CYPRUSREVIEW

A Journal of Social Sciences

Fall 2025, Volume 37, Number 2

Published by the University of Nicosia

ISSN 1015-2881 (Print) | ISSN 2547-8974 (Online)

P.O. Box 24005
1700 Nicosia, Cyprus
T: 22-842301, 22-841500
E: cy_review@unic.ac.cy
www.cyprusreview.org

SUBSCRIPTION OFFICE:
The Cyprus Review
University of Nicosia
46 Makedonitissas Avenue
1700 Nicosia, Cyprus

Copyright: © 2025
University of Nicosia, Cyprus
ISSN 1015-2881 (Print), 2547-8974 (Online)

All rights reserved.
No restrictions on photo-copying.
Quotations from *The Cyprus Review*
are welcome, but acknowledgement
of the source must be given.

DISCLAIMER
The views expressed in the articles
and reviews published in this journal
are those of the authors and do
not necessarily represent the views
of the University of Nicosia,
the Editorial Board, or the Editors.

EDITORIAL TEAM

EDITORIAL BOARD

EDITORIAL TEAM

Editor-in-Chief:	Dr Christina Ioannou
Consulting Editor:	Prof. Achilles C. Emilianides
Managing Editor:	Dr Emilios A. Solomou
Publications Editor:	Andria Andreou
Publication Designer:	Thomas Costi
Linguistic Editors:	Lara Bastajian
	Elisavet Papageorgiou

EDITORIAL BOARD

Dr Constantinos Adamides	University of Nicosia
Dr Othon Anastasakis	University of Oxford
Prof. Panayiotis Angelides	University of Nicosia
Prof. George Christou	University of Warwick
Dr Odysseas Christou	University of Nicosia
Prof. Costas M. Constantinou	University of Cyprus
Prof. em. Van Coufoudakis	Indiana University–Purdue University Indianapolis
Prof. Alfred de Zayas	Geneva School of Diplomacy and International Relations
Prof. Thomas Diez	University of Tübingen
Prof. Dimitris Drikakis	University of Nicosia
Prof. Marios Evriviades	f. Panteion University
Prof. Hubert Faustmann	University of Nicosia
Prof. em. Kevin Featherstone	Hellenic Observatory Centre, London School of Economics
Prof. Vassilis Fouskas	University of East London
Dr Michael Given	University of Glasgow
Dr Christina Hajisoteriou	f. University of Nicosia
Prof. Evanthis Hatzivassiliou	National and Kapodistrian University of Athens
Prof. em. Robert Holland	University of London

Dr Sofia Iordanidou	Open University Cyprus
Prof. em. Andreas Kapardis	University of Cyprus
Dr Vassilis Kappis	University of Buckingham
Prof. Savvas Katsikides	University of Cyprus
Dr Erol Kaymak	Centre for Sustainable Peace and Democratic Development (SeeD)
Dr Michalis Kontos	University of Nicosia
Prof. em. Mary Koutselini	University of Cyprus
Prof. Petros Lois	University of Nicosia
Prof. Neophytos Loizides	University of Kent
Dr Diana Markides	Independent Researcher
Dr Yael Navarro	University of Cambridge
Prof. Phedon Nicolaides	University of Maastricht
Dr Petros Papapolyviou	University of Cyprus
Prof. em. Stelios Perrakis	Panteion University
Prof. Constantinos Phellas	University of Nicosia
Prof. Oliver Richmond	University of Manchester
Dr Soterios Rizas	Research Centre for the Study of Modern Greek History, Academy of Athens
Prof. Spyros Sakellaropoulos	Panteion University
Prof. Paul Sant Cassia	University of Malta
Dr Sertaç Sonan	Cyprus Academic Dialogue
Prof. Angelos Syrigos	Panteion University
Prof. Ioannis Tellidis	Kyung Hee University
Prof. em. Andreas Theophanous	University of Nicosia
Dr Alina Tryfonidou	University of Cyprus
Prof. Demetris Vrontis	University of Nicosia
Dr Craig Webster	Ball State University

CONTENTS

CONTRIBUTORS

Ioanna Alexandrou is a historian and philologist specialising in the Modern and Contemporary History of Cyprus, with a focus on the enclaved Maronites and Greek Cypriots, displacement, the role of women in sociopolitical affairs, education, and oral history. She is currently pursuing her PhD at the Department of History and Archaeology of the University of Cyprus, examining the social, demographic, and cultural dimensions of the enclavement phenomenon. She has presented and published her research in Cyprus and internationally, combining archival research, oral testimonies, and ethnographic approaches to preserve and highlight the historical memory of Cyprus.

George Camelaris, born in 1938, is a holder of an MSc degree (with Distinction) in Agricultural Economics and Rural Development. He was employed for more than 20 years as an Agricultural Economist in the Ministry of Agriculture and Natural Resources in charge of a wide spectrum of activities covering the international relations of the Ministry. He was a member of the negotiating team for the membership of Cyprus to the EEC. He represented Cyprus to many international meetings, seminars, symposia and conferences. He is the author of many articles in newspapers and periodicals in fields, in addition to Agriculture, related to historical, social and political issues. He was a member in the Organizing Committee and a lecturer of the Free Open University of Cyprus and a member of the Council of the Society of Cyprus Studies. He is the author of a dozen of books related to local and the national history of Cyprus. In 2015 he was honoured by the Ministry of Agriculture for his writings in fields other than his official duties.

Alexander-Michael Hadjilyra holds a BA in English and Greek Language and Literature, and an MA in Social and Political Theory. He has been researching the Armenian-Cypriot community since 2008, for which he has published a large number of articles, books and monographs. His master's thesis (2012) is titled: "The Republic of Cyprus and the Religious Groups".

Antigone Heraclidou holds a PhD in History from the Institute of Commonwealth Studies, University of London. Her research interests include Cyprus' colonial

history, decolonisation, and cultural heritage. She is the author of I*mperial Control in Cyprus: Education and Political Manipulation in the British Empire* (2017) and co-editor of *Cyprus: From Colonialism to the Present: Visions and Realities. Essays in Honour of Professor Robert Holland* (2018), and of *Emerging Technologies and Museums: Mediating Difficult Heritage* (Berghahn Books, 2022).

Edgar Hovhannisyan is the Dean of the Faculty of History and Social Sciences of the Armenian State Pedagogical University, PhD, Associate Professor. Scientific interests: History of the Armenian Diaspora, Armenia-Diaspora relationship, History of the Catholicosate of the Great House of Cilicia. He is the author of approximately 70 scientific and methodological publications, as well as one monograph.

Petros Lois is a Professor at the University of Nicosia's School of Business and Head of the Department of Accounting, Economics, and Finance. He also directs the Joint Master's Program in Banking, Accounting, and Finance with the Hellenic Open University. He holds a PhD and MSc in Accounting and is a Certified Management Accountant (ICMA Australia) and Certified Global Business Analyst. He is a member of the IMA and IMarEST. Prof. Lois teaches Accounting, Accounting Information Systems, and Financial Management at undergraduate and postgraduate levels, and supervises master's and doctoral research. He is the co-founder and co-editor of the academic journal *EuroMed Journal of Business* (published by Emerald) and the author and editor of eight books. He has published over 50 articles in leading journals and presented his work at numerous international conferences. Prof. Lois is the scientific coordinator and a member of the examination committee for the recruitment examinations of secondary education teachers in Cyprus, a role he has held since 2017. Furthermore, he serves as a scientific advisor to the committee responsible for developing and authoring the Accounting textbooks for Lyceum A', B', and C' classes, under the auspices of the Ministry of Education, Sports, and Youth. He is also a certified trainer for the Powersoft365 accounting software. From 2014 to 2019, he was a member of the Board of Directors of the Cyprus Ports Authority. Before his extensive academic career, Prof. Lois worked in the fields of investment and stock market services, as well as in the shipping industry.

George Loizides is an Officer at the Fiscal Council of Cyprus and serves as Research Associate at the University of Cyprus and Adjunct Lecturer at the University of Nicosia. He holds a PhD in Accounting and Finance from the University of Cyprus,

an MBA from the Mediterranean Institute of Management, MSc degrees in Operational Research and Finance from the University of Southampton and in Applied Mathematics from the National Technical University of Athens, along with professional certifications as a Certified Management Accountant (CMA) from the Institute of Management Accountants (IMA), USA and (Professional Risk Manager) PRM from Professional Risk Managers' International Association. His research interests include empirical capital markets research, Initial Public Offerings (IPOs), corporate finance, financial economics, disclosure, and international financial reporting. He has published in several international refereed journals including *The International Journal of Accounting* and the E*uropean Journal of Accounting, Auditing and Finance Research*. He has taught in both undergraduate and graduate programs, with teaching interests spanning Financial Risk Management, Advanced Corporate Finance, Financial Accounting, Managerial Accounting, and Advanced Quantitative Business Methods.

Stella Mala is a collaborating teaching and research staff member at the University of Nicosia, Cyprus, and a practising lawyer registered with the Cyprus Bar Association. She holds a Ph.D. in Law, an LL.M. in International and European Commercial Law, and degrees in Law and Political Science & International Relations. Her research focuses on media law, internet law, and human rights. She has received a research excellence award.

Katerina Morphi has a bachelor's degree in Economics, a master's degree in Accounting and Finance and a PhD degree in Financial Accounting and Corporate Governance. She is a lecturer of financial accounting courses at the University of Nicosia. Her research interest is financial accounting and reporting. More specifically she is interested in the motivations that managers have to engage in earnings management. She is also interested in how corporate governance variables can act as disincentives for earnings management. Finally, Dr. Katerina Morphi is interested in how the accounting standards provide managers with opportunities to engage in earnings management.

Anastasia Papamichael is a Partner at A & E. C. Emilianides, C. Katsaros & Associates LLC, one of the most prestigious law firms in Cyprus. She leads the firm's Public and Property Law sectors and is also an active member of the Regulatory Law sector. Anastasia has broad experience in litigation before all Cypriot courts, as well as

international courts. Regarding her academic background, Anastasia studied Law at Middlesex University and holds an MSc in Development and Security from the University of Bristol. She is currently a member of the Adjunct Faculty at the University of Nicosia, Law Department, and has previously served as an assistant lecturer in inheritance and property law for the Cyprus Bar Association's training program for trainee lawyers.

Christos Papastylianos is an Associate Professor of Public Law at the Faculty of Law of the School of Law, University of Nicosia. He holds a PhD from the European University Institute in Florence. His research fields include comparative constitutional law, constitutional theory, minority rights and immigration law. He is author of monographs, essays and articles in Greek and English. His recent publications include 'Populism and Constitution Making Process', in Akritas kaitatzis, Eleni Kalampakou, Ifigeneia Camtsidou, Christos Papastylianos, Costas Startilatis (eds), *The People's Constitution: The Populist Transformation of Constitutional Law?* (Springer) 'The Cypriot Doctrine of Necessity and the Amendment of the Cypriot Constitution: The revision of the unamendable Amendment Rules of the Cypriot Constitution though a Juridical Coup d' Etat,' (*ICL*, 17/3, 2023), "Citizenship: Cyprus", in David Law (ed), *Constitutionalism in Context* (Cambridge University Press, 2022), "Human Rights Issues Arising from the Implementation of Sharia Law on the Minority of Western Thrace—ECtHR Molla Sali v. Greece, Application No. 20452/14", (co-authored with Nikos Koumoutzis), in Religions 2019 and "The Cypriot Doctrine of Necessity within the Context of Emergency Discourse: How a Unique Emergency Shaped a Peculiar Type of Emergency Law", in *The Cyprus Review* 2018.

Melita Stephanou Charitou is an Associate Professor of Finance and Accounting. She holds a BSc degree in Accounting, MSc in Finance and PhD in Finance and Accounting. Her research interests are: financial analysis, capital market, international financial management and credit analysis. She has published in several international refereed journals, among those, *Accounting and Finance*, I*nternational Journal of Business and Social Research* (best paper award), *Investment Management and Financial Innovations*, *Journal of Business and Economic Research*, *Journal of Economics and International Finances*. She has taught in both undergraduate and graduate (MBA) programs. Teaching interests include: Financial Management, Corporate Finance, Financial Accounting and Managerial Accounting.

