletcher-Cooke who was involved with recruitment in the British Army concludes:

The Inspector of Recruiting explained to me the view of the Air Ministry, and said there was now no objection to a Cypriot joining the Royal Air Force provided he had the necessary educational and physical qualifications, had a good knowledge of English, and was European in appearance and habits. The Air Force will not consider anyone who has, for example, long curly black hair, is of dark complexion, or is Asiatic or African in appearance. There is as you are well aware still considerable prejudice in the service against Cypriots, Maltese, Indians, etc, etc, and it may be some time before this prejudice is finally removed.<sup>22</sup>

Before World War Two broke out, Britain, in the form of its Empire, controlled 25% of the world’s population with 30% of its land mass.<sup>23</sup> With the advent of war, the colonial administration across the Empire sought to recruit its subjects.

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<sup>20</sup> G. Kazamias. ‘Military Recruitment and Selection in a British Colony: The Cyprus Regiment 1939-1944’ In E. Close, M. Tsianikas and G. Couvalis (eds.) *Greek Research in Australia: Proceedings of the Sixth Biennial International Conference of Greek Studies, Flinders University June 2005*, Flinders University Department of Languages - Modern Greek, Adelaide: 333-342.

<sup>21</sup> *Ibid*, footnote 16 p. 342.

<sup>22</sup> ‘Enlistment of Cypriots in H.M Forces 1936’: letter 116/1936 (CO 67/256/8).

<sup>23</sup> S. Leacock, *Our British Empire; Its structure, its history, its strength* (Right Book Club, 1941) pp. 266-75.



Hitchens reports that the colonial government in Cyprus ‘issued recruiting posters in the Hellenic blue and white, urging young Cypriots to volunteer and “Fight for Greece and Freedom”.’<sup>24</sup> I found a poster from that time, attributed to the artist Telemachos Kanthos that has a similar ‘patriotic’ Greek tone, illustrated below:<sup>25</sup>

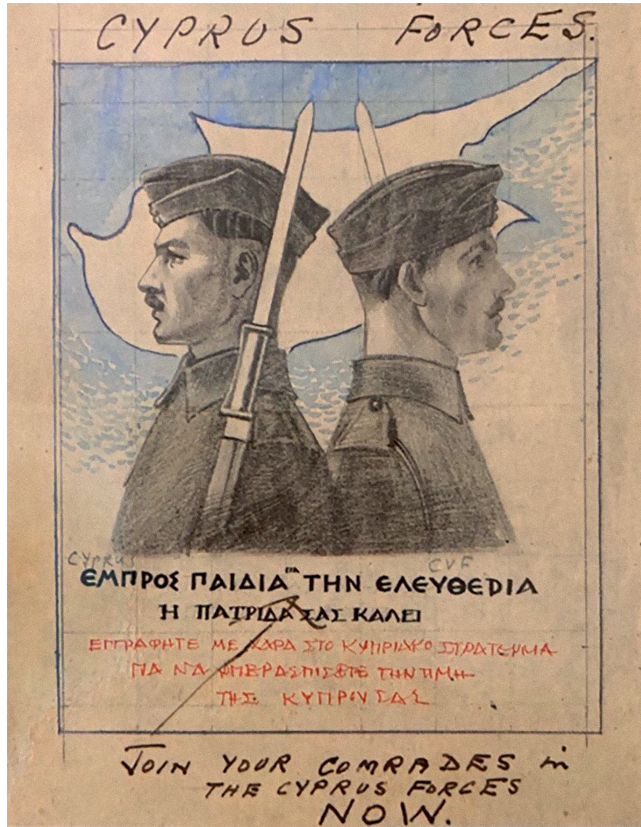


Image 1 Poster attributed to Telemachos Kanthos

While studying these archives, I was also fortunate enough to conduct detailed interviews with several Cypriots who served in the British Armed Forces during the Second World War. One of those was Giorgos Pefkos<sup>26</sup> who described the raids

<sup>24</sup> C. Hitchens, *Cyprus* (Quartet Books, 1984) p. 37.

<sup>25</sup> Found on a Twitter feed entitled ‘Cyprus in UK’, hosted by the Cyprus Ministry of Foreign Affairs at [https://pbs.twimg.com/media/DrkriNrWoAEM\\_TM.jpg](https://pbs.twimg.com/media/DrkriNrWoAEM_TM.jpg).

<sup>26</sup> Giorgos Pefkos (1911-1994) was from the village of Lefkoniko. He emigrated to England in the 1930s and was one of the founders of the left-wing newspaper *Vema*, the first Greek Cypriot newspaper

by colonial authorities on left-wing PSE trade unionists, their prosecution and imprisonment in Cyprus in December 1945<sup>27</sup> with a heavy sense of bitterness:

‘Sheer blasphemy and anathema to us who fought and died during the Second World War. We felt such bitterness, such humiliation. There stood our comrades, before our eyes, all charged with “propagating class struggle”. Nine were sentenced to 18 months and the other nine to two years in prison. That was British colonialism’s “thank you” for all the blood we had spoilt fighting Nazism and Fascism... such bitterness... How can I describe it to you... I still feel it today.’<sup>28</sup>

Even the demobilisation of the Cyprus Regiment had a political agenda. Michalis Poubouris, a veteran of the war and an author (this writer’s uncle), described it as a ‘disgrace’. Members of the newly-formed leftist party AKEL who enlisted in the war were sectioned off and sent to the Hapta internment camp in Egypt until 1946, a year after the war ended.<sup>29</sup> The trials of trade unionists and ideologically selective ‘demobilisation’ ironically took place under the watch of the newly elected Labour government of Attlee, who came to power in May 1945. It is also significant that Churchill had visited Cyprus in 1943 where he declared, as recollected by Pefkos: ‘When this bloody war is over, the Cypriot people will take their rightful place amongst the free world.’<sup>30</sup> A letter by Takis Michael, a London-based Cypriot, found in the National Archives, on how the state perceived Cypriots in the decades between the wars did not reach its final destination due to the strict censorship laws that were imposed during the war. Michael depicts a process of inclusion and exclusion on attitudes to Cypriots in the armed forces in the following terms: ‘Now we are not foreigners because they are in need of an Army. But before the

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based in London. Pefkos served in the Cyprus Regiment during the Second World War. I interviewed him over a period of six weeks in the summer of 1986, after his retirement to Cyprus.

<sup>27</sup> A. Alecou, *Communism and Nationalism in Postwar Cyprus, 1945-1955* (Palgrave Macmillan, 2016) p. 16.

<sup>28</sup> Giorgos Pefkos interview, 1986.

<sup>29</sup> Poubouris described these experiences to the author on many occasions. See also his funeral oration by the General Secretary of AKEL, A. Kyprianou, on 3 September 2018: <https://www.akel.org.cy/en/2018/09/03/funeral-oration-by-the-general-secretary-of-akel-a-kyprianou-for-michalis-poubouris/>.

<sup>30</sup> Giorgos Pefkos interview. I have found it hard to substantiate what Churchill actually said on his visit to Cyprus in 1943 but this is what I was told by Pefkos, who had contemporaneous recollections of the event. There are a variety of sources online documenting the visit, such as <http://www.militaryhistories.co.uk/unpa/churchill>.



declaration of war we were foreigners; now we are Englishmen; after the war we shall be foreigners again...'<sup>31</sup>

Contextually, the bigger picture after the war marked the start of decolonisation, with India and Pakistan getting independence in 1947. Attlee's government attempted, through Lord Winster, Governor of Cyprus (1946-49), a measure of constitutional reform in 1947 which failed for a number of reasons. Greek Cypriot nationalist parties and the Orthodox Church refused to accept any form of Consultative Assembly (a form of self-governance) without the colonial administration accepting *Enosis* (the union of Cyprus with Greece).<sup>32</sup> AKEL (the Communist Party) and others attending the meetings with Lord Winster felt the proposal was too limited, and did not go far enough in terms of self-governance.<sup>33</sup>

Life in Lythrodontas during the Second World War was a reflection of the rest of Cyprus. Although the island was not affected by the war like the rest of Europe, life was harsh due to the rationing of key goods<sup>34</sup> and in rural villages, life expectancy and infant mortality rates reflected this. Mamas, for example, the 'Vassos' character in the documentary, was the father of 15 children, nine of whom survived beyond birth or their first year of life.<sup>35</sup> Cyprus was bombed 34 times during the war, mainly after 1940, largely by Italian and later German air forces.<sup>36</sup> Generally, the colonial administration sought to protect the Cypriot civilian population from potential aerial attacks using sirens before and after raids. Additionally, windows and doors on houses were blacked out, lights were turned off and the movement of vehicles was prohibited after nightfall.<sup>37</sup> This hardly conforms to the picture of tranquility in the village portrayed by Lee and Keene.

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<sup>31</sup> 'Cypriot Forces UK 1943' (CO 67/318/12). Translation of a letter from Takis Michael to Michael Christodoulou, intercepted and censored.

<sup>32</sup> M. Michael *Resolving the Cyprus Conflict: Negotiating History* (Palgrave Macmillan, 2009).

<sup>33</sup> T. Morgan, *Sweet and Bitter Island: A History of the British in Cyprus* (IB Taurus, 2010).

<sup>34</sup> George Toufexis interview.

<sup>35</sup> Interview with Clitos, a grandson of Mamas. Clitos elaborated further on this: 'Babies would have one sneeze and a lot of them would die, there was no medicines like we have today, and there was no means, no cars say, for them to get driven to the hospital in Nicosia from the village.'

<sup>36</sup> Charalambos G. Charalambous, 'Όταν Ο Άξονας Βομβάρδισε την Κύπρο' – 'When The Axis Powers Bombed Cyprus': Special Issue of *Χρονικο Politis* Newspaper (Publication Delta), Issue 1, 4 March 2018, p.7.

<sup>37</sup> George Toufexis interview.



**Image 2** *Cyprus Is An Island* (1946) – Title frame

### **The documentary and the book and colonial depiction as propaganda**

When viewing *Cyprus is an Island* for the first time, what struck the author from the outset is the patronising colonial tone of ‘speaking on behalf’ of the native/colonised people, achieved through a narrator who tells the story from beginning to end. Like any documentary, there are different layers of meaning that can be unpacked semiotically, ranging from the tone and content of the narrated discourse, filmed images and character building, to the use of music. A comprehensive analysis is beyond the scope of this essay so I would like to focus mainly on the key colonial discourses and issues of ‘who speaks’ and how in the text. The book about the making of the documentary, to which I will also refer, highlights key parts of my argument. There is a need as well to address the issue of how to define such documentaries in terms of genre, how they relate to issues of what is being represented, particularly with respect to colonialism and modernity, progress, development and adaptation from more traditionally based and ‘disorganised’ societies to more modern and ‘organised’ ones. Another prerequisite, before looking at the documentary in depth, is specifically how such texts refer and relate to Cyprus.

Chan suggests the following with regard to a genre or label for defining such documentaries:

“official film,” “official documentary,” “colonial documentary,” “empire film,” “colonial film,” and “imperial propaganda film,” among others. Crossing a variety of genres including dramatic, documentary, instructional, amateur, news-reels, travel, and ethnographic films, these films shared a common objective—they were films made by the state (or individuals and institutions associated with the state) that sought to teach audiences the fundamentals of good colonial citizenship.<sup>38</sup>

Largely situated in a humanist tradition, this approach to documentary filmmaking was championed by many people in the Colonial Information Office and British Government who believed the path to modernity by the colonies was through development, change and adaptation. Chan defines this as the ‘Griersonian mode of documentary filmmaking’<sup>39</sup> named after John Grierson, who in 1926 first coined the term ‘documentary’ with reference to Robert Flaherty’s *Moana*.<sup>40</sup> The purpose of colonialism in terms of documentary film was to modernize colonies, educate the colonised and raise awareness about the colonies ‘at home’. In this sense documentary acted as a form of propaganda:

The documentary film (a misleading title, which has cast a specious mantle of objectivity over some highly tendentious productions) may well turn out to be a document less of what it purports to record than of the values and purposes of its makers and the manipulations of reality to which these drove them, often, paradoxically, in the interest of the true reality as they saw it.<sup>41</sup> With specific reference to colonial documentaries and Cyprus, limited bibliography is available however an article by Jonathan Stubbs sheds some light on the matter:

The island of Cyprus, which was ruled by Britain between 1878 and 1960, was the subject of some 12 British films. The majority were funded by various departments of the British Government, and although they do not share a continuous production history, they reveal a dynamic relationship between Britain and a territory which it occupied amid rapid and tumultuous political change...

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<sup>38</sup> N. Chan, *Colonial Educational Film* (Oxford Bibliographies, 2019) DOI: 10.1093/OBO/9780199791286-0319 [https://www.oxfordbibliographies.com/view/document/obo-9780199791286/obo-9780199791286-0319.xml].

<sup>39</sup> Ibid.

<sup>40</sup> A. Curthoys and M. Lake *Connected Worlds: History in Transnational Perspective* (ANU E Press, 2007).

<sup>41</sup> P. Smith *The Historian and Film* (London: Cambridge University Press, 1976).

Their chief function, therefore, was as a showcase for Cyprus and for the modernising benefits of British rule.<sup>42</sup>

The opening scene of *Cyprus is an Island* is long and drawn-out. Starting with a sombre song (described in the book as ‘A Cypriot song, sung by solo male voice’)<sup>43</sup> the titles fade away<sup>44</sup> leaving a background map of the Mediterranean with the narrator. The narration has an official or formal tone of voice, taking the form of a history lesson about the island. The music changes at this point to an equally sombre classical piece as waves greet the shore at the birthplace of Aphrodite, ‘the Goddess of Love’.<sup>45</sup> We are then told about ‘pagans’ converted to Christianity by Paul and Barnabus followed by tales of King Richard and the Crusades, all with accompanying images that match each historical epoch – the seashore, the Temple of Venus, across Mesaoria plain, the Holy Cross and Stravrovouni, Kyrenia fortress, and Kolossi Castle. After this, something interesting occurs, with key words repeated three times in the space of the opening few minutes.<sup>46</sup> The repeated phrases are ‘the people’, ‘know’ and ‘nothing’; the repetition sounds poetic and signifies a trait common in rhetorical language. It is also important because here we have a first in a documentary colonial film. Up until this time, local people were not included in any significant manner. So implicitly, the intention is to provide this knowledge. Accompanying the phrase, an image repeats itself each time, with a pair of worn-out peasant shoes accompanying the extended history lesson. The peasant’s shoes represent in a semiotic sense those absent people: the peasants never actually speak in the first person to camera throughout the documentary. They are simply objectified through these worn-out shoes. Then, the narrator’s voice takes on a different tone: ‘In 1878 came the British; Cyprus, now, is an island of the British Commonwealth.’<sup>47</sup> The timing of this phrase fits perfectly, as a pair of feet wearing black socks (one of which has a large visible hole in it – a reflection of poverty) finally fills the shoes.

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<sup>42</sup> J. Stubbs ‘Did you ever notice this dot in the Mediterranean? Colonial Cyprus in the post-war British documentary’. In *Historical Journal of Film, Radio and Television*, (2015) DOI: 10.1080/01439685.2015.1027561.

<sup>43</sup> Lee and Keene p. 81.

<sup>44</sup> Interestingly, the title appears first in Greek as «ΚΥΠΡΟΣ - ΤΟ ΜΕΓΑΛΟ ΝΗΣΙ» followed by *Cyprus is an Island*. In English, the first title translates as ‘Cyprus – The Big Island’.

<sup>45</sup> The song is described as ‘historical’ music in the book. It is a piece called ‘Greek Suite’ by Petros Pierides. Lee and Keene p. 81.

<sup>46</sup> Lee and Keene p. 82.

<sup>47</sup> Lee and Keene p. 82.



**Image 3** *Cyprus Is An Island* (1946) – stepping into the shoe

The narrator continues: ‘These are the Cypriots, and they have been here a long time’. A pair of feet casually step into the shoes, and walk away into a field. The scene sets the prescriptive tone of the documentary with its implication that despite its long history, the island of Cyprus, and its people are finally here. They only become significant in modernity as represented by ‘the Commonwealth’ or British Colonialism. Stubbs characterises this scene succinctly: ‘The message seems clear: enlightened British imperial rule has at last recognised the status of the Cypriot public and given them a place in the history of their island.’<sup>48</sup>

Cyprus we are told is like a ‘ring that has passed from hand to hand’ of changing empires, and now the island is British. These objects, the shoes, the ring, are metaphors for history, the passing of time (with empty shoes) and an implicit gift symbolising a union (a ring) giving legitimacy to the British claim to own Cyprus. What follows is a soft form of propaganda justifying this rule under the legitimisation of modernity. To explain this in a prescriptive sense, the authors and makers of the documentary have to construct a problem, and ironically, it centres on goats. After images of the cosmopolitan town of Nicosia and other parts of the

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<sup>48</sup> Stubbs p. 5.



**Image 4** *Cyprus Is An Island* (1946) – Heated Discussion about goats in Lythrodontas

island, we shift to the people in the rural hinterland, to the village of Lythrodontas. After this, the main themes of the documentary are elaborated, as Keene states in the book:

We stayed in Lythrodhondha [*sic*] for two weeks and shot a great part of the film there – the village meeting, the people in their homes and in the fields, the irrigation work, the corn harvest, and the goat. The goats were an important theme in our story, and we had to get shots of them eating the trees and crops, and generally behaving as they shouldn't.<sup>49</sup>

Goats are anathema to the farmer, 'Nikos', who spends a lot of his time arguing with goat herder 'Vassos' about his free-ranging flock. The first scene where Cypriots actually speak is when Nikos' 'wife' (who is given no name) catches the goats eating their crops while Vassos sleeps under an olive tree. In the script, this pans out in a rather dramatised manner through the use of music, with the direction 'Start "goat" music – harsh, discordant and agitated'<sup>50</sup> and a shouting match between Nikos and Vassos. Once the problem of the free-ranging goats and the threat they pose to

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<sup>49</sup> Lee and Keene p. 33.

<sup>50</sup> Ibid p. 84.

farming is defined – the narrator states this clearly as ‘In half an hour, one flock could devastate a year’s harvest’<sup>51</sup> – then the solution has to also be established. In the next scene, a village council assembles, which also turns into a wild shouting match between Cypriots – a clear stereotype is forming here. ‘Vassos leaps up, shouts and smashes chair to the ground’ and heads for the hills with his herd of goats.<sup>52</sup>

Vassos’ roguish action, his self-imposed exile from the village, symbolises a kind of personal protest. He goes to the mountains seeking a bit more understanding. However, even there he and his goats are not welcome, so he decides to start a fire as an act of revenge. This scene sees forest rangers hunt down Vassos who is eventually caught and sent to prison for his actions. So far, the goat has been depicted as a key issue but the ‘perennial problem’ is water.<sup>53</sup> The narrator then elaborates on how a dam project was developed by the villagers with support from the colonial government. The dam provided water for most of the year, and by the end of the story, which coincides with an Easter feast, everyone is happy. Even Vassos is dancing with Nikos in celebration. Towards the end of the documentary, the narrator delivers a passionate solution, colonial modernity:

After centuries of poverty and decay a new plan is at work to build up the fertility of the island. The poisoned tooth of the goat is being drawn. Trees are being put back in the villages and forests. Yet Cyprus is still dry and there is still much to be done. But among the rocks, on the plains and the hills, in the orchards and terraced vineyards – wherever there is water and earth, there the Cypriot finds his food and livelihood.<sup>54</sup>

Beyond the text, Lord Winster, Governor of Cyprus (1946-49) endorsed this view of colonial development and the baleful influence of the goat, even as late as 1954 in the House of Lords.<sup>55</sup> This view of agriculture drew on the advice of officials at the time. Reference is made in the book to a half-hour meeting with the Governor, who in 1945 was Charles Campbell Woolley,<sup>56</sup> and several consultations

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<sup>51</sup> Lee and Keene, p. 84.

<sup>52</sup> Ibid pp. 85-86.

<sup>53</sup> Ibid p. 88.

<sup>54</sup> Ibid p. 90.

<sup>55</sup> “Cyprus.” *House of Lords Hansard*, [<http://hansard.parliament.uk/lords/1954-02-23/debates/0f-3c2ee5-3386-4ba8-8c7e-8a919e57b41d/Cyprus>].

<sup>56</sup> Governors of Cyprus source: [[https://en.wikipedia.org/wiki/List\\_of\\_colonial\\_governors\\_and\\_administrators\\_of\\_British\\_Cyprus](https://en.wikipedia.org/wiki/List_of_colonial_governors_and_administrators_of_British_Cyprus)].





**Image 5** *Cyprus Is An Island* (1946) The Village Dam as a sign of Progress

with colonial government officials, notably Fergusson.<sup>57</sup> This leads Lee to tell us: ‘The goat, then, was both a social and agricultural problem, and I was to hear more of him before I left Cyprus.’<sup>58</sup>

So the two key subjects of the documentary, ‘the goat’ and ‘water’, lead to a conclusion that progress and development is being achieved under British rule after centuries of ‘poverty and decay’.<sup>59</sup> There remains an outstanding question, though: what about ‘freedom’? This is hinted at in the book, with a scene in a house in Lythrodontas on the day war is declared over. Drinking with the villagers, Lee, Keene and the crew hear a different perspective:

‘Jacobus, who had some English, grew fanciful and outspoken, shouting us all down. We were his friends, yes. He would tell us something, yes. Cyprus did not belong to Britain, no; it was an old ship boarded by pirates, plundered and anchored in poverty. One day, he said, we will throw these pirates into the seas, we will cut the cables of our island and sail it home to Greece.’<sup>60</sup>

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<sup>57</sup> Lee and Keene pp. 12-22.

<sup>58</sup> Ibid p. 14.

<sup>59</sup> Ibid p. 90.

<sup>60</sup> Ibid p. 55.



This scene is important for two reasons. It obviously did not make its way into the film, even as the hint of an idea: inevitably, given this was a documentary sanctioned and funded by the Colonial Office. Thus, ‘decolonization’, the end of British rule, albeit by uniting with Greece through ‘enosis’<sup>61</sup>, was something mentioned in passing in the book but, obviously completely omitted from the documentary. The scene described in the book foreshadows by a decade Durrell’s *Bitter Lemons*, where such encounters are commonplace, again involving an Englishman drinking with locals, this time in a tavern in Bellapais.<sup>62</sup>

A final area I would like to consider is audiences. Stubbs’ article is interesting on this subject, and he discusses it extensively with regard to outlets in Britain and Cyprus at the time, explaining the contested nature of the documentary’s main theme of ‘progress’ and the reality of repression under colonialism.<sup>63</sup> What I would like to explore however is ethnographic, with reference in specific to the village of Lythrodontas and some of the interviews I conducted there more recently.

*Cyprus is an Island* was exhibited twice shortly after its release in the village. It’s not clear exactly when this occurred but Eftychis Saladas says that in 1946, when he was seven years old, a big white sheet was erected in the central square of the village in front of ‘the Inn’ (where Lee and Keene stayed) and the documentary was shown.<sup>64</sup> George Toufexis also confirmed this.<sup>65</sup> Probed on the reaction of the villagers, Saladas says: ‘There was so much enthusiasm after it was shown. It was the first time the villagers had seen themselves and their village in a film on a big screen. It meant a lot to the people in the village at the time to be able to see their faces on a big screen in the village square.’<sup>66</sup> There was also another screening in 1947, recalled by George Toufexis, when someone called Themistos (also from the village) brought the film from England to be shown in the village square.<sup>67</sup> More recently, Saladas recalled a screening at Pallas Cinema in Nicosia, which he also

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<sup>61</sup> ‘Enosis’ – Union with Greece – is a complex subject, beyond the confines of the current essay. But the plebiscite of 1949, albeit carried out by the Orthodox Church, resulted in 95.7% of the people voting in favour, numbering a total of 224,747 out of 250,000. Source: <https://www.sudd.ch/event.php?lang=en&id=cy011950> .

<sup>62</sup> L. Durrell, *Bitter Lemons*.

<sup>63</sup> Stubbs p. 6.

<sup>64</sup> Eftychis Saladas interview, 2019.

<sup>65</sup> George Toufexis interview, 2019.

<sup>66</sup> Eftychis Saladas interview.

<sup>67</sup> George Toufexis interview.

attended.<sup>68</sup> The two showings in the village were greeted enthusiastically and although villagers did not indicate in interviews who had attended, it would surely have been seen by people featured in the documentary, notably those who played the parts of ‘Nikos’ the farmer (real name Tilliris) and ‘Vassos’ the shepherd (real name Mamas). Both these people have, in some ways, entered into village folklore due to the documentary. ‘My grandfather Mamas played in that’, said Clitos in another interview.<sup>69</sup> One of Mamas’ sons, Costantis, even told me candidly: ‘Yes, my father played in that film, where the British made the villagers look like we was the Mau-Mau’.<sup>70</sup> Both characters who played protagonist roles in the documentary returned to their ordinary village lives. Since then, the story of the documentary has formed part of local folkloric wisdom, articulated mainly in conversations by elders in various coffee shops in Lythrodontas. Mamas later played a bit part in the film *Αγάπες Τζαι Καημίοι - Loves and Sorrows* (1967), decades after the documentary was filmed in Lythrodontas.<sup>71</sup> The two films, although entirely different - one a romance story, the other a colonial film text - remain as key landmarks for villagers in Lythrodontas to this day. There is a sense of pride when villagers recall stories about them.<sup>72</sup>

## Conclusions

Interpreting a colonial text like *Cyprus is an Island* seven decades after its release is precarious because like any media text, the documentary is obviously open to multiple possibilities of reading. Some might see this as a sign of pluralism and diversity of opinion. That heterogeneity of opinions however indicates just how polysemic such texts are.<sup>73</sup> This is a different argument that recognises how audiences read things differently and at times are at odds with each other over their interpretation. Concurrently, the text analysed did not just appear at random,

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<sup>68</sup> This occurred around 2009 although during the interview Eftychis Saladas could not be precise about this.

<sup>69</sup> Interview with Clitos, 2019.

<sup>70</sup> Not stated in an interview but, while I was interviewing Clitos, a nonchalant remark was made by his uncle on another table in the from the corner of the coffee shop where the interview was conducted.

<sup>71</sup> This ethnographic information was provided by Charitos, who runs the Olympus Cinema in Lythrodontas. I was also told Mamas had a brother called Girokos Xilidis, who was an amateur actor playing in theatre performances around the towns and villages of Cyprus.

<sup>72</sup> As a recognition of their significance, Charitos recently approached me to co-organise a screening of these works in July 2019.

<sup>73</sup> S. Hall, 1973 *Encoding and decoding in the television discourse* (CCCS, 1973).

spontaneously, in 1946: it is socially situated. We have recognised the key themes reflecting a soft form of British propaganda as a modernizing force on Cyprus, which by the 1950s, with the start of an armed anti-colonial struggle in obviously hardened. These differ radically from a resident of Lythrodontas saying this was a film about 'our village' - and it was pioneering, from a villager's viewpoint, as it was the first time Lythrodontas was captured on film. The power element retains its position in the creative process, because the Colonial Office sponsored the documentary, and inevitably had a certain agenda, to (as Hall would say) create 'fixed' meanings. However, audiences will always matter in these processes and their interpretations will differ. One criticism of the documentary at the time was that it lacked detailed reference to urban life, as it focused mainly on rural settings.<sup>74</sup> It is also unclear whether the film Greek or Turkish versions exist. Various people from Lythrodontas informed the author it was in Greek – one could speculate that perhaps someone added subtitles – but Stubbs' characterisation of an 'English-language film screening' means it had an elite audience in terms of appeal.<sup>75</sup> There is also a need for a more detailed analysis of what happened to the film. It seems that for one or two years it was on release, then it vanished in a general climate of the sun starting to set on colonialism, starting with India in 1947.<sup>76</sup> Another area of the documentary deserving further research is the music. In the credits, John Hollingsworth is presented as 'Musical Director'<sup>77</sup> and a credit is given to Petro Petrides for 'the Greek Suite'<sup>78</sup> but the rest of the musical content remains a mystery. What interests me is how specific sections of music were chosen with definitive categories such as 'peasant', 'goat', 'forest' and 'traditional'. Finally, what has inspired me most about this research is the value of ethnography as a lived experience and the stories which can be found through people's recollections. Negotiating with the past through villagers in Lythrodontas formed the basis of this paper. Bringing characters in the documentary to life, who they were, how the documentary affected their lives, and what it means to people in Lythrodontas today are important elements of audience studies on the documentary we have

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<sup>74</sup> Stubbs makes this claim with reference to an article in *The Cyprus Mail* 26 February 1947.