Georgios Siachamis is a PhD candidate in international relations at the University of Nicosia and has published a significant number of articles on the above subject in Greek and international journals. Since 2020, he has been serving in the Greek Government's Presidency.

Georgios Tsaousis is Assistant Professor of Public Law at the School of Law of the University of Nicosia and a Lawyer at the Supreme Court and the Council of State in Greece. He completed his postgraduate and doctoral studies at the Law School of the University of Dijon (France). His doctoral thesis was evaluated with excellent (très honorable) and published. He has taught public law at the School of Law of the University of Thrace, the International University of Greece and Constitutional law at the School of Police Officers. He has written and published teaching manuals on administrative procedure and articles in legal journals (Greek and foreign). His scientific interest is focused on issues of administrative law and administrative procedure, protection of fundamental rights with an emphasis on personal data, immigration policy and management of asylum issues as well as coherent application of EU law.

LETTER FROM THE EDITOR-IN-CHIEF

Dear Readers,

The fall 2025 issue of *The Cyprus Review* arrives at a moment when the study of Cyprus continues to expand in depth, scope, and international relevance. Researchers across disciplines are revisiting long-standing questions about conflict, governance, identity, society, and heritage, while also opening new lines of inquiry shaped by contemporary global challenges. These developments remind us that Cyprus – often approached as a unique case – also offers a prism through which broader academic debates can be re-examined: from state-building and political memory to cultural resilience, social transformations and regional dynamics in the Eastern Mediterranean.

For scholarly journals, this environment brings both opportunities and responsibilities. We face a field that is increasingly enriched by methodological plurality, collaborative research practices and cross-border scholarly exchange. At the same time, the expectations placed on academic publishing, namely greater transparency, sustained ethical standards, digital accessibility and meaningful impact, continue to evolve. *Our Journal* remains committed to navigating this shifting landscape by ensuring that our processes uphold academic integrity, by supporting emerging and established scholars alike, and by cultivating a space where insightful, critical, and empirically grounded work can flourish.

At the heart of our activities this year was our Cyprus Review Annual Book Awards (CRABA) Ceremony, which was held on 3rd November 2025. Like every year, our aim was to honour outstanding monographs that engage with Cyprus and were published in 2024, thus highlighting the vitality and breadth of contemporary scholarship on Cyprus across different disciplines. I am delighted to highlight the awardees and honourable mentions, who exemplify the depth, originality and scholarly ambition we strive for. The Lifetime Achievement Award was conferred this year to two established researchers: In the field of History and Political Science, to Sotiris Rizas, for his multifaceted and diachronic research and writing on the modern history of Cyprus, which is distinguished by the thorough use of primary archival sources; in the field of Social Sciences, the Lifetime Achievement Award was conferred to Kyprianos Louis, in recognition of his tireless research and writing contribution to education and the advancement of archival research in Cyprus.

The 'Stanley Kyriakides Award in Political Sciences' was conferred to Stella Theocharous for her book *Street Naming and the Politics of Greek-Cypriot Identity* (Palgrave Macmillan), a compelling study of memory, symbolism, and political contestation in public space. The '*Kostas Kyrris Award in History'* was awarded to Michalis Stavri for his monograph *Nikolaos Katalanos: His Contribution to the Political, Social and Ideological Movement in Cyprus (1893–1921)* (Rizes), an in-depth exploration of a formative yet understudied figure in Cyprus' modern political history. The '*Peter Loizos Award* in Social Sciences' was presented to Theodoros Kouros for his work *Tactical Citizenships: Encounters with Everyday State in the Republic of Cyprus* (Berghahn), a rich ethnographic account of state-citizen interactions that illuminates the subtleties of everyday governance. Two 'Honourable Mentions' were also awarded: to Maria Achilleos for *Η κοινωνία της Ρωμαϊκής Κύπρου βάσει επιγραφικών δεδομένων και αρχαιολογικών μαρτυριών υπό το πρίσμα του εκρωμαϊσμού τ. Ι-ΙΙ* (Κέντρο Επιστημονικών Ερευνών), a contribution to Roman-period social history; and to Maria Matthaiou and Argyro Xenophontos for *Τα Παραμύθια της Κύπρου* (Κέντρο Επιστημονικών Ερευνών), a significant study and preservation effort of Cyprus' folkloric traditions.

We extend our warmest congratulations to all awardees and honourees. Their work exemplifies the intellectual rigour, originality and public relevance that the CRABA initiative seeks to highlight each year. Special thanks as always, to all the participants and to the Scientific Committees that examined these works. Our new Call for nominations for the CRABA 2026, for books published in 2025, can be found on our website and at the end of this issue.

The collection of articles in this issue delve once again into a wide array of scientific disciplines, thus exploring a diversity of research topics. The first article, by Christos Papastylianos (University of Nicosia), deals with t*he causes of the Constitutional breakdown of 1963*, thus revisiting one of the most pivotal episodes in the constitutional history of Cyprus. Moving beyond explanations that attribute the constitutional crisis solely to defective design or the imposed nature of the independence settlement, the study brings to the forefront the role of constitutional actors themselves – specifically, the perceptions they held about their institutional authority and the narratives that shaped these perceptions. By critically re-examining the underlying premises of the 1960 constitutional order, Papastylianos offers an important contribution to constitutional scholarship and deepens our understanding of how interpretive practices and political attitudes contributed to the paralysis that unfolded in 1963.

In their co-authored study on *the effect of Covid-19 on financial performance and financial distress of firms*, Melita Charitou (University of Nicosia), Petros Lois (University of Nicosia) George Loizides (University of Nicosia / University of Cyprus / Cyprus Fiscal Council) and Katerina Morphi (University of Nicosia), provide a rigorous empirical assessment of the economic fallout of the pandemic. Using regression analysis across Portugal, Italy, Greece, Spain, and Cyprus, the authors show significant deterioration in key financial indicators during 2020, with Cyprus and Spain experiencing substantial declines in profitability and heightened distress. Their analysis of the Altman Z-Score highlights sectoral vulnerabilities – from the acute impact on retail trade to the elevated bankruptcy risks in manufacturing. The findings illuminate the structural weaknesses exposed by COVID-19 and offer valuable insights into the resilience and fragilities of Southern European economies.

The contribution of Edgar Hovhannisyan (Armenian State Pedagogical University) and Alexander-Michael Hadjilyra (Independent Researcher), on *the re-organisation of the Armenian Community of Cyprus after the Genocide*, brings new historical depth to an understudied dimension of Cypriot social history. Drawing on Armenian-language sources, some available in English for the first time, the article traces how refugees of the Armenian Genocide restructured their communal institutions on the island. The study places particular emphasis on the Armenian Prelature of Cyprus and its central role in rebuilding communal life, maintaining cultural identity, and integrating Armenians into the socio-political fabric of Cyprus. This work not only enriches Cypriot historiography, but also provides a valuable case study for understanding mechanisms of community formation within the wider Armenian diaspora.

In his manuscript on *the protection of personal data*, George Tsaousis (University of Nicosia) offers a timely legal analysis of data protection as a fundamental right within the EU and its reception in Cyprus. The article traces the evolution of EU data protection law from the 1995 Directive to the General Data Protection Regulation (GDPR), highlighting both harmonisation efforts and areas of national discretion. Tsaousis critically examines how Cyprus has implemented the GDPR, identifying several 'national peculiarities' and inconsistencies that challenge the Regulation's core principles. He further assesses the role and effectiveness of the national Data Protection Commissioner, raising important questions about institutional capacity and cultural attitudes toward privacy. The article ultimately underscores the significant safeguards afforded by the EU framework, while reflecting on the gaps that persist in national practice.

The articles section concludes with Stella Mala's (University of Nicosia) piece on fake news and hate speech, which tackles one of the most pressing regulatory challenges of the digital age. Mala explores the intersection of disinformation, AI-generated deepfakes, and hate speech – a convergence that poses growing threats to democratic processes and social cohesion. Anchored in European human rights law, the Rabat Plan of Action, and the Digital Services Act, the analysis examines the responsibilities and limits of online intermediaries in moderating harmful content. By emphasising both the dangers of unchecked digital manipulation and the risks of over-regulation, the article makes a compelling case for carefully calibrated safeguards that protect free expression while countering emerging digital harms.

As always, the issue is enriched with our Book Review Section, which presents recent bibliographical research pertaining to Cyprus. This section continues to serve as a vital complement to our peer-reviewed articles, by engaging with recently published works that shape, challenge and expand the field of Cyprological studies. Through critical assessments of both scholarly monographs and specialised publications, this section aims to review significant contributions, and serve as a space where current scholarship is contextualised, evaluated and connected to broader conversations within the academic community.

As we move forward, our Journal continues to welcome rigorous submissions across our thematic horizon – not only in history, politics and law, but in the social sciences broadly interpreted, cultural studies, education, governance, migration, identity, and the many ways Cyprus is both a case and a lens in wider comparative and global debates. Our goal is to broaden even further the scope of Cyprus-related scholarship, in a historically nuanced, theoretically informed, and empirically grounded research that engages critically with the complexities of Cyprus. I would like to express my heartfelt thanks to all our authors, reviewers and editorial staff for their commitment and scholarly generosity. It is your work that sustains The Cyprus Review as a vital platform for Cyprological inquiry. I encourage our readers to engage with this issue's articles, to challenge, reflect, and build upon them – for scholarship thrives when it is read and debated.

Christina Ioannou
Editor-in-Chief

ARTICLES

The Causes of the 1963 Constitutional Breakdown: Which Factors Affected the Short Life of the 1960 Cyprus Constitution?

Christos Papastylianos[1]

Abstract

The literature tends to attribute the constitutional failure in Cyprus to the constitutional design and the imposed character of the constitution-making process. Without ignoring the impact of such factors on the constitutional breakdown of 1963, the aim of this paper is to shed light on the other factors that contributed to constitutional paralysis, such as the perceptions of the constitutional actors about their institutional roles and the impact of constitutional narratives on the formation of these perceptions.

Keywords: constitutional breakdown; constitutional crisis; Cyprus Constitution; Greek-Cypriot community; Turkish-Cypriot community

1. Introduction[2]

Among the core components of the Cypriot Constitution is its complete lack of references to the concept of people. According to the Cypriot Constitution, the citizens of Cyprus are members of two separate communities (Greek and Turkish), membership to which is based on criteria such as origin, language, cultural traditions, and religion. Citizens who do not belong to one of the two communities must choose which community they would like to belong to.[3] This dual structure also established the executive (the President of the Republic comes from the Greek community, the Vice President from the Turkish community), with their powers distinguished into those exercised jointly and those exercised separately (see Articles 47-49 of the Constitution). As regards the Council of Ministers, its composition is based on a 7:3 ratio from the communities. This dual structure is also apparent in the legislative function, as

[1] Associate Professor of Public Law, University of Nicosia, papastylianos.c@unic.ac.cy

[2] Certain parts of section 1 have been presented in a modified form in an article by the same author entitled 'The Cypriot Doctrine of Necessity within the Context of Emergency Discourse' (2018) *Cyprus Review,* 32(1) 113.

[3] See Cyprus Constitution Article 2(1) and (2) (1960).

Greek-Cypriot and Turkish-Cypriot Members of Parliament (MPs) are elected only by their respective communities. The Constitution contains similar provisions about the makeup of other key State bodies, such as the Supreme Court and the Constitutional Court, the staffing of the Attorney-General of the Republic, the Auditor General, the Governor of the Central Bank, and their assistants. Assistants must belong to a community other than that to which the head of a body belongs. A quantitative distribution also exists in the composition of the public sector (7:3). Further, the Constitution provides that the Presidents of the Supreme Court and the Supreme Constitutional Court should be foreigners, coming from 'neutral' countries. Thus, no majority can be formulated without the consent of the neutral judge. Nonetheless, while it establishes cooperation between the two political communities, the Constitution contains no safeguards should the system be unable to function due to the two communities refusing to work together.[4] These conditions created the context for the constitutional breakdown of 1963, which was actually the result of three consecutive constitutional crises.