<sup>75</sup> Stubbs p. 6

<sup>76</sup> Ibid p. 6

<sup>77</sup> Lee and Keene p. 79. Hollingsworth was also the musical director for Hammer Films. <https://jon-man492000.wordpress.com/2018/02/04/john-hollingsworth-unsung-hero-of-the-silver-screen/>

<sup>78</sup> Ibid p. 79. Petrides was an eminent Greek classical composer and music critic. <https://oxfordindex.oup.com/view/10.1093/gmo/9781561592630.article.21469> .

looked at. This was by no means an easy negotiation process. During interviews, I found myself seeing things differently, developing new lines of questioning and reasoning. Visual ethnography also featured through key photos, memorabilia and scenes. Visiting some of the places from the documentary in the village (or even being told where they used to stand, the inn now being a parking lot) was relevant. I grasped the impact on people of having seen themselves on screen in the late 1940s for the first time. That fascination transcends debates about dominant and preferred readings of colonial texts and takes us into a different kind of folkloric domain, notably the idea of ‘our village’ being ‘on a screen’. That village is now also on YouTube and people are seeing themselves in that context; seeing their relatives and ancestors is of value to local ethnography, oral history and the development of documentary film in Cyprus. The dichotomy that exists between my own readings of a soft propaganda text made under British colonialism at the end of the Second World War, and how villagers themselves have experienced the documentary, exemplifies the polysemic quality of documentary film texts.

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# **Maestro or Scapegoat? :**

## **The role of Henry Kissinger in the depiction of USA foreign policy on Cyprus's occupation of 1974**

**MARIA (MARY) PAPAGEORGIU<sup>1</sup> AND IOANNIS GIOKARIS<sup>2</sup>**

### **Abstract**

*The Turkish invasion in Cyprus created a watershed moment for the people in the island but also the international community. Following Fileleftheros', a Cypriot newspaper that was in support of Makarios, coverage of the events and the actors associated with them, it is identified a targeted rhetoric and tone towards then US secretary of State, Henry Kissinger. The newspaper's approach in depicting USA's foreign policy is mainly targeting Kissinger in contrast to US president as being responsible for the shortcomings and failures of the American negotiations to manage the crisis that jeopardized the security of Cyprus. This paradox is attempted to be analyzed by investigated the media framing of Kissinger in Fileleftheros newspaper. This article identifies the frequency, tone and particular references to both Kissinger and Ford, to test the formulated hypothesis that targeting Kissinger as the sole responsible would alleviate extreme responses towards the USA in a period of ongoing crisis. The findings, retrieved from both content analysis and critical discourse analysis between August 1974 to January 1975, validate the hypothesis formulated that Kissinger was framed as a scapegoat to not generate strong Anti-American sentiments amid the bipolar system and great powers competition.*

**Keywords:** Kissinger, Cyprus, Phileleftheros, media framing, targeting, American foreign policy

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## Introduction

Media serve as valuable source of information when it comes to political information. During the 1970s and 1980s newspapers were the most significant media of circulating information and in structuring the audience perspectives about the issues presented while also having the ability to shape opinions and presenting a specific version as reality. Their content is presented in accordance with their ideological intendments and in line with their audience's wider ideology. Same news can be represented in a different way in national or international newspapers.

The way information is transferred to the audience is 'framed' to meet the goals of the source. Media framing is the way in which information is circulated and presented to the audience. Generally, information is presented as 'schema of interpretation, collection of anecdotes, and stereotypes used in a particular way to shape mass opinion'<sup>3</sup>. While framing is an established practice in the depiction of news, 'the source, motive and possible implications behind the frame require further research, particularly the ways political leaders are discussed in the media of a foreign country. The stance of political leaders has been studied in various ways regarding how they "never respond to the actual event or situation but instead to their own view of it"<sup>5</sup> but little research has been devoted on whether is used to create widespread bias.

After the 1974 Turkish invasion in Cyprus the role and involvement of great powers in the negotiation processes as well as on bilateral and multilateral agreements was featured daily in Cypriot media. A general overview of the period' newspapers from August 1974 to January 1975, provides a very interesting feature of a frequent reference to Henry Kissinger as Secretary of State and National Security Advisor instead of Gerald Ford as the president of USA in the designing and implementing USA foreign policy in the Cyprus matter.

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<sup>3</sup> Margaret, Cissel, 'Media Framing: A Comparative Content Analysis On Mainstream And Alternative News Coverage Of Occupy Wall Street.' (2012) 3 (1) *The Elon Journal of Undergraduate Research in Communications* 67.

<sup>4</sup> Among the scholarly work that indicate this approach are: Robert M. Entman, 'Media Framing Biases And Political Power: Explaining Slant In News Of Campaign 2008' (2010) 11 *Journalism: Theory, Practice & Criticism*. Tankard Jr, J. W. (2001). The empirical approach to the study of media framing. In *Framing public life* (pp. 111-121). Routledge P. D'Angelo, 'News Framing As A Multiparadigmatic Research Program: A Response To Entman' (2002) 52 *Journal of Communication*

<sup>5</sup> Joseph de Rivera, *The psychological dimension of foreign policy*, (Columbus OH: C. E. Merrill Pub. Co, 1968) 31.

This study focuses on the role of media in portraying a political personality through an empirical method and a communication concept to further elaborate on the underlines behind this approach as well as to determine how Henry Kissinger was framed through frequent references and rhetoric conveyed to the public. The purpose of this research is to identify the general trend and uncover if there was a framing on the way then US Secretary of State was referred to. By establishing our main research question on why the depiction of American foreign policy is centered in the Secretary of State and not on the President of USA, the hypothesis to be tested is whether the tactic of scape goat was used to alleviate aggressive impulses and extreme anti-American manifestation against one the most powerful states, of then bipolar international formation USA and Soviet Union.

In order to explore the relationship between framing and its effects on the portrayal of the mentioned foreign political leaders in the Cypriot news, a content analysis was performed on articles of the newspaper *Phileleftheros* as the most widely circulated newspaper of the period and friendly succumbed to Cypriot President Makarios followed by a critical discourse analysis of the words selected to associate the two political figures. The period under analysis is August 1974 to January 1975 and for this six-month period a total of 1446 news stories were analyzed to examine the attribution of individual responsibility to Henry Kissinger in comparison to Gerald Ford as then US president. This time period was chosen because it represents the first months after the 1974 Turkish invasion in the island and the return of archbishop Makarios as President of the Republic in December 1974.

This article focuses on the media's portrayal of a political figure in an attempt to investigate through this case study, the use of framing in molding the image, personality and even reputation of politicians based on national, ideological or political perceptions.

### **The axiom of Secretary of State and Kissinger's term**

According to the constitution of the USA, the President is the one who determines the foreign policy of the country. The Secretary of State is appointed by the President alongside the advice and consent of the Senate. The person selected acts as the President's main foreign affairs' advisor. The Secretary of State carries out the President's foreign policies through the State Department and the Foreign Service of the United States and is considered as the highest-ranking cabinet member.

Henry Kissinger served as US National Security advisor and Secretary of State in the Nixon and Ford administrations between 1969 and 1977<sup>6</sup>. His dynamic presence in office during the Nixon term was even characterized as the ‘Kissinger years’<sup>7</sup>. He was also voted as the most effective U.S. Secretary of State in the last 50 years according to a 2014 Ivory Tower survey in a collaboration between *Foreign Policy* magazine and the *Teaching Research and International Policy (TRIP) Project*.<sup>8</sup> There has been a significant amount of scholarly work focusing on the former Secretary of State. Some of them are concerned with the study of individuals<sup>9</sup> in the formation of strategies as well as their influence on decision making. Nathan and Oliver<sup>10</sup> for example argue that Kissinger was the driving force behind the development of Nixon administration’s foreign policy and that the policy making process changed very little when Ford took office due to Henry Kissinger’s continuous influence on foreign policy issues<sup>11</sup>.

Henry Kissinger has been one of the most controversial diplomats of the 20th century according to Schwartz<sup>12</sup> and in his legacy is presented a realist approach in foreign policy by prioritizing national interest over international agreements.<sup>13</sup> Nonetheless, his ambivalent persona in the American politics has gained him supporters in theorists of realism, that praise for his services (Clinton<sup>14</sup>, 2016), as well as strong opponents, describing him as the flawed architect of American foreign policy<sup>15</sup>, and even being accused as a “world criminal”<sup>16</sup>.

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<sup>6</sup> David M. Wight, 'Henry Kissinger As Contested Historical Icon In Post-9/11 Debates On US Foreign Policy' (2017) 29 *History and Memory*.

<sup>7</sup> Alastair Buchan, 'The Irony Of Henry Kissinger' (1974) 50 *International Affairs*.

<sup>8</sup> Source <https://foreignpolicy.com/2015/02/03/top-twenty-five-schools-international-relations/>

<sup>9</sup> Harvey Starr, 'The Kissinger Years: Studying Individuals And Foreign Policy' (1980) 24 *International Studies Quarterly*.

<sup>10</sup> James A. Nathan and James K. Oliver, *United States Foreign Policy And World Order* (1st edn, Little Brown & company 1981).

<sup>11</sup> Jussi M Hanhimäki, *The Flawed Architect* (Oxford University Press 2004 John Lewis Gaddis, *Strategies Of Containment :A critical appraisal of American national security policy during the Cold War* (Oxford University Press 2005).

<sup>12</sup> Thomas A. Schwartz, 'Henry Kissinger: Realism, Domestic Politics, And The Struggle Against Exceptionalism In American Foreign Policy' (2011) 22 *Diplomacy & Statecraft*.

<sup>13</sup> James Edward Miller, 'Kissinger And Cyprus: A Study In Lawlessness By Gene Rossides' (2016) 34 *Journal of Modern Greek Studies*.

<sup>14</sup> as found on Goldberg, Jeffrey. *The Lessons of Henry Kissinger*. The Atlantic (2016).

<sup>15</sup> Jussi M Hanhimäki, *The Flawed Architect* (Oxford University Press 2004).

<sup>16</sup> Christopher Hitchens, *The trial of Henry Kissinger* (New York: Atlantic Books Ltd, 2012).

A frequent reference during his term as a Secretary of state is his role during the military invasion of 1974 in Cyprus and his diplomatic maneuvers. There is even a prominent presence of him in folklore history in Cyprus with poems, songs and caricatures referring to him, let alone ironically. Kissinger was also a target of anti-American sentiment in both Cypriot and Greek media, with many newspapers implying his prior knowledge on the intended coup against Archbishop Makarios and his deliberate actions in favor of Turks during and after the invasion of 1974 in Cyprus. Henry Kissinger, was 'often depicted as the man behind-the-scenes enabler of the Turkish invasion'<sup>17</sup> or the linkage between sides to defuse the crisis. Kissinger himself in his memoirs<sup>18</sup> seems to try to avoid extensive reference on Cyprus attributing the crisis to the Watergate paralysis in Washington<sup>19</sup>. Cypriots however hold Kissinger responsible, "not because the U.S. did too little, but because it never cared enough to do more."<sup>20</sup> However, William Mallinson and Vassilis Fouskas<sup>21</sup> have provided a systematic analysing of original documents, transcripts of calls in regards to Kissinger's role in Cyprus and indicate that the certain accusations and conspiracy theories of that period do not add up to the archival evidence presented. As indicated according to the axiom role of the Secretary of State this role is to provide advice but not to determine the state's foreign policy however, the way Henry Kissinger's role is presented in the Cypriot newspaper *Phileleftheros* raises questions on why it was attributed with more power and influence than he actually had according to his position. The frequent references in the newspaper headlines and even direct accusations against then Secretary of State regarding the formation of US foreign policy, and not against the US president himself, constitute our puzzle to be unraveled.

Moreover, certain references to his personality criticizing his credibility and communication skills constitute an individual dimension on the depiction of the person

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<sup>17</sup> William Mallinson 'US interests, British acquiescence and the invasion of Cyprus' (2015) 45(2) *Balkan Studies*, 273.

<sup>18</sup> Henry Kissinger, *White House Years* (Simon & Schuster trade paperbacks 2011).

<sup>19</sup> Brendan O'Malley and Ian Craig, *The Cyprus Conspiracy: America, Espionage and the Turkish Invasion* (London and New York: I. B. Tauris, 1999).

<sup>20</sup> Unsigned Comment on O'Malley and Craig's *The Cyprus Conspiracy*, Cyprus Conflict. As found on Wenzke, Caroline, and Dan Lindley. "Dismantling the Cyprus Conspiracy: The US role in the Cypriot Crises of 1963, 1967, and 1974." *History and Peace Studies*, University of Notre Dame (2008) 79.

<sup>21</sup> William Mallinson and Vassilis Fouskas. 'Kissinger and the Business of Government: The Invasion of Cyprus, 15 July-20 August 1974.' (2017) 29.1 *The Cyprus Review*

holding the axiom of secretary of state or any other. Nonetheless, decision makers “never respond to the actual event or situation”, but instead to their own view of it.<sup>22</sup>

The concentration on the personality of key political leaders by examining what type of people hold high office, the nature of their backgrounds, their beliefs, their images and statements is a valuable approach to understand and predict the behavior of foreign policy decision makers<sup>23</sup>. Thus, in the proposed analysis we will consider the references in headlines as presented both the axiom of the secretary of state as well as the individual’s personality.

### Media Framing and Scapegoating

Media use a certain frame and tone to present key events while choosing which topics make the cut<sup>24</sup>. This selected and ‘filtered’; process is called ‘framing’ and to a great degree is depended on the type of newspaper and its ideological background or the social class is addressing to. The usage of a certain rhetoric, catchphrases, metaphors, visual representations such as pictures, and other symbolic devices are tools of framing<sup>25</sup> considers frames to be ‘manifested by the presence or absence of certain keywords, stock phrases, stereotyped images, sources of information, and sentences that provide thematically reinforcing clusters of facts or judgements’. Additionally, Iyengar understood that the concepts of framing referred to ‘subtle alterations in the statement or presentation of [...] problems’<sup>26</sup>.

Media framing is a popular communication theory of the past 15 years according to Bryant and Miron<sup>27</sup>, particularly on ‘presenting images of reality in a predictable and patterned way’<sup>28</sup>. Even though there is still’ observable a lack of

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<sup>22</sup> Joseph de Rivera, *The psychological dimension of foreign policy*, (Columbus OH: C. E. Merrill Pub. Co, 1968) 31.

<sup>23</sup> Richard E. Neustadt and Ernest R. May, *Thinking in time: the uses of history for policy makers* (New York: Freedom Press, 1986).

<sup>24</sup> Patti M Valkenburg, Holli Semetko and Claes H. De Vreese ‘*The effects of news frames on readers’ thoughts and recall*’ (1999), 26(5) Communication research..

<sup>25</sup> Sheldon Ungar ‘Hot Crises and Media Reassurance: A Comparison of Emerging Diseases and Ebola Zaire’ (1998) 49(1) *The British Journal of Sociology*; Robert M. Entman ‘Media framing biases and political power: Explaining slant in news of Campaign’ (2010)11(4) *Journalism*, 52.

<sup>26</sup> Shanto Iyengar, ‘Is anyone responsible?: How television frames political issues (Chicago: University of Chicago Press, 1991), 11.

<sup>27</sup> Jennings Bryant and Dorina Miron, ‘Theory and research in mass communication’ (2004), 54 (4) *Journal of Communication*..

<sup>28</sup> Denis McQuail, *The rise of media of mass communication. Mass communication theory: An introduction* (London: Sage Publications Ltd, 1995), 331.

conceptual clarity and consistency about what exactly frames are...”<sup>29</sup>. Gregory Bateson first introduced the concept of framing in 1972 and later Goffman studied and defined “framing” as “schemata of interpretation”<sup>30</sup> meaning how individuals perceive everyday life experiences. Among the most cited definitions is the one by Entman ‘to select some aspects of a perceived reality and make them more salient in a communicating text in such a way as to promote a problem definition, causal interpretation, moral evaluation, and/or treatment recommendation’<sup>31</sup>. On the same vein Reese considers framing as the “interests, communicators, sources, and culture combined to yield coherent ways of understanding the world, which are developed using all of the available verbal and visual symbolic resources”<sup>32</sup> Moreover, in addressing the periodic and frequent appearances states that “frames are organizing principles that are socially shared and persistent over time, that work symbolically to meaningfully structure the social world”<sup>33</sup> Nonetheless framing intends to shape or alter public’s interpretations of evaluating preferences<sup>34</sup> or a political object<sup>35</sup>.

Media framing of political figures mainly highlights inherent biases or partiality in the coverage of personalities<sup>36</sup> or using certain frames that reflect mainstream political viability on the character of individuals<sup>37</sup> However, the literature on media

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<sup>29</sup> Thomas E. Nelson, Rosalee A. Clawson and Zoe M. Oxley, 'Media Framing Of A Civil Liberties Conflict And Its Effect On Tolerance' (1997) 91 *American Political Science Review* 222.

<sup>30</sup> Erving Goffman, *Frame Analysis: An Essay on the organization of experience* (Cambridge, MA: Harvard University Press, 1974).

<sup>31</sup> Robert M. Entman, 'Framing: Toward clarification of a fractured paradigm' (1993) 43(4), *Journal of Communication*, 51.

<sup>32</sup> Stephen D. Reese et al., *Framing public life: Perspectives on media and our understanding of the social world* (New York: Taylor & Francis Inc, 2001), 11.

<sup>33</sup> Stephen D. Reese et al, *Framing public life: Perspectives on media and our understanding of the social world* (New York: Taylor & Francis Inc, 2001), 11.

<sup>34</sup> Maxwell McCombs and Salma I.Ghanem, 'The convergence of Agenda Setting and Framing' in Stephen D. Reese et al *Framing public life: Perspectives on media and our understanding of the social world* (New York: Taylor & Francis Inc, 2001).

<sup>35</sup> Robert M. Entman 'Media framing biases and political power: Explaining slant in news of Campaign' (2010) ,11(4) *Journalism*.

<sup>36</sup> Brian L. Ott and Eric Aoki, 'The politics of negotiating public tragedy: Media framing of the Matthew Shepard murder' (2002), 5(3) *Rhetoric & Public Affairs*.

<sup>37</sup> Matthew R. Kerbel, Sumaiya Apee and Marc Howard Ross, 'PBS ain't so different: Public broadcasting, election frames, and democratic empowerment' (2000) 5(4) *Harvard International Journal of Press/Politics*.

framing of individuals in politics is limited and abides on political discourse<sup>38</sup>. The framing of an individual is based mainly on the role or involvement in a case or an event that promotes a causal interpretation of responsibility. Holding individuals who hold office and organizations accountable is of significant importance in governance according to Tholen<sup>39</sup> Thus, framing is frequently used in structuring political debates and consequently influencing readers' opinion on policy responsibility<sup>40</sup> and the way political personalities are portrayed. This can either create positive or negative sentiments toward the politician. Individuals by holding a political axiom they are entitled with certain responsibilities. The responsibility frame has not produced any measurable indications on shaping public understanding of who is responsible for causing or solving key social problems<sup>41</sup>.

On the lines of responsibility framing, scapegoating is a complimentary approach to put the burden or accusation on an individual for a crisis that has been unfolded or false handlings. The word 'scapegoating' is derived from religious practice aimed at taking away the sins of the world<sup>42</sup> In contemporary word the scapegoating can still generate hatred, but it is now directed toward a plethora of transitory victims<sup>43</sup> (Brown and Stivers, 1998: 716). The socio-psychological tool of scapegoating is built upon a crisis, an accusation and a victim<sup>44</sup>. The scapegoat according to Girard, is an arbitrary victim: "The creature that excited [their] fury [the grant,] is abruptly replaced by another, chosen only because it is vulnerable and close at hand"<sup>45</sup> attributing inordinate blame for a negative outcome to a target individual or group.

The scapegoating approach in media framing is strongly defined by both frequent reference and rhetoric. Rhetoric acts as a means of persuasion to build the

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<sup>38</sup> Lance W. Bennett, 'Toward a theory of press-state relations in the United States' (1990) 40(2), *Journal of Communication*..

<sup>39</sup> Berry Tholen, 'Political Responsibility as a Virtue: Nussbaum, MacIntyre, and Ricoeur on the Fragility of Politics' (2018) 43(1) *Alternatives*.

<sup>40</sup> Donald R. Kinder and Roderick D. Kiewiet, 'Economic discontent and political behavior: The role of personal grievances and collective economic judgments in congressional voting' (1979) 23 (3). *American Journal of Political Science*.

<sup>41</sup> Shanto Iyengar, 'Television news and citizens' explanations of national affairs (1987) 81(3) *American Political Science Review*.

<sup>42</sup> James George Frazer, *The Golden Bough*, V. VI, *The Scapegoat* (London: Macmillan, 1919).

<sup>43</sup> Lauren E. Brown & Richard Stivers, 'The Legend of "Nigger" Lake: Place as Scapegoat (1998) 28 (6) *Journal of Black Studies*, 716.

<sup>44</sup> Rene Girard, *Violence and the Sacred*, trans. Patrick Gregory (Baltimore: 1977).

<sup>45</sup> Rene Girard *Violence and the Sacred*, trans. Patrick Gregory (Baltimore: 1977), 2.



case against a person or group while a frequent appearance in the media keeps the topic relevant and draws attention to the framing established.

### Methodology, Content Analysis and Discourse Analysis

In order to investigate the relationship between media framing and its effects on the portrayal of a political figure in the news we use both content analysis and critical on articles to achieve a more detailed depiction of both frequency, tone and rhetoric used.

Content analysis is a method to collect data determined by a keyword or phrase. It has been long used in political science and international relations to measure frequency, trends, patterns, rhetoric and tone. Among the first to use this method is Laswell's in examining propaganda in 1927. Neuman et al. explained that content analysis is a technique to collect and analyze text content based on the references of a word, picture, symbol, idea, theme, that could be used in communication<sup>46</sup> while Neuendorf characterized it as way to shorten and analyze quantitatively messages through scientific method.<sup>47</sup>

Content analysis is divided in both quantitative and qualitative. Quantitative originates in media research, as expressed in the frequency of the word/phrase set a code<sup>48</sup> Berelson defined it as "a research technique for the objective, systematic and quantitative description of the manifest content of communication"<sup>49</sup> while Krippendorff "a research technique for making replicable and valid inferences from texts (or other meaningful matter) to the contexts of their use"<sup>50</sup>. Content analysis is essential to locate the frequency and allows for a quantitative comparison of the code words provided. This frequency count is the basis of content analysis according to Holsti<sup>51</sup>.

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<sup>46</sup> Russell W. Newmann, Marion R. Just & Ann N. Crigler, *Common knowledge: News and the construction of political meaning* (University of Chicago Press, 1992).

<sup>47</sup> Kimberly A. Neuendorf, *The content analysis guidebook* (Thousand Oaks CA: Sage, 2002).

<sup>48</sup> Bernard Berelson *Content analysis in communication research* (New York, NY, US: Free Press, 1952); Klaus Krippendorff 'Reliability in content analysis' (2004) *Human communication research*, 411; Kimberly A Neuendorf and others, *The Content Analysis Guidebook*.

<sup>49</sup> Bernard Berelson *Content analysis in communication research* (New York, NY, US: Free Press, 1952) 18.

<sup>50</sup> Klaus Krippendorff, 'Reliability in content analysis'(2004) *30(3)Human communication research* 18.

<sup>51</sup> Ole R. Holsti, *Content analysis for the social sciences and humanities* (Reading, MA: Addison-Wesley, 1969).



According to Bullock et al<sup>52</sup> the news content analysis is an essential method to further identify the power of frames as unnoticed devices affecting the public's judgments. The application of content analysis is "the major task of determining textural meaning"<sup>53</sup> as well as being a tool to identify of frames in the media. As a method it holds an imperative way to outline the trends on an issue as well as to observe the continuity or differences in a chronological period which is the main approach adopted in this research as well.

Discourse analysis is characterized as a relationship between language and the various circumstances under which it is produced. Discourse analysis pays particular attention to the customs and practices of the society that produces and shapes the whole web of the behaviors of the society. By incorporating discourse analysis, the researchers investigate knowledge in relation to language and they envisage to go one step further beyond the phrases, words and sentences of a given situation. As a method it has been used widely in examining articles of newspapers in order to see what is the opinion that a particular newspaper holds for a political leader and how the various words and phrases that are situated inside the articles 'fit into both longer texts and also social contexts of use'<sup>54</sup>. By incorporating this method we try to uncover both the opinion of *Phileleftheros* newspaper on Kissinger and Ford and the special phrases and words used to describe the policies and the individuals.

### Sample and Coding

The selection of *Phileleftheros* newspaper as the only mean of analysis derives from certain elements such as its long history/ being the most widely circulated newspaper and its pro-government orientation and support to Makarios as it was referred in various sources<sup>55</sup> and the newspaper's official webpage<sup>56</sup>. The newspaper

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<sup>52</sup> Heather E. Bullock, Karen Fraser Wyche and Wendy R. Williams, 'Media images of the poor' (2001) 57(2) *Journal of Social Issues*.

<sup>53</sup> Robert M. Entman, 'Framing: Toward clarification of a fractured paradigm' (1993) 43(4) *Journal of communication*, 57.

<sup>54</sup> Michael Stubbs, *Words and phrases: Corpus studies of lexical semantics* (Oxford: Blackwell Publishers 2001).

<sup>55</sup> Motta, G. (Ed.), *Dynamics and Policies of Prejudice from the Eighteenth to the Twenty-first Century*. Cambridge Scholars Publishing 2018); United States. Central Intelligence Agency. Daily Report, Foreign Radio Broadcasts. Issue 26-30, 1967, 'Emili Jüngling 'Perception of the facts about the coup in Cyprus (15th of July 1974) in the Cyprus daily press.' (2005) 2nd LSE PhD Symposium on Modern Greece: "Current Social Science Research on Greece, *London School of Economics, Hellenic Observatory*, London.

<sup>56</sup> "Phileleftheros was closer to Makarios' ideology and politics than anyone else's and supported him

*Phileleftheros* was founded in 1955 in Nicosia and was the most popular newspaper in the years to follow. It consisted from a variety of 25 to 45 articles of different length and the total page number of an issue was five to six on average. It was issued mainly every two days and featured articles of original contributions as well as articles translated from foreign media such as Reuters, CNN and other newspapers such as *Washington Post* or *New York Times*. To systematically and comprehensively code and analyze the media content, we used a quantitative content analysis across the whole sample for the period under analysis August 1974 to January 1975. Articles were categorized by title reference, subtitle reference, in text reference, photo and letter/satyr. Through a computational analysis of the articles uploaded the frequency of the code words. For this analysis the volume of articles examined reached a total of 1241. The material for the analysis was collected from the Cypriot National Library archive in Limassol and organized by establishing a detailed database electronically. The analysis was conducted in three steps with the collection of all the articles, then by measuring the frequency of our code words 'Kissinger' and 'Ford' and in the last part focusing on the tone and rhetoric of the articles' content. The key words were categorized according to their appearance on headlines (heading at the top of an article); on subtitle(subordinate title); in text references (in the main body of the article) visual references (photo or caricature) and letter(send by the audience to the editor of the newspaper or poems).

The critical discourse analysis tries to identify the tone (positive, negative or neutral) of the two main subjects under analysis and how the dominant frame is presented particularly with the use of phrases adjectives and comparisons. The newspaper contained a column ' called 'Philelefthera' where the journalists of *Phileleftheros* expressed the official views of the newspaper that is an important source of information to decipher the framing the newspaper used to describe US foreign policy and the actors involved in its making.

### Results on frequency

According to the two code words set for the quantitative content analysis, Kissinger and Ford, the table 1 below illustrates the findings. It is apparent from this table that 'Kissinger's name reference is dominating the frequency in all categories with substantial differences to 'Ford' particularly in September and October having re-

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during the Zurich-London Agreements, a time when the people of Cyprus were divided." Quoted in *Inception* section at <https://phileleftherosgroup.com/the-group/>

ceived a total of 67 and 68 references respectively. In contrast ‘Ford’ receives the highest of overall references in January 43 in total and October 42.

As Table 1 shows, there is a significant difference between Kissinger’s name appearance in the headlines/titles of the articles. Since headlines give a compact summary and generate the interest on the reader who will decide whether to read the article or not the frequent reference of an individual frames accordingly its role, presence and responsibility on a matter. Headlines encapsulate both the content and the orientation of the article, thus the frequency of a code word in headlines indicates the proposed framing of the newspaper. In our sample the results on the frequency of the code word in headlines indicate an average of 7 titles per month indicating the word ‘Kissinger’ compared to 3 titles for ‘Ford’. However, also on subtitles, accompanying the headlines with a short phrase Kissinger has his name being referred to 30 times while Ford has 12. In the visual representation either with a photo or a caricature Kissinger also has 5 in total and Ford only 2. Lastly on one of the columns the newspaper features letters of the public mainly addressing an issue or blaming the authorities for a public policy or a satyr in the form of a poem or prose by an artist or even a reader, in this section Kissinger has 15 letters or satirical poems dedicated to him and Ford only 1.

**Table 1:** Quantitative Content Analysis

|                  | Title | Subtitle | Intext ref. | Letter/Satyr | Photo | Total |
|------------------|-------|----------|-------------|--------------|-------|-------|
| <i>Kissinger</i> |       |          |             |              |       |       |
| August           | 5     | 7        | 40          | 2            | 0     | 54    |
| September        | 8     | 6        | 42          | 8            | 3     | 67    |
| October          | 12    | 5        | 48          | 2            | 1     | 68    |
| November         | 7     | 2        | 39          | 1            | 0     | 49    |
| December         | 5     | 5        | 32          | 0            | 0     | 42    |
| January          | 7     | 5        | 48          | 2            | 1     | 63    |
| <i>Ford</i>      |       |          |             |              |       |       |
| August           | 3     | 3        | 21          | 0            | 0     | 27    |
| September        | 2     | 2        | 22          | 0            | 0     | 26    |
| October          | 6     | 3        | 31          | 1            | 1     | 42    |
| November         | 4     | 0        | 21          | 0            | 0     | 25    |
| December         | 0     | 0        | 23          | 0            | 0     | 23    |
| January          | 4     | 4        | 34          | 0            | 1     | 43    |

Source: *Phileleftheros* articles from August 1974 to January 1975

## Results on rhetoric and tone

This part of the article evaluates both the rhetoric and tone used in the depiction of the two political figures Gerald Ford and Henry Kissinger. From an in-depth analysis in all the articles for the period under examination the overall outcome concerning the tone is that the newspaper *Phileleftheros* adapts a negative view towards Kissinger whereas sees Ford in a very neutral way. From the evaluation of both the reference frequency and the tone that was used to describe Kissinger it is indicated that he holds a central role in USA foreign policy with an article even characterizing him as the ‘new Metternich’ due to his influence in the policy decision. Kissinger has been also characterized as ‘manipulative’, ‘buccaneer’ and ‘murderer’ while for President Ford there is no other reference except from his axiom, ‘president of USA’.

Regarding the rhetoric Kissinger is depicted in a negative way with the use of unflattering adjectives and even caricature photos while there is even detestation expressed in satyr letters. There is clearly a stronger negative narrative compared to Ford who is depicted in a more neutral way and with no negative references on his personality. That is widely depicted on the satirical and letters section, signed anonymously by columnists of the newspaper or send by the public, for example on the edition published on 10th November<sup>57</sup>, the relevant article is entitled ‘*Thief*’ and refers to Kissinger by name, mentioning that he needs to know that Turkey is a thief state. Once again Kissinger role’s is highlighted and fall under the newspaper’s particular framing.

Concerning the framing of Kissinger’s responsibility in US foreign policy, from the aforementioned analysis of the articles, he is presented in a more negative light and seems to be given a disproportionate responsibility on foreign policy decisions compared to President Ford. As an example, an article analyses the positions of several Greek newspapers about the Turkish invasion and the subsequent crisis in Cyprus.<sup>58</sup> In the title of the article ‘CIA is responsible for what has happened according to Athenian newspapers’ is indicated that CIA is responsible for the Turkish invasion in Cyprus and in the subtitle<sup>59</sup> ‘Kissinger is accused for deceiving Greece’

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<sup>57</sup> Newspaper *Phileleftheros*, ‘Thief’, 6th page, 10 November 1974.

<sup>58</sup> Newspaper *Phileleftheros*, ‘CIA is responsible for what has happened to Cyprus according to Athenian newspapers’, 4th page, 7 August 1974.

<sup>59</sup> Newspaper *Phileleftheros*, ‘CIA is responsible for what has happened to Cyprus according to Athenian newspapers’, 4th page, 7 August 1974.

is referred that Henry Kissinger has deceived Greece in relation to the Cypriot problem. More specifically there are mentioned the views of two Greek newspapers *Athenian News* and *Acropolis* where they explicitly state that CIA planned the Turkish invasion in Cyprus and that CIA and Kissinger purported to support the revolutionary regime in Cyprus to overthrow President Makarios.

On another occasion the newspaper *Phileleftheros* hosts the views of an important American commentator Mr. Jack Anderson about the fundamental role of Kissinger in the Turkish invasion and the subsequent huge crisis in Cyprus.<sup>60</sup> Among other things this commentator had emphasized the fact that Henry Kissinger has not proceeded to any actions in order to put pressure on the Turkish government in order to stop the Turkish invasion and to restore the independence of Cyprus.<sup>61</sup> Additionally the same commentator argues that not only Kissinger has become inactive in relation to the Turkish invasion but that he has secretly encouraged the Turkish military forces to stabilize its positions in the island. It is also mentioned that the Greek and Cypriot public opinion were against the American stance towards the Turkish invasion in Cyprus. Many Greek and Cypriot organizations located in USA, had sent hundreds of telegrams of protest to the American government, personally to the Secretary of State Dr. Kissinger and to the members of the American Congress and of the Senate.

On the issue of 6th September 1974 on page 3 the newspaper published an article under the title 'For Kissinger' signed by a refugee.<sup>62</sup> In this particular letter a refugee protests against the American stance towards Cyprus and recounts the dramatic moments that the Cypriot refugees had to suffer because of the Turkish invasion due to the inactivity of the American troops blaming the then Secretary of State. More specifically the refugee when he speaks about Kissinger refers to him using the phrases 'without shame', 'without a sense of feeling', 'without even a pity that the powerful feel for the powerless'. The author of the letter even characterized him as 'shameless', 'brazen-faced', 'rude'<sup>63</sup>.

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<sup>60</sup> Newspaper *Phileleftheros*, 'Fileleythera - The powerful and (the countries) which can proceed to actions', 3rd page, 10 August 1974, 3rd paragraph.

<sup>61</sup> Newspaper *Phileleftheros*, 'Not only it does not hold but it encourages the Turks the American politics', 4th page, 11 August 1974, 5 Newspaper 'Phileleftheros' 'Not only it does not hold but it encourages the Turks the American politics', 4th page, 11 August 1974, 1st column.

<sup>62</sup> Newspaper 'Phileleftheros' 'Responsible CIA for what has happened, that is what was written in the Athenian Newspapers - Kissinger has been accused for the receipt of Greece', 4th page, 7 August 1974.

<sup>63</sup> English terms used here are direct translation from Greek terms found in the original article.

In one of the most important articles of *Phileleftheros*, published on the 1st of October there is a clear indication on the framing of Kissinger and the power he seemingly exercised on American politics. The article refers to an important decision made by then President of the United States Gerald Ford to retain Kissinger to his positions as Secretary of State and director of the National Security.<sup>64</sup> Although in the article it has been pointed out that many journalists and public officials have suggested the removal of Henry Kissinger from the position he held, President Ford had made a public statement denying that such suggestions were ever made.<sup>65</sup> Moreover the newspaper uses public statements of a high ranking public official stating that Henry Kissinger is a very clever person but extremely selfish and this combination is even worse and certainly cannot produce beneficial results.<sup>66</sup> Moreover in the same lines of thought the newspaper adds that the previous president Richard Nixon due to Watergate scandal had left Henry Kissinger the absolute control over the national affairs. Lastly, according to the same article Gerald Ford had envisaged a close relationship with Henry Kissinger even before he becomes a President of the United State of America having been doubtful over the qualifications of other candidates for the position of external affairs such as Slessinger.<sup>67</sup>

Kissinger therefore in many occasions has been presented as a vital actor in US foreign policy let alone implying that he influenced the conduct of policies. Accordingly in an article published on the 8th of October it was mentioned that Kissinger, despite having envisaged to address the Cypriot crisis, in his meeting with Archbishop Makarios in New York on the 2<sup>nd</sup> of October 1974, he did not present any specific plan neither did he exchange any ideas with Makarios in relation to this topic.<sup>68</sup> Moreover during his talks with the Minister of External Affairs of Turkey, Mr. Guness and the Greek delegate United Nations Mr. Tziounis, Kissinger only expressed the imminent interest to reach a resolution for the Cypriot.<sup>69</sup> This par-

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<sup>64</sup> Newspaper 'Phileleftheros' 'President Ford has to take a decision - Slessigker or Kissinger', 3rd page, 1 October 1974.

<sup>65</sup> Newspaper 'Phileleftheros' 'President Ford has to take a decision - Slessigker or Kissinger', 3rd page, 1 October 1974, 2nd paragraph, 1 to 24 lines.

<sup>66</sup> Newspaper 'Phileleftheros' 'President Ford has to take a decision - Slessigker or Kissinger', 3rd page, 1 October 1974, 4th paragraph, 1 to 15 lines.

<sup>67</sup> Newspaper *Phileleftheros*, 'President Ford has to take a decision - Slessigker or Kissinger', 3rd page, 1 October 1974, 6th paragraph, 1 to 23 lines.

<sup>68</sup> Newspaper *Phileleftheros*, 'From the meetings of Makarios', 1st page, 8 October 1974, 1st paragraph, 1 to 11 lines.

<sup>69</sup> Newspaper *Phileleftheros*, 'From the meetings of Makarios', 1st page, 8 October 1974.

ticular focus on Kissinger being the one to address or provide solutions instead of President Ford further reinforces the framing of the newspaper and the usage of scapegoating in order to alleviate strong Anti-American opinion towards the public by revolving all important decisions only on Kissinger and not on US president.

Interestingly, concerning the stance of the newspaper in regards to President Ford there is one article published on 10 October 1974 entitled 'Smack against Ford' making reference to a compiling bill being proceeded by American Senate in order to terminate immediately the sending of military help to the Turkish government.<sup>70</sup> It should be also stressed out at this point that although the title of this article had not mentioned the name of Kissinger, in its main body it says that the Senate's decision is considered a powerful smack (slap) both for Ford and Kissinger who reacted against the termination of help towards Turkey.

On the front page article of the paper published on the 15th of September 1974, *Phileleftheros* hosts an article of the newspaper *Times of New York*.<sup>71</sup> In this particular article the American newspaper makes some complaints against the government of the USA for not having stopped sending military help to Turkey after the invasion and the tragic events that have occurred thereafter.<sup>72</sup> Moreover in one of the paragraphs of this important article and more specifically in the last paragraph of the article the author states that we should congratulate the stance of the senator Ingleton and other members of the Congress in relation to the Turkish invasion and the fact that they are against Kissinger who has not condemned nor has proceeded to any action to stop the Turkish military troops in Cyprus.<sup>73</sup> In other words one can observe here that there is a distinction between the senator Ingleton and many members of the Congress who do not agree with the Turkish invasion and Henry Kissinger who is the man who has tolerated the Turkish invasion and the Turkish hostilities in Cyprus. The American newspaper implies that Henry Kissinger is the main actor determining the foreign policy of USA.

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<sup>70</sup> Newspaper *Phileleftheros*, 'And from the American Senate SMACK AGAINST FORD, although his stubbornness it had been decided the termination of help towards Turkey, Thursday, October 10, 1974, page 1.

<sup>71</sup> Newspaper *Phileleftheros*, 'Illegal the continuance of the American Help towards Turkey', Sunday, September 15, 1974, page 1.

<sup>72</sup> Newspaper *Phileleftheros*, 'Illegal the continuance of the American Help towards Turkey', Sunday, September 15, 1974, page 1, 1st paragraph, 1-7 lines.

<sup>73</sup> Newspaper *Phileleftheros*, 'Illegal the continuance of the American Help towards Turkey', Sunday, September 15, 1974, page 1, 6th paragraph, 1-6 lines.



In the same vein *Phileleftheros* on 17<sup>th</sup> September 1974 has the following title in the front page 'Kissinger is responsible for the coup in Chile, says Mrs. Ort. Aliente'<sup>74</sup> featuring the public statement that was made by the widow of the ex-President of Chile Mr. Salvador Aliente as reproduced from Reuters. More specifically Mrs. Aliente had argued that the coup in Chile had not been a conspiracy only of C.I.A. but it was a conspiracy of one man that had been both politically and ethically responsible and this man was Henry Kissinger.<sup>75</sup>

*Phileleftheros* on the 7<sup>th</sup> of November 1974 published an interview of Archbishop Makarios to Italian journalist Oriana Falacci.<sup>76</sup> In an important part of the interview Makarios expressed his concerns and his condemnation of Henry Kissinger about the way USA had dealt with the Turkish invasion.<sup>77</sup> Makarios further stresses out the fact that Kissinger never envisaged to explain in full detail the actions he had followed to resolve the issue. Additionally, the journalist Falacci said that many analysts were of the opinion that Kissinger's responsibility went far beyond the Turkish invasion. From the analysis it can be observed that both Makarios and the Italian journalist shared the opinion that Kissinger had a more prominent role in the US foreign policy and the events of the period both military coup that resulted in the overthrow of Makarios from Cyprus presidency and to the Turkish invasion.

In the column 'Philelefthera' journalists expressed the view that had Democrats won the American elections (in relation to the members of the House Representatives) it would had been extremely beneficial for the Cypriot problem and the Cypriot government<sup>78</sup> as the democratic party was considered to be more friendly inclined to Cypriot issues. Additionally, they stressed the fact that Henry Kissinger is the most important actor for the making of the external foreign policy of the USA but he needs to change its political direction and to act in a way that takes into account the American public opinion.<sup>79</sup>

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<sup>74</sup> Newspaper *Phileleftheros*, 'Kissinger is responsible says Mrs Ort. Aliente', 1st page, 17 September 1974.

<sup>75</sup> Newspaper *Phileleftheros*, 'Kissinger is responsible says Mrs Ort. Aliente', 1st page, 17 September 1974, 3rd paragraph, 1-9 lines.

<sup>76</sup> Newspaper *Phileleftheros*, 'For Kissinger', 6th page, 7 November 1974, 3rd paragraph, 1-8 lines.

<sup>77</sup> Newspaper *Phileleftheros*, 'For Kissinger', 6th page, 7 November 1974, 3rd paragraph, 1-8 lines.

<sup>78</sup> Newspaper *Phileleftheros*, 'Philelefthera - The win of the Democrats', 3rd page, 8 November 1974, 1st paragraph, 1-8 lines.

<sup>79</sup> Newspaper *Phileleftheros*, 'Philelefthera - The win of the Democrats', 3rd page, 8 November 1974, 2nd paragraph, 1-11 lines.



Nonetheless on the framing of Kissinger's personality, on several occasions the Cypriot newspaper tried to dismantle the personality of Kissinger. The most prominent examples that prove this observation is when the newspaper published the opinions of important public figures such as Tito and Osaria Aliente who shared the opinion that Kissinger was a malevolent person without any ethical values, a person that created coups in several places, such as the coups in Chile and in Cyprus in order to promote the American interests in the whole world. Moreover, on other occasions *Phileleftheros* doubts about Kissinger's personal integrity since the journalists of the paper argued that Kissinger had supported the Turkish invasion in Cyprus in order to operate factories that would (produce) opium in the occupied Cypriot regions.

The newspaper occasionally also hosted articles and opinions from foreign newspapers that attacked Kissinger because he had accepted bribes from the well-known banker Rothchild, and he had failed to explain under what circumstances he had received this large amount of money. Kissinger was depicted as a person who refused to listen to the opinion of the American citizen and to abide to the decisions that had been made by the American Senate and the American Congress. One notable example had been the discontinuance of the American military help that had been offered to Turkey. Although both the Senate and the House of Representatives had shared the opinion that the American government needed to stop immediately to offer military help to Turkey Henry Kissinger did everything that he could possibly do in order to retain and extend this military help to Turkey for an indefinite period of time.

On the contrary, *Phileleftheros* avoided attacking directly the President of the USA Gerald Ford. For instance in the column 'Philelefthera' a journalist of the newspaper uncovered a letter to Rolant Elliot who was an advisor of Gerald Ford, as sent to him by Doctor L. Dimitriades, who resembles Kissinger to Pontius Pilatus, since the American advisor argued that USA can have only a secondary, ancillary role in relation to the Turkish invasion and the Cypriot problem.<sup>80</sup> The Greek Cypriot journalist who commented on this answer argued that USA along with the Soviet Union are two superpowers which control the fate of the world and certainly such an answer is hypocritical and shows that USA is not ready to adopt a decisive and truthful stance to the Cypriot problem.<sup>81</sup> Of course this example demonstrates the

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<sup>80</sup> Newspaper *Phileleftheros*, 'Philelefthera - 'Reminds of Pilatus', 3rd page, 12 January1975, 1st to 3rd paragraph, 1-15 lines.

<sup>81</sup> Newspaper *Phileleftheros*, 'Philelefthera - 'Reminds of Pilatus', 3rd page, 12 January1975, 3rd paragraph, 1-5 lines.

position of the newspapers since once again it avoided to directly accuse President Ford for the negative stance that USA demonstrated to the Cypriot Republic and instead it chose to attack one of the closest advisors of Gerald Ford.

Additionally in one of the articles of the column 'Philelefthera' the journalist of the newspaper criticized Kissinger for his public statements in relation to the Arabian states that in the case that the Arabian states decide to stop sell oil and gas to USA and to the Western countries the American Army is ready to attack them in order to restore this problematic situation.<sup>82</sup> Additionally the column seems to treat Ford in a more favorable manner since it says that the President of the USA has done nothing to mitigate the negative impressions that had been generated to the whole world from Henry Kissinger's wrongful statements.<sup>83</sup>

## Conclusion

This paper has argued that the 'paradox' of addressing Kissinger's role, as more prominent than that of US president in US foreign policy, serves an intentional framing of *Phileleftheros* newspaper. The present results are significant in at least two major respects that they do unravel the extensive frequency in Henry Kissinger when addressing USA foreign policy and they identify a particular framing of the newspaper on how he is presented and his involvement and responsibility in the matter of Cyprus. The findings further illustrate *Phileleftheros*' portrayals of Henry Kissinger and Gerald Ford that verify our hypothesis that the newspaper built a negative image of Kissinger and blamed him for US inaction during the Turkish invasion in an attempt to not provoke extreme Anti-American feelings and opinion in a time of crisis and continuous national developments. In conclusion, there is an obvious media framing of Kissinger as a scape goat by being presented more frequently and criticized as the Grand Maestro of US foreign policy during the period.

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<sup>82</sup> Newspaper *Phileleftheros*, 'Philelefthera - 'Unacceptable mentality', 3rd page, 7 January1975, 1st to 2nd paragraph, 1-18 lines.

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# **The right of freedom of expression and its limits: Hate speech in Cyprus public television (CyBC). Interview given by the singer Notis Sfakianakis on the CyBC programme ‘Tête-à-Tête’**

**GEORGE PAVLIDES<sup>1</sup>**

## **Abstract**

*In a democratic society the right to freedom of expression is never absolute. However, the setting of limits has always been a point of friction and discussion. The authorising bodies must examine each case set before them and decide whether it constitutes an attempt at unwarranted limitation or, in the opposite case, of misappropriation of that right. This also applies in the case of Journalistic Ethics Commissions, which, on the one hand, are called upon to defend the rights of media practitioners to free expression and, on the other, to protect society from messages with unethical content. In this paper the right of expression is juxtaposed to the need to avoid disseminating messages based on racist hate speech.*

**Keywords:** Media ethics, freedom of expression, hate speech, racist speech, self-regulation, refugees, migrants, Media Ethics Commission, Council of Europe, CyBC.

## **Introduction**

On 13 March 2016, the Cyprus Broadcasting Corporation’s (henceforth ‘CyBC’) television programme ‘Tête-à-Tête’ broadcast an interview of Greek singer Notis Sfakianakis. Four days later, the Cyprus Media Complaints Commission received several complaints; among the complainants were the Movement for Equality, Support, Anti-Racism NGO (KISA), the trade union SIDIKEK (PEO), and Yiannos Lamaris, the Parliamentary Representative of AKEL, the left political party. All the complainants expressed their strong objection to the content of the aforementioned broadcast. Specifically, the complainants alleged that the interviewee made racist and xenophobic statements, which CyBC allowed to be broadcast in violation of provision 12 of the Journalists’ Code of practice<sup>2</sup>. It is noted that the programme

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<sup>2</sup> “The Media shall avoid any direct or other reference or action against persons which contains ele-



was not broadcast live and despite the fact that, as the complaint stressed, CyBC was asked not to broadcast the singer's xenophobic statements, the TV channel did in fact broadcast the interview not once but a total of three times (two repeats). Following the lodge of the complaints, the Commission, as its usual practice is, asked CyBC for its position on the matter. The channel replied stating that it 'categorically rejects and strongly opposes the complaints'.<sup>3</sup> It also stated that the freedom of expression, the free movement of ideas and the expression of all points of view prevail and are at the centre of the attention for the CyBC.<sup>4</sup> 'regardless of whether or not we agree with them'. It further mentioned that any form of censorship or a ban on broadcasting the programme would violate these principles and would be illegal and unethical. In another part of its response, CyBC pointed out that it always seeks to the judgment of its audience and of the society, in general, for the quality of its programmes; a society, which is 'capable of rejecting ideas and views which it does not share or adopt. It's important to have an open debate and CyBC intends – and acts on its intention continually – to invite a counter-argument in the near future'.<sup>5</sup>

When invited to express his opinion the presenter of the programme, Tasos Tryfonos, stated that he had asked Mr Sfakianakis to steer clear of matters that would offer him an opportunity to develop his extremist positions with regard to political or social issues, the extreme right Golden Dawn party, the junta, migrants, civil partnership, religion etc., and that Mr Sfakianakis had agreed. He added that at no time during the programme had he asked any questions about immigration or refugees, and when his guest began to make comments against migrants he attempted to express his disagreement with what he was saying, and when in spite of this his guest refused to comply, he changed the subject. The presenter also stated that when the programme was edited, they kept the extract in issue, because he felt that there had been no incitement to hate speech but only an expression of Sfakianakis's personal views and that he should be judged on these since, despite all admonitions, he insisted in voicing them. Finally, Mr Tryfonos stated that in his

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ments of prejudice on the basis of race, colour, language, religion, political or other convictions, ethnic or social origins, property, descent, gender and personal status, including physical or mental illness or disability. It is not permitted to mock, ridicule or vilify individuals or groups of persons".

<sup>3</sup> Cyprus Media Complaints Commission, *Decision 12/2016*, Nicosia, April 2016. Available at: [http://www.cmcc.org.cy/Decisions/index\\_2016\\_files/12\\_2016.html](http://www.cmcc.org.cy/Decisions/index_2016_files/12_2016.html)

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

daily radio broadcast and in his articles in a Sunday newspaper he always expresses himself against racism and xenophobia.<sup>6</sup>

## Historical and Theoretical Background

When examining complaints of this nature, Ethics Commissions decide whether the media and their practitioners misuse the right of freedom of expression – a fundamental human right which has been institutionally protected since last century.

In the Athenian Republic this right may not have been statutory but it was nevertheless taken for granted (Voudaskis 2001:26). As active members of the community, Athenian citizens were not simply free to express their opinions, but in effect were obliged to do so. ‘A citizen pure and simple is defined by nothing else so much as by the right to participate in judicial functions and in office’.<sup>7</sup> Indeed, for Plato Athenians, more than anyone else, enjoyed the freedom to express an opinion; ‘if having come to Athens, where there is more freedom of speech than anywhere else’.<sup>8</sup>

In ancient Rome, particularly in the years of the Republic, freedom of expression was prevalent to a remarkable degree. It was Seneca who introduced the definition of the ‘useful citizen’<sup>9</sup>, while Cicero, when defending the people’s right of expression, noted that without this right gatherings of the people would not resemble gatherings of human beings.<sup>10</sup> The tolerance to freedom of expression in ancient Rome came to an end with the appearance and spread of Christianity (Voudaiskis 2001:37-39).

During the Middle-Ages, in both the European West and the Byzantium, the right of free expression was essentially abolished. From the edict of Milan and the safeguarding of the right of religious tolerance – 313 AD – the world was led to the authoritarian edicts of Theodosius the Great and Justinian who, wishing to impose the new religion and, through it, their hegemony over the peoples of the region, fought with great passion against the remnants of the classical age, going as far as to close down the Greek schools and forbid the teaching of philosophy and interpretation of law<sup>11</sup>. A similar situation, possibly even worse, prevailed in the west of Europe, which was dominated by obscurantism imposed by the Roman Catholic

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<sup>6</sup> Cyprus Media Complaints Commission, Decision 12/2016, Nicosia, April 2016.

<sup>7</sup> Aristotle, Politics C1, 1275a 22-23.

<sup>8</sup> Plato, Gorgias, 461e 1-3.

<sup>9</sup> Seneca, De tranquillitate animi, II 1-11, III, 1-3, IV, 1-4, 7-8.

<sup>10</sup> Cicero, De republica, XXXVII

<sup>11</sup> Lemerle P, *Byzantine Humanism: The First Phase*, p 66.

Church. In an era where everything was under the absolute power of the Pope and the local feudal lords, there was no freedom of expression. Any intellectual activity was conducted in an absolute manner within the framework set by the Church. Any initiative operating outside this framework was considered cursed and subject to condemnation by the Medieval Roman Catholic Church (Vouidaskis 2001:70).

It took many struggles and sacrifices for the world to achieve the first constitutional enshrinement of the right to free expression. The first hints of freedom of expression are found in the Magna Charta Libertatum<sup>12</sup>, which is considered the first constitutional document in the history of mankind – 1215 AD, but even there no clear reference is made to the right of free expression. It was five centuries later that a straightforward reference to the right of free speech appeared in the Bill of Rights of the State of Virginia, which was published on 12 June 1776. In particular, article 12 makes reference to freedom of the press, which the legislator considers ‘one of the most powerful bastions of freedom which can be limited only by authoritarian governments’.<sup>13</sup> The French Revolution of 1789 led to the institutionalisation of free expression in Europe as well. In article 11 of the French Declaration of the Rights of Man, the free communication of ideas and opinions is regarded ‘one of the most precious of the rights of man’.<sup>14</sup>

In the modern age, the right to receive and transmit ideas and information is safeguarded legally and morally through scores of Conventions, Declarations, Decision and Codes of international, national and specialised organisations. This right relates to each citizen individually and to journalists and the media in general. Indicatively, this right is recognised, safeguarded and regulated by:

- Article 19 of the Universal Declaration of the United Nations (1948).
- Article 10 of the Rome Convention of the Council of Europe for the Protection of Human Rights and Fundamental Freedoms (1950).
- Article 18 of the UN Agreement on Civil and Political Rights (1966).
- Chapter 2 – on the value of information, of the Final Act of the Helsinki Conference on security and cooperation in Europe (1975).
- Articles I and II in the section relating to the Media of the UN Declaration on Education, Science and Culture of 1978.