A constitutional crisis differs from, yet is related to, a state of emergency. Levinson and Balkin described the various types of constitutional crises: The first type is where institutional actors publicly state their intention to not apply the guarantees afforded by the constitution because an emergency has arisen that needs addressing, and faithful compliance with the constitution would result in an insufficient response. For such a situation to be considered a constitutional crisis, it must be impossible for the governance system to function as provided for in the constitution. Relying on the necessity to depart from the constitution and employing processes not envisaged in it must be the result either of failure to resolve disagreements by applying constitutional processes or of the actors' conviction that the constitution is unable to contain their disagreements within the bounds laid down in its provisions.[5] The second type of crisis is when a conflict between political actors is not beyond the spectrum of actions the constitution provides for. In this case, the constitution is the problem and not the solution.[6] The third type of crisis is where political actors disagree about constitutional precepts, which leads to the sides accusing each other of violating the constitution. Certainly, a simple political disagreement would not fall under this cat-

[4] On the structure of governance that the Constitution provides, see Achilles Emilianides, *Constitutional Law in Cyprus* (3rd edn., Alphen aan den Rijn, NL: Kluwer, 2024) 24–26.

[5] Sanford Levinson & Jack. M. Balkin, 'Constitutional Crises' (2009) 157(1) *Pennsylvania Law Review* 707, 721–728.

[6] Ibid, 737.

egory. The means conflicting parties use to resolve their disagreements are crucial for determining the existence of a type-three crisis. This involves overstepping the boundaries established by the constitution for publicly expressing political disagreements. Each party believes that the other is taking steps not aligned with the constitution for the purpose of defeating it, and therefore, each relies on this argument to justify arbitrary actions.[7]

In Cyprus, there were three main issues where the inability of the two communities to cooperate gave rise to this belief: the creation of separate municipalities for Turkish-Cypriots; the establishment of an army; and the composition of the public service based on the Constitution's quantitative distribution of the population (the quota was 70:30). Three fundamental articles of the Constitution—Articles 173(1), 129, and 78(2)—were not applied from the outset, because their application presupposed cooperation between the two communities. While supportive, the Constitution did not mandate this cooperation. Non-application was due solely to the way in which the representatives of the two communities perceived the execution of their constitutional duties. However, it was not long before this practice led to a type-three constitutional crisis. In Cyprus, the two communities were unable to implement the constitutional precept of observing the quantitative distribution in the composition of the public service (70:30), disagreeing on the interpretation of the relevant provision and the reasons for not applying it. Greek-Cypriots stressed that the precept was subject to a condition: 'This quantitative distribution shall be applied, so far as this will be practically possible' (Article 123(2) of the Constitution), and Turkish-Cypriots insisted on its immediate application even if there were problems related to the efficient functioning of the public service (that is, they circumvented the condition set out in Article 123(2)). In reaction to their Greek-Cypriot compatriots' refusal to observe the quantitative distribution in the public service, the Turkish-Cypriots refused to vote for several tax laws, the adoption of which required a separate majority from both communities (Article 78(2)). This brought the implementation of the constitutional provision to a standstill, blocking tax legislation and collection mechanisms applicable to the entire territory. However, this failure did not *stricto sensu* contravene the Constitution. The matter was resolved via the adoption of separate tax laws by the two communities in line with Article 87(1)(f) of the Constitution, which provides that each communal chamber may impose personal taxes and fees on the members of their community to address their respective needs.

[7] Ibid, 739–740.

The second case where a constitutional provision was rendered inactive due to non-cooperation between the two communities concerned the composition of the army (Article 129 of the Constitution). This provision did not envisage how the army would be established, but only its composition (2,000 men, 60% Greek-Cypriots and 40% Turkish-Cypriots). However, there was disagreement from the outset on the organisation of the army, namely whether it would be a single army or consist of separate parts based on ethnic origin. In August 1961, the Cabinet decided on a single army by majority (seven Greek-Cypriots for and three Turkish-Cypriots against). The Vice President disagreed and ultimately vetoed it, as was his right under Article 50(1)(b)(i), preventing the establishment of the army.

The third matter on which the two communities disagreed, and which provoked a constitutional crisis with both type one and type three characteristics, concerned the establishment of separate municipalities for Turkish-Cypriots. Under Article 173 of the Constitution, separate municipalities were to be created for Turkish-Cypriots in the five largest cities,[8] provided the decision be reviewed by the President and the Vice President of the Republic within four years of the Constitution's ratification. However, Article 78(2) of the Constitution required a separate majority for the adoption of laws relating to the creation of municipalities, whereas the transitional provisions of Article 188 established that laws on municipalities, which pre-existed the Constitution, would cease to apply on 15 February 1961. In the end, the validity of the laws was extended to 31 December 1962. However, the Greek-Cypriot MPs voted against an attempt by their Turkish-Cypriot colleagues to extend the validity of the laws for an extra year. As a result, no decision was made because Article 78(2) of the Constitution required separate majorities. Greek-Cypriot MPs refused to vote for the proposed legislation, basing their arguments on their interpretation of Article 173(1), in particular as to whether the wording of the provision established that the creation of separate municipalities was mandatory or optional. On the other hand, the Turkish-Cypriot MPs proposed legislation to extend the validity of the previous laws, referring to the need to reach a solution that would not undermine the constitutional order.

[8] According to Article 173(1) of the Cypriot Constitution: 'Separate municipalities shall be created in the five largest towns of the Republic, that is to say, Nicosia, Limassol, Famagusta, Larnaca and Paphos by the Turkish inhabitants thereof: Provided that the President and the Vice-President of the Republic shall within four years of the date of the coming into operation of this Constitution examine the question whether or not this separation of municipalities in the aforesaid towns shall continue'.

Finally, following a failed attempt at a revision of the Cypriot Constitution and the killing of two Turkish-Cypriots by police officers, riots broke out in December 1963, causing an intercommunal armed conflict with numerous casualties on both sides.[9] The inability of the two communities to cooperate on the enactment of the laws that would activate the relevant constitutional provisions thus led to a constitutional breakdown. The Turkish-Cypriots would subsequently resign from all State bodies in January 1964, and, barricading themselves in the Turkish parts of towns and in small enclaves, established their own 'Cyprus Turkish Authorities' under the direction of Küçük and the Turkish Communal Chamber. Considering that the Presidents of the Constitutional Court and the Supreme Court had already resigned in May 1963, it thus became impossible for the executive, legislative, judiciary, and public administration to function in line with the Cypriot Constitution.

The literature tends to attribute the constitutional failure in Cyprus to the constitutional design and the imposed character of the constitution-making process. Without ignoring the impact of such factors on the constitutional breakdown of 1963, the aim of this paper is to shed light on the other factors that contributed to constitutional paralysis: the perceptions of the constitutional actors about their institutional roles and the impact of constitutional narratives on the formation of these perceptions.

2. Background on the Constitutional Crises of 1961–1963

The failure to reach an agreement on the issue of taxation and on separate majorities should be viewed within its context. The latter was heavily foreshadowed by the issue of separate municipalities. This was the thorniest problem that haunted the Republic, one inherited from the period before independence. The fear that separate municipalities would prepare the ground for a future partition of the island was the main—albeit not the only—reason why Greek-Cypriots stalled the application of this Zurich point. The *ad hoc* Greek-Cypriot and Turkish-Cypriot committees that President and Vice President of the Republic Makarios and Küçük (respectively) ap-

[9] One hundred and thirty-six Turkish-Cypriots and 30 Greek-Cypriots were killed in the period between 21 December 1963 and 1 January 1964. Approximately 25,000 Turkish-Cypriots from 104 villages, amounting to a quarter of the Turkish-Cypriot population, fled their villages and were displaced into enclaves. On the number of victims, Patrick Richard Arthur, *Political Geography and the Cyprus Conflict 1963-1971* (Waterloo, CA: University of Waterloo, Department of Geography, 1976), 76. On the number of the displaced, see Report by the Secretary General of the United Nations operation in Cyprus, available at https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Cyprus%20S%205950.pdf.

pointed to examine the issue could not agree on a proposal drawing administrative boundaries. Evidently, this task was impossible to fulfil due to the absence of clearly demarcated districts in which one of the two communities could claim close to 100% inhabitancy or ownership.[10] The task was further complicated by the Turkish-Cypriots' refusal to accept either the inclusion of Greek-Cypriots in their municipalities (propounding that this would be unconstitutional) or the right of citizens to choose to which municipality they would belong (out of fear that this would put the cohesion of their community at risk).[11] However, beyond the difficulty to define the demarcation lines that would separate the territory of Greek and Turkish municipalities in each of the five cities, there was a further and more basic reason why such a separation would not work: 'The five towns of the island were not at that time large enough to justify the economic management of more than one municipality'.[12] Besides, Turkish-Cypriot municipalities would hardly be financially viable, much less capable of improving the living standards of their inhabitants, given that the Turkish-Cypriot community was not as prosperous as their Greek-Cypriot compatriots. But this was precisely the first of the two reasons that explain the intransigence of the hardliners in the Turkish-Cypriot leadership on the geographical partition of municipalities: political control over their own community.[13] The second reason was their more general and, to a great extent, reasonable though inconsequential fear that, if a constitutional provision was not implemented, this would set a precedent for the other provisions still pending (full) implementation.

[10] On this issue, Glafkos Clerides, *Cyprus: My Deposition, Vol 1* (Nicosia, Cyprus: Alithia, 1989), 416–418, including full citation of the Vice President's proposals on drawing the administrative boundaries of separate municipalities. These proposals adopted the criterion of the total length of frontage of the property belonging to the members of the one or the other community on every street, with a series of exceptions and provisos, which overall made manifest the practical impossibility of drawing municipal boundaries without harming the interests of a considerable number of persons belonging to either community. Glafkos Clerides was the head of the Greek-Cypriot delegation to the Joint Commission. Following independence, he became the first Head of the House of Representatives. On many occasions after the crisis of 1963–1964, he was the chief negotiator on behalf of the Greek-Cypriot community. During the 1990s, he was elected twice as President of the Republic.

[11] Diana Weston Markides, *Cyprus 1957-1963, From Colonial Conflict to Constitutional Crisis: The Key Role of the Municipal Issue* (Minneapolis: Minnesota University Press, 2001), 74.

[12] See Clerides (no 10) 121 (with an example based on financial data, demonstrating beyond any doubt that it would be impossible for the Turkish municipalities in towns like Larnaca to provide proper municipal services).

[13] Ibid, 74–75, 81.

The Greek-Cypriots, for their part, attempted to utilise the constitutional clause that provided for coordinating committees over and above separate municipalities, in conjunction with the provision empowering the President and the Vice President to reach a final decision on the issue within four years.[14] In December 1962, after the historical visit of President of the Republic Makarios to Ankara,[15] the two sides commenced serious negotiations, intending to settle the issue[16] before the lapse of the temporary pre-independence municipal legislation on 31 December 1962. On 24 December 1962, the Turkish-Cypriot side accepted a plan that provided for a one-year trial of joint municipal councils, under strict safeguards that secured strong representation and very generous financial terms for Turkish-Cypriots—they would be able to spend, through their representatives alone, an amount considerably bigger than their ratio in the population.[17] A joint communiqué was issued announcing that '[c]ommon ground was found for eventual agreement on the subject', and that a new meeting was arranged in order to 'work out the details'.[18] Nevertheless, in the next meeting, Vice President Küçük read a statement that for all intents and purposes reversed the Turkish-Cypriot position expressed during the meeting.[19] 'Both the British and the Americans believed [...] that the reversal of the Turkish Cypriot position had come after long meetings between the Turkish Cypriots and the new Turkish ambassador, Mazhar Ozkol'.[20] Two other attempts to solve the municipalities problem, with the aid of intense diplomatic activity of foreign powers—the last one in May 1963—failed.[21]

[14] *See* Cyprus Constitution Art. 173(1) and (3) (1960).

[15] On Makarios' visit in Ankara and its results, see Markides (no 11) 90. Archbishop Makarios was elected Cyprus' first President of the Republic in the wake of the post-colonial era but he did not resign from his office as Archbishop. Thus, he maintained both offices until his death in 1977.

[16] For a full account of these negotiations, including citations from the relevant records, see Clerides (no 10) 415–432. See also Markides (no 11) 84–97; see also Stella Soulioti, *Fettered Independence- Cyprus, 1878-1964, Volume Two: The Documents*, (Minneapolis: Minnesota University Pres, 2006) 175–179.

[17] See Markides (no 11) 92.

[18] Ibid, 426.