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<sup>12</sup> Magna Charta Libertatum (Magna Carta) was the legal written document King John Lackland was forced to agree to, following the uprising in 1215 of the barons and progressive clergy of England.

<sup>13</sup> Swindler W., Sources and documents of United States Constitutions Bd7, New York, 1948, p.402.

<sup>14</sup> Barbier and Lavenir, History of the Mass Media, p.80.

- Article 11 of the EU Charter of Fundamental Rights (2000) and others.

However, the right of free expression was never absolute in nature. On the contrary, it was subject to specific limitations during each historic period.

While the ancient Athenian Republic recognised and encouraged the right to free expression among free citizens, at the same time it elaborated self-defensive mechanisms, which prevent the collapse of social order, the anarchy, the rule by the mob or the prevalence of lawlessness.<sup>15</sup> The ancient Greek philosophers and scholars preached measure in all things and considered that human discourse could not reach the point of hubris.<sup>16</sup>

In Ancient Rome, despite the fact that the State appeared fairly tolerant and encouraged freedom of expression, it was considered unacceptable for freedom of speech to insult the honour and reputation of either the Emperor or free citizens. *Lex duodecim tabularum*<sup>17</sup> contained a provision for severe penalties – even death – for anyone who verbally or in writing shamed or humiliated someone else.<sup>18</sup> (Vouidaskis 2001:38).

In more recent years and in the modern age it has become clear that the right to free expression cannot and is not absolute. If we focus attention on the European Convention on Human Rights and Fundamental Freedoms, we observe paragraph 2 of article 10<sup>19</sup> curtails the freedom of expression in the interests of state security and the safety of citizens, and where the rights and freedoms of others begin. It is also worth noting that article 10 is implemented in direct conjunction with article 17, which also forbids abuse of the rights granted by the convention in connection with acts aimed at destroying rights and freedoms or limiting them to an extent greater than that provided in the Convention.

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<sup>15</sup> Vouidaskis, V. The right to freedom of expression and the Mass Media. Papazisis, Athens, 2001, p.31.

<sup>16</sup> Aeschylus, Eumenides, 523-533.

<sup>17</sup> Lex duodecim tabularum was one of the most important sets of laws of the democratic period of Rome. It was enacted in around 450 AD and remained in force until the time of Justinian in the 5<sup>th</sup> century AD.

<sup>18</sup> Vouidaskis, 2001, p.38.

<sup>19</sup> “Since the exercise of these freedoms involves duties and responsibilities, it may be subject to wording, conditions and restrictions or sanctions, because these are prescribed by law and are necessary in a democratic society for reasons of national security, territorial integrity or public safety, in order to prevent disturbance of the peace and crime, to protect health and morals, to protect the reputation and rights of others, to prevent the publishing of information received in confidence, or to protect the prestige and impartiality of the judicial power “.

The European Court of Human Rights (ECHR) has cited and interpreted this article in numerous cases when trying applications before it. Although in all its judgments it is emphasised that the right of free expression must be respected, at the same time it is made clear that abuse of that right is not tolerated by the court.

Leaving aside the broad range of cases which might justify the restriction on the right to free expression, this paper focuses on those which are linked to the encouragement and dissemination of racist messages through the Mass Media. It is crystal clear that the provisions of the ECHR are particularly strict when the abuse of the freedom of expression relates to racist behaviour or to articulation of hate speech. Indicatively, the following cases are cited:

*Norwood v. the United Kingdom* 16 November 2004: In this case, the applicant was appealing against his conviction for flagrant hostility against a religious group, after he had posted on his window a poster of the BNP showing the Twin Towers in flames with the caption ‘Islam out of Britain – Protect the British People’. The Court decided that such a sweeping attack against a whole racial group – Muslims – did not accord with the principles declared and guaranteed by the Convention, and particularly the principles of tolerance, social peace and non-discrimination.<sup>20</sup>

*Pavel Ivanov v. Russia* 20 February 2007: In this case, the court vindicated the Russian state and courts, stating that the applicant, being the owner and Editor-in-chief of a newspaper, disseminated through his newspaper views which instigated ethnic, racist and religious hatred. Specifically, he had accused an entire ethnic group – the Jews – of conspiracy against the Russian people and accused the Jewish leadership of having a fascist mentality. The ECHR decided that a violent and generalised attack was contrary to the fundamental principles of the Convention, and particularly the principles of tolerance, social peace and non-discrimination.<sup>21</sup>

*M’bala v. France*, 20 October 2015: The ECHR dismissed the application of the French comedian and activist Dieudonné M’Bala M’Bala, who, as was stated in the judgment, under the pretext of satire presented an award to the academic Robert Faurisson for his view that there were no gas chambers in the Nazi concentration camps, thus disseminating anti-Semitic and offensive messages and denying the Holocaust. The ECHR, applying article 17, underlined that the comedian’s conviction by a French court could not have the protection of article 10. The court’s

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<sup>20</sup> Decision available at: <https://globalfreedomofexpression.columbia.edu/cases/norwood-v-uk/>

<sup>21</sup> Decision available at: <https://globalfreedomofexpression.columbia.edu/cases/pavel-ivanov-v-russia/>

interpretation of the content of the performance - Robert Faurisson went up on stage and was offered the award: a three-pronged candlestick with an apple on each prong, by a man dressed in a striped costume, reminiscent of Jewish prisoners in Nazi concentration camps, without a word being said throughout this ceremony - was that under the cover of a satirical artistic production, the applicant was spreading hatred and humiliating an entire group of people. The ECHR noted that this fact, namely concealed hate speech, was as dangerous as a direct attack.<sup>22</sup>

In addition to the legal approach, there is also an ethical approach to the matter; that is to say, freedom of expression must be consistent with the voluntary setting of boundaries without external coercion and interventions. The question of 'what must be done' in the case of journalistic creative writing is linked to the notion of self-regulation. Self-regulation is a conscious voluntary act which relies on universal values, moral principles, unwritten ethical laws, and is combined with the concepts of social and physical necessity. (Pavlidis 2009:24). 'What must be done' according to Friedrich Hayek<sup>23</sup> is interwoven with the concept of responsibility. 'Freedom does not mean only that the individual has, at the same time, opportunity and burden of choice. It also means that he bears the consequences of his actions and accepts praise or criticism for them. Freedom and responsibility are indivisible notions'. (Patras University, Media and Ethics, 1999:34)

American professor Todd Gitlin<sup>24</sup> moves on the same wavelength when he states that 'ethics is a function of freedom'. Journalists who are called upon to respect ethics are, he adds, free people. We are not referring to the ethics of subjugated persons, although, as he notes, even slaves can make some choices. Todd Gitlin insists that 'journalists are free, they work on the basis of the topics they choose freely as professionals and society expects them to do their job correctly. Society needs the free flow of information which it considers the 'blood' of democracy'. (Papathanassopoulou and Komninou, 2000:21)

With regard to the Media, ethics is a set of rules and principles which are set by the profession itself, preferably in cooperation with other social agencies, in order that they respond better to the needs and best interests of the various population and social groups. The press maintains its freedom, the oxygen it needs to keep alive,

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<sup>22</sup> 'M'Bala M'Bala v. France', Global Freedom of Expression, Columbia University. <https://globalfreedomofexpression.columbia.edu/cases/mbala-v-france-no-2523913> .

<sup>23</sup> Friedrich Hayek (1899 - 1992), classical neo-liberal Austrian economist and philosopher.

<sup>24</sup> Todd Gitlin, sociologist, political writer, novelist and analyst.

while at the same time, taking on the responsibility of serving journalism well and, by extension, society and citizens also. The founder of the French newspaper 'Le Monde' Hubert Beuve-Méry, established the triptych: Freedom-Truth-Responsibility. According to him, these three notions coexist and move within a system of interdependence. French journalist and author Albert Camus moved along the same lines when he said that the press 'when it is free can be good or bad. But when it is not free it can only be bad' (Manos Sifonios, 1999:197). Freedom of the press is a condition for the press to fulfil its basic mission, which is none other than the quest for truth, research and the provision of pluralistic, timely and valid information to the public. In this process, a very important element is the responsibility borne by the journalist; a responsibility towards the truth, a responsibility towards the freedom given him to seek the truth, as well as a responsibility towards the citizens who are the final recipients of the products. When one of the three basic axes of Hubert Beuve-Méry is not functioning properly, the entire system is threatened. When the Media and its officers, willingly or unwittingly, attach less importance to the concept of responsibility, the natural consequence is that they jeopardise both freedom and the primary mission of the Media itself. (Pavlidis, 2009:127)

When delimiting journalistic boundaries, journalistic codes of ethics all over the world refer specifically to the requirement the Media and the journalists not to allow hate speech, the dissemination of messages with racist or similar content. Indicatively, it is mentioned that:

- Providence 12 of the Editor's Code of Practice of the IPSO (Independent Press Standards Organisation) underlines that 'the press must avoid prejudicial or pejorative reference to an individual's race, colour, religion, sex, gender identity, sexual orientation or to any physical or mental illness or disability'.<sup>25</sup>
- Providence 10 of the Code of Ethics of the Swedish Press Council provides that those working for the Media and the Media themselves should not emphasize race, sex, nationality occupation, political or religious views or the sexual orientation of the persons they refer to.
- In a similar way, in providence 12 which refers to discrimination, the Cyprus Journalists' Code of practice underlines that 'the Media must avoid any direct or other reference or action against persons which contain elements of prejudice based

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<sup>25</sup> Editor's Code of Practice, 'Discrimination', IPSO - Independent Press Standards Organisation. <https://www.ipso.co.uk/editors-code-of-practice/#Discrimination>

on race, colour, language, religious, political or other beliefs, ethnic or social origins, property, descent, gender and personal status, including physical or mental illness or disability. It is not permitted to ridicule, mock and vilify individuals or groups'.<sup>26</sup>

At this point it is useful to mention that in an effort to avoid spreading hate speech through digital media and following intensive consultations, the European Commission and representatives of internet providers agreed to draw up and adopt a code of ethics. The agreement, which was announced on 31 May 2016, states among other things that '...information technology operators undertake to continue their efforts to tackle illegal hate speech on the internet. This includes the continuous development of internal procedures and staff training, in order to ensure that they examine the majority of valid requests for the withdrawal of illegal hate speech in less than 24 hours, and, if necessary, to withdraw the content in question or block access to it. Information technology operators will also try to enhance cooperation with civil society organisations, which can contribute to the flagging of content which incites acts of violence and hatred. Information technology operators and the Commission are also planning to continue their efforts to identify and promote independent alternative narratives, new ideas and initiatives, and to support educational programmes which encourage critical thinking'<sup>27</sup>.

The issue of hate speech in conjunction with fake news which is found mainly on the digital Media was also the subject of discussion at the plenary session of the European Parliament on 5 April 2017. Despite the fact that there was no unanimity as to how to tackle the problem, MEPs expressed their concern regarding the gravity of the problem. Among the suggestions expressed, were the removal of the false and libellous content, the imposition of fines on operators who do not comply, and the promotion of literacy in the Media. Many speakers also asked internet companies to intensify their efforts to ensure that the fake and libellous content be removed quickly. Indeed some asked the Commission to look into the possibility of the EU proposing new legislation on the matter.<sup>28</sup>

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<sup>26</sup> Code of Practice, Cyprus Media Complaints Commission. [http://www.cmcc.org.cy/code\\_practice2\\_gr.html#aliens](http://www.cmcc.org.cy/code_practice2_gr.html#aliens) .

<sup>27</sup> European Commission and IT Companies announce Code of Conduct on illegal online hate speech, European Commission Official Website, 31 May 2016. [http://europa.eu/rapid/press-release\\_IP-16-1937\\_el.htm](http://europa.eu/rapid/press-release_IP-16-1937_el.htm) .

<sup>28</sup> Hate speech and fake news: remove content, impose fines, foster media literacy?, Press Release, 5 April 2017, European Parliament News <https://www.europarl.europa.eu/news/en/press-room/20170329IPR69072/hate-speech-and-fake-news-remove-content-impose-fines-foster-media-literacy> .



### Quotes from the interview of N. Sfakianakis broadcast by the CyBC

Taking into consideration the complaint against CyBC examined by the Cyprus Media Complaints Commission, the following important points are noted:

- The remarks in question covered a total of six minutes. During that time, when describing the migrants from Syria, the interviewee used the term 'illegal immigrants' five times and the term 'ριψάσπιδες' - meaning cowards who desert in times of war -, six times. He also made references to the 'rape' of Greece by such people.

Also worthy of note are the following phrases that he used in order to express his view on the phenomenon of the mass arrival of refugees from Syria to Greece in the period 2015 - 2016:

- 'No (entry) permit means illegal migration, it means rape'
- Those who come from Syria 'are not refugees, but 'ριψάσπιδες', deserters'
- 'These people (meaning refugees) come to Kos with wallets full of 500 euro notes. They are all rich kids, we are talking about a lot of money.'
- 'You leave Syria, you are a refugee, but you are also a deserter, you take the money your parents gave you...'
- 'What am I (Greece)? A transit centre? ...Why should they come through here? Why not stay in Turkey, where they speak the same language and have the same religion?..'
- 'My wife is foreign as well, but she did not come here illegally to rape my country'
- 'I have experienced racism, we are not racists...the Americans, the Germans, the English, they are racists'
- 'It's all a set-up. Hordes of people came here to rape our country.'
- 'About twenty years ago Turgut Ozal, the prime minister of Turkey said: 'In order to be done with the country opposite us we will throw a couple of million Muslims at them and that will be the end of Greece'. That is what is happening now. That is the crime they are committing.'
- 'They are Islamizing our country and some time- in about ten years because they breed like rabbits, there will be no more Greece, no more Greeks'

- 'I am not interested in understanding the position of others which is wrong'
- 'I have a memory while most of them (meaning those who disagree with him) do not. He who has a memory is entitled to speak, whereas those who do not...do not have that right'.

### **The Commission's Decision**

Upon examination of the contents of the interview, the Cyprus Media Complaints Commission found that the singer without provocation 'launched into uncontrollable racist and xenophobic rhetoric which lasted at least six minutes'.<sup>29</sup> The Commission judged unanimously that a number of statements violated the Code's article on discrimination (article12). The Commission judged that the presenter made efforts to control the discussion. Indeed, it found that at some point he defended the irregular migrants, who become refugees in order to save their lives. However, the interviewee interrupted him stating that these people are 'cowards' and 'deserters', because they were not attacked by another country but were fleeing in order to escape the civil war. Mr Sfakianakis also said that they arrive in Greece with wallets 'stuffed with 500 euro notes', insisting on denigrating these people.

The Commission judged that the CyBC has a responsibility for offering Mr Sfakianakis an opportunity to launch into a speech full of bigotry and racist attacks. Its responsibility is made greater by the fact that although it had the possibility not to broadcast the hate speech content, which was in contravention not only of journalistic ethics but also violated the law on Combating Racism<sup>30</sup>, it did not do so. It is noted that the programme was taped and therefore CyBC could either not broadcast it at all or it could cut the points in issue, particularly after the interventions made to the Corporation's management.

As its excuse for broadcasting the racist hate speech, the CyBC cited the right to free expression, the dissemination of ideas and the promotion of all points of view. The Commission noted that the right to free expression is not without limits, but is subject to the restrictions of respect for the rights of others, the upholding of legality and journalistic ethics. It is not permitted for a public television station, in the name of free expression, to broadcast racist views, indeed by a singer, a person of influence, particularly among the young, and therefore with more power to

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<sup>29</sup> Cyprus Media Complaints Commission, Decision 12/2016, Nicosia, April 2016.

<sup>30</sup> The harmonising law on the combating of certain forms of racism of 2011 provides for 5-years imprisonment and €10.000 fines for anyone transmitting racist messages.

transmit his xenophobic views. Not only does it not constitute censorship, but, on the contrary, the avoidance of transmitting the hate speech mentioned earlier, would comply with the imperatives of the law and journalistic ethics. The promotion of polyphony does not mean promotion of free licence and impunity. In the same way, by invoking the right to free expression, a paedophile could be permitted to express his views in favour of paedophilia. With regard to the Corporation's position that society is capable of rejecting ideas and views which it does not embrace or adopt, the Commission judged that society should not be burdened with responsibilities it does not possess. The Commission also noted that despite the worthy efforts of the presenter, there was in effect no counter-argument to his guest's hate speech. The Commission pointed out that that television presenters have a duty at all times to separate their own positions from such cases with conviction and determination.

It is noted that during the broadcast, a moving subtitle appeared stating that the CyBC does not agree with the interviewee's views, but the Commission did not consider this an adequate remedy, nor could it be considered to acquit the Corporation of responsibility.

### **Theoretical (hypothetical) case**

The following rhetorical question is asked: could this interview have acted as a wake-up call to the public? There are certainly cases where references or citations of hate speech could be used precisely in order to raise awareness against discrimination, racism, xenophobia and racial hatred. One such case was brought before the ECHR in 1994. It concerned the broadcasting of messages containing powerful elements of hate speech, but with the aim of awakening Danish society and encouraging it to take action against a racist youth group.<sup>31</sup> In this particular case, the applicant was the journalist Olaf Jens Jersild, from the Danish state broadcasting service and presenter of a programme aimed at a specific, highly educated audience, with the objective of discussing serious matters of topical interest.

In its judgment the court noted that following articles in the press on the activities of an extremist youth group known as Greenjackets, the journalist took 6-hour long videotaped interviews of three members of this organisation. These persons made insulting and offensive comments about migrants in Denmark and made denigrating remarks about black people, saying that they were no different

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<sup>31</sup> 'Jersild v. Denmark', Global Freedom of Expression, Columbia University. <https://globalfreedomof-expression.columbia.edu/cases/jersild-v-denmark/>.

from apes and that racism is a good thing. They also admitted to having had dealings with the law in connection with criminal acts and clashes with the police. Based on this material, the journalist prepared a short report which was broadcast among other reports on his programme. The reporter stated several times that neither he nor the state channel shared the views expressed, and that the purpose of broadcasting them was to present the racist and criminal nature of this group, given that they had confessed to many offences against migrants as well as ordinary crimes, such as burglaries and clashes with the police.

The three young men were charged and convicted of racist statements against black people and migrants. The presenter and the head of the news department were charged with providing support to the three youths and the court fined the journalist one thousand crowns (about €135) and the head of news 2000 crowns (about €270), or alternatively, five days imprisonment each. The ECHR, to which the journalist applied, decided by a majority that the purpose of the interview with the three youths was to expose the racist views of the Greenjackets and to demonstrate their social background. The court also stated that the young men had no right to invoke the provisions of article 10 on freedom of expression. On the contrary, it vindicated the reporter ‘who attempted to expose, analyse and explain’ this youth group and deal with ‘specific aspects of an issue which was already a cause of great public concern’.<sup>32</sup> As the ECHR stated in its judgment, an important factor in its assessment was ‘whether the question in issue, when examined as a whole, viewed objectively, appeared to have as its aim the spread of racist views and ideas’.<sup>33</sup> And it added: ‘the general impression of the programme was its aim was to draw the public’s attention to a matter of great concern, namely racism and xenophobia’.<sup>34</sup> According to the ECHR, the applicant deliberately included the blameworthy views, not in order to spread racist ideas, but in order to tackle them by disclosing them<sup>35</sup>. It also stated the reporter’s position, and that of the

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<sup>32</sup> European Court of Human Rights, *Jersild v. Denmark*, Case Number N.15890/89, Strasbourg, 23 September 1994. Available at: <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-57891%22%5D%7D>

<sup>33</sup> *Ibid.*

<sup>34</sup> *Ibid.*

<sup>35</sup> The ECHR stated verbatim: ‘There can be no doubt that the interviews achieved that aim. Taken as a whole, the programme could not objectively be taken as aiming to spread racist ideas and views. On the contrary, it clearly intended to expose, analyse and explain this specific group of youths, limited and disappointed by their social condition, with criminal records and violent behaviours, dealing in this way with a matter regarding which there is great public interest. In addition, it must be taken into account

Council of Europe Committee on Human Rights, that the youths' racist views 'in the programme as a whole, resulted in ridiculing them rather than promoting their racist opinions'.

In light of the above points, the ECHR decided that the applicant's conviction by the domestic courts overlooked important factors, such as the aim of the programme, and declared their decision to be contrary to article 10.

In the case of the interview of Mr Sfakianakis on Cypriot public television, it cannot be claimed that the racist views were used either by the CyBC or the presenter in a way similar to that used on Danish state television.

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# Neighbours on Paper: A Contribution to the History of Multiscript Printing in Colonial Cyprus

ANDRONIKI (NIKI) SIOKI<sup>1</sup>

## Abstract

*In Cyprus the introduction of printing coincided with the beginning of the British occupation. Thereafter, all printed documents had to address a multilingual audience as English, Greek, and Ottoman Turkish were in use. This article focuses on a distinctive characteristic of the local printing history namely the practice of multiscript printing and the visual appearance of multilingual documents that addressed a linguistically multifarious society. For comparative reasons two different kinds of documents are examined: multilingual administrative documents and advertisements. The analysis of the documents provides insights into the practice of multiscript printing, i.e. the technical resources (printing methods and available types), the skills of printers, and the typographic conventions applied on multilingual documents. In conjunction with archival evidence these documents become mirrors of political convictions, social norms, and commercial transactions that linked a peripheral printing trade with the European centres.*

**Keywords:** Printing, Cyprus, Typography, multiscript, multilingual, Greek, Ottoman Turkish, English

## Introduction

Research in printing history as a field of study concentrates on the following broad thematic areas: 1) the development of printing technology, focusing on the machinery and techniques used from the transformation of written manuscripts to typeset galleys and the reproduction of multiple copies; 2) the printing trade, namely the everyday work in a print shop covering administrative and financial issues, the particular role of the various craftsmen involved in print production, and the related trades surrounding the print shop such as typefounding, punchcutting, stereotyp-

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ing, and papermaking among others; and 3) the wide array of printed products that constituted the main output of presses, their manufacture and design.<sup>2</sup>

Following similar research paths, Andreas Cl. Sophocleous laid the ground for the history of printing in Cyprus in his foundational work on the history of Cypriot press.<sup>3</sup> His main approach was through the lens of journalism and media studies; his primary goal was to investigate the development of the press as an institution that helped structure socio-political and cultural aspects of Cypriot society by publicising new ideas and influencing the public opinion. However, as the first printing ventures in Cyprus constituted an integral part of newspaper production, Sophocleous expanded his research to reveal aspects of the printing history of the periodical press. Therefore, he shed light on the history of the operation of printing enterprises within a colonial administrative and political context, the characteristics of their workforce and, in some cases, their technical equipment. He publicly announced his plans to publish his work, *A Chronicle of Printing in Cyprus*, in the early 2000s.<sup>4</sup> The book can be regarded as the culmination of a life-long research and the author's main contribution to the history of printing on the island. In it, he addresses various aspects of the beginning, growth and operation of the printing trade in Cyprus covering the period from the introduction of printing in the late 19th century until the 1960s, when the advent of a new technology, i.e., photocomposition, brought structural changes in the printing trade.<sup>5</sup>

Sophocleous bravely stepped in a completely uncharted area and opened up a field of study which still requires much work. Until the appearance of his first book on the history of Cypriot newspapers,<sup>6</sup> research in the history of printing in Cyprus

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<sup>2</sup> Indicative works that illustrate the different research approaches to the history of printing are the following: S. Morison, *Four Centuries of Fine Printing*, 2nd ed. (London: Ernest Benn, 1949); M. Twyman, *Printing 1770-1970, an Illustrated History of its Development and Uses in England*. (London: Eyre & Spottiswoode, 1970); J. Moran, *Printing presses: History & Development from the 15th Century to Modern Times*. (Berkeley CA: University of California Press, 1973); S. H. Steinberg, *Five Hundred Years of Printing*. (London: The British Library & Oak Knoll Press, 1996, new edition revised by John Trevitt); P. Duffy, *The Skilled Compositor, 1850-1914: An Aristocrat among Working Men*. (Aldershot: Ashgate Publishing, 2000).

<sup>3</sup> A. Cl. Sophocleous, *A Contribution to the History of the Cypriot Press*, Vols 1-6. (Nicosia: IMME, 1995-2011).

<sup>4</sup> A. Cl. Sophocleous, *Lefkosia, the Oldest Surviving Printing Press in Nicosia*. (Nicosia: Nicocles Publishing, 2003), p. 8.

<sup>5</sup> A. Cl. Sophocleous, *A Chronicle of Printing in Cyprus*. (Nicosia: Nicocles Publishing, 2018).

<sup>6</sup> A. Cl. Sophocleous, *The First Cypriot Newspapers and Human Rights of the Greeks in Cyprus*. (Nicosia: Intercollege Press, 1995).

was limited to two works that kept appearing in the relevant bibliography. The first is a lecture on printing in Cyprus addressed by Kypros Chrysanthis to a lay public attending the first book fair organised on the island at Phaneromeni's School for Girls Library in Nicosia in December 1954.<sup>7</sup> Based on his experience as a published author and journals' editor, Chrysanthis provided a first account of printing and publishing activities and products in Cyprus. Any influence on Sophocleous' interest in printing history can only be speculated. The second was published by Roxane Argyropoulou; her article remains the only work on the beginnings of Greek book production in 19th century Cyprus, a fact that underlines the need for further research.<sup>8</sup> Recent conferences, both local and international, provided opportunities to present ongoing research in the field that hardly find its way to publishing due to limited resources and the small size of the targeted market.<sup>9</sup>

This article expands on issues about printing history in Cyprus with the aim to address a distinctive characteristic of the local print market that has not yet pre-occupied researchers.<sup>10</sup> It is revealed through the sample pages of a type specimen produced by one of the first Armenian printers who moved to Cyprus in the first decade of the 20th century where a vivid image of a diversified print market on the island is visually articulated.<sup>11</sup>

In the 32 pages of the specimen five languages, English, Greek, Armenian, Turkish and French are represented and four scripts, Latin, Greek, Armenian and Ottoman Turkish are exhibited in a variety of sizes, styles and weights. It is apparent

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<sup>7</sup> K. Chrysanthis, 'Printing in Cyprus', *Bulletin of the Cyprus Hellenic Cultural Association* 1954/55, pp. XII, 133-139.

<sup>8</sup> R. Argyropoulou, 'The Greek Book in the 19th Century Cyprus', in *Proceedings of the First International Conference on Cypriot Studies*, Nicosia 1969, Vol. 3., eds. Th. Papadopoulos and M. Christodoulou, (Nicosia: Society of Cypriot Studies, 1973), pp. 11-14.

<sup>9</sup> One-day Conference on 'The History of Greek Publications and Printing' (2014) organised by Petros Papapolyviou at the Department of History and Archaeology, University of Cyprus, <https://bit.ly/2S1i2Fn> [accessed December 2018]. K. Mastoridis, 'Making (Printing) History in Cyprus', *Proceedings of the Association of European Printing Museums Conference*, Chania 2017, <https://bit.ly/2RjpfvG> [accessed December 2018]; N. Sioki, 'Outside the Printing Museum: Printed Ephemera in Cyprus Local Museum Collections', *Proceedings of the Association of European Printing Museums Conference*, Chania 2017, <https://bit.ly/2DE4lnL> [accessed December 2018].

<sup>10</sup> The article is based on the paper presentation given at the 'Script, Print, and Letterforms in Global Contexts: The Visual and the Material' Conference, The Centre for Printing History and Culture, Birmingham City University, 28-29 June 2018.

<sup>11</sup> SA1 1263/1922, 'Specimens of Type of the Mosditchian Printing and Rubber-Stamp Works'.

that the main purpose of the specimen was to serve the needs of a linguistically heterogeneous society.

The present discussion is part of a broader ongoing research that investigates what is known about multiscrypt printing and the visual appearance of multilingual documents produced on the island. The focus is particularly placed on the period between the arrival of the British to Cyprus and the Turkish script reform of 1928 that ‘was quickly adopted, but put into effect more slowly than in Turkey’.<sup>12</sup> At the centre of the exploration lies the examination of a different kind of printed documents that played a significant part in the transition of local society to a new administrative and political state. These are multilingual administrative documents that mediated the power relations that underlay British rule. On a second level and for comparative reasons, advertisements, though limited in number, are examined; signaling the beginning of a consumer society they promoted products and services to a multilingual market through the pages of the first newspapers. The analysis of the documents provides insights into the practice of multiscrypt printing, i.e., the technical resources (printing methods and available types), the skills of printers, and the typographic conventions applied on multilingual documents. In conjunction with archival evidence these documents become mirrors of political convictions, social norms, and social and commercial transactions.

The present work is based on the documentation kept at the Secretariat Archive in Cyprus State Archives, Nicosia. All narratives that emerge from the surviving documents at the archive concern Government Printing Office (GPO) printed matters for administrative purposes.

The conditions surrounding the establishment of the first printing press in Cyprus are related to the beginning of the British rule, a time when new political and administrative processes and social relationships were enacted and brought change in an area that was part of the Ottoman Empire since the 1570s. Under the Cyprus Convention, signed in the summer of 1878, the British ‘assumed responsibility for the administration of the island from the Ottomans, while the Sultan continued to keep the sovereignty over the island’.<sup>13</sup> The island afforded a naval position in the eastern Mediterranean that could serve Britain’s strategic goals and geopolitical

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<sup>12</sup> M. Strohmeier, ‘The Ottoman Press and the Turkish Community in Cyprus’, in *The Middle Eastern Press as a Forum for Literature*, ed. H. Unbehaun, (Frankfurt am Main: Peter Lang, 2004), p. 249.

<sup>13</sup> This is the term used to indicate the ‘treaty of defensive alliance’ that the British and Ottoman empires signed on 4 June 1878 during the Berlin Congress which formally ended the Russo-Turkish war in

interests with a focus on Western Asia. The convention was cancelled in 1914 when the formal annexation of Cyprus by Britain took place. Finally, in 1925, Cyprus was officially declared a Crown Colony and the High Commissioner acquired the title of Governor.

### Social and Linguistic Context

According to the first British census of 1881 the island had a total number of 186.173 inhabitants; at the beginning of 1920s the population exceeded the number of 300.000 inhabitants of which 78.8% were Greek Christian Orthodox and 19.7% were Turkish Muslims.<sup>14</sup> From the beginning of the British administration English became the official language for all government business and official communication but not ‘a *lingua franca*’.<sup>15</sup> Translation became the official route of communication between the administration and the local communities. Administrative documents, such as laws, circulars, public notices and the official *Government Gazette* had to be translated into the two indigenous languages, Greek and Turkish. At the same time both Greek Christians and Muslim Turks could address the administration in writing using their ethnic mother tongue. Official translators were responsible to translate or summarise all texts in English.<sup>16</sup> It becomes apparent that there was a multilingual situation quite complex in its details in Cyprus. Greek Cypriots used the local Cypriot Greek dialect for oral unofficial communication and the *katharevousa* form of the Greek language for written and oral official purposes. This was the form of Greek that was taught at schools. On the other hand, Turkish Cypriots used Ottoman Turkish for official purposes, a ‘written *lingua franca* for the governing elite of the empire’<sup>17</sup> that was laden with Persian and Arabic vocabulary, and a local dialect of Ottoman Turkish for informal oral communication. From the early 1930s they adopted the use of Modern Turkish and the Latin alphabet.

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June 1878, in A. Yiangou, ‘Britain and Cyprus: a Historical Overview’, in *Linked by History – United by Choice*, eds. G. Georgis, and G. Kazamias, (Nicosia: En Tipis Publications, 2012), p. 770.

<sup>14</sup> G. S. Georghallides, *A Political and Administrative History of Cyprus 1918-1926*. (Nicosia: Cyprus Research Centre, 1979), p. 427. A small percentage 1.4% of the population comprised other religious groups.

<sup>15</sup> D. Karoulla-Vrikki, ‘Language and Ethnicity in Cyprus under the British: A Linkage of Heightened Salience’, in *Britain in Cyprus: Colonialism and Post-Colonialism 1878-2006*, eds. H. Faustman and N. Peristianis, (Mannheim: Bibliopolis, 2006), p. 348.

<sup>16</sup> Ibid.

<sup>17</sup> T. L. Darling, ‘Ottoman Turkish: Written Language and Scribal Practice, 13th to 20th Centuries’, in *Literacy in the Persianate World, Writing and the Social Order*, eds. B. Spooner and L. W. Hanaway, (Philadelphia PA: University of Pennsylvania Museum of Archaeology and Anthropology, 2012), p. 171.

## The Advent of Printing in Cyprus

In the Cypriot context and until 1878 printed material in the form of books, newspapers and periodicals circulated among the minority of the population who were literate by being imported from abroad.<sup>18</sup> If we subscribe to the notion that it is not the existence of printed products that determines the presence of print culture in a society but that the latter involves a broader social knowledge of these documents and ‘the familiarity with producing, buying, borrowing, lending, reading and handling these physical items’,<sup>19</sup> then we can claim that a print culture was not present in Cyprus before 1878. In that year printing technology was introduced on the island through two distinct channels in order to serve two disparate purposes. On one side, wealthy Cypriots in Egypt decided that the establishment of a Greek printing office and the publication of a Greek newspaper would benefit both morally and intellectually those living on the island.<sup>20</sup> More research is necessary to explore their personalities and contextualise their motives as members of the Greek community in Egypt. For the time being we can discern that their exposure to the rich and multilingual print culture of Egypt had convinced them of the power of print as a medium that could be used to promote political and religious discussions and ideas and cultivate a sense of identity.<sup>21</sup> Sophocleous evidently argued that discussions about publishing a newspaper in Cyprus had started even before the arrival of the British in Cyprus.<sup>22</sup> The first printing press arrived to Larnaca, one of the three safe anchorages where foreign vessels called and cargoes were landed,<sup>23</sup> from Alexandria, Egypt, in the summer of 1878.<sup>24</sup> Theodoulos Constantinides, a

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<sup>18</sup> Argyropoulou, op. cit., pp. 11-12.

<sup>19</sup> E. Patten, and J. McElligott, ‘The Perils of Print Culture: An Introduction’, in *The Perils of Print Culture: Book, Print and Publishing History in Theory and Practice*, eds. E. Patten and J. McElligott, (London: Palgrave Macmillan, 2014), p. 5.

<sup>20</sup> A. Cl. Sophocleous, *A Contribution to the History of Cypriot Press*, vol.1: 1878-1890. (Nicosia: Intercollege Press, 1995), pp. 32-33.

<sup>21</sup> A. Kittroef, ‘The Alexandria We Have Lost’, *Journal of the Hellenic Diaspora*, Vol. X, No. 1 & 2, 1983, pp. 11-21.

<sup>22</sup> Sophocleous, *The First Cypriot Newspapers*, pp. 89, 91.

<sup>23</sup> M. Panagiotou, (2013) ‘Harbours, Harbour Works and Commerce in Cyprus, 1878-1910’, in *Greek Research in Australia: Proceedings of the Biennial International Conference of Greek Studies*, Flinders University June 2011, eds. M. Tsianikas, N. Maadad, G. Couvalis and M. Palaktoglou, Flinders University Department of Language Studies - Modern Greek. (Adelaide: Flinders University, 2013), pp. 95.

<sup>24</sup> Greek books, newspapers and periodicals were published in Egypt from about the middle of the 19th century to serve the Greek community that eventually developed to be one of the most active and pow-

journalist and teacher in Alexandria, played an instrumental role in this venture. As the future editor of the newspaper, he had managed to get permission to publish a local newspaper from the newly arrived first British High Commissioner of Cyprus, Sir Garnet Wolseley. Wolseley demanded that an English version of the newspaper should be simultaneously published. In August 1878 the first issue of the bilingual newspaper *Kypros/Cyprus* was finally produced inaugurating the beginning of print production on the island;<sup>25</sup> at the same time it heralded the multilingual character that would determine thereon part of the local print culture.

Eventually, the existence of the press signaled an expansion in the movement of ideas and contributed to the transformation and evolution of the local society. The production of serial publications of an ephemeral nature initiated the emergence of a print culture, since print became eventually part of daily life.<sup>26</sup> But still further research is required on the impact that printing technology brought upon the pre-existing social norms and the changes it inaugurated. There is evidence that by 1880 commercial printers could print in all three languages.<sup>27</sup> Two years later six commercial printing presses operated and were mainly associated with the publication of Greek newspapers.<sup>28</sup> As for the Turkish Ottoman press, although newspapers appeared as early as 1880, the first surviving Ottoman newspaper, *Zaman* (The Times), was printed in Nicosia in 1891.<sup>29</sup>

For the British troops arriving in Cyprus in the same year, printing technology was a ubiquitous tool that had already been used when European powers had invaded new lands as if ‘it was impossible to conceive of creating a society without recourse’ to the printing press.<sup>30</sup> The printing equipment they brought was meant to support building up an administrative infrastructure. For the colonial administration, printing, at least in the beginning, was an instrument for all government business. In the form of public notices, circulars, reports and various other records,

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erful communities in the commercial and cultural life of the country, in Municipality of Athens Cultural Centre, *Greek Publications in Egypt: books, periodicals, newspapers*. (Athens 1987), pp. 9-11.

<sup>25</sup> Sophocleous, *A Contribution to the History of Cypriot Press*, vol. 1, pp. 36-56.

<sup>26</sup> Patten and McElligott, op. cit., pp. 5-6.

<sup>27</sup> SA1 9375 /1880.

<sup>28</sup> Sophocleous, *The First Cypriot Newspapers*, p. 95.

<sup>29</sup> From secondary sources it appears that *Saded*, a short-lived newspaper started to be printed in 1889 but no copies survived, Strohmeier, op. cit., pp. 250, 255 and 267.

<sup>30</sup> Patten and McElligott refer to two examples: a) when the Dutch invaded England in 1688 brought with them a printing press and paper for producing propaganda leaflets, and b) when the British landed on Australia, they were equipped with resources for printing, p. 1.

printed texts were the basis of the day-to-day operation of the colonial rule. In a barely literate society public announcements<sup>31</sup> that were used as standard vehicles of communication, were the utilitarian documents that brought people in contact with print; for a long time newspapers remained expensive and available only to literate subscribers.<sup>32</sup> The Government Printing Office was established at an early stage in order to cover the needs of the administration for print.

Among the first materials that landed on the island soon after the arrival of British troops were field equipment for the operation of a letterpress and a lithographic printing unit. Operation of the first unit started in October 1878 and within one month the first issue of the *Cyprus Gazette* (5 November 1878) appeared; it was the official paper where all laws, bills, decrees and any other official governmental announcement or decision would be published; the early issues were available only in English. The lithographic unit started to operate sometime later at the beginning of 1879.<sup>33</sup> Type acquisition proved to be a major issue as all documents should appear, almost simultaneously, in three languages. By the summer of 1879 English and Greek types in different sizes and quantities had been supplied to the Government of Cyprus from England.<sup>34</sup> A descriptive list entitled 'An account of printing and lithographic materials supplied to the Government of Cyprus on orders received previous to July 1879' provides evidence of the materials that were included among the equipment of the first established printing unit.<sup>35</sup> Greek printing types were purchased in three sizes, 'double pica', 'pica' and 'small pica' both capitals and lower case; English printing types were also available in a variety of sizes, for e.g. 'long primer', 'non-pareil' and 'pica', and different styles such as roman, italic and thin faced Clarendon.<sup>36</sup> The latter refer to a very popular typeface introduced in England

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<sup>31</sup> SA1 2067/1887, a sample of the public announcement in English and Greek is provided together with a request for 100 copies in Greek and Turkish translation to be printed and distributed.

<sup>32</sup> According to the census of 1911, 73.2% of the Cypriot population were illiterate, in P. Papapolyviou, 'Cyprus 1909-1922, the "Political Crisis" of 1912', in *History of New Hellenism 1770-2000*, vol. 6: The National Integration 1909-1922, ed. V. Panagiotopoulos, (Athens: Ellinika Grammata, 2003), p. 305.

<sup>33</sup> SA1 8263/July 1879-March 1881.

<sup>34</sup> Ibid.

<sup>35</sup> Ibid.

<sup>36</sup> The terms refer to the different sizes in which printing types were manufactured and were used for defining type sizes in English throughout the hand-press period: double pica=22 points, pica=12 points, small pica=11 points, long primer=10 points, non-pareil=6 points, in J. Bowman, *Greek Printing Types in Britain, from the Late Eighteenth to the Early Twentieth Century*. (Thessaloniki: Typophilia, 1998), p. 22.



in 1845 as the ‘first related bold type design’;<sup>37</sup> it was designed for display use, enabled the printer to save space by accommodating a larger number of words in a limited space, combined harmoniously with roman type, and could put an emphasis on keywords without impeding the normal reading process. A number of indispensable complimentary tools and materials for the operation of the printing unit, such as spaces and quads in different sizes, lithographic stones, ‘litho black ink’, ‘writing transfer ink’ were also purchased. Letterpress printing from metal types catered for the production of the *Gazette* and other official documents, while lithography accommodated the reproduction of handwritten documents in anyone of the three languages in use, either as single sheets or in a limited number of pages, in small quantities and at a low cost. Finally, it seems that Turkish types were also available by 1879, but the lack of skillful compositors was still a barrier to overcome; as a result some work had to be outsourced to local private printing offices, but it was not at the expected quality.<sup>38</sup>

### Requisition of Printing Types

Cyprus was an importer of type, printing machinery and lithographic equipment.<sup>39</sup> In this section the focus will be on the commercial networks through which type arrived to the island for the needs of the administration. The communication between the GPO and European foundries brings to light various commercial and technical issues surrounding the printing of Greek, Ottoman Turkish and the way they were set in combination with the Latin script.

#### *Greek Type*

Greek types were initially purchased from England. They were primarily used there for printing the work of the Classical Greek writers, the Church Fathers and the Bible; changes in the variety of documents produced and their content occurred in the 19th century.<sup>40</sup> As mentioned above, among the first supplies provided by Her Maj-

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<sup>37</sup> M. Twyman, ‘The Bold Idea: The Use of Bold-Looking Types’, *Journal of the Printing Historical Society*, No. 22, 1993, pp. 125-126.

<sup>38</sup> SA1 9375/1880.

<sup>39</sup> During the first years of the presence of the British on Cyprus, work for the improvement of harbour facilities commenced. It was after 1894 that foreign ships could call to all ports. Eventually from the beginning of the century the shipping network of the island was expanded through direct steamship connections with Egypt, Greece and Turkey, Panagiotou, op. cit., pp. 100-111.

<sup>40</sup> C. Michaelides, ‘Greek Printing in England, 1500-1900, I. A survey, II. Stephanos Xenos, a Greek Publisher in Nineteenth-Century’, in *Foreign-Language Printing in London 1500-1900*, ed. B. Taylor, (London: The British Library, 2002), pp. 203-226.



esty's Stationery office soon after the arrival of British to the island were capitals and lower case types in three sizes, while, later, supplies came from the then H. W. Caslon and Co foundry. The types were of the Porsonic style and were continuously used until the turn of the century.<sup>41</sup>

In that time, the legibility of Greek type produced in Britain was questioned by the Chief Greek translator a Mr Karageorgiades. He complained to the Director of the GPO about 'the difficulty and fatigue we, translators, experience in revising the proofs of the Greek edition of the Cyprus Gazette, because of the very small size of the type used for the printing thereof'.<sup>42</sup> Consequently Karageorgiades asked for a replacement of a bigger size that would oblige 'very much both myself and the assistant Greek translator as well as the Greek printers who have always complained to me about the size of our type'.<sup>43</sup> To follow up this complain, W. G. Archer, the Superintendent of the GPO, asked permission to place future orders for Greek type with France, although he personally preferred English-made materials to those of foreign manufacture. In his request to the Chief Secretary he provided specimens of English and French made types (fig. 1) for allowing comparisons to be made; he also emphasised the advantages of French made type claiming that 'it is much more distinct to read while it is sold at about one-half the price of English made type, [...] and wears as well as the English made type' namely that it endures as long as the English type.

Considering the operation of the whole plant he suggested that overall a 'better assortment can be obtained [from France] and Greek work can be done more like the English style which it is impossible to do under present conditions with only one style of type which is the only one made by English typefounders and prevents the proper treatment of Greek printing, often found necessary to attract the attention of the Greek speaking population of this island'.<sup>44</sup> Thus a request for a quotation was sent to *Fonderie Générale de caractères Français et Étrangers* a long-established foundry in France (1834-1912) with a specialisation in the production of foreign characters and the capability to supply type of English height but French body.<sup>45</sup> A note regarding the height of type would appear in every order placed by

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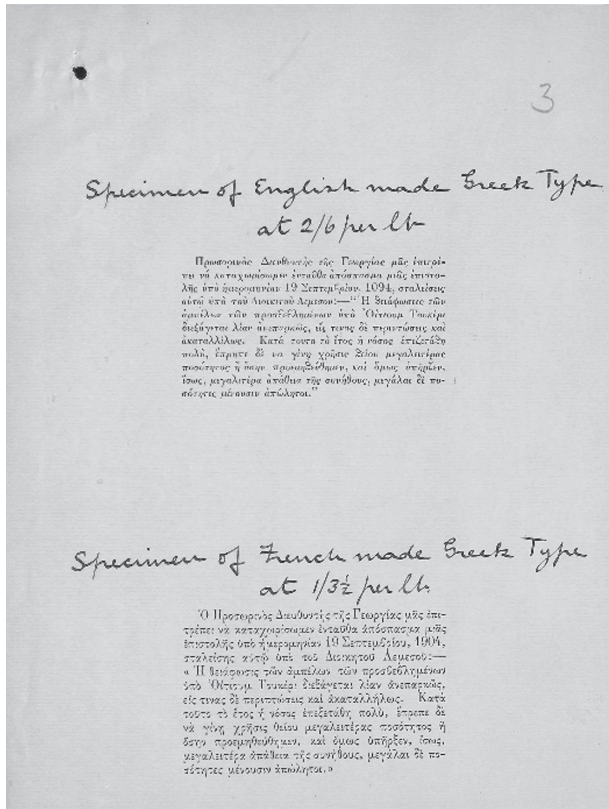
<sup>41</sup> SA1 1411/1889; For the H. W. Caslon and Co foundry see Bowman, op. cit., p. 242.

<sup>42</sup> SA1 2688/1904.

<sup>43</sup> Ibid.

<sup>44</sup> Ibid.

<sup>45</sup> Since 1894 the firm was directed by Charles Beaudoire; in 1912 it was acquired by Peignot Type Foundry.



**Fig. 1** Specimens provided by the Superintendent of the GPO to allow a comparison between the French and English manufactured Greek types (Cyprus State Archives, SA1 2688/1904)

the GPO to suppliers outside Britain and reveals one of the challenges of multiscript printing, namely mixing types from different foundries.<sup>46</sup> As type sizes and height-to-paper were not standardised yet, orders for printing types should provide clear instructions about both.<sup>47</sup> The available records indicate that Greek roman type, as presented in Beaudoir’s type specimens, was ordered in a variety of sizes for text setting complemented by a range of display types.

<sup>46</sup> SA1 2688/1904.

<sup>47</sup> The Fournier and Didot point systems that were widely adopted in continental Europe to measure printing types were different from English and American standards. Similarly European foundries gradually adopted the French measure of height-to-paper (i.e. the distance from the face that touches the paper to the feet of the metal type) that was also different from the American standard, in P. Gaskell, *A New Introduction to Bibliography*. (London: Oxford University Press, 1972), p. 208, 283.

This was the Greek Didot type, known as ‘apla’ [plain], that ‘was the first widely used printing type that departed from the Greek “italic” type-design tradition’;<sup>48</sup> its presence in Greek printed documents proved to be longstanding, spanned the whole letterpress era and started to show the first signs of replacement only after the introduction of photocomposition in Greece in the 1970s.<sup>49</sup>

The replacement of Greek type that took place in the GPO was initiated by the Greek translators’ complains. It is probable that as readers they were accustomed to encounter pages set in Didot type, found them more comfortable, and finally managed to introduce them to the GPO’s typesets.

### *Turkish Type*

In the beginning, Ottoman printing types were necessary for printing the *Cyprus Gazette* and various official forms. Lithographic reproduction was the most practical solution for notices that were mostly generated by handwriting, consisted of continuous text, had to be produced in short print-runs, at a low cost, and with as little delay as possible.<sup>50</sup>

The main supplier for Ottoman Turkish type was Constantinople.<sup>51</sup> Although of an inferior quality—type produced by foundries in Constantinople was made of soft metal and tended to wear out within a short period of time—it was much cheaper than the type manufactured in England and therefore remained the GPO’s main choice until the turn of the century.<sup>52</sup> However, in 1904 the need arose to procure type from other sources.<sup>53</sup> Enquiries were addressed to English foundries such as Caslon and Figgins. The quotations received were considered problematic as they were limited in sizes and styles or expensive. For example Figgins’ foundry could provide ‘three complete founts of Turkish in Long primer, Pica and English body’, albeit ‘at a price higher than those paid for Turkish type from Egypt’.<sup>54</sup> Then, one of

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<sup>48</sup> K. Mastoridis, *Casting the Greek Newspaper: A Study of the Morphology of the Ephemeris from its Origins until the Introduction of Mechanical Setting*. (Athens: Hellenic Literary and Historical Archive, 1999), p. 52.

<sup>49</sup> N. Sioki, ‘Reading and the Morphology of the Page: A Historical Study of the Typographic Design of the Greek Alphabet Book, 1771-1919’, PhD Thesis. (Reading: University of Reading, 2014), p. 70.

<sup>50</sup> M. Twyman, *Early Lithographed Books: A Study of the Design and Production of Improper Books in the Age of the Hand Press*. (London: Farrand Press & Private Libraries Association, 1990), p. 60.

<sup>51</sup> SA1 8288/1883; SA1 923/1888.

<sup>52</sup> SA1 1411/1889.

<sup>53</sup> SA1 589/1904.

<sup>54</sup> Ibid.

the most well-equipped foundries, Offizin Wilhelm Drugulin, in Leipzig, Germany was contacted; a quotation for Turkish type in ‘8, 12, 16, and 24 points or nearest size stocked, Didot or American body’ but with English height was required.<sup>55</sup> According to a promotional brochure, the firm, founded in 1829, could cast type in 69 languages. It had gained world fame as no other establishment in Europe had such a variety of stamps, matrices and scripts with the exception of the Viennese and Parisian state printers.<sup>56</sup> A selection was made based on the specimens supplied but once again prices were higher than those offered in Egypt; types were finally supplied by the firm of Krikor Rapaelian in Cairo, Egypt, who would eventually become the main supplier of Ottoman Turkish to the GPO.<sup>57</sup>

The above cases depict the contextual framework within which multiscript printing was taking place until the first decade of the 20th century. Procurement of type was a time-consuming process that was carried out through the established commercial relationships of the island; from the beginning of the 20th century, trade routes were established through an expanded shipping network. Until 1910, imports came mainly from the Ottoman Empire, Egypt and Britain, even though new markets were explored for special needs.<sup>58</sup> After 1911 imports from the Ottoman Empire declined as Britain and Turkey were in opposite camps during the First World War.<sup>59</sup> Financial considerations were essential in the decision-making process; the lack of standardisation in height-to-paper and body size compelled printers to place orders for customised type that increased the cost of purchases; additionally, scripts as Greek and Arabic that required rather extensive character sets put extra charges to the overall expenditure on type. There were no aesthetic concerns in the choice of type mainly due to the nature of the documents produced and their purpose. The administrative documents under examination were merely instrumental, and meant to be used and archived. They consisted of textual information that was organized in configurations where lists and tables tended to prevail. They were available in material forms other than the book, namely broadsides

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<sup>55</sup> SA1 589/1904.

<sup>56</sup> Entry on ‘Drugulin, Wilhelm Eduard’, Deutsche Biographie, <https://www.deutsche-biographie.de/sfz11925.html> [accessed June 2018].

<sup>57</sup> SA1 1429/1904.

<sup>58</sup> G. Kazamias and M. Panayiotou, ‘Cyprus’ Trade with the Levant, 1881-1946/47’, in *The Greeks and the British in the Levant, 1800-1960s*, eds. A. Yiangou, G. Kazamias and R. Holland, (London: Routledge, 2016), p. 114.

<sup>59</sup> *Ibid.*, p. 116.

such as proclamations and broadsheets such as forms. Their appearance, which I will discuss next, brings to light issues related to the politics that underpinned the production decisions for multilingual documents.

### **The Visual Appearance of Multilingual Documents**

Right from the beginning various administrative forms had to be produced in the three languages with the aim to gather information and control various procedures. A few examples can demonstrate how forms were produced and how decisions about the languages of use and the appearance of forms were made.

In October 1881 the Director of Survey, Horatio Herbert Kitchener (1850-1916),<sup>60</sup> identified the need for ‘proper forms of auction bills to be printed both in Turkish and Greek’<sup>61</sup> in order to avoid collision between the interested parties when properties for sale were auctioned. As a response to this request, two handwritten bilingual forms were produced, in 500 copies each, by transfer lithography (fig. 2); as a process, lithography allowed for correcting mistakes that occurred while translated texts were copied, before the transfer of text on stone and its reproduction in multiple copies.<sup>62</sup>

Texts were presented in parallel horizontal rows which established a hierarchy in between the languages; the language of the administration was positioned at the top followed by the language of the community addressed; the two sections were clearly divided by a horizontal rule. The text arrangement was imposed by the portrait orientation of paper, which also served one of the ways in which the forms were used. They were posted in public space in the village or neighbourhood where the auction would take place.<sup>63</sup> Following a common practice in the presentation of printed forms dotted rules were used as a guide to filling in. The use of transfer lithography ensured economy in cost and time in the production of documents whose functionality prevailed over quality.

Almost two years later the Chief Justice ordered a number of criminal forms for various uses to be printed. After acknowledging that the printing office had by

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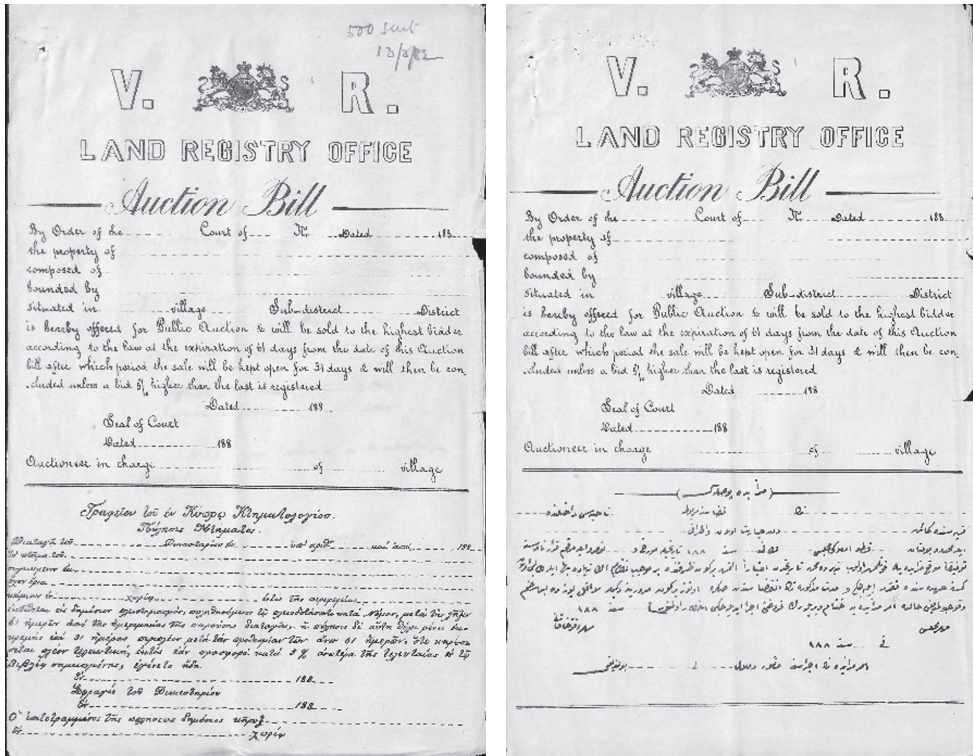
<sup>60</sup> During his sojourn on Cyprus (September 1878-February 1883), Lieutenant Kitchener was assigned to map the island. Thus he produced the first full triangulated survey and map of Cyprus, see R. Shirley, *Kitchener's Survey of Cyprus 1878-1883: The First Triangulated Survey and Mapping of the Island*. (Nicosia: The Bank of Cyprus Cultural Foundation, 2001).