[19] Ibid, 94; and the statement of Küçük in Clerides (no 10) 426–427.

[20] See Markides (no 11) 94 (with her reference being a telegram from Nicosia to the Director of Greek, Turkish, and Iranian affairs of the State Department). See also the account provided by Robert Stephens, *Cyprus: A Place of Arms* (New York: Frederick A. Praeger, 1966) 176–177; and the *Record of Meeting in London between Sir Arthur Clark, Director Information Services and Cultural Relations, and Cyprus Minister of Justice, 6 July 1964*, both in Soulioti, (no 16) 539–542, 541.

[21] The proposals exchanged between Makarios and Küçük are fully cited in Soulioti (no 16) 549–554.

On 29 December 1962, President Makarios declared that 'the constitutional provision regarding separate Municipalities is not workable in practice', and announced the abolition of the institution of self-administrated municipalities, as well as the transferal of the functions and properties of former municipalities to the government.[22]

On 31 December 1962, the Greek-Cypriot majority in the House of Representatives voted down the Turkish-Cypriot proposal to extend the temporary legislation on municipalities.[23] As a result, as of 1 January 1963, no legal municipalities existed at all. On 2 January 1963, the Greek-Cypriot majority in the Council of Ministers decided to set up 'development boards', i.e. boards appointed by the government in accordance with an old law, to henceforth run municipal affairs.[24] The Greek municipalities surrendered their powers to these boards, but the Turkish municipalities refused to do so,[25] and the Turkish-Cypriot Communal Chamber enacted a law that legitimised the Turkish municipalities.[26]

The Turkish-Cypriot leaders consulted the Turkish government and referred the dispute to the Cyprus Constitutional Court.[27] The judgments of the Supreme Constitutional Court, interesting as they might have been from a legal point of view, did little to overcome the constitutional deadlock.[28] In fact, the only tangible effect of the transferal of the conflict over separate municipalities to the Court was the collapse of the Court itself, confirming recent literature on the limited capacity of such courts to lead transitions in post-conflict settings.[29]

More specifically, in the one of the cases brought before it, the Court held that the applicants—the Mayor and Members of the Turkish Municipal Council of Nic-

[22] See *Statement by the President of the Republic, Archbishop Makarios, 29 December 1962*, in Soulioti (no 16) 543–544.

[23] Stanley Kyriakides, *Cyprus: Constitutionalism and Crisis Government* (Philadelphia: Pennsylvania University Press, 1968) 98–100.

[24] Ibid, 101; Also, Stella Soulioti, *Fettered Independence. Cyprus, 1878-1964, Volume One: The Narrative* (Minneapolis: Minnesota University Press, 2006)181.

[25] Stephens (no 20) 177.

[26] Kyriakides (no 23) 100; Soulioti, (no 24) 181.

[27] Stephens (no 20) 177. See also Markides (no 11) 111 (noticing that the recourse to the Supreme Constitutional Court was the Turkish fallback position, after the failure to resolve the issue 'through guarantor power involvement').

[28] For an account of the judgments, see Costantinos Kombos, *The Doctrine of Necessity in Constitutional Law* (Athens-Thessaloniki: Sakkoulas Publications, 2015) 143–147.

[29] Tom Gerald Daly, 'The alchemists: Courts as democracy-builders in contemporary thought', (2017) 6(1) Global Constitutionalism 101, 104.

osia—had no legal standing under Article 139 of the Constitution, which empowers State organs to contest the exercise of competences by other State organs before the Court.[30] The complaint referred to the order of the Council of Ministers that set up development boards, on the grounds that the temporary legislation on Turkish municipalities, which had been enacted during the transition period by the British Governor, had ceased to be in force.[31] Further, according to the complaint the provisions of Article 173 et seq. on separate municipalities were of a programmatic nature such that their implementation required the enactment of an organic law, which in this case did not exist after the expiry of Law 10/61 (temporarily extending the application of pre-independence legislation) on 31 December 1962.

Nevertheless, the Court annulled the order of the Council of Ministers that replaced municipalities with appointed development boards in another judgment delivered on the same date, after a recourse filed by the Turkish Communal Chamber. In this judgment, the Court held, by majority vote, that 'the legislation to be enacted with regard to the municipal administration of such towns [as referred to in Article 173 paragraph 1 of the Constitution] must provide for separate municipalities for the Greek and Turkish inhabitants thereof';[32] that 'the provisions, which are contained in Articles 173 to 177 in the interest of the Turkish inhabitants of certain towns [...] would be frustrated, if organs other than the legislative bodies would undertake to regulate the administration of towns';[33] that the provisions of Articles 173 to 178 'contain a binding order of constitutional force, directed to all organs of the Republic';[34] and that, therefore, 'no action of any organ of the Republic, which is contrary to the said provisions, can be regarded as constitutional'.[35]

On the other hand, the Court also annulled the Turkish Municipal Corporations Law, which had been passed by the Turkish Communal Chamber on 29 December 1962 and signed by the Vice President on 31 December 1962, legalising Turkish municipalities. In this case, the Court held that the law in question was void *ab initio* because it had not been published in the Official Gazette, as provided by Article 104

[30] Cyprus Constitution Art. 139 (1960).

[31] *Fuat Celaleddin & Ors* v. *The Council of Ministers & Ors*, Case No. 11/63, judgment of 25 April 1963, 5 R.S.C.C. 102, 108-112 (1963).

[32] *See The Turkish Communal Chamber, And/Through Its Social and Municipal Affairs Office* v. *The Council of Ministers*, Case No. 10/63, judgment of 25 April 1963, 5 R.S.C.C. 59, 72, Supreme Constitutional Court of Cyprus (1963). Ibid

[33] Ibid, 73.

[34] Ibid, 78.

[35] Ibid, 78.

of the Constitution, despite the fact that only the signature of the Vice President was required for such publication, since it was a law passed by the Communal Chamber,[36] and notwithstanding the fact that the Vice President had sent the law for publication; to no avail, as it turned out. Thus, the Supreme Constitutional Court's judgments reverted both the creation of appointed municipal boards by the Greek-Cypriot majority in the Council of Ministers and the legalisation of Turkish municipalities by the Turkish Communal Chamber. However, the judgments did not produce any useful tools to help overcome the constitutional impasse.[37]

The same day as the delivery of the judgments, the two sides made a final, vain attempt to resolve the municipal issue. As usual, the President and Vice President exchanged bitter statements and counterstatements.[38] On 21 May 1963, with two identical letters to the President and the Vice President respectively, Professor Ernst Forsthoff, the neutral President of the Supreme Constitutional Court, resigned, allegedly irritated by Makarios' statement that he was not willing to follow the rulings of the Court.[39]

[36] See Cyprus Constitution Art. 104(1) (1960).

[37] In fact, the law had been forwarded to the Attorney-General for publication in the Official Gazette. 'The Attorney-General on the same day wrote to the Vice-President advising him that the making of the Law did not fall within the competence of a Communal Chamber, and asking the Vice-President to "reconsider the position in the light of this advice". Thereupon, again on the same day, the Vice-President, wrote back to the Attorney- General asking "for its immediate publication", and setting out, *inter alia*, his opinion, viz. that it was the right and responsibility of the Vice-President to publish in the official Gazette of the Republic a law made by the Turkish Communal Chamber. Thereupon the Attorney-General, by his letter dated the 2nd January, 1963, forwarded to the Government Printer the Law stating in such letter that the Vice-President required the publication of the Law in the official Gazette of the Republic, and that in the view of the Attorney-General the passing of the Law did not fall within the competence of a Communal Chamber. The Law has not, however, been published in the official Gazette of the Republic and for this reason, the Turkish Communal Chamber proceeded to publish the Law in the *Resmi Gazete* No. 1 of the 3rd of January, 1963'. *See The House of Representatives* v. *Turkish Communal Chamber And/Or the Executive Committee of the Turkish Communal Chamber*, Case No. 12/63, judgment of 25 April 1963, 5 R.S.C.C. 123, 125, Supreme Constitutional Court of Cyprus (1963).

[38] See Soulioti (no 24) 195–196.

[39] Zaim M. Necatigil, *The Cyprus Question and the Turkish Position in International Law* (2nd edn., Oxford: Oxford University Press, 2001) 23. For a different, well-documented account, see Soulioti (no 24) 215–219. In his resignation letter, Forsthoff did not mention Makarios' attitude, but he justified his decision on the grounds that his assistant 'had been shadowed by detectives everywhere'. Forsthoff's resignation letter is fully quoted in Soulioti (no 24) 215–216.

3. Future-oriented Formulas in the Constitutional Text: Regaining Autonomy in the Constitution-making Process? The Cyprus Case

The use of terms like 'sui generis provisions', as well as the complexity, rigidity, and 'unworkability' of the 1960 Constitution have been dominant themes among Greek and Greek-Cypriot historical literature and jurisprudence following independence.[40] Greek-Cypriot leaders felt 'that the agreements of Zurich and London did not reflect the will of the Cypriots; rather they were imposed on Cyprus by external powers'.[41] On the other hand, the Turkish-Cypriot community did not challenge the legitimacy of the Constitution due to its imposed origin, since taking into account the degree of influence of external agents on the drafting, enactment, and alteration of a constitution, the Cypriot Constitution is to a broad extent an imposed constitution.[42] Yet, we should bear in mind that imposition is construed mainly by the way the constitution-making

[40] For a summary of the literature of the period after independence, with extensive references, see Evanthis Hatzivassiliou, *The Cyprus Question, 1878-1960: The Constitutional Aspect* (Mineneapolis: Minessota University Press, 2002) 87–88. See furthermore Criton Tornaritis, *Cyprus and its constitutional and other legal problems* (2nd end., Nicosia, Cyprus, 1980) 43, 54; Polyvios Polyviou, *Cyprus: Conflict and Negotiation 1960 – 1980* (New York: Holmes and Meir Publishers, 1980) 13–15; Emilianides (no 4) 19.

[41] Kyriakides (no 23) 122. The London Agreement refers to the approval of the Zurich Agreements by the leaders of the two communities, Archbishop Makarios and Dr Fazil Küçük, at the Conference of Lancaster House in February 1959. The London Agreement assigned the drafting of the Constitution to a Joint Commission with a quadripartite composition (Greece, Turkey, the Greek-Cypriots, and the Turkish-Cypriots each sent a representative at the head of a small delegation). The most interesting feature of the Joint Commission was, of course, its Zurich straitjacket, i.e. the obligation of the drafters of the Constitution to strictly abide by the letter of the Basic Structure points, as agreed upon in Zurich. Thus, one could speak of a constitution-making procedure in two parts, with the second subordinate to the first.

[42] Considering that Makarios and Küçük signed the Agreements in London in their capacities as de facto leaders of the respective communities, and that in Nicosia, on Independence Day, they signed the Agreements, as well as the Constitution, acting in concert under the heading 'President and Vice President (elected) of the Republic of Cyprus', the consent of the two communities to the Constitution and the Treaties that are part of the Cypriot constitution according to the provision of Article 181, cannot be disputed. However, ex-post consensus cannot replace the lack of public participation during the drafting process. The drafting of the Constitution, or at least of those sections that had been assigned to the drafting committee, was a completely elite-driven process in which Greece and Turkey participated on equal footing with the local agents (the two communities). Furthermore, it should be noted that the consent of Makarios and Küçük to the Zurich Agreement, which determined in advance the core of the Cypriot Constitution, as de facto leaders of the two communities, a consent, which was expressed at the Lancaster Conference, when they were still not elected, cannot be considered even remotely as an act self-governance. Thus, their consent did not decrease the extent of imposition upon those to whom the Constitution was addressed.

process is perceived by the people to whom the constitution is addressed.[43] Additionally, deeply divided societies might not possess a collective perception regarding the imposed character of a constitution. In Cyprus, what was perceived as imposed by Greek-Cypriots, was considered by Turkish-Cypriots as safeguarding their status. Any other structure of governance than the one provided by the Cypriot Constitution would be considered a form of an internal imposition.[44]

It should be noted though that the Cypriot Constitution was not imposed in its entirety. Specifically, the section on human rights was drafted without any external intervention. Also, Article 1, which establishes the nature of the State, was drafted by the Joint Committee. Nevertheless, external actors played a major role in the drafting and enactment of the Constitution, while, regarding amendment, internal agents were relegated to the sidelines. The structure of governance, as already mentioned, was determined entirely by the Zurich Agreement, an international treaty designed and signed by Greece, Turkey, and the UK, who rendered it (the structure of governance) unamendable. However, some formulas the Constitution provided for the distribution of power between the two communities had a future-oriented character, leaving the final resolution of certain issues to a consensus between the two communities. Such formulas, if properly implemented, could have potentially allowed Cypriots to regain a degree of autochthony in the constitution-making process, in the sense that the relevant issues would be regulated by Cypriots themselves without any external intervention.

Such choices include sunset clauses, deferrals, or avoidance. These are choices that facilitate flexibility, enabling the adjustment of a constitution to changing cir-

[43] Xenophon Contiades & Alkmene Fotiadou, 'Imposed Constitutions: Heteronomy and Unamendability', in Richard Albert, Xenophon Contiades & Alkmene Fotiadou (eds), *The Law and Legitimacy of Imposed Constitutions* (London: Routledge, 2018) 16.

[44] Imposition is not always attributed to external factors. A constitution may be internally imposed in various ways (a part of the people imposes each own perception about the constitution to others), or imposed with the consent of the people subject to it. In the latter case, the influence of external actors lacks a hallmark of imposition, that of coercion. Turkish-Cypriots consented to the external imposition in order to avoid what they considered an internal imposition by Greek-Cypriots, namely a constitution-making process that would reflect the ethnic majority's perceptions about the structure of governance. On internally imposed constitutions, see Janiv Roznai, 'Internally Imposed Constitutions' in Albert, Contiades & Fotiadou (no 43) 58, and on imposition with consent, see Richard Albert, 'Constitutions Imposed with Consent', in Albert, Contiades, Fotiadou (no 43) 103. However, even if a constitution is imposed with consent, it lacks to a certain extent features of self-government and self-determination, ibid, 118.

cumstances.[45] Nevertheless, it was precisely these choices that led to the above constitutional crises.

Article 129, which provides for the composition of the army, was not explicit on structure (whether military units would be manned exclusively by members of each community or would be of mixed composition). In other words, the provision had a certain ambiguity. In other contexts, such a choice had been an effective strategy in mediating the differences among competing perceptions and values.[46] In Cyprus, however, it failed to produce such a result. One of the main presuppositions that enable ambiguity to succeed is the establishment of a 'robust' Supreme Court as a final arbiter on their resolution. However, the Cypriot Supreme Constitutional Court bears not only the deficiencies typical of supreme courts in deeply divided societies,[47] but also those linked to the unique peculiarities of the Cypriot Constitution. According to Article 180(3): 'In case of ambiguity any interpretation of the Constitution shall be made by the Supreme Constitutional Court due regard being had to the letter and spirit of the Zurich Agreement'.

The constitutional provisions regarding the separate municipalities are an example of deferral. Despite the definitive wording—'separate municipalities shall be created'—Article 173(1) goes on to provide for the re-examination of the issue by the

[45] Sylvia Suteu, 'Eternity Clauses in Post-Conflict and Post-Authoritarian Constitution-Making: Promise and Limits' (2017) 6(1) *Global Constitutionalism* 63. 'Ambiguities can provide a compromise framework within which [...] inconsistent claims can co-exist', Nicolas Barber, 'Against a Written Constitution' (2018) 11 *Public Law* 11, 17. Nevertheless, the fact that constitutions cannot and should not settle any disagreement, does not mean that constitutions can be used by constitutional agents as sites for disagreement for the sake of disagreement. Constitutions should be sites of constructive disagreement if they are meant to play the constitutive role of a framework of action of the constitutional agents, which allows co-existence despite disagreements.

[46] One such example is the deferral provisions of the South African Constitution regarding the distribution of land; see Rosalin Dixon & Tom Ginsburg, 'Deciding not to Decide: Deferral in Constitutional Design' (2011) 9(3–4), *International Journal of Constitutional Law* 637, 647–648.

[47] In deeply divided societies, the enshrinement of a list of rights through the constitution is not sufficient to create conditions for overcoming partiality and creating a framework for resolving conflicts by reference to claims of a universal nature for two main reasons: a) the violation of rights and its review by authorities constitutes a form of persistent review of acts or omissions that may affect minority demographic groups; and b) an important part of this review is based on the way in which courts interpret abstract concepts in the specific context, which is charged by established relations between communities, and therefore the recipients of judicial decisions have no confidence that these interpretations are impartial and not biased by the communal background of the judges. Sujit Choudhry & Richard Stacey, 'Independent or Dependent? Constitutional Courts in Divided Societies', in Collin Harvey & Alex Schwartz (eds), *Rights in Divided Societies*, (Oxford, Portland: Hart, 2012) 87.

President and Vice President within four years. In other words, the final decision can be deferred for four years. The main advantage of a deferral is that it allows for the gradual development of consensus on issues that fuel tension between communities. Nevertheless, in deeply divided societies, the consensus on which the constitutional settlement relies sometimes represents the limit of said settlement. As such, there is no room for wider consensus in the near future and a deferral leaves controversial issues unanswered for the duration of the dispute.

Article 188 of the Cypriot Constitution is a sunset clause. Sunset clauses allow successive political regimes to temporarily overlap, bypassing the strict application of constitutional superiority, which requires compatibility between laws and the constitution. However, Article 188 splits the transition between the colonial regime and the new constitutional order into two parts. According to Articles 188(1) and (2), all laws in force on the date of enactment of the Cypriot Constitution would remain in force until amended, except for laws referring to issues that require separate majorities under Article 78. The latter category of laws would become invalid as of the date of enactment of the new Constitution. Furthermore, according to Article 188(2)(b), 'any law imposing duties or taxes may continue to be in force until the 31st day of December 1960'. The unamendability of Article 78(2), which provided for the separate majorities, and the short period within which tax laws continued to be in force, weakened the capacity of this sunset clause to decrease tension between the communities on the issue of taxation.

The main goal of these choices is to allow a re-evaluation of certain issues when passions subside. However, the Cypriot case indicates that this strategy is not always viable. Instead of enabling local actors to regain autonomy in the constitution-making process (in the broad sense, which also includes constitutional amendment), the choices provided by the Constitution of Cyprus intensified intercommunal tension and resulted in the constitutional breakdown. Nevertheless, the description of the problem does not, on its own merits, offer a response regarding the sources of the problem. Why did the choices provided by the Constitution prove unviable in practice? One possible source could be the constitutional text. For instance, the Constitution could have included a clause mandating referral to the Supreme Court any time a disagreement would arise between the two communities concerning the meaning of a constitutional provision. The Court would issue a preliminary ruling that would be binding on the two communities. Another example could be the issue of separate municipalities. A clearly stated sunset clause, after which the re-examination of the

issue would be obligatory, with any disagreements resolved by decision of the neutral Presidents of the two Courts (Supreme and Constitutional) acting jointly, as the two communities had agreed at some point during the negotiations, would have potentially been a much more appropriate constitutional solution. However, the emphasis on the quality of a constitutional text ignores the fact that sometimes the constitutional text reflects the broadest consensus between those involved in a conflict. The crucial aspect in Cyprus' case is how the Constitution has been perceived by the two communities: Greek-Cypriots perceived it as an imposed Constitution while Turkish-Cypriots considered it as a safeguard for their status as a community—as opposed to a minority.

Several instances verify this assertion. For the Greek-Cypriots' perception regarding the imposed character of the Constitution, the preamble of Makarios' 13 points for its revision is quite salient.[48] He first propounded that the Constitution, with its *sui generis* provisions, which run contrary to 'internationally accepted democratic principles', engenders many difficulties in the 'the smooth government of the State and impede[d] the development and progress of the country'[49], provoking friction between Greek-Cypriots and Turkish-Cypriots. Then, Makarios emphatically recounted the conditions at the London Conference, i.e. the fact that—as he alleged—he was confronted with 'the dilemma either of signing the Agreement as it stood or of rejecting it with all the grave consequences which would have ensued'.[50] At this point, Makarios emphasised the widespread sense of constitutional imposition that prevailed among the Greek-Cypriot leadership and community at large. Given no viable options, he characterised the constitutional settlement of Zurich as one imposed on him and the (Greek-)Cypriots. The imposition concerned more than just the constitution-making process. It also extended to the Treaty of Guarantee that established the guarantor powers as 'guardians' of the Constitution. In this context, Makarios also considered the Treaty of Guarantee an instrument of external imposition, since the three powers essentially imposed themselves as guarantors without any prior deliberation with

[48] President Makarios submitted to Vice President Küçük his '13-point proposal' for a constitutional revision on 30 November 1963.

[49] See proposal entitled 'Suggested Measures for Facilitating the Smooth Functioning of the State and for the Removal of Certain Causes of Intercommunal Friction', Presented 30 November 1963, in Soulioti (no 16) 679.

[50] Ibid. It is worth noted that same arguments were raised also in different contexts. For instance, in Japan the Conservatives after the second world war tried to depict the Japanese Constitution and propose for its revision due to its imposed character and therefore its lack of legitimacy. David Law, 'Imposed Constitutions and Romantic Constitutions' in Albert, Contiades & Fotiadou (no 48), 34, 36.

the two communities,[51] and the treaty made any constitutional change ultimately dependent upon the consent of the guarantor powers.[52] On 1 January 1964, Makarios communicated his intention to abrogate the Treaty of Guarantee, which he wished to terminate unilaterally on 4 April of the same year.[53]

On the other hand, the enactment of the Cypriot Constitution itself and the drafting of Article 1 by the Joint Commission were indicative of the fears of the Turkish-Cypriots. The Cypriot Constitution was enacted by an Act of the British Parliament (Cyprus Act 1960, Republic of Cyprus Order in Council 1960 S.I. 1960 No. 136)[54] due to the disagreement of the two communities upon other forms of enactment involving popular participation, such as a referendum or ratification by the Cypriot Parliament.[55] The complete absence of 'the people' from the Cypriot constitutional imaginary is also reflected in the first clause of the Constitution, which states: 'The state of Cyprus is an independent and sovereign republic'.[56] While both communities agreed on

[51] The Treaty of Guarantee was signed on 16 August 1960 between Cyprus, Greece, Turkey, and the UK. However, the Republic of Cyprus was not involved in the drafting process. The text of the Treaty was part of the Zurich Agreements signed between Greece, Turkey, and the UK a year and a half before the island's independence. The consent of the leaders of the two communities to the Treaties at the London Conference could hardly make up for their absence in the drafting, see supra footnote 40 above. It should be noted also that the Treaty of Guarantee was assigned constitutional and unamendable status according to Article 181 of the Constitution.

[52] Greece, Turkey, and the UK signed this Treaty, which granted them the right to station troops in Cyprus and intervene without any prior consultation with the Cypriots any time there was an attempt to change the fundamental articles of the Constitution. It is quite questionable whether the non-implementation of some constitutional provisions is equivalent to an attempt to change these provisions. On this issue, see the opinion of Sir Frank Soskice, *Opinion by Sir Frank Soskice Requested by Glafkos Clerides, President of the Cyprus House of Representatives, in Relation to the Implementation of Certain Articles of the Cyprus Constitution, 1 November 1963*, in Soulioti, supra note, 261–266, at 261–262. Sir Frank Soskice was a British lawyer and politician who also served as General Solicitor and handed down several opinions on legal issues related to the constitutional crises on President Makarios' request during the first three years after Cyprus' independence.

[53] Nevertheless, his attempt failed, see footnote no 111.

[54] The Cyprus Act not only transferred sovereignty to the new State but also enacted the Cypriot Constitution. In other former colonies, the enactment of their constitution had the form of an act of the British Parliament, too. However, in the Cypriot case, the underlying reasoning for such a choice was, among other reasons, the fear of an enactment that would include popular participation, see next footnote.

[55] These methods of ratification had been proposed during the drafting of the Constitution but were both rejected due to their potential to derail ratification, Achilles C. Emilianides, *The Secret Negotiations: The Birth of the Republic of Cyprus* (in Greek), (Athens: Papazisis, 2022) 163.