<sup>61</sup> SA1 3695/October 1881-April 1882.

<sup>62</sup> *Ibid.*

<sup>63</sup> SA1 3695/1881.





**Fig. 2** Handwritten forms including the translation of the English text in Greek and Ottoman Turkish reproduced by lithography, 1881 (Cyprus State Archives, SA1 3695/1881)

now the resources for printing in all languages, he ordered that all three languages should appear on the same sheet in a number of forms (4, 5, 6, 14 and 15) and requested quantities that ranged from 1000 to 10000 copies. At the same time he was also concerned with the order of the appearance of languages; therefore he suggested that Turkish text should follow the English text with the Greek at the end.<sup>64</sup> There is no explicit evidence about the reason for this latter suggestion; it could have been implied by the use and users of the forms or, probably, as I will explain, by the existing political situation.

More examples demonstrate that in governmental documents the juxtaposition of texts in parallel horizontal rows became a norm. The order in which the three

<sup>64</sup> SA1 4251/1883.



**Fig. 3** Three scripts coexisted on leaflets that promoted the local fairs. Titles in English were set in the largest size in order to appear more prominent. The arrangement of text allowed the reader to access directly his/her language.

From A. Cl. Sophocleous, *The History of Advertising in Cyprus* (Nicosia: The Laiki Group Cultural Centre) 166

languages appeared was not accidental; it was, rather, indicative of power relations.<sup>65</sup> It reflected the then current status of Cyprus, where, although the British were responsible for the administration, the island was still under the sovereignty of the Ottoman Empire. Therefore, Turkish language was accorded precedence and should appear second after the official one. To provide a solution to complaints provoked by the order of texts on public notices and other official documents, the Colonial Secretary, Arthur Young, issued a directive in 1903 about the order of languages that was addressed to all heads of departments and commissioners: ‘Whenever you may have reason to issue any authorised Notice or Order in the three languages

<sup>65</sup> D. Karoulla-Vrikki, op. cit., pp. 352-353.



Fig. 4 Examples of multiscript printing on an advertisement and a cigarette label where solutions to grab attention were necessary. Advertisements of tobacco factories:

- a) a rare tri-lingual promotional sample,
- b) the absence of Greek may indicate an export market.

From A. Cl. Sophocleous, *The History of Advertising in Cyprus* (Nicosia: The Laiki Group Cultural Centre) 88, 287

the order of these should be English first, Turkish second, Greek third'.<sup>66</sup> This order was followed for the printing of documents where all three languages had to appear in combination (fig. 3).

<sup>66</sup> Colonial Secretary Circular No. 2913/1903 in SA1 621/1912.



Until now I have not come across any administrative document where all three languages appear in different configurations than the one already discussed. That mixed-language setting required the accommodation of two different reading directions, and the standard text configuration adopted for administrative documents created an orderly page view; each reader could follow the text in his or her language without any diversion or time-consuming skipping. A few examples of commercial advertisements indicate that different solutions, some more creative than others, were sought when promotional purposes and market needs had to be served. In order to address a multilingual market, the graphic language was strengthened by the use of pictures, ornaments and colour; despite their small size and short texts, advertisements were organised graphically in rather inventive ways in order to attract consumers' attention (Fig. 4).

### **Conclusions and Further Research Suggestions**

The advent of printing in Cyprus laid the ground for the emergence of a print culture as, eventually, both printing presses and printed documents became entangled in everyday life. The development of the first printing ventures during the end of the 19th and early 20th century was partly defined by a) Cyprus' geographic position as a small country at the periphery of the European printing market and an island located not far away from the Levant big ports; and b) by the transition from a territory ruled by the Ottoman Empire to a British Colony. This article brought attention to a rather unexplored aspect of local printing history, namely the production of multiscrypt documents that served the needs of a linguistically multifarious society.

Multiscrypt printing and typography in the time period under examination were processes of high complexity as they challenged status relationships and political sensibilities of readers of different cultures; in addition, documents had to accommodate three scripts whose setting followed different conventions and required different typographic approaches.<sup>67</sup> In such an environment printing technology was not an ally. Only a few foundries specialised in printing type production for different languages for small markets and readerships. Fonts were available in re-

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<sup>67</sup> Typesetting for letterpress printing in Arabic script was a complicated process as Arabic script consists of connected letters and is read from right to left. For this reason it was extremely time-consuming and radically different from Latin and Greek that share certain conventions, see G. Sadek and M. Zhukov, *Typographia Polyglotta, a Comparative Study in Multilingual Typesetting*. (New York: Association Typographique Internationale & The Cooper Union, 1997), p. 1

stricted assortments and high prices. Cost-effective solutions limited the variety of styles and sizes available for printing. Specialised compositors and typesetters with the necessary knowledge and skills were hard to find and educate, especially on an island positioned rather afar from European printing centres. In the context of multiscript printing there are still questions waiting for answers. For example, the clear-cut juxtaposition of languages on administrative documents allows to compare the typesetting of texts and explore influences between them. This is a strand that we tend to pursue in our research in order to identify the potential influence of British typographic style on the appearance of texts that were set in the local languages. Regarding this matter, the skills and linguistic qualifications of compositors were a determining factor for the quality of composition and the visual appearance of the end products, a theme that also requires further investigation.

The present study suggests that the exploration of the local printing history is a fascinating project that touches on different genres of documents, practices in the printing office, commercial exchanges, reformations in script, identity issues in relation to language and an interesting and intensive socio-political context. But also it is time-consuming, as records and artefacts are dispersed in archives, museums and private collections, both locally and in neighbouring countries in the wider Eastern Mediterranean area. However, this project reveals that the development of printing and of printing practices in peripheral countries may have its own distinct character that is worth further study; local narratives may improve our knowledge about regional realities and probably bring to light unknown facets of printing history as it was developed in the European centres.

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# Propaganda War During the Peak of the *Enosis* Campaign: The Case of the English Edition of *Halkın Sesi*

NIKOLAOS STELGIAS,<sup>1</sup> MAGDALENE ANTREOU<sup>2</sup>

## Abstract

*During the second half of the 1950s, the Greek Cypriot leadership, the British colonial administration and the Turkish Cypriot community contested for the right to decide the future of the island. The local press had a unique role in this political battle as a medium for the unleashing of a fierce ‘propaganda war’. The British administration propagated its messages to the public through the local English-language press, while the Turkish Cypriot community took part in this ‘propaganda war’ through the short-lived ‘English Edition of the Halkın Sesi’, which is the object of this study. The study, which relies on archival material, finds that the second largest community of the island was not a reactionary element in Cyprus’ political field. With innovations, such as the English-language version of a propagandist newspaper, the Turkish Cypriot community emerged as a vital player in the field of the Cyprus Problem.*

**Keywords:** Cyprus Problem, propaganda, Turkish Cypriots, Halkın Sesi, English language press

## Introduction: Propaganda war in Cyprus’ English-language press during the peak of the *Enosis* campaign

We have decided to publish an English edition of *Halkın Sesi* after serious consideration. The object of this English edition is to state and restate the Turkish point of view on Cyprus and counter fight the prolific Greek propaganda, which is based on falsehoods or sentiment. We feel that it is high time the English-speaking world has a serious look at the other side of the Cyprus coin, a side, which in modesty and due to lack of means has not been sufficiently stated so far<sup>3</sup>.

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<sup>2</sup> Magdalene Antreou, PhD, Historian and Researcher, Research Fellow at the Bank of Cyprus Cultural Foundation.

<sup>3</sup> ‘Why This English Edition?’, *Weekly English Edition of Halkın Sesi*, 9 July 1956.

The abovementioned article was published in the first issue of Cyprus' new English-language newspaper only a few months after the commencement of EOKA's armed action. Whilst the Greek Cypriot community's quest for union (Enosis) with Greece amplified, the Turkish Cypriot leadership decided to initiate the publication of the English version of the well-known Turkish Cypriot newspaper, 'Halkın Sesi', who also fell victim to censorship and was suspended from January 21 until April 1943<sup>4</sup>.

The proprietor and editor of the four-page 'Weekly English Edition of the Halkın Sesi' was the leader of the Turkish Cypriot community, Dr Fazıl Küçük. The new edition had as a primary objective to propagate the thesis of the Turkish Cypriot leadership regarding the Cyprus Issue. The Greek Cypriot side, the British administration of Cyprus and the international community, were meant to be the recipients of the newspaper's messages. The newspaper published original articles, as well as articles discussing the Cyprus Issue, which were previously published in the Turkish press. The Turkish Cypriot newspaper began its journey on 9 July 1956. The last issue available to us dates back to 31 December 1956.

During the Cold War period of propaganda wars, the 'Weekly English Edition of the Halkın Sesi' was one of the few platforms available to the Turkish Cypriot community for voicing its aspirations. Contemporary studies relate the 'art of propaganda' with the art of persuasion and rhetoric, which lay at the epicentre of ancient Greek philosophy. According to Soules, the rhetoric is 'The art of communicating effectively and persuasively in a particular context'<sup>5</sup>. In addition, the successful practice of rhetoric depends on 'the faculty of observing in any given case the available means of persuasion'<sup>6</sup>. As Soules argues, the rhetoric is 'Moving toward propaganda when it is consciously misleading or exploits beliefs, values and attitudes for the propagandist's benefit'<sup>7</sup>. In accordance with this remark, Sophocleous stresses that 'the technique of propaganda is based on the successful combination of psychological and sociological principles and methods with the practical art of the capture, preparation and transmission of the message to the target. Its success is based on the observance of the basic principles of the

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<sup>4</sup> A. Sophocleous, *Press Censorship in Cyprus during British rule (1878-1960)* (Nicosia: En Typois, 2014) (in Greek), p. 187.

<sup>5</sup> Marshall Soules, *Media, Persuasion and Propaganda*, (Edinburgh: Edinburgh University Press, 2015) p. 3.

<sup>6</sup> *Ibid*, p. 3.

<sup>7</sup> *Ibid*, p. 3,4.

communication<sup>8</sup>. Furthermore, according to Sophocleous, ‘before proceeding with the selection of the instruments to be used (...) the propagandist must focus on a series of actions. After deciding on the objectives, proceeds to the selection of material, which will cause the appropriate reactions. (...) The next concern of the propagandist is the choice of the most appropriate means to convey the message to the target<sup>9</sup>.

In this context, the art of the propaganda according to Paddock ‘aims to win the compliance of its mass audience and mobilise it to act, or not act in the propagandist’s interests’ with the help of primary communication channels, such as newspapers. Paddock mentions that ‘newspapers shape stories for their audience with the intent of presenting a certain view (and) that even publicity is a form, albeit somewhat milder, of propaganda<sup>10</sup>. ‘Using language that the reader can understand, but also arguing from a perspective toward which the reader will also be ‘sympathetic’, the newspapers seek to ‘present the information that they had and were permitted to print’<sup>11</sup>.

If the prelude of the French Revolution and the period that followed the nineteenth century were the starting point of the propaganda wars, in which the newspaper played a leading role, then the ‘two world wars demonstrated the power of propaganda’<sup>12</sup>. Moreover, the post-1945 period witnessed the widespread utilisation of the lessons drawn from the wartime experience<sup>13</sup>. Regarding the British media, Jenks argues that the ‘legacy of total war and the exigencies of Cold War - particularly propaganda - kept the British media tightly self-disciplined when it came to the Soviet Union and Communism’<sup>14</sup> According to Jenks:

Two world wars and an international depression had eroded Britain’s ability to project power, but the global media system it had built in the nineteenth century and the propaganda expertise it had homed in the two world wars gave it

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<sup>8</sup> A. Sophocleous, *Introduction to Communication, Persuasion, Propaganda* (Nicosia: Nikoklis, 1999) (in Greek), p. 21. The translations belong to the authors.

<sup>9</sup> *Ibid.*, p. 26-27.

<sup>10</sup> Troy R. E. Paddock, ed., *A Call to Arms: Propaganda, Public Opinion and Newspapers in the Great War*. (Westport, Connecticut: Praeger Publishers, 2004), p. 8.

<sup>11</sup> *Ibid.*, p. 9.

<sup>12</sup> Nicholas John Cull, David Holbrook Culbert, and David Welch, *Propaganda and Mass Persuasion: A Historical Encyclopedia, 1500 to the present*. (Santa Barbara-California: ABC-CLIO, 2003), p. 18.

<sup>13</sup> *Ibid.*, p. 18.

<sup>14</sup> John Jenks, *British Propaganda and News Media in the Cold War*, (Edinburgh: Edinburgh University Press, 2006), p.2.



inordinate influence over global news media discourse. After 1945, the British government sought to use this influence and expertise, often in conjunction with the newly arrived Americans, to defend its still extensive strategic interests. The British preferred private entities such as Reuters, but increasingly turned to the quasi-official BBC and British Council and fact-based propaganda-overt, covert and mixed-both to supplement the increasingly anemic private news sector and to keep up with the burgeoning American and Soviet propaganda machines. The successful exercise of this system-private, public and subsidised-in the Cold War strengthened it and thus helped Britain preserve inordinate prestige, power and influence in the global media<sup>15</sup>.

In the case of Cyprus and the local English-language press, we found the government deeply involved in the news and information business. According to Stubbs and Taşeli the popular press in Cyprus was a constant source of frustration for the British. This led to the consistent suppress of newspapers when the ‘tensions between colonizers and colonized came to surface’<sup>16</sup>. The ultimate aim of the local authorities was to bolster the British influence in the political and diplomatic field of the Cyprus Issue. As in other parts of the world, the Cyprus media consensus and the government manipulation operated through the revision of the English-language media’s common view of the world situation and the Cyprus Issue.

The purpose of this paper is a thorough analysis of the Turkish Cypriot English-language newspaper ‘Weekly English Edition of the Halkın Sesi’ during the first period of EOKA’s armed action. Furthermore, with the ultimate aim of enriching the study and framing it with the available archival material of other English-language newspapers published during the same period, we have studied the publications of two local English-language newspapers, ‘Times of Cyprus’ and the ‘Cyprus Mail’. According to Sophocleous, during the period ‘after the outbreak of the EOKA’s liberation struggle on 1 April 1955, the English (authorities) introduced a state of emergency and martial law. From the 5 May 1955, the Governor had the power to impose a curfew on the inhabitants based on a relative law. Journalists had to carry out their mission with special identity cards’<sup>17</sup>. The local press reacted towards many of the measures taken by the Government, which had activated its own

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<sup>15</sup> John Jenks, *British Propaganda and News Media in the Cold War*, p.2.

<sup>16</sup> Jonathan Stubbs, Bahar Taşeli, (2014) ‘Newspapers, Nationalism and Empire’, *Media History*, Vol.20, No.3, p286

<sup>17</sup> A. Sophocleous, *Press Censorship in Cyprus during British rule (1878-1960)* (Nicosia: En Typois, 2014) (in Greek), p. 187.

‘propaganda mechanism’ and imposed ‘censorship on the press and all information and communication means in general’<sup>18</sup>.

Regarding this period, Sophocleous underlines that:

During the EOKA struggle (...) Cypriot journalists were cautious and self-aware because of strict censorship and emergency situations. They simply described the facts without commenting (...). It is worth mentioning that several journalists were simultaneously members of EOKA (...). Because the English significantly limited the sources of information that reached Cyprus regarding the activities of EOKA, Cypriot journalists had as basic sources of information the radio stations of Athens and Cairo<sup>19</sup>.

In this period of tremendous turmoil, ‘the English-speaking newspapers ‘Cyprus Mail’ and ‘Times of Cyprus’ were circulating in Cyprus. (...) The English-language Cypriot newspaper ‘Cyprus Mail’ (...) was not characterised by its support in the struggle of EOKA (...)’<sup>20</sup>. The ‘Cyprus Mail’ was published for the first time in 1945. The newspaper had a conservative outlook and was unsympathetic towards the Greek Cypriot’s national aspirations. The ‘Cyprus Mail’ was considered the main rival of the ‘Times of Cyprus’ which is the second newspaper we will study.

The ‘Times of Cyprus’ was a weekly newspaper first published in May 1880 by Edward Henry Vizetely, a well-known journalist and author. In its first period, the newspaper had a liberal outlook and was in favour of the British annexation of Cyprus. The ‘Times of Cyprus’ has had a long history of demanding the implementation of the freedom of press principle. Regarding the role of the newspaper in the period that the present study focuses, Sophocleous emphasises that:

During the EOKA struggle, the trial of the English language newspaper ‘Times of Cyprus’, which was accused of supporting through its articles the EOKA struggle and the exiled Archbishop Makarios, was historic. The director of the newspaper, Charles Foley, was in danger of being sentenced to many years in prison. (...) Behind the publication of the English-speaking newspaper ‘Times of Cyprus’, which was very successful and had a great circulation, was Archbishop Makarios III (...)’<sup>21</sup>.

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<sup>18</sup> A. Sophocleous, *Press Censorship in Cyprus during British rule*, pp.160-62.

<sup>19</sup> *Ibid*, p. 166.

<sup>20</sup> *Ibid*, p. 200.

<sup>21</sup> *Ibid*, p. 170.

The ‘Times of Cyprus’ which defended the freedoms of speech and press was targeted by both the British authorities<sup>22</sup> and the ‘Weekly English Edition of the Halkin Sesi’. The Turkish Cypriot newspaper opposed to many of the articles published by the ‘Times of Cyprus’ and argued that its own publication was a response to these positions and to the instruments that professed them. As we will see below the English-language Turkish Cypriot newspaper disagreed mainly on how to deal with the EOKA and the content of the final solution of the Cyprus problem.

This paper, by analysing the rich archive material of the three abovementioned newspapers, attempts to provide answers to several important questions such as who was the common enemy in the eyes of the said newspapers and what was their approach? What were the stakes, according to the British authorities’ and the Turkish Cypriot leadership’s approach? How were those stakes discussed in the newspapers’ articles? How did the newspapers respond towards the said enemy? How did they cover the bloody conflicts of the 1950s? What was their approach towards the measures taken by the local government? The answers to these questions, intent to add to the existing knowledge of the history of contemporary Cypriot journalism and contribute to Cyprus’s modern political and diplomatic history.

### **The ‘Enemies’: The ‘Terrorists’ and the ‘Reds’**

On 1 April 1955, Cyprus lived one of its most important moments in history when the organisation ‘EOKA (Εθνική Οργάνωση Κυπρίων Αγωνιστών)’ started its armed operations against the British local authorities with the ultimate goal of annexing Cyprus to Greece.<sup>23</sup>

Since the beginning of the armed conflict, Cyprus’ English-language press described EOKA as an organisation which was willing to use ‘terrorist’ practises

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<sup>22</sup> Ibid, p. 171.

<sup>23</sup> David French, *Fighting EOKA: The British Counter-Insurgency Campaign on Cyprus 1955-1959*, (Oxford: Oxford University Press, 2015); Alexis Heraclides, ‘The Cyprus Problem’, *The Cyprus Review*, Vol. 16, No. 2, 2004; George Hill, *A History of Cyprus*, Vol. 3, (Cambridge: Cambridge University Press, 2010); Christopher Hitchens, *Hostage to History: Cyprus from the Ottomans to Kissinger*, (London: Verso, 1997); James Ker-Lindsay, *The Cyprus Problem: What Everyone Needs to Know*, (Oxford: Oxford University Press, 2011); William Mallinson and Bill Mallinson, *Cyprus: A Modern History*, (London-New York: I.B. Tauris, 2005); Yiannis Papadakis, Nicos Peristianis, and Gisela Welz, eds, *Divided Cyprus: Modernity, History, and an Island in Conflict*, (Bloomington and Indianapolis: Indiana University Press, 2006).

in its effort to achieve its goal and promote the unification of Cyprus with Greece. Moreover, the Turkish Cypriot press in its entirety shared the same opinion,<sup>24</sup> whilst for some of the Greek Cypriot newspapers the Turkish Cypriots were the ‘raging mob’ causing the disturbances<sup>25</sup>. In this context, EOKA was the first common enemy for all three English-language newspapers published in Cyprus during the 1950s. A couple of months before the first issue of the ‘Weekly English Edition of the *Halkın Sesi*’, ‘*Cyprus Mail*’ argued that EOKA consisted of a group of ‘terrorists’ who did not hesitate to attack even children:

With Nicosia bars and clubs enjoying a sudden spell of normality and many troops in the town, two homemade bombs were hurled in British-frequented bars last night. In one, only the pavement suffered. In the other, two young boys whose only offence was the attempt to sell flowers to the troops narrowly escaped their lives<sup>26</sup>.

According to the English-language press, the Greek Cypriot leadership’s stance towards EOKA’s violence was problematic. Specifically, in October 1956 the ‘*Cyprus Mail*’ published the Archbishop’s comments regarding EOKA and pointed out his refusal to distance himself from its actions.:

Answering the question ‘Would you condemn violence’ the Archbishop said ‘I have never advised violence. British policy is entirely responsible for the use of the violence’. Pressed to say why he did not denounce the violence the Archbishop said: ‘I do not see any practical result out of my denunciation’.<sup>27</sup>

In this context, the English-language press applied sharp criticism towards the Greek Cypriot leadership during the period in question. Furthermore, when discussing EOKA’s operations, the newspapers raised moral issues by focusing on the suffering of the ordinary citizens of Cyprus<sup>28</sup>.

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<sup>24</sup> Νίκος Στέλιος, *Ο αγώνας της ΕΟΚΑ 1955-1959 στα πρωτοσέλιδα του Τουρκοκυπριακού τύπου*, (Λευκωσία: Ινστιτούτο Μέσων Μαζικής Επικοινωνίας, 2014), p. 25.

<sup>25</sup> Μαγδαληνή Αντρέου, *Πως εμφανίζονται οι Τουρκοκύπριοι στην εφημερίδα ‘Ελευθερία’ την περίοδο 1930-1958*, unpublished master’s thesis (Athens: Panteion University, 2005), p. 107.

<sup>26</sup> ‘Terrorist Strike Again.’, *Cyprus Mail*, 21 May 1955.

<sup>27</sup> ‘I Have Never Advised Violence.’, *Cyprus Mail*, 13 October 1955. According to Holland, the Archbishop was also criticised by Harding for his reluctance to condemn violence. Robert Holland, *Britain and the Revolt in Cyprus, 1954-1959*, (Oxford: Clarendon Press, 1998), p. 107.

<sup>28</sup> ‘Mother’s Sacrifice for Her Two Children.’, *Cyprus Mail*, 13 February 1956.

The English-language press was condemnatory towards the EOKA insurgents, whose 'criminal' actions could only be tackled by harsh punishments: 'Three EOKA terrorists under sentence of death to whom the Judicial Committee of the Privy Council refused special leave to appeal against convictions, have been told that they will be hanged tomorrow morning'<sup>29</sup>.

On the other hand, the English language press expressed their concern regarding the authoritarian measures implemented by the government. As Karyos mentions, the British unsuccessful policing intervention, including measures such as curfew, large-scale detention and the imposition of the death penalty, caused the popular opinion to favour the insurgents<sup>30</sup>. In the case of 'Times of Cyprus', the traditional liberal line and the bonds with the Greek Cypriot leadership and especially the Archbishop of Cyprus inspired the newspaper's more 'softer' stance towards EOKA's struggle. In conjunction with these bonds, the consequences of the deterioration of the overall situation on the island and the fruitless efforts of the British to deal with the crisis, led the 'Times of Cyprus' and the 'Cyprus Mail' to express alternative opinions. In this context, the newspapers stressed out the negative impact the government measures had on the prospect of reaching compromising solutions. The security measures taken between 1955-1956, such as the of establishment of the Police Mobile Reserve and the UK Police Unit which were staffed by Turkish Cypriot and British policemen respectively, added to the Greek Cypriots' distrust of the government<sup>31</sup>. According to the said newspapers, the government's policy was also blameworthy for the perpetuation of the current situation:

The more one ruminates on the week's curfew on Nicosia which afflicted some twelve thousand human beings; the more one must inevitably become convinced of the injustice and futility of such a form of collective punishment which hits indiscriminately at rich and poor, guilty and innocent<sup>32</sup>.

In the eyes of the English-language press, one of the collateral victims who suffered due to this irregular and violent situation was the press itself. On the

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<sup>29</sup> 'Three Eoka Men to Die Tomorrow.', *Cyprus Mail*, 20 September 1956

<sup>30</sup> Andreas Karyos, 'Britain and Cyprus, 1955-1959: Key-Themes on the Counter-Insurgency Aspects of the Cyprus Revolt', in *Great Power Politics in Cyprus, Foreign Interventions and Domestic Perceptions*, eds. Michalis Kontos, Sozos-Christos Theodoulou, Nikos Panayiotides, Haralambos Alexandrou, (Tyne: Cambridge Scholars Publishing, 2014), p34.

<sup>31</sup> David M. Anderson, (2008) 'Policing and communal conflict: The Cyprus emergency, 1954-1960', *The Journal of Imperial and Commonwealth History*, Vol. 21, No. 3, pp. 186-195.

<sup>32</sup> 'Thoughts on a Curfew.', *Cyprus Mail*, 10 October 1956.

occasion of the 1956 Cyprus Press Law, which allocated enhanced powers to the Governor, the local English-language press in addition to criticising the government's strict measures, called on London to offer a solution:

Sir Winston Churchill is among nearly 150 personalities in English public life to whom the Editor of the Times of Cyprus has made a personal appeal on behalf of the freedom of the press in Cyprus. 'I write', he says, 'to call your urgent attention to the dangers of the new Cyprus Press Law which empowers the Governor, at his absolute discretion, to suppress newspapers without notice or reason given<sup>33</sup>.

While the stance of the two said newspapers towards both the EOKA's and the government's actions was critical, although not in equal measure, the same could not be said for the English-language newspaper of the Turkish Cypriot community. For the 'Weekly English Edition of the Halkın Sesi' the EOKA was undoubtedly a 'terrorist organisation', whose defeat demanded the assumption of strict measures on behalf of the government. The Turkish Cypriot newspaper emphasised how futile have EOKA's operations been proven since their primary objective of uniting Cyprus with Greece had not been achieved. Furthermore, the newspaper foresaw the imminent annihilation of the insurgence. In addition, people would soon realise that the British are here to stay and that Turkey's interests in Cyprus were sincere. In the meantime:

These fifteen months of murder, violence, hooliganism and vandalism by EOKA and its supporters, the innocent school boys, have therefore achieved nothing, apart from causing unimaginable hardship and suffering to innocent people, undermining the character of the youth and proving once again in the civilised days, the hope of achieving political ends through violence is a mad man's dream.<sup>34</sup>

According to the 'Weekly English Edition of the Halkın Sesi,' the cooperation of the Turkish Cypriot community with the colonial administration depended on the perpetuation of the strict measures and the simultaneous defeat of EOKA and the project of Enosis. Only then, the Turkish Cypriot leadership would be ready to discuss the possibility of a new constitution, which would provide the members of the second largest community of the island equal rights with Greek Cypriots:

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<sup>33</sup> 'The Times Appeals to England.', *Times of Cyprus*, 2 December 1956.