[56] Article 1 of the Cypriot Constitution embodies the fictional narrative that underpins the Constitution, namely that 'which expresses the foundational goals and contextual reasons' that declare 'why the Constitution has been adopted'. On the role of fictional narratives in constitutional discourse, see Paul Blokker,

the inclusion of the term 'republic' in the text of the Constitution, they disagreed on whether or not the republic should be not only independent and sovereign but also 'democratic'. Ultimately, the term 'democratic' was omitted due its potential link to the majority principle, which presented a possible threat to the bi-communality principle.[57] Thus, it was not externality/imposition per se that led to the constitutional deadlock, but the diverging perceptions of the two communities regarding the role of externality. Far from disagreeing about the interpretation of individual constitutional provisions, the communities disagreed on the very essence of the Constitution itself. In fact, disagreement about the role of imposition is essentially disagreement regarding the legitimation itself of the Constitution. Such perceptions made impossible the distinction between constitutional and ordinary politics, a defining element for the success of incremental formulas that aim to leave enough room to constitutional actors to fill the gaps of the initial constitutional design through their mutual collaboration.[58]

4. The Constitutional Text, the Material Constitution, and the Underlying Principles for a Resilient Constitutional Order

The above discussion demonstrates that the constitutional breakdown was caused by the design of the Constitution coupled with the different perceptions about the Constitution between the two communities. The 1960 Constitution of Cyprus envisages a bi-communal system of governance, where both communities, regardless of size, would share power on equal terms.[59] Its 31 articles mandate the consent of both communities to make a decision or complete a process; 16 of these provisions give veto power to officials from each community and 15 require members of both commu-

'Political and Constitutional Imaginaries', in Suzi Adams & Jeremy C. A. Smith (eds), *Social Imaginaries, Critical Interventions* (Lanham, Meryland: Rowman & Littlefield Publishers, 2019) 111, 123.

[57] Emilianides (no 55) 232–234.

[58] Hanna Lerner, *Making Constitutions in Deeply Divided Societies* (Cambridge: Cambridge University Press, 2011) 45.

[59] The Constitution of Cyprus provides a structure of governance equivalent to a 'constitutional partition' (which reflects the main goal of the Turks and Turkish-Cypriots during the constitution-making process) within the structure of unitary State (the respective goal of the Greeks and Greek-Cypriots). Thus, the constitutional framework allowed both communities to develop opposed 'constitutive constitutional politics, [politics] which concern existential questions that go to the very identity of the political community as a multinational political entity'. On the constitutive constitutional politics in multi-ethnic polities, see Sujit Choudry, 'Old Imperial Dilemmas and the new Nation Building: Constitutive Constitutional Politics in Multinational Polities' (2005) 37 *Connecticut Law Review* 933, 936–938.

nities to be involved in decision-making or to complete a process. These provisions apply to the composition of almost all State bodies.

The Cypriot Constitution does not provide veto power within the logic of checks and balances, as is the case in most constitutions that provide for a veto between State organs. In the Cypriot case, the veto prevents decision-making on issues of vital interest to both communities. It is not a means aiming to control each of the three branches of governance (legislative, executive, and judiciary) by the other two. Instead, the underlying rationale of the veto in the Cypriot Constitution is to enshrine the bi-communal structure of governance that cuts across all three branches. In addition, the Constitution enshrines a system of presidential governance, which, according to the relevant literature, favours zero-sum logic more than parliamentary governance.[60] In Cyprus, this logic is enhanced by giving both the President and Vice President the power of veto without any mechanism to resolve the deadlock that mutual vetoing could provoke. Combined with the fact that the Constitution provides no incentive for cooperation, the veto, intended to mitigate the impact of disagreements between the two communities, instead intensifies it.[61]

Furthermore, the Constitution does not envisage an effective mechanism to resolve disputes between State bodies, and the Constitutional Court cannot be used for such a purpose.[62] The latter has jurisdiction on whether the actions of State bodies are within the limits set by the Constitution; however, it cannot guide State bodies on how to perform their duties if they remain within constitutional limits. Given that the

[60] Juan Linz, 'Presidential or Parliamentary Democracy: Does it make a Difference?' in Juan Linz & Arturo Valenzuela (eds), *The Failure of Presidential Democracy* (Baltimore: John Hopkins University Press, 1994) 18.

[61] On the issue of mechanisms that incentivise cooperation as a factor for the successful implementation of consociational models of government, see George Tsebelis, 'Elite Interaction and Constitution Building in Consociational Democracies' (1990) 2(1) *Journal of Theoretical Politics* 5, 22.

[62] The UN mediator Galo Plaza, who was appointed after the intercommunal conflicts of 1963–1964, points out in his Report to the General Secretary, 'recourse to the Supreme Constitutional Court did not necessarily provide a way out of such impasse'. *Report of the United Nations Mediator to the Secretary-General, 26 March 1965*, U.N. Document S/6253, 30. The core issue in deeply divided societies is the distrust between the different communities, which sometimes takes the form of litigation, as exemplified by Cyprus. However, court decisions cannot tackle the roots of the mistrust. There are other, far more crucial factors that could potentially eliminate mistrust, such as, 'the nature of current leadership elites; the nature of the prior regime; the nature of any indigenous preparatory work on a new constitution; and the presence or absence of deep cleavages in society not resolved by the prior conflict', Vicky Jackson, 'What's in a name? Reflections on Naming, Timing and Constitution Making' (2008) 49 *William and Mary Law Review* 1249–1271. On the factors that contribute to the avoidance of a constitutional failure, see, also Tom Ginsburg & Aziz Huq, 'Democracy's Near Misses' (2018) 29(4) *Journal of Democracy* 16.

Constitution allows vetoing on specific matters, but does not establish mechanisms for resolving the impasses that vetoing could lead to, nor does it foresee any consequences in the event that the two communities refuse to cooperate when they are required to make decisions or to complete processes, should the Constitutional Court find this practice to be contrary to the Constitution, attempts to settle the issue would be outside its jurisdiction.[63] Elster correctly observed that a 'constitution should be a framework for action not an instrument of action'.[64] Although this practice of non-cooperation is a form of strategic action, it could only entail political sanctions and could not be verified in court.[65]

Nevertheless, the text does not prejudge the attitude of the constitutional agents, since the provisions tend to offer a range of options concerning their behaviour. Bob Cover's remarks on the role of narratives in the creation of legal meaning might be helpful at this juncture. Legal meaning requires more than a personal commitment to projecting an understanding of law by the agents who are entitled to interpret and implement the law. Instead, it demands the 'objectification of that to which one is committed'.[66] The role of narratives is crucial to such objectification—they provide resources of justification, which make it possible for a piece of legislation to be considered one's own constitution.[67]

In Cyprus, however, from the very beginning, even before the enactment of the Constitution, two narratives competed regarding its essence. The required objectification was never achieved, as each community had its own perception of the Constitution. However, it would be unfair to attribute such a development solely to externality/imposition. Instead, one could claim that externality/imposition was internalised through memory and thus affected the attitudes of local actors. The enactment of

[63] Article 179(2) of the Constitution imposes upon authorities exercising administrative functions or executive power the obligation to refrain from acting in a way repugnant to or inconsistent with the Constitution. Nevertheless, since any Constitutional Court is competent to review only whether or not the actions of the constitutional agents lie within the limits prescribed by the relevant constitutional provisions and not the motives of the agents when implement the provisions, the use of veto power cannot be reviewed. Furthermore, Article 179 does not provide a mechanism to deliver a judgment on the inconsistency of an action to the Constitution and how it may be revoked. It appears to be more like an appeal to the self-restraint of the constitutional agents than a self-executed rule.

[64] Jon Elster, *Ulysses Unbound* (Cambridge: Cambridge University Press, 2009) 101.

[65] At this point, the constitutional design did not help the Constitution to act as an enabling condition for stability.

[66] Robert M. Cover, 'Foreword: Nomos and Narrative' (1983) 97(4) *Harvard Law Review* 45.

[67] Ibid.

constitutions constructs memory, which fuels their symbolic power.[68] However, in Cyprus, the construction of memory concerning the constitution-making process was to a certain extent bi-communal rather than collective from the outset.[69]

The crucial issue, then, is how such a social fact affects the functionality of a constitution. To provide an answer, we must shift focus to the material study of the constitution. This field views the objectives of a constitutional order as intertwined with the social facts that 'ground the constitutional order'.[70] In the material study of the constitution,[71] the formal constitution is part of a wider constitutional order that includes fundamental objectives and norms. However, what is fundamental is not external to the social organisation. Thus, 'institutions are always organized around the pursuing of what are fundamental objectives'.[72] Nevertheless, the fundamentality of certain objectives is not defined by institutions, but by the perceptions of the social organisation; objectives are norms in the sense that they reveal commitment to certain features of a constitutional order, which can fuel the imagination any constitutional order requires to pursue its fundamental goals.[73] They cannot be viewed separately from the social facts thanks to which they emerged; at the same time, they form part of the content of legal norms, since they influence perceptions of these norms by constitutional actors as sources of authoritative meaning.[74] The way that such construction takes place depends both on the constitutional arrangements on

[68] Contiades & Fotiadou (no 43) 28.

[69] In Cyprus, differing perceptions regarding the imposed and non-imposed character of the Constitution defined the competing views of the two communities about its symbolic power. The Turkish-Cypriots viewed the Constitution as a sort of 'Holy Grail', which should remain unaltered, while the Greek-Cypriots believed it should be changed due to its imposed character, in an act of self-determination.

[70] Marko Goldoni, '*The Material Study of a Constitutional Order*' (2020), available at https://ssrn.com/abstract=3727474 or http://dx.doi.org/10.2139/ssrn.3727474.

[71] Ibid, 1. Marco Goldoni develops his theory about the material constitution in two papers. The first is Marco Goldoni & Michael A. Wilkinson, 'The material Constitution' (2018) 81(4) *Modern Law Review* 567. The second is '*The Material Study* of...', (no 70). In the latter article, his approach relies more on the anthropological dimension of any constitutional order, while in the former his analysis is closer to a Marxian approach to the material component of a given order. In this article, I will rely more on the latter approach since it is a better fit for a peasant society like 1960s Cyprus.

[72] Goldoni (no 70) 3.

[73] Ibid, 3, 6.

[74] What is accepted as law does not involve only the acceptance of rules as an authoritative source of action. It also entails that these rules are an authoritative source of meaning for all those involved in legal and institutional practices, Dennis Patterson, 'Explicating the Internal Point of View' (1999) 52(1) *Southern Methodist University Law Review* 67, 73.

the function of key State organs provided by the formal constitution and on the way these arrangements are perceived by the bearers of the constitutional order.[75]

In my analysis, I rely on the anthropological approach of the material constitution as a better fit to Cyprus and its particularities. For instance, this approach discusses constitutional bearers as a crucial factor in any constitutional order while in the other approach, the concept of constitutional bearers is absent and the analysis relies, among others, on institutions as a basic—though not the only—component of the material constitution. However, Cypriot institutions were notably weak in the early years following independence. Of course, the formal Constitution provided for certain institutions, but the individuals who served these institutions did not employ the impersonal attitude that is the hallmark of institutions in modern States. They acted more as representatives of their communities than as institutional (impersonal) agents. Indeed, in Cyprus, the communities, not the institutions, formulated the material constitution. Thus, the concept of the bearer of a constitutional order better fits the case of Cyprus, where institutions at that time did not have the gravity to be considered components of the material constitution. Furthermore, it should be noted that the formal constitution of a peasant society might be similar to the formal constitution of a contemporary society. However, their material constitution cannot be similar even if they provide for the same form of institutions. This is due to the different perceptions of belonging and bonding in peasant societies, which lead to different perceptions of the institutional agents on what counts as a legitimate source of authoritative meaning for their actions.[76]

At this point, two further clarifications are necessary. The first concerns the question of what kind of norms these are. The second concerns the relation between the formal and the material constitution. Norms are pre-constitutional rules, in the sense

[75] Goldoni (no 70) 15. The bearers of a constitutional order are those agents who can link the social and the constitutional order in practice due not only to the formal constitution but also to their gravity in the formation of social imaginaries that are necessary for pursuing the vital goals of any constitutional order. Such gravity might be the product of history, social structure, or even of the affiliation with external actors, or a combination of the three. In Cyprus, the bearers of the constitutional order were the two communities in both the formal constitution and in the material sense of the constitution.

[76] On peasant societies and their cultural characteristics, see, among others, Robert Redfield, *Peasant Society and Culture: An Anthropological approach to Civilization,* (Chicago: University of Chicago Press, 1956). According to Paul Sant Cassia, who analysed the rhetoric of Makarios as a political agent, Makarios was 'a village politician', that is, a politician who 'distrusts institutionalized politics [...] and relies on an immense network of contacts, preferably kinsmen to pursue his strategies', Paul Sant Cassia, 'The Archbishop in the Beleaguered City: An Analysis of the Conflicting Roles and Political Oratory of Makarios', (1982-1983) 8(1) *Byzantine and Modern Greek Studies* 191, 203–204.

that they express pre-constitutional understandings of the constitution. Nevertheless, such assumptions and understandings situate what we think of as the 'Constitution'.[77] Yet, as Richard Kay indicates, 'to be a pre-constitutional rule it must be accepted from the internal viewpoint'.[78] A pre-constitutional rule cannot be considered as a source of validity of the actions of constitutional actors. It should be considered only as an inquiry about what could count as a source of validity for the bearers of the constitutional order.[79] Different perceptions about the content of such pre-constitutional rules affect what could be seen as a valid action on behalf of the constitutional actors in exercising the duties. The problem becomes even thornier if we include in the pool of bearers of these rules the people or even those agents who might be the ultimate repositories of coercive power in a constitutional order.[80]

In the case of Cyprus, it is doubtful whether such pre-constitutional rules had even been formulated. This is due both to the different perceptions of the two communities about what constitutes an action within or beyond the constitutional framework, and the absence of intermediate institutions, such as political parties, which could formulate the direction of a constitutional order through their activities.[81] Both communi-

[77] Frederick Schauer, 'The Unwritten Foundations of all written Constitutions', in Richard Albert, Ryan C. Williams & Yaniv Roznai (eds), *Amending America's Unwritten Constitution,* (Cambridge: Cambridge University Press, 2022) 217, 230.

[78] Richard Kay, 'Preconstitutional Rules', (1981) 42(1) *Ohio State Law Journal* 188, 193.

[79] Ibid. Kay restricts his analysis to the judiciary. However, his remarks could also be applied to the concept of the constitutional bearer in the material study of the constitution, since the subjects bearing the constitutional order formulate the connection between social and constitutional order through their actions, Goldoni (no 70) 14.

[80] Schauer (no 77) 225. On the issue that people, and not only officials, should be considered as the bearers of such rules, see also Francesco Bilancia & Stefano Civitarese Matteucci, 'The Material Constitution and the Rule of Recognition', in Marco Goldoni & Michael A. Wilkinson (eds), *The Cambridge Handbook on the Material Constitution* (Cambridge: Cambridge University Press, 2023) 233. In Cyprus though, the bearers of such rules include also the two 'motherlands', which, through the Treaty of Guarantee, have the right to intervene in any attempt of constitutional change that affects the core components of the constitutional structure of governance. They can be considered, then, as the ultimate repositories of coercive power.

[81] Goldoni (no 70) 13-14. In Cyprus, apart from AKEL, which was established in 1941, all other political parties were born in the late 60s. Following independence, AKEL did not challenge the dominant narratives in the Greek-Cypriot community, supporting *enosis* (unification with Greece) and then self-determination as the main principles upon which any viable solution of the Cyprus issue should be founded. Furthermore, the lack of competition between political parties based on different political strategies created a political environment where there could be no losers. Thus, each part (in fact each community) considered itself as a winner. This left no room for the development of consensual politics, which is crucial to the stability and continuing functioning of the political system, since the consent of the loser is vital to contain disagreement within limits that do not overthrow the system. The consent of the loser indicates

ties acted and were recognised as the ultimate repository of power by the members of each community, with no intermediate political actors to mediate this relationship. Furthermore, it is also doubtful whether the ultimate repository of power was limited only to the Cypriot polity. According to the Treaty of Guarantee, the guarantor powers could intervene to restore the constitutional order in case of a breach of any of the articles of the Constitution that constituted its basic structure (Articles 3 and 4 of the Treaty). Thus, the structure of the Constitution and its sustainability were guaranteed by three completely external agents. Consequently, this removed the latter's burden to formulate the pre-constitutional rules required to make the constitutional order sustainable.

The relationship between the formal and the material constitution described by Goldoni and Wilkinson is notably salient for the latter issue. Analysing this relationship, the authors maintain that the material constitution is not merely the 'content' of the formal constitution; rather, 'the formal constitution is a feature, an instance, *of* the material constitution, part of the wider constitutional order'.[82] In this sense, 'the metaphor of gap or distance is misleading to the extent that it suggests a dichotomy, whereas the relationship between the "formal constitution" and the "material constitution" is better characterized as internal'.[83] What we might speak of instead of a gap is social or political conflict, which may strengthen the constitution, but which may just as likely threaten it. 'A first type of conflict, if properly institutionalized, can lead to further consolidation of the constitutional order'.[84] On the other hand, 'when there is no longer coalescence around the same political aims or when there are internal contradictions among these aims and a compromise cannot be found', a second type of conflict emerges; one which 'cease[s] to be productive for the constitution and a far-reaching change of the material (and formal) order becomes pressing.'[85] The divergence of the political-constitutional objectives of the leaders of the two Cypriot communities, in combination with the relative weakness of civil society institutions

the willingness of political agents to abide by the rules of the game and accept the outcome regardless of winning or losing. The absence of winners or losers thus leaves as the only choice a zero-sum game. On the role of losers' consent on the stability of a political system, see Christopher J. Anderson & al., *The Loser's Consent: Elections and Democratic Legitimacy* (Oxford: Oxford University Press, 2007).

82 Goldoni & Wilkinson (no 71) 567.

83 Ibid.

84 Ibid.

85 Ibid.

and interactions that might have supported intercommunal cooperation on the constitutional level, drove the Cypriot polity towards a conflict of this second type.[86]

5. Constitutional Time in Cyprus between 1960 and 1963: How the Three Temporal Dimensions are Reflected in the Formal and Material Constitution of Cyprus[87]

The above analysis demonstrates the importance of time (past, present, or future) for the construction of viable constitutional settlements. If the objectification of norms to which someone is committed presupposes a narrative on how these norms have become one's own,[88] then the external origin of those norms might affect the commitment, but not exclusively. For instance, if those who are supposed to be committed to the norms already possess a 'meaningful identity as people', the role of the constitution is to give a form to this entity, not to create this entity *ex nihilo*.[89] In these cases, narratives may be based upon a preconception of what unifies those individuals under an identity that shares certain core elements.[90] Thus, the past determines to a certain extent the stability of the new constitutional order.

On the other hand, countries that do not share such preconditions are not doomed to face a constitutional breakdown. In this case, the future dimension of time is more important. Thus, the constitutional settlement should allow the subjects bearing a

[86] Nevertheless, if we shift focus to what the relevant literature views as the hallmark of a material constitution, namely the governing activity, an activity that steers all functions of key State institutions to work in a way that does not 'pull toward radical directions', then the most prominent conclusion would be that even if a material constitution existed at the time of enactment of the Cypriot Constitution, it proved rather short-lived.

[87] As Kim Lane Scheppele correctly points out: 'The First requirement of any functional constitutional system is that Constitutions become capable of separating the rules of the game from the game'. Then, the perceptions of the constitutional actors about the past, present, and future of constitutional settlements determine what they consider to be the rules of the game and the game itself, and whether or not they separate or conflate these elements. See Kim Lane Scheppele, 'The Social Lives of Constitutions' in Paul Blokker & Chris Thornhill (eds), *Sociological Constitutionalism* (Cambridge: Cambridge University Press, 2017) 35, 53.

[88] Cover (no 66) 45.

[89] Vivien Hart, 'Constitution Making and the Transformation of Conflict' (2001) 26(2) *Peace and Change* 153–154.

[90] This is why we cannot compare constitutions that have been 'imposed' upon countries the citizens of which already possess a meaningful identity, with those imposed upon countries without any pre-existing collective identity. Externality/imposition affects constitutional functions differently, depending on the types of divisions the constitution aims to supersede.

constitutional order to develop a dynamic approach towards the future of said order. Institutional design is crucial at this stage. The main question, then, focuses on the core elements that should be included in a constitution which has been imposed upon a society without a meaningful identity of peoplehood. Giovanni Sartori correctly points out: 'Constitutions establish how norms are to be created. They should not decide what is to be established by the norms'.[91] However, even constitutional tenets are norms, the meaning of which is developed through the practice of those who implement them, especially when practice refers to State organs that reflect a representational conception of legitimacy. Representational legitimacy means that justification for an action or omission of a State organ should reflect, at least marginally, the will of the people(s) this organ represents. By contrast, reason-based legitimacy refers to the reasons that may justify an act or omission.[92] In the former case, memory and the interwoven narratives capture agents' unfiltered perceptions of reality, since passions cannot be excluded from the spectrum of options that determine their actions as institutional agents in the same way that such demands exist for judges. Consequently, the normative expectations we might have regarding how different State organs exercise their duties depends on which kind of legitimacy their function resembles. Expectations of the President and Vice President as well as MPs, who are elected solely by the members of their own community and whose political will they represent, differ from expectations from a court, which should act impartially and ground all its judgments in reason.[93] In fact, in the three years following in-

[91] Giovani Sartori, *Comparative Constitutional Engineering,* (New York: New York University Press, 1994) 202. In Cyprus, this distinction was blurred in the three years following independence, since the Constitution was wholly subsumed by politics as usual.

[92] On the distinction between representational legitimacy and reason-based legitimacy, see Alon Harel & Adam Shinar, 'Two Concepts of Constitutional Legitimacy' (2023) 12(1) *Global Constitutionalism* 80. The authors use this distinction regarding the legitimacy of constitutions. However, the distinction is based on the different logic of these two types of legitimacy. This distinction can be useful regarding the underlying principles that should determine the action of different State organs, depending on the type of legitimacy that befits their operation.

[93] The two communities were objectified from a constitutional point of view, and they did not allow their members to develop a commitment other than to their respective community. Namely, they did not allow the development of a commitment that would allow the members of each community to perceive the 'other' as a part of themselves. However, such a commitment is the main presupposition for the development of a collective selfhood. Far from a single collective selfhood, in Cyprus there were two, and thus the unity of the State envisaged under Article 1 of the Constitution remained a dead letter. This is a crucial parameter for the longevity of a constitutional order, since a form of political unity enables constitutional order to regulate social interactions instead of letting social interactions 'regulate' the constitutional form. In addition to political unity, the State itself should be given consideration. Article 1 establishes Cyprus

dependence, the President and Vice President were simultaneously and indisputably the leaders of the two respective communities. Their institutional roles failed to absorb their communal identities; indeed, the opposite seems to have happened. Thus, the way that the individuals who served in different State bodies perceived their role rendered them unable to view their activities impartially. However, such depersonalisation is necessary for the development of shared narratives that can establish common perceptions on what constitutes a proper action for institutional agents.[94]

Furthermore, issues that refer to the system of governance are much more context-oriented than issues referring to rights. The constitutional essence of democracy contains a wide spectrum of options. What might be a convenient constitutional settlement at a given time, due to the exceptional circumstances within which a constitution was founded, is not necessarily the best constitutional settlement in perpetuity.[95] Views of the fundamental 'law of the land' may change depending on whether the question deals with rights or the system of governance. In the first case, the range of possible responses is much more limited than the latter given that normative issues regarding rights are less context-oriented.[96] Nevertheless, the efficient parts of constitutions, namely those which make them workable,[97] in the sense of fulfilling the fundamentals of a constitutional order, are vital for the maintenance of a constitutional order. The reason is that the practices of the State organs, which are responsible for the function of the constitution, fuel constitutional imaginaries with shared meanings. Thus, a constitution's endurance hinges on the implementation of the clauses that belong to its organisational part by the relevant constitutional agents in a way that creates shared meaning.

as a unitary State. However, taking into consideration that the main characteristic of the modern State is not its recourse to coercion but the fact that the State has the overall control of the means of coercion, it is rather doubtful whether this was the case in Cyprus in 1963–1964 where paramilitary groups from each community were very active. On the characteristics of the modern State, see Gianfranco Poggi, *The State: Its Nature, Development and Prospects*, (Cambridge: Polity Press, 1990) 518–526.