<sup>34</sup> 'EOKA's Achievements!', *Weekly English Edition of Halkın Sesi*, 23 July 1956.

However, even then, we have our conditions, which we have put forward as a matter of self-defence-viz: Equal rights and equal representation, and secondly, the final and conclusive closing the door to Enosis or its equivalent self-determination<sup>35</sup>.

The second common enemy identified by the English-language newspapers of Cyprus during the 1950s were the communists. The 'Weekly English Edition of the Halkın Sesi', the 'Cyprus Mail' and the 'Times of Cyprus' agreed that Cyprus' future was in danger from both the EOKA and the 'communist threat'. Within this framework, the Turkish Cypriot newspaper frequently reproduced articles targeting the Soviet Union, which were previously published in the Turkish press. According to the 'Weekly English Edition of the Halkın Sesi' Cyprus, Great Britain and Turkey shared the important task of defeating communism:

'There is but one sacred cause today: the security of the free world. An island only forty miles from our shores cannot be reduced to the play-thing of Communists and a scheming combination of avaricious churchmen and imperialistic Megalo Idea visionaries. (...) The farce intended to be staged under the guise of self-determination, even if it is successful, will bring about the following consequences: Turkish security will be endangered in the rear by a complete encirclement, communism will become predominant in Cyprus, a British or NATO base initially established there with the consent of Greece will soon collapse, the security of mankind will be sacrificed (...). At this moment, Britons and Turks are facing history (...). The two sides which stand for the security of mankind will have to cooperate (...)'<sup>36</sup>.

For the 'Weekly English Edition of the Halkın Sesi', Turkey and the Turkish Cypriots did not have the luxury to abandon the island to Greece, which due to its weaknesses may at any given time side with the Communist Bloc<sup>37</sup>. According to Holland, British officials voiced a similar argument in the House of Commons on July 1954 when Greece was characterised as 'a friendly but unreliable ally'<sup>38</sup>. While the local English-language newspapers were discussing the communist 'threat' over

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<sup>35</sup> 'We Did Welcome You Lord Radcliffe Says Dr Fazıl Kuchuk.', *Weekly English Edition of Halkın Sesi*, 30 July 1956.

<sup>36</sup> Ahmed Emin Yalman, 'The New Eastern Question', *Weekly English Edition of Halkın Sesi*, 9 July 1956.

<sup>37</sup> 'Turkish Point of View Understood!', *Weekly English Edition of Halkın Sesi*, 16 July 1956.

<sup>38</sup> Robert Holland, (1995) 'NATO and the struggle for Cyprus', *Journal of Modern Greek Studies*, Vol.13, No. 1, p.36.



Cyprus, London was clarifying that it had no intention of abandoning the island at the mercy of the Eastern Bloc. In this context, the 'Cyprus Mail' published the British Foreign Minister's statements that 'if there were any chance of Cyprus going communist, Britain would not be able to carry out (its) commitments to the free world'<sup>39</sup>. As the 'Cyprus Mail' mentioned in July 1956, London's ability to fulfil its obligations in NATO 'rested on the effective use of the defence facilities in Cyprus'<sup>40</sup>. Moreover, amidst the developments of the Cold War, the newspaper expressed the opinion that even 'a NATO base in Cyprus would be insufficient for this purpose'<sup>41</sup>.

### **The Stakes: A Self-Governing British Dominion or Partition?**

Although the three English-language newspapers of Cyprus agreed that the island's enemies were both the EOKA insurgents and the communists from inside and outside Cyprus, the Turkish Cypriot media had a different approach towards the measures the government should take to tackle the said enemies.

The 'Weekly English Edition of the Halkin Sesi', in contrast to the two English-language newspapers, insisted that the British local authorities should implement stricter measures in order to address the two abovementioned threats. According to the newspaper, which was propagating the position of the Turkish Cypriot leadership, tackling the EOKA threat was in the best interest of all the British residing in Cyprus, officials or civilians. In this spirit, the newspaper concluded that for Turkey and Britain to achieve their own private goals in Cyprus, the EOKA organisation and the Greek Cypriot's aspirations for self-determination and Enosis should be defeated.

Bearing in mind that the three English-language newspapers rejected both the union with Greece and the alignment with the Communist Block, we arrive at the question what did they want the future of Cyprus to be? Furthermore, we ask what were the plans of the British and Turkish Cypriot side for Cyprus, according to the English-language press of this period? Also, we examine the newspapers' common elements and their differences?

From the point of Cyprus' English-language press, the answer to the first question was clear. Amid the peak of the Cold War, Britain was obliged to keep Cyprus under its control, to safeguard its defensive and diplomatic interests in the

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<sup>39</sup> 'If Cyprus Went to the Communists.', *Cyprus Mail*, 4 February 1956.

<sup>40</sup> 'NATO Base in Cyprus Would Not Be Enough.', *Cyprus Mail*, 8 July 1956

<sup>41</sup> 'NATO Base in Cyprus Would Not Be Enough.', *Cyprus Mail*, 8 July 1956.



broader Middle East region. In early 1956, Britain's Defence Minister declared that 'a political agreement on Cyprus is desirable, but the island is a vital strategic necessity to Britain'<sup>42</sup>. The decision to introduce political reforms was according to Anderson related more with Britain's position in the Middle East and the Eastern Mediterranean and less with the desire 'to advance Cyprus towards a process of self-determination'<sup>43</sup>. Moreover, according to the 'Cyprus Mail', Britain was willing to contribute to the economic development of the island and to pave the way for the creation of a new constitution that would put an end to political tension<sup>44</sup>. For the British administration, the financial support of Cyprus was an essential tool in persuading the Greek Cypriots of the necessity to withdraw their request for self-determination. The ultimate aim for Britain was, of course, to maintain its rule over Cyprus and to safeguard its interests in the area. The Communist threat in the Eastern Mediterranean deemed the said interests extremely crucial. The 'Cyprus Mail' article of the 6 December 1955, which mentioned the statements of Britain's Minister of Foreign Affairs argued that:

The issue is not whether the principle of self-determination should be recognised, but whether it should be applied without regard to other considerations (...). Why cannot we all agree to work together for self-government while refraining from pressing at this anxious moment in the world's history too precise a definition of every word and phrase of our different approaches to the problem of the final status of the island?<sup>45</sup>

Particularly amidst the Cold War conditions, London was not ready to accept the Greek Cypriots' demand for self-determination. Furthermore, starting from the late 1940s the repeated discussions for the introduction of constitutional reforms, which would offer a way out of the stalemate, were proven fruitless<sup>46</sup>. Ergo, for the British side, the formula for resolving the Cyprus Issue was obvious. Britain must maintain its control over Cyprus' defence and foreign policy issues. Only this control could afford Britain the necessary legitimisation to perpetuate the presence of its

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<sup>42</sup> 'Cyprus Is Vital to Britain.', *Cyprus Mail*, 1 December 1955.

<sup>43</sup> David M. Anderson (2008), p. 181

<sup>44</sup> '38 Million for Cyprus.', *Cyprus Mail*, 17 November 1955.

<sup>45</sup> 'Principle of Self-Determination Not at Issue Says Foreign Secretary.', *Cyprus Mail*, 6 December 1955.

<sup>46</sup> Ρολάνδος Κατσιαούνης, *Η Διασκεπτική 1946-1948, με ανασκόπηση της περιόδου 1878-1960*, (Λευκωσία: Κέντρο Επιστημονικών Ερευνών, 2000); Νίκος Κρανιδιώτης, *Οι διαπραγματεύσεις Μακαρίου-Χάρτινγκ 1955-1956*, (Αθήνα: Ολκός, 1987).

troops on the island's territory. At the same time, Britain offered to introduce a new constitution, which would provide the communities of Cyprus with the freedom of managing the island's internal affairs<sup>47</sup>.

The 'Weekly English Edition of the Halkın Sesi' and by extend the Turkish Cypriot leadership agreed with the abovementioned British formula. The said agreement was evident in the newspaper's first issue where an opinion article, previously published in a Turkish newspaper, was reproduced. The author of the article, like the Turkish Cypriot newspaper, favoured the perpetuation of the British administration in Cyprus:

We, the Turks, are not vindictive, nor are we pursuing imperialistic aims. However, a settlement that might lead to the annexation of Cyprus to Greece in some near or distant future will be regarded by us like a betrayal (...). Had Cyprus been given to Greece instead of Britain, Cypriot Turks, like their unfortunate brethren living under the Greek rule, would have long crushed and exterminated<sup>48</sup>.

However, the 'Weekly English Edition of the Halkın Sesi' occasionally opposed the views expressed in the other local English-language newspapers. Specifically, the newspaper disagreed with the opinion that London might at some point concede Cyprus to Greece. The newspaper, while exercising sharp criticism towards the English-language press due to the publication of such 'dangerous' views, also expressed the opinion that if Britain was ever to abandon the island, then Cyprus had to be surrendered to its former owner, meaning the heir of the Ottoman Empire, Turkey<sup>49</sup>. This argument which dates back to the early decades of British rule lays at the epicenter of Turkish Cypriot nationalism<sup>50</sup>.

According to the Turkish Cypriots, international treaties did not allow the island to be returned to Turkey in the past. Nevertheless, the perpetuation of the British administration during the past decades has lifted those obstacles. Additionally, the safety and well-being of the Turkish Cypriot community, which was guaranteed by the British authorities, would be in danger in case of a political changeover. Based on this hypothesis, the 'Weekly English Edition of the Halkın Sesi' made

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<sup>47</sup> 'New Cyprus Formula under Consideration.', *Cyprus Mail*, 22 November 1955.

<sup>48</sup> 'Cyprus and Britain.', *Weekly English Edition of Halkın Sesi*, 9 July 1956.

<sup>49</sup> 'Clerides Regards EOKA as Heroes!', *Weekly English Edition of Halkın Sesi*, 23 July 1956.

<sup>50</sup> Altay Nevzat, *Nationalism Amongst the Turks of Cyprus: The First Wave*, (Oulu: Oulun Yliopisto, 2005).

clear that the Turkish Cypriot would side with the continuation of the British administration if certain terms were met. Regardless of the island's population composition, the Turkish Cypriots, which according to the newspaper were not a minority community, had the same rights with the Greek Cypriots and as a separate entity of the island were entitled to the same privileges. The 'Weekly English Edition of the Halkın Sesi' demanded that its community would have equal power and rights in the island's governance. Furthermore, the Turkish Cypriots would be entitled to manage their community affairs freely. Setting the withdrawal of the demand of Enosis as a precondition, the community was willing to collaborate for the creation of the island's new constitution. According to the newspaper, under the new constitution, the two communities would have equal participation in the governance of the island and separate autonomous structures for the management of their internal affairs. In discussing the issue of the judicial authorities' future, the newspaper shed light on the collective stake of the Greek and Turkish Cypriot community:

The machinery of justice must be so arranged as to give adequate protection to Greek and Turk alike. In view of the conflicting interests of the two communities, it is only fair and just that the supreme authority holding the scales of justice should be in the hands of a British Chief Justice. Greek and Turkish judges should be adequately represented in the Supreme Court (...). A Constitutional Court consisting of a British, a Turkish and a Greek Judge, should be set up (...). Taxation of the Turkish Community should be in the hands of the Turkish officials (...). Government departments must be treated theoretically, as divided into two branches. (...) In matters affecting solely one community, the other should have no say at all. The police force should be so composed as to have Greeks and Turks at all levels equally represented (...)<sup>51</sup>.

For the 'Weekly English Edition of the Halkın Sesi', the success of the aforementioned project, which opened the way for the perpetuation of the British administration in Cyprus, ultimately depended on the termination of 'terrorist acts', the ceasement of the local press' 'dangerous' publications and the final withdrawal of the demand for Enosis<sup>52</sup>. According to the newspaper's view, after the eradication of 'terrorism' a period of 'training in the democratic rule' would follow in Cyprus. During the said period, the inhabitants of the island would familiarise themselves

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<sup>51</sup> 'Open Letter to Lord Radcliffe.' *Weekly English Edition of Halkın Sesi*, 3 September 1956.

<sup>52</sup> 'Terms of Reference for Lord Radcliffe.' *Weekly English Edition of Halkın Sesi*, 17 September 1956.

with the new constitution and the idea of the political equality between the two largest communities of Cyprus<sup>53</sup>.

### The War: The Depiction of a Tripartite Struggle

The confrontation of the opposing camps and the conflicting political goals had an impact on the headlines of the English-language press of Cyprus during the first years of EOKA's armed struggle. Specifically, the English-language newspapers offered extensive coverage of the conflicts and bloodshed occurring in Cyprus' streets during the period in question. At the same time, the newspapers discussed and analysed in their articles the prospects of compromising solutions. When debating the issue of containing the EOKA's action the 'Cyprus Mail' and 'Times of Cyprus' had different opinions to the 'Weekly English Edition of the Halkin Sesi'. The two newspapers believed that the final political solution and not EOKA's military defeat would return the streets of Cyprus to normality.

In covering the conflict, the two English-language newspapers focused on the human aspect and especially in the family stories and tragedies. For example, on 9 July 1956, the 'Cyprus Mail' informed its readers in detail about the killing of the first Briton woman since the commencement of the EOKA's struggle<sup>54</sup>. At the same time, the newspapers expressed their strong concern regarding the intensification of the bloodshed and the increase in the number of victims<sup>55</sup>. In this regard, the two newspapers discussed questions such as what were the real motives behind EOKA's actions and what were the measures taken by the local government to neutralise the organisation's operations<sup>56</sup>? Within this framework, the government's decision that the death penalty was the most appropriate measure to control the Greek Cypriot's riotous actions was debated in the newspaper's articles<sup>57</sup>. Furthermore, the death sentences passed on EOKA members often made the front-pages of the said newspapers<sup>58</sup>.

The issue of the financial aspect of both the bloodshed and the strict government measures was likewise mentioned in the two newspapers' articles. In this context, subjects such as market instability and the cost of the imposed curfew were

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<sup>53</sup> 'Democracy and Anarchy.' *Weekly English Edition of Halkin Sesi*, 8 October 1956.

<sup>54</sup> 'First British Woman Murdered in Ambush.', *Cyprus Mail*, 9 July 1956.

<sup>55</sup> "Black November.", *Cyprus Mail*, 19 November 1956.

<sup>56</sup> 'What Is EOKA up To?', *Times of Cyprus*, 27 July 1956.

<sup>57</sup> 'Death Penalty Is Extended.', *Cyprus Mail*, 23 November 1956.

<sup>58</sup> 'Triple Executions Cause Three Days 'Strike.'', *Cyprus Mail*, 23 September 1956.

discussed<sup>59</sup>. Nevertheless, according to the 'Cyprus Mail', all the appropriate conditions for the final and peaceful settlement of the Cyprus Problem existed within Cyprus, despite the ongoing bloodshed:

There is a chance to get something moving, and we can hardly believe that with the mood of the people as it exists today, after all they have suffered during the past seventeen months, either side will stand on their dignity rather than seize the last opportunity for a settlement that will present itself for a long time to come<sup>60</sup>

As the 'Times of Cyprus' argued in December 1956, the transition of Cyprus' status into a self-governing dominion was a viable solution to the Cyprus Issue. The British plan for the transformation of Cyprus' political regime, which also provided for the active involvement of both Greece and Turkey in the negotiation process was a one-way solution for the island. As the Colonial Secretary said in the House of Commons:

When the international and strategic situation permits and provided that self-government is working satisfactorily the British Government will be ready to review the question of the application of self-determination—and then popped out a brand new jack in the box: The question of partitioning the island must be included in any exercise of self-determination.<sup>61</sup>

For the 'Weekly English Edition of the Halkın Sesi', the tripartite confrontation between the British, Turkish and Greek political actors left little room for the settlement of the Cyprus problem in any way other than the island's partition. The explicit reference to the possibility of partition was precisely what the 'Weekly English Edition of the Halkın Sesi' wanted to 'hear' from London and the local press. According to the newspaper, the parties involved needed radical solutions, and the partition of the island was the most appropriate formula. In this context, the Turkish Cypriot side welcomed the British proposal for granting to Cyprus the status of a self-governed dominion: 'We call on the Greeks to abandon their wild dream of Enosis and acknowledge that as Cypriots they have no ambition further

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<sup>59</sup> 'Curfew May Cost Cyprus.', *Times of Cyprus*, 9 October 1956.

<sup>60</sup> 'There Is Still Time.', *Cyprus Mail*, 25 August 1956.

<sup>61</sup> 'A Solemn Act of Faith.', *Times of Cyprus*, 22 December 1956.

than self-government within the British Commonwealth, a form of self-government in which the Turks will have an equal say in running their own [Cypriot] affairs'<sup>62</sup>.

Turkey, on its part, fully agreed with the 'Weekly English Edition of the Halkın Sesi' and the Turkish Cypriot leadership in accepting the British plan. According to the newspaper article published in November 1956, Selim Sarper who was a member of the Turkish delegation to the UN thought that the measures taken by Sir John Harding during the recent months have already started yielding positive results:

Under such circumstances, self-government may be given to the island on the basis of the equality of rights of the two communities so that no religious or ethnic group may dominate and crush others. (...) The details should be left to future studies and consultations among experts of Constitutional Law. However, one can say that there are many examples of various kinds of measures being applied in different parts of the world.<sup>63</sup>

For the 'Weekly English Edition of the Halkın Sesi', the first step for the final settlement of the Cyprus Problem was, as we have mentioned above, the crushing of the EOKA insurgents. This was also Ankara's opinion. Furthermore, unlike the 'Cyprus Mail' and 'Times of Cyprus', the Turkish Cypriot newspaper did not have second thoughts about the death penalty<sup>64</sup>. On the contrary, the newspaper welcomed all the 'firm measures' assumed by the local government and especially the most frequent imposition of the death penalty and press censorship. In October 1956, the 'newspaper argued that the time has come for the badly beaten EOKA to be crushed, even at the expense of innocent people.:

We honestly believe that the time has come for press censorship, speeding up the pressure of curfews, collective punishments, searches, screenings and above all the establishment of Military Courts for offences like gun carrying, bomb-throwing, wounding and murder. People who have a fear of EOKA in their hearts must be given an alternative fear, i.e. that of Law and Security Forces.<sup>65</sup>

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<sup>62</sup> 'Turkish Rights Shall Be Guaranteed.', *Weekly English Edition of Halkın Sesi*, 3 September 1956.

<sup>63</sup> 'Turkish Case Re-Stated in Two Dozen Questions and Answers.', *Weekly English Edition of Halkın Sesi*, 12 November 1956.

<sup>64</sup> 'Dramatic Developments in Cyprus.', *Weekly English Edition of Halkın Sesi*, 26 November 1956.

<sup>65</sup> 'Firm Measures.', *Weekly English Edition of Halkın Sesi*, 8 October 1956.

The second condition set forth by the Turkish Cypriot community for accepting and implementing the British plan for Cyprus was the essential partition of the island. The Turkish side was ready to negotiate any proposal that paved the way for the perpetuation of the British sovereignty with the fundamental premise that it would create a distinct Turkish Cypriot sphere of influence in Cyprus. According to the 'Weekly English Edition of the Halkın Sesi' the Turkish Prime Minister thought Mr Lennox-Boyd's statement with regard to the possible application of self-determination in Cyprus noteworthy. Also:

After having explained that the population of Cyprus did not comprise one single entity, the Colonial Secretary said that any exercise self-determination should be effected in such a manner that the Turkish Cypriot community, no less than the Greek Cypriot community, should be given freedom to decide for themselves their future status and pointed out that this might amount to the partition of the island.<sup>66</sup>

For the 'Weekly English Edition of the Halkın Sesi', the new plan, could offer a peaceful solution to the tripartite struggle if both the Greek and Turkish Cypriot communities were simultaneously granted the right to self-determination. According to the Turkish side, this solution was a 'big sacrifice':

'Turkey has said it again. Cyprus will never become Greek territory because we cannot abandon our one hundred and twenty thousand brethren to foreign rule, nor can we overlook the vital strategic importance of an island base which commands Turkey's southern ports (...). We feel that we should be making a great sacrifice by accepting the partition proposals'<sup>67</sup>.

Within this framework, the 'Weekly English Edition of the Halkın Sesi' in its last available issue called for the implementation of a plan that would offer the solution of the Cyprus Problem while serving the individual interests of all sides concerned. Ergo, according to the newspaper, through the proposed plan, Britain would be able to perpetuate its sovereignty in Cyprus while partially satisfying the demands of the two largest communities. The Greek Cypriots, on the other hand, would secure access to the local state mechanism and have the necessary autonomy

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<sup>66</sup> 'The Turkish Government Will Continue Discussions on This Basis.', *Weekly English Edition of Halkın Sesi*, 24 December 1956.

<sup>67</sup> 'Solution to the Cyprus Problem: Partition.', *Weekly English Edition of Halkın Sesi*, 31 December 1956.

in managing their affairs. Moreover, the Turkish Cypriot side would acquire an autonomous sphere of influence and of course, enjoy equal representation in local government. It should be stressed that since the end of 1956, this formula, which was widely discussed in all three English-language newspapers of Cyprus, remained the official policy line of both Ankara and the Turkish Cypriot leadership up until the establishment of the Republic of Cyprus.

### **Conclusion: Common Enemies, Similar Stakes, Different Priorities**

The comparative study of the archival material of the ‘Cyprus Mail’, the ‘Times of Cyprus’ and the ‘Weekly English Edition of the Halkin Sesi’ leads us to three conclusions and one observation concerning the media history of Cyprus. These findings seek to add to the existing knowledge regarding the first period of EOKA’s armed operations and the island’s media history.

Our first conclusion suggests that all three English-language newspapers of Cyprus approached the first period of EOKA’s armed struggle in a similar manner. Namely, the shared starting point for the three newspaper is that the EOKA organisation is the ‘common enemy’ that endangers peace and stability on the broader region. Both the ‘Weekly English Edition of the Halkin Sesi’ and the two English-language local press characterised the EOKA members as ‘terrorists’ who used all kinds of means to achieve their goals. In its entirety, the English media of Cyprus, during the period 1955-1956, developed into a useful propaganda tool used by the local government and the Turkish Cypriot leadership for the promotion of their respective individual positions for the Cyprus Issue.

The second conclusion we have arrived at through the archival research is that all three newspapers shared a common understanding of what was at stake in the case of the Cyprus Issue. During the 1955-1956 period, the local English-language press discussed the proposed plans for the solution of the Cyprus problem. The British side and the Turkish Cypriot leadership believed that there were elements within these plans, which could pave the way for the cooperation of the two sides after the EOKA ‘threat’ was neutralised. With the ultimate goal of perpetuating its military presence on the island, amid the Cold War, London proposed granting Cyprus the status of the self-governed dominion. By proposing this plan, the British side implied that it was ready to guarantee the interests of the second largest community of the island. The Turkish Cypriot side relied on the said guarantee to underline the importance of the partition plan. At the same time, it stated that



it does not object to the continuation of British sovereignty. By developing these positions in their articles, both the 'Weekly English Edition of the Halkın Sesi' and the other English newspapers functioned as an alternative communication and negotiation tool between the British side and the Turkish Cypriot leadership, which as we have mentioned above, had the full support of Ankara.

In this context, the common enemies and stakes bring the colonial administration and the second largest –population-wise– community of Cyprus, together. However, the analyses, reports and statements published in the three newspapers lead us to a third important conclusion. At a time when the British side was attempting to stem the Greek Cypriot aspirations for Enosis by proposing instead a plan for the autonomy, the Turkish Cypriot side in close cooperation with Ankara appeared ready to push the parties involved one step further and ensure the most potent autonomous radius of action for Cyprus' communities. Thus, the Turkish Cypriot side called for the immediate withdrawal of the demand for Enosis and insisted on the 'Turkishness' of Cyprus. From its point of view, the 'duty' of the British side and the international community was to support the island's essential partition and not to grant new privileges to the Greek Cypriot side<sup>68</sup>.

In contrast to the English-language newspapers, the 'Weekly English Edition of the Halkın Sesi' demanded the surrender of the EOKA members and the unconditional abandonment of the Greek Cypriots' aspirations. Moreover, both the 'Cyprus Mail' and the 'Times of Cyprus' were concerned about the effectiveness of the government's strict response to EOKA, while the 'Weekly English Edition of the Halkın Sesi' on the other hand applauded the government's policy. After the total defeat of the insurgent, Britain could rely on the Turkish Cypriots' cooperation on the condition that an essential partition of the island was on its way.

In addition to the abovementioned conclusions, a thorough analysis of the archival material allowed us to make an interesting observation regarding the contemporary history of Cypriot journalism. Namely, we have observed that although Cyprus' English-language press propagated the government's views regarding EOKA and the 'communist threat', as well as the 'British future' of the island, at the same time, it did not fail to criticise the authorities. Unlike the 'Weekly English Edition of the Halkın Sesi', which agreed with the government's

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<sup>68</sup> Küçük Fazıl, 'Turkish National Policy v. Greek Megalo Idea', *Weekly English Edition of Halkın Sesi*, 31 December 1956.

strict measures, the other local English-language media raised their voices against the new Press Law and defended the freedom of the press. Thus, we observe that when the newspapers' interests were jeopardised, they did not hesitate in breaking away from the official line of the local government.

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**BOOK  
REVIEWS**



**The first comprehensive biography of Doros Loizou:  
*Doros Loizou, The killers are on the loose*  
(Δώρος Λοΐζου, Οι δολοφόνοι κυκλοφορούν ελεύθεροι)**

COSTAS VENIZELOS

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Doros Loizou was only 30 years at the time of his death. He was murdered following the completion of the second phase of the Turkish invasion of 1974 and the beginning of the occupation of the northern part of Cyprus on 30.8.1974. His murderers, Greek Cypriots, members of the paramilitary organization EOKA B', were never brought to justice. Vasos Lyssarides, the then leader of EDEK, the socialist party of Cyprus, was the main target of the shooting. Whereas, he survived, the driver of the vehicle, young politician and poet Doros Loizou was brutally murdered at a time when the young Republic was still trying to come to terms with the destruction caused by the Turkish invasion of the island.

The attempted murder of Lyssarides and the murder of Loizou by Greek Cypriots ideologically opposed to them, even after the Turkish invasion, was a sign of new heights of the absurdity of the self-destruction of the Greek Cypriots. During the period of 1967-1974 and while the Greek junta ruled Greece, several paramilitary organizations were created in the island, the prominent Minister of Interior and Defence, Polykarpos Yiorkatzis was murdered, there was an attempted murder of the President of the Republic, Archbishop Makarios, and eventually the coup d'etat against him in 1974. Yet, all the above acts had happened during a period when the Republic was whole. However, after the Turkish invasion, all over Cyprus, there was death and destruction.

As the leading Greek columnist at the time, Dimitris Psathas, noted after the murder, it defied all reason that while destruction was taking place and while the Turkish troops were in the island, killing, raping and depriving the Greek Cypriots from their homes, the supranationalists who had mainly been responsible for



allowing this to happen, still had as their main aim how to murder their own compatriots, those same compatriots who were trying to resist against the occupation.<sup>1</sup>

The book of noted journalist and adjunct faculty of the University of Nicosia, Dr. Costas Venizelos, is the first comprehensive biography of a young Cypriot murdered 45 years ago for his political ideas, Doros Loizou. Drawing on the archive kept by the family of the Loizou, interviews with people who knew him, court records, as well as a number of published and, mainly unpublished, sources, the well-crafted biography of Loizou succeeds in its main objective, which was to shed new lights in the personality of Doros Loizou. In doing so, it enables the reader to re-interpret an important moment in recent Cypriot history, the destruction caused by political violence and the failure of the Cypriot authorities to bring the murderers to justice.

Venizelos assesses the life and personality of the young left politician, discussing the events during which his personality and ideology was shaped; his participation in the EOKA youth, his expulsion from the Superior School of Tourist Education of Rhodes due to his political resistance to the junta regime, his studies in history in Boston, and more importantly, his intellectual activities. Loizou translated an impressive number of leading poets from the USA, South America, Japan, France etc, wrote his own poems and texts, speeches, reviews. As a student, he corresponded with US Senators, personalities like Antonis Mystakides Mesivrinou and expressed his views about current affairs. Upon his return to Cyprus, he was employed as a teacher at the English School; the term of his contract was to end one day after his murder. As a leading member of EDEK youth, he resisted to the coup d'etat and was eventually murdered in lieu of Lyssarides. Lyssarides reported to Venizelos how he felt that his life after 30.8.1974 was borrowed, how he felt that he owed the remaining of his years to the promotion of the ideas of the man killed instead of him.

The poetry of Loizou is a reminder of the tragic irony of history; He wrote (in my translation): «*A poet moves amongst us....Be careful! Wherever you meet him, shoot without warning....He is dangerous!*». «*And then they will say that they killed you by mistake, that it was an accident, a random occurrence.... Hail Mary, hail Mary, pray for us.... All us, the innocent Federicos... Us who are killed randomly, by mistake...*».

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<sup>1</sup> D. Psathas, 'The Curse' ('Η Κατάρα'), *Τα Νέα* 4.9.1974 (in Greek).

The book by Venizelos does not end happily. He discusses in detail the minutes of the inquest carried out following Loizou's murder. As an Appendix to his book, he includes the minutes of the inquest and selected relevant speeches to the Cypriot House of Representatives. His conclusion is sufficiently clear: the murderers were known, but the authorities failed to bring them to justice. There was no catharsis, to the extent that one is possible for the unfair death of a young man. The sacrifice of Loizou reminds that civil strife and political violence have no winners. It also reminds, however, that resistance is never futile, that a society is founded on people who dedicated their life for liberty.

I consider biographies as one of the most important sources for the understanding of history. Biographies based on primary archival research and containing interviews by people, who lived during the era, further enable future researchers to carry out additional studies. I consider the book by Venizelos as a worthy narrative of the life of the protagonist of an unfortunate moment of recent Cypriot history and of the personality of a person who was much more than a victim and deserves to be remembered as such. The life and personality of Loizou and the circumstances surrounding his death, had not before been given sufficient attention by researchers and therefore Venizelos' book covers a vacuum in Cypriot history and allows further reflection and study on the, yet unwritten, history of civil strife in Cyprus.

**ACHILLES C. EMILIANIDES**



## ***Labour Law in Cyprus***

ACHILLES C. EMILIANIDES AND CHRISTINA IOANNOU

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A new book has recently been published, covering a significant gap in the legal science. *Labour Law in Cyprus*, by Achilles C. Emilianides and Christina Ioannou, was published by Kluwer Law International in 2019. The monograph constitutes an extensive analysis of Cypriot legislation, case law and theory concerning labour law, is up-to-date as of September 2018 and is the first book regarding labour law in Cyprus written and published in English.

The book is divided into three thematic parts: the general introduction, the individual employment relations and the collective labour relations.

The ‘General Introduction’ (pp. 17–59) sets the basic concepts and principles of Cypriot labour law. The ‘General Introduction’ refers to the historical background and the geographical position of Cyprus, explaining how these affect Cypriot labour law and the labour market on a social, economic and, of course, legal level. The historical recursion (pp. 23–25, 35–42) enables the reader to understand the political, social and economic backgrounds have influenced employment in Cyprus, namely how employment has been regulated prior to and after Independence, how it has been affected by the Turkish invasion and how it has been transformed and improved through the past decades. There are also references to the reforms, that the accession of Cyprus in European Union caused to the Cypriot legislation since EU law provisions became part of the Cypriot internal law, and the economic crisis that Cyprus suffered in 2013 and that led to the Memorandum of Understanding (MoU), which was signed between Cyprus and the Troika, thus, resulting in reforms in the labour market in order to mitigate the impact of the crisis on employment.

The monograph distinguishes labour law from other branches of law (pp. 30–31) and explains definitions and notions that are necessary in order to understand the regulation of labour relations in Cyprus, such as the notions of employee and employer (pp. 32–35). The chapter on the sources of labour law (pp. 44–57) helps readers to be familiarized with the complex framework of Cypriot labour law, which consists of the Constitution, EU law provisions, international treaties, the Europe-

an Convention on Human Rights, ordinary legislation, administrative regulations and orders, jurisprudence and collective agreements. The authors manage to clarify the significance of jurisprudence as a source of Cypriot labour law (pp. 54–55), explaining that previous judgments of the Supreme Court are binding and applicable when no legislation exists, but also a vulnerable source of interpretation of legal provisions.

The first part of the monograph focuses on ‘The Individual Employment Relation’ (pp. 61–199). The monograph clarifies the distinctions of different categories of employees and individual labour contracts, such as definite and indefinite period contracts, probationary period and part-time workers, as well as the ability of special groups of people to conclude a labour contract, e.g. minors, pensioners, and aliens (pp. 61–73). A special reference is included regarding the abuse of successive fixed-term employment contracts with analysis of Cypriot legislation and its harmonization with the corresponding Directive 1999/70/EC, which is enriched with plenty of references to cases of the European Court of Justice (ECJ). After the introductory clarifications on the individual labour contract, the monograph moves forward, focusing on the rights and duties of employee and employer during employment (pp. 74–88). A special analysis is included regarding issues of a modern economy that affect a labour market, namely the legal framework for posted community workers and the transfer of ownership (pp. 82–88).

The next two chapters deal with two basic issues of labour law: working time (pp. 89–103) and remuneration (pp. 104–108). First of all, as far as working time is concerned, the authors analyse how working time is confined, the daily and the weekly maximum working period and minimum rest period and how night work and on-call duty are regulated. A special analysis is also included regarding employees who work in certain sectors and who are obliged to special provisions, such as shop employees, hotel and catering employees, office employees, workers in quarries and mines, seafarers, flying personnel and mobile workers. The working time chapter also includes the issues of annual leave and holidays. The remuneration chapter scrutinizes the protection of wages, the frequency of payment, the prohibition of deductions, the determination of minimum wage, overtime payment, the thirteenth salary and bonuses granted to employees. There is also an analysis on how legislation regulates incidents that make employees incapable of working, such as sick leave, accidents at work, leave on grounds of force majeure and military obligations (pp. 109–112).

Plenty of crucial issues of labour law are analysed through the job security chapter (pp. 113–146). Indicatively, there are included the following: (1) seniority, which is not regulated by certain legal provisions but rather by collective agreements or the employer's practice; (2) methods of terminating the employment relationship, either by dismissal or by resignation; (3) terms of notice in the event of termination or dismissal, which is regulated by virtue of the relevant principles of the English common law; (4) wrongful dismissal and the right to compensation depending on the duration of continuous employment; (5) termination for a just cause, where certain examples are given when no right to compensation is provided; (6) misconduct, with reference to almost 20 relevant cases, that ensures that every single arising theme is sufficiently analysed (e.g., conducts that constitute misbehaviour and the right to be heard in the course of disciplinary procedure); (7) termination of employment on the grounds of redundancy, analysing the legislation, selection criteria, procedure, burden of proof, notice, compensation etc.; and (8) collective dismissals. The plenitude of the analysis is impressive, as the authors manage to include any form of termination of the employment contract as well as any specific issue that arises, both by analysing extensively the legislation and invoking the relevant cases abundantly.

A broad analysis follows on discrimination that certain categories of employees face at work (pp. 147–173). If we would like to focus on the main issues, we would refer to: (1) young workers, where it is stated that Cypriot legislation is more protective than EU legislation (pp. 147–148); (2) mothers, where all relevant issues are addressed related to duration, seniority, termination of employment during pregnancy and maternity leave, health and safety at work, breastfeeding etc., with references to ECJ cases (pp. 148–153); (3) parents, both men and women, who are entitled to parental leave (pp. 153–158); (4) disabled workers, where it is clarified which behaviours are considered as discrimination against disabled people and what are their basic rights (pp. 156–158); (5) female workers, where special topics are analysed: equal treatment, harassment and equal pay (pp. 159–162); (6) elderly workers, as a special type of age discrimination (pp. 162–164).

The monograph does not just refer to the legislation on labour law issues, but, rather, contains a wide analysis on the settlement of disputes (pp. 177–199), thus, becoming a liaison between the legislative regime and the practical application of labour law. It is identified in detail how jurisdiction on labour issues is shared between the Supreme Court, District Courts, the Administrative Courts and, mainly,

the Industrial Disputes Courts (IDC), which have special jurisdiction over labour disputes. The issue of solving disputes concludes with an elaborate account of the procedure before the courts, including the legal provisions about opening the procedure, appointing an advocate, submitting related documents, hearing the case, applying the inquisitional system, reasoning the decision, time limitations etc.. Finally, it is highlighted that Cyprus has a long tradition in solving labour disputes through mediation and arbitration mechanisms.

The second part of the monograph refers to *Collective Labour Relations* (pp. 201–257). The theoretical framework of the freedom of employees to establish and join unions is enriched with the special reference to the relevant International Labour Organisation (ILO) conventions, which have been ratified by the Cypriot legislation (pp. 201–209). The authors provide the essential background in order for the reading audience to conceive the structure and the function of collective labour relations. Among others, the following issues are being analysed: (1) chronology of the progress of trade unions and employers' associations from 1932 onwards (pp. 210–212); (2) interpretation of the reduction of the workers' participation in trade unions from 80% to 50%, due to the nature of the labour market and the contraction of industry, making it difficult to sensitize workers' participation (pp. 212–213); (3) the close relationship between trade unions and political parties (pp. 213–214); (4) registration, structure and administration of trade unions, as well as civil and penal consequences of their action (pp. 215–222). As far as institutionalized relations between employers and employees are concerned, it is mentioned that workplace representation at management level is mainly exercised through trade unions and secondly by work councils and safety committees (pp. 223–228).

Collective bargaining plays an important role in the regulation of collective labour relations. Collective bargaining ends with a bargaining agreement, which is binding for the contracting parties (trade unions and employers' associations) and is the basic way for determining conditions of employment and remuneration. Indeed, it is noted that an increase in company-level collective bargaining during recent years has been achieved (pp. 229–230). A special reference is made to the Cypriot Corporatist Model (CCM), which reflects the tripartite cooperation in industrial relations between trade unions, employers' representatives and the government, which is based on voluntarism and involves continuous social dialogue and compromises between the abovementioned parties (pp. 230–233). Furthermore, there is an extended analysis of the content, amendment, binding effect, extension and

interpretation of collective agreements (pp. 233–241). Finally, the monograph also makes reference to the right to strike (pp. 242–249) and, specifically, to the positive aspects and the restrictions of the right to strike, as well as how the right to strike is exercised in essential services. The authors also include statistics referring to work stoppages, workers involved and workdays lost because of strikes during the past decade, showing that there has been a tremendous increase of strikes between 2011 and 2014. *Labour Law in Cyprus* is distinguished for its dual plenitude: the analysis is not limited to a mere reference to the legal provisions of the Cypriot legal order, but, on the contrary, it is enriched with extensive references to the relevant case law, confirming the position that Cypriot law is a mixture of common and continental law. The authors, applying conceivable language, provide a completely integrated view of Cyprus labour law by constant references to updated literature and (mainly) jurisprudence. The mere citation of quoted judgments is deliberately avoided by the authors in order for the key points to be emphasized, holding a critical view towards the findings of the judgments. The scientific and legal way of approaching and analysing labour law issues makes the monograph appropriate for scholars of legal practice, ideal as a manual for law students and understandable for employees or employers with no legal knowledge, who can be easily informed about a point of interest or an issue that concerns them. In conclusion, *Labour Law in Cyprus* is a monograph that is worthy to study.

KONSTANTINOS DIMARELLIS





## ***Party-society relations in the Republic of Cyprus: Political and societal strategies***

GIORGOS CHARALAMBOUS AND CHRISTOPHOROS CHRISTOPHOROU (EDS)

New York: Routledge, 2016

pp. 224

ISBN: 978-1-138-93632-4

Although a small nation on the periphery of the Eastern Mediterranean, the island of Cyprus has tended to attract academic interest due to its longstanding problem known as the ‘Cyprus problem’. There is a substantial volume of scholarly works drawing from various fields such as political science, international relations, law, history, sociology, and media studies that focus on the various political and societal dynamics triggered by the Cyprus problem. More recently, Cyprus hit the global headlines at the height of the financial crisis as one of the Eurozone countries that received a bailout from the so-called Troika. Depositors were bailed-in and two of its major banks collapsed (one since rescued) as it became the first Eurozone country to introduce countrywide capital controls -a full two years before Greece did. The impact of the financial crisis has led to further academic interest in the politics of countries afflicted by the tumultuous events. Despite such renewed academic attention, there is to date a limited, systematic literature for the analyst to consult on the politics and society of Cyprus.

It is against this backdrop that the edited book “*Party-society relations in the Republic of Cyprus. Political and societal strategies*” by Charalambous and Christophorou fills an important gap. For the reader interested in contemporary Cypriot politics it constitutes an invaluable first port of call. The volume’s central concept, *partitocracy*, provides the unifying theme to examine party-society relations over time across a heterogenous set of chapters that range from a focus on political parties, civil society organisations to crucial policy issues such as migration. *Partitocracy* goes well beyond a descriptive depiction of the dominant position of political parties in all aspects of society and politics. Instead, it becomes an explanatory concept of the so-called phenomenon of ‘political parallelism’ that pervades all dimensions of political and social life in Cyprus. Throughout the chapters, the various authors demonstrate the way in which *partitocracy* is central to understanding the dominance of political parties as virtually the sole intermediating actor between the

political system and society. Interestingly, and in contrast to other crisis-stricken countries across the EU, partitocracy has produced a very stable party system in Cyprus that not even the crisis managed to shake up. Unfortunately, this resilience comes at a great cost -one that over time undermines the representational, deliberative and participatory aspects of democratic society. This, then, constitutes one of the central messages of the edited volume and it is one that the various authors grapple with as they explore the multiple ways in which partitocracy structures political and societal relations in Cyprus.

The edited volume has a tripartite structure of the book consisting of section I on political parties and their strategies, section II on civil society groups and their strategies and section III on Cyprus-specific topics and the ways political elites interact with society in addressing them. Starting from the first section, namely “Party strategies towards society”, three chapters focusing on the four major parties in Cyprus, AKEL, DISY, DIKO and EDEK. All chapters are rich and informative and follow a similar structure in terms of presenting the main parties. In doing so, an implicit dialogue is created between them. In addition, the authors show how the ideological positions of the political parties helps to account for intra- as well as inter-party processes. Where information on intra-party processes of DISY is more limited, the DISY chapter by Katsourides manages to fill this gap by engaging in a discussion with the wider literature on political parties which provides the lens through which we can understand DISY’s evolution over time. For the interested reader, a more general theoretical frame to categorize EDEK and DIKO would have complemented the rich and at times thick description of the two parties’ history. While the party chapters constitute a valuable depository of the history, ideology, evolution of the four parties, the topic of how parties adapt to the challenges posed by new technologies and a new media landscape is not taken up. As someone who is interested in these aspects of inter-party competition and intra party adaptation I would have liked to learn how Cypriot parties have responded to such challenges that are afflicting parties in contemporary democratic settings.

The second part of the book under the title “Societal strategies towards parties” brings together three chapters that explore the link between civil society organizations (CSOs) and political parties. Inspired by a Gramscian approach, civil society is understood in a formal sense with the various chapters focusing on organisations, such as the church (Chapter 5), trade unions (Chapter 6) and CSO that defends the rights of the LGBTI community (chapter 7). Chapter five by Panayiotou offers a

historical account based on a Marxist perspective that uses social class as a unit of analysis and provides an enlightening discussion on the role of church. Chapter 6 by Ioannou provides a good review of trade unions in Cyprus and the critical historical junctures that have shaped their evolution in the context of a partitocracy. This helps the reader understand why trade unions in Cyprus, unlike most other nations in Europe, have managed to retain their membership. In a theoretically informed case study of LGBTI rights, Kammenou shows through linkage studies how parties have adopted as a political strategy to deal with sexual politics a non-interaction principle. This has put civil society organisations on LGBTI rights in the margin of any decision-making underlining parties' conservative stance and unwillingness to be engaged in a social dialogue.

Although aspects of the general discussion on civil society could be improved, such as more elaboration of the dominant role of the church in Cyprus or reducing the overlap of information regarding the political parties described in the first part of the book when dealing with trade unions, the general reader is provided with good insight into the operation of CSOs in Cypriot society.

The third section of the book under the title "Cross-case perspectives" consists of another set of three chapters. More specifically, Chapter 8 presents a case study focusing on the relationship between the Cyprus intercommunal peace movement and the elite-driven peace process in relation to the Cyprus problem. Vogel shows convincingly how uneasy the symbiosis between political elites and civil society organizations is in any negotiation process of the Cyprus problem mainly due to the dominant role held by parties and their unwillingness to open up the process. In Chapter 9, an interpretative methodology is used to analyse political-electoral discourse. By analysing how youth political organizations communicate and interact with the parties they are linked to it, brings to the fore the power and hierarchies imposed by the political parties themselves. In the last chapter of this section, the issue of immigration into Cyprus is cogently used to uncover the relations between state, parties and society. Trimikliniotis attributes the authoritarian attitudes towards migrants to a distorted public sphere that is in turn largely a consequence of post-colonial transformation.

In dealing with the ideological cleavages that separate political parties on a series of economic and social issues, the chapter on migration raises a crucial aspect of political competition -the social and cultural dimension. It is noteworthy that only towards the end of the volume does this element emerges in the book's discus-

sion. Throughout the various chapters, Cypriot parties are generally characterised as left, right or centre, or with phrases such as ‘representing the centre pole’ for example. The assignment of such ideological positions to Cypriot parties suggests a single dimension of party competition. However, a single overarching left/right dimension is insufficient to account for the ideological structure of political competition in Cyprus. Parties such as DIKO may be centrist on some putative economic dimension, but they are less so on social issues not to mention the Cyprus problem. It is true that the lack of an established election study tradition makes it difficult to infer this from public opinion data, for instance, regarding the attitudes of party supporters. However, there is party positioning data that would show this tendency, one that is increasingly common among many European nations. As someone who is interested in the positioning of parties across multiple issue areas, I would have liked to learn more about how parties in Cyprus are grappling with a host of issues related to identity, culture and social mores that are generating new forms of political conflict across most of Europe.

As is the case with many edited volumes, some chapters will lack consistency and continuity, to the extent that this might be the case the concluding chapter by Kitromilides masterfully summarises the essence of the chapters in the book while linking them to the island’s colonial history and the ideological legacy of nationalism that he re-evaluates through the concept of partitocracy. Overall, this edited volume by Charalambous and Christophorou provides an extensive analysis of the nature and quality of parties in Cyprus, their link with society and their effect on democracy in the island. For anyone interested, in politics in Cyprus and how the country represents an ideal case of partitocracy in Europe, this book provides an indispensable toolkit.

**VASILIKI TRIGA**

## ***Kissinger and the Invasion of Cyprus: Diplomacy in the Eastern Mediterranean***

WILLIAM MALLINSON

Newcastle upon Tyne: Cambridge Scholars Publishing, 2016

pp. xxxiii + 198

ISBN: 978-1-4438-9737-2

In his latest book, William Mallinson employs a well-known method of his – the analysis of material from diplomatic archives that is – to sketch out the portrait of Henry Kissinger in light of the latter’s involvement and role in the 1974 Cyprus invasion. The author makes use of archival sources as well as Kissinger’s own writings to point out the statesman’s reasoning behind decisions on specific course of action, aiming at “*understanding his behaviour vis-à-vis his alleged acts against humanity, since the case of Cyprus serves as an accurate microcosm of, and pointer to, his behavior in other world fora*” (p. xxiv).

In Chapter 1, the author presents us with Kissinger’s tactical and strategic approaches and views on Europe, the Soviet Union/Russia, the UK, Greece, Cyprus and the Eastern Mediterranean and comments on the latter’s morality as well as what he describes as Kissinger’s obsession with geopolitical vacuums. On Cyprus in particular, the author highlights Kissinger’s personal antipathy vis-à-vis Makarios as well as the former’s tactics of presenting the Cyprus debacle as a result of ethnic conflict, turning a blind eye to the role of interfering outside powers therein.

Chapter 2 describes Cyprus as a strategic asset of Britain and the US against the Soviets. Mallinson elaborates on how Cyprus’ geopolitical ‘victimhood’ served British interests by giving the latter control over the whole of the Mediterranean and how gradual US involvement in the Balkans was a result of Britain’s efforts to maintain its interests in Greece and Cyprus in a Cold War context.

In Chapter 3, the author explains how the 1974 dismemberment of Cyprus had been the outcome of a process initiated by Britain in the 1950s, in the context of the latter’s friendship with NATO-allied Turkey, while the 1960 arrangement for the independence of Cyprus contained itself elements of partition.

Chapter 4 focuses on briefly outlining Soviet policy vis-à-vis Cyprus in the 1960s and 1970s as well as on explaining the reasons that underpinned this policy and

the Anglo-american positioning in this context, which can be summed up in an obsession with the USSR that the author labels as “*the essential cause of Cyprus’ problems*” (p. 54).

Chapter 5 contains an account of Kissinger’s views, methods and overall behaviour on the basis of testimonials by American, British and French officials. The author sketches out a powerful and idiosyncratic megalomaniac, who tends to ignore the advice of even senior diplomats of the State Department.

In Chapter 6, the author argues that Kissinger encouraged the partition of Cyprus through the invasion and misled the Brits about it, this being part of a private agenda. Mallinson points at Kissinger’s delaying tactics in July 1974, which he describes as a “*US-British strategy to allow Turkey the space it needed to invade*” (p. 95), as well as his keen interest in maintaining Turkish goodwill. The author concludes that Kissinger “*condoned the Turkish invasion to keep Turkey US- and NATO-friendly*” (p. 97).

Chapter 7 follows Kissinger’s *coda vis-à-vis* the Cyprus case and the mark he left behind on his way out, which was – according to the author – nothing short of the former supporting the partition of the island, while Chapter 8 offers a critical look on Kissinger’s way of conducting as well as his impact on diplomacy.

In the final chapter, the author attempts a recap of Kissinger’s personality as sketched out throughout the book: a tactical strategist of the realist school and a Metternich-admiring geopolitical engineer. Mallinson describes him as a self-contradicting pseudo-diplomat, skilled in state affairs but not in traditional diplomacy, before concluding that “*Cyprus today is the result of Kissinger’s alleged balance of power policies, where morality and law take a backseat to political realism.*” (p. 184)

This book is not a mere ‘yet another’ addition in existing literature about Kissinger and Cyprus. It moves well beyond the examination and assessment of the main actors and facts in a historical context. William Mallinson, a *connoisseur* of the contemporary history of Cyprus and industrious researcher of the relevant diplomatic archives, manages to flip the coin and present us with a look on well-known historical facts from a different viewpoint. This is a piece of work which, placing Kissinger himself (rather than Cyprus) at the epicentre of the analysis, focuses on explaining how Kissinger’s idiosyncratic personality is the key to interpreting (his) decisions and policy choices concerning Cyprus and beyond. In this context, this

book offers a wider understanding of US foreign policy with Kissinger at the helm and, in light of this, the turn of events in world affairs and, in particular, the 'how and why' therein.

Mallinson's extensive research in, and analysis of, diplomatic archives (predominantly those of the FCO) constitutes the backbone of this work. With a great deal of direct quotations (rather than simple references) from the unpublished, archival material, juxtaposing the author's accompanying analysis and conclusions (often also one's own) when reading through the book, becomes a particularly intriguing process. Apart from the use of original archival sources, the author also makes use of, and provides the reader with, a long list of relevant bibliographic works, including Henry Kissinger's own writings. In this respect, the book can be a useful tool for postgraduate students of politics, international relations and (diplomatic) history as well as researchers and academics. At the same time, it makes an enlightening and thought-provoking read for practitioners and all those with a special interest in the topic.

Precisely the fact that this book is not intended to cater exclusively for the needs of academic research is one of its advantages. By the same token, the author makes sure that the amount of information included regarding the historical background is fairly balanced. This way, the book is suitable both for a reader with basic as well as one of more advanced/specialised knowledge on the topic at hand. The complexity of the (at times obnoxiously candid) language used by the author makes the book anything but a light read for the average academic-level reader; nevertheless, the skillful use of the English language offers a nowadays rare taste of 'outside the (academic) box', native-speaker linguistic mastery. The individual chapters are well-structured and the reader is neatly led through the author's argumentation, which is built in a coherent manner. The index provided at the very end is another advantage of the book and can be particularly useful for research purposes. All in all, this book presents a fresh look on and fills a gap in existing literature on the topic; certainly a worthwhile addition to one's bookshelf.

ANNA KARAFOLIDOU





## CALL FOR PAPERS

### *The Cyprus Review* (Spring 2020)

*The Cyprus Review* invites submissions  
for its upcoming Spring 2020 issue on

#### ***Gender in Cyprus: Equality, Rights, and Beyond***

There is a constantly growing literature adopting a gender-based exegesis and/or gender-oriented perspective as both a research method and a doctrinal area in a vast spectrum of scientific disciplines, ranging from humanities, social sciences, law, and politics, to natural sciences, sports, and statistics. This comes as no surprise, since gender, much like all proto-societal notions, bears significant philosophical, political, economic, legal, and even metaphysical connotations. Moreover, the amplification of the interdisciplinary scholarly debate around the notion of gender and its implications in the conduct of scientific research has been part and parcel of the emergence of such intellectual fields as gender, feminist, queer, sexual diversity, and LGBTQI+ studies. The upcoming Spring 2020 issue of *The Cyprus Review* will focus on the parameters of *Gender in Cyprus: Equality, Rights, and Beyond*. The issue intends to serve as a platform for introducing gender-based approaches into the scientific *topos* of Cyprological studies. We encourage authors to contribute to this effort through original scientific research pertinent to a broad range of Cyprological topics touching upon the issue of gender, with special but not exclusive, focus on the interplay between gender and equality, as well as gender and rights.

We especially encourage original papers dealing with such subjects as:

- Social and/or societal construction of gender
- Gender representations in the context of family, workplace, or the socio-political arena
- LGBTQI+ perspectives on gender; queerness and the construction of gender; normativity, non-binarity, and gender identity
- Gender identity; gender fluidity; gender reassignment
- Gender visibility, inclusivity, and/or awareness

- Gender as a notion of domestic, European, and international law
- Gender rights; gender *qua* right; gender and human rights
- Gender equality; gender participation; gender-sensitive policies and affirmative action; gender quotas; gender empowerment
- Language and gender; gender as a language; gender as a narrative
- Gender targeting; gender biases; gender *qua* role and source of expectations
- Gender and the concept of the political; gender as a political concept; gender and political representation
- Gender in the context of labour policy and/or praxis; gender and capital
- Gender and the Welfare State in liquid modernity
- Gender parameters in the framework of international or regional stability, peace, and security operations
- Gender victimality; gender-based violence (GBV); harassment on the basis of gender and/or sexual harassment; gender-related mobbing; gender in mass atrocity context; gender and armed conflict
- Toxic masculinity; lookism; the culture of *machismo*

This is not an exclusive list. On the contrary, we urge prospective authors to think out of the box, endorse bold new ideas, and research the various aspects of gender in the context of equality or rights, but also beyond them. All articles should be relevant to the case of Cyprus, thus enhancing Cyprological studies and research.

### Submission Instructions

- Authors should consult the journal's guidelines for submission which can be found at: <http://cyprusreview.org/index.php/cr/information/authors>
- *The Cyprus Review* is available at <http://cyprusreview.org>
- For specific academic enquiries, please contact *The Cyprus Review Editorial Team* via <cy\_review@unic.ac.cy>.
- Interested scholars should send their papers to the following email address <cy\_review@unic.ac.cy> or submit their articles through our online platform available at the review's web page <https://cyprusreview.org>, **not later than 1 February 2020**.
- All submissions should be identified in the email subject with the heading **'TCR Spring 2020, Gender in Cyprus'**