[94] Alexander Latham-Gambi, 'The Constitutional Imaginary: Shared Meanings in Constitutional Practice and Implications for Constitutional Theory' *ICL Journal* (2021) 15(1) 21, 46. It should also be noted that the modern State presupposes the depersonalisation of power relations. Thus, power does not stand with specific individuals who have a role but with institutions. Poggi (no 93) 18.

[95] On this issue, see Steven Wheatly, 'The Construction of Constitutional Essentials of Democratic Politics by the European Court of Justice Following *Sedić and Finci*' in Rob Dickinson & al. (eds), *Examining Critical Perspectives on Human Rights* (Cambridge: Cambridge University Press, 2012) 153.

[96] Fundamental norms have an existential relationship with any constitutional order, since they identify its nature, Goldoni (no 70) 15.

[97] Walter Bagehot, *The English Constitution,* (Fontana, 1993) 44, quoted by Latham-Gambi, (no 94) 45.

With the above in mind, the main goal of constitutional design in deeply divided societies should be the elimination of passions. This is why the gag rules that operate as enabling conditions for the smooth function of a constitution should be adapted to the peculiarities of said societies.[98] According to Lijphart, the main goal of such rules in deeply divided societies should be the 'removal of divisive issues from the national agenda'.[99] Indeed, the latter should be narrowed to the extent that the employment of rules can lead to a final decision that excludes violence as an option. It favours a multiparty parliamentary system of governance accompanied with sectarian autonomy on religious and cultural issues, the smooth function of which is based on a 'coalescent' style of decision-making. Secret negotiations among the political elites are fundamental to this form of decision-making.

The making of a constitution for Cyprus demonstrates the value of secret negotiations as a means of achieving goals related to constitutional settlements in the context of deeply divided societies. As mentioned above, the Cypriot Constitution was drafted through secret negotiations between Greece, Turkey, and the UK, which formulated the basic structure of the Constitution, and of a Joint Commission, which completed the drafting under conditions of non-public negotiations based on a decision-making process that demanded unanimity. Thus, it was an elite-driven process that rose successfully to a monumental task. Nevertheless, the outcome, namely the Constitution of Cyprus, did not envisage such a decision-making scheme. It also failed to provide other mechanisms for the depolarisation of political conflict, such as allowing each community to request a preliminary ruling of the Constitutional Court on matters in which the President or the Vice President had exercised their veto powers and blocked a decision-making process.

In fact, with its mutual vetoes, requirements for separate majorities for the enactment of certain laws, separate electoral bodies, and separate jurisdictions for the judiciary depending on the community to which the litigants belonged,[100] the Cypriot

[98] 'Gag rules' shift attention away from areas of discord towards areas of agreement. See Stephen Holmes, *Passions and Constraint* (Chicago: University of Chicago Press, 1997) 203.

[99] Arend Lijphart, *Democracy in Plural Societies*: *A Comparative Exploration,* (New Haven: Yale University Press, 1977) 28, 53, 159, 161 and Arend Lijphart 'Constitutional Design for Divided Societies' (2004) 15(2) *Journal of Democracy* 96. According to Lijphart, it was the absence of properly designed institutions that caused the systems of governance in Cyprus and Lebanon to become non-functional, and not the adoption of the principles of the consociational model as such (Ibid, 99). Also, Holmes (no 98) 212–213.

[100] Cases beyond the jurisdiction of the Supreme and the Constitutional Court were heard only by courts composed of members of each community separately, if the parties belonged to the same community, or

Constitution established a 'constitutional partition'. This could evolve into a real partition at any time, unless there were effective conflict-resolution mechanisms. Naturally, such mechanisms did not exist.

The gag rules provided by the Cypriot Constitution were drafted in a way that favoured suffocating conflict instead of postponing it.[101] However, if a constitutional order is to endure, its essentials cannot remain divided in perpetuity.[102] Thus, the constitutional settlement in divided societies must leave open channels of discussion to avoid or eliminate the likelihood of renewed conflict.[103] The main channels are either the process of constitutional amendment or future-oriented formulas that provide space for overcoming past deficiencies that affect the function of the constitution. However, the formal and material Cyprus Constitution precluded these options.

As to the formal Constitution, the basic structure of the power-sharing system of governance it provided was unamendable. It is also worth noting that this unamendability was imposed on the Cypriots by the guarantor powers through the Zurich Agreement and was secured by the Treaty of Guarantee, which permitted the intervention of each guarantor power in case of any attempt to the change the basic structure. Thus, the Constitution could not be formally altered by local agents.[104] The second option was subverted by the fact that the material constitution, which had been developed in the early years following independence, objectified the two

by courts composed of judges from both communities if persons from both communities were involved in the dispute to be settled (Constitution, Art. 159). For the competence of courts under the Constitution of Cyprus, see Achilles C. Emilianides, *Beyond the Constitution of Cyprus* (Athens - Thessaloniki: Sakkoulas, 2006) (in Greek) 45.

[101] Democracy entails a perception of 'waiting time' that does not exclude minorities from politics but establishes a burden on them to wait for future possibilities to become the majority. Stephen Kirste, 'The Temporality of Law and the Plurality of Social Times: The Problem of Synchronizing Different Time Concepts through Law' in Michel Troper & Annalisa Verza (eds), *Legal Philosophy: General Aspects (Concepts, Rights, and Doctrines)* (SW: Franz Steiner Verlag, 1999) 23, 39–40.

[102] Holmes uses the example of slavery laws in the USA to point out that the division of a nation regarding the essentials of a constitutional order cannot last perpetually, Holmes (no 98) 220.

[103] Simon Chambers, 'Contract or Conversation? Theoretical Lessons from the Canadian Constitutional Crisis' (1998) 26(1) *Politics and Society* 143–144.

[104] Heteronomy decreases the possibilities for the development of a constitutional imaginary by local agents, Paul Blokker, 'The Imaginary Constitution of Constitutions' (2017) 3(1) *Social Imaginaries* 167, 183. Regarding the issue of the relationship between the capability of local agents to change the constitution of a state without the participation of external actors and the autochthonous or not character of a constitutional order, Canada deserves special mention as up until 1982, amendments to its constitution required an Act of the British Parliament, Brian Slattery 'The Independence of Canada' (1983) 5 Supreme Court Law Review, 369, 389-401.

communities as the major constitutional bearing subjects through their uncontested symbolic power, instead of individuals/citizens or other intermediate entities such as political parties.[105] The lack of such entities meant that the two communities and their different perceptions about the fundamental goals envisaged under the Constitution formulated the future constitutional expectations of the members of each community in an unfiltered way.[106] Finally, the cooperation of the two communities, either voluntarily or enforced by the fear of a constitutional breakdown, which the formal constitution took for granted, was not taken for granted by the two major bearers of the constitutional order.

What, then, could be the solution? We should shift our attention to a rather neglected aspect of time in the constitution-making process (including both the drafting and amendment of the Constitution), that of the present (meaning the time of the constitutional breakdown). A tool of constitution-making that resembles the present dimension of time is peace agreements. More specifically, peace agreements between communities in conflict, the so-called infra-State peace agreements. Agreements of this kind, even if they have a past and future dimension, aim to change the landscape in real time though negotiations that touch upon the perceptions of the participants regarding the core elements of a new settlement while concurrently calling for a change of these perceptions.[107] In post-conflict situations, conflicting groups

[105] On the role of political parties as intermediary actors that mitigate political conflict, see Jan Werner Muller, 'Democracy's Critical Infrastructure. Rethinking Intermediary Powers' (2021) 47(3) *Philosophy and Social Criticism* 268.

[106] Political parties are not established by constitutional rules; though sometimes constitutional rules recognise their significance for democracy. Nevertheless, they have a constitutional nature in the sense of being crucial intermediaries—they contribute to the endurance of the constitutional order since they create collateral repositories of constitutional meaning. Such repositories are developed by the activities of constitutional actors, which build up an institutional memory based on a shared history. On the concept of the repository of constitutional meaning, Latham-Gambi (no 94) 44–47. Latham-Gambi uses the example of the US Supreme Court. At first glance, the facts of *Marbury v. Madison, Brown v. Board of Education* and *Roe v. Wade* have little in common. However, they all demonstrate, at different points in time, that the Supreme Court has a significant role in the constitutional structure of the US, even if such a role is not prescribed explicitly by the formal constitution and must be extracted by the implied meaning of the constitutional provisions. The doctrine that underlies all these instances, even if not part of the codified constitution, is part of the US Constitution, since the given instances situate the perceptions and understandings of what we think as the Constitution of the US. On the role of perceptions and understandings in the formulation of constitutions, see Schauer (no 77) 231.

[107] Peace Agreements 'are symbolically important because they encode, albeit in embryo, a vision of the polity to emerge from the conflict', Soujit Choudry, 'Civil War, Ceasefire, Constitution: Some Preliminary Notes' (2008) 33(5) *Cardozo Law Review* 1,907, 1,918.

have very little confidence in each other or the existing constitutional order. A peace agreement may thus act as a framework for reestablishing the necessary confidence. Provisions for constitutional amendments in peace agreements usually follow two modalities: making a new constitution or amending the existing constitution. In certain cases, the peace agreement itself takes the form of a constitution, and thus a text that is a constitution in form approximates a peace agreement in nature and function. In other cases, the peace agreement establishes the procedural and substantive framework for the making of a new constitution. In the latter case, the parties agree or promise to amend the existing constitution through a peace agreement.[108]

In Cyprus, the intercommunal conflict of 1963–1964 did not result in a peace agreement. The option was not even on the table for the parties involved in the resolution of the conflict. Makarios pressed for UN intervention but limited his request to the deployment of a UN peacekeeping force that would act as a shield against a Turkish military intervention.[109] His request was in response to an Anglo-American NATO plan (supported by Greece, Turkey, and the Turkish-Cypriots) that envisaged a NATO peacekeeping force—to reinforce the British forces already stationed on the island and to help observe the ceasefire—and a mediator who would seek a settlement within the NATO framework and, therefore, in line with American and Turkish interests.[110] Makarios was successful in derailing this plan and involving the UN through the deployment of UN forces and the appointment of a special mediator, Sakari Tuomioja. Nevertheless, during debate sessions at the Security Council, the US succeeded in passing a resolution preventing Soviet participation in the force and

[108] Asli Ozcelik & Tarik Olkay, '(Un)constitutional Change Rooted in Peace Agreements' (2020) 18(4) *International Journal of Constitutional Law* 1,373, 1,380. Of course, the changes to a constitution via replacement through a peace agreement presuppose a break in legality. However, the justification of the new constitutional order cannot rely on the criteria of the order that was broken. A justification like this entails a self-reference that is not possible after the breaking of legality, since any such break is a break of authorisation. The concept of extra-constitutionality instead of the constitutionality/unconstitutionality dipole might be more helpful. On the break of legality as a break of authorisation, Alessandro Ferrara, 'Unconventional Adaption and the Authenticity of the Constitution' in Richard Albert (ed.) *Revolutionary Constitutionalism* (Oxford: Hart, 2020) 155. On the concept of extra-constitutionality, Richard Albert, 'Non-Constitutional Amendments' (2009) 22 *Canadian Journal of Law and Jurisprudence* 5.

[109] In fact, the UN intervention was read by Greek-Cypriots as an instrument of national policy. On this issue, Joseph S. Joseph, 'The UN as an Instrument of National Policy: The Case of Cyprus' in Emilios Solomou & Hubert Faustmann (eds), *Independent Cyprus 1960-2010, selected Readings from Cyprus Review* (Nicosia, University of Nicosia Press, 2011) 245. On the other hand, the Turkish-Cypriots focused on the 'safety' of NATO and the guarantor powers.

[110] Joana Amaral, 'Multiparty Mediation in Cyprus 1963-1965' (2013) 25(1) *Cyprus Review* 73, 81.

leaving intact the guarantors' right of intervention.[111] Furthermore, although the Geneva negotiations in the wake of Resolution 186/1964 of the Security Council were conducted under UN auspices, the American diplomat Dean Acheson, formally an aide of Tuomioja, in fact led the talks to circumvent Tuomioja and thus keep the UN at arm's length and, by extension, avoid Soviet influence over Cyprus.[112] As a result, although Tuomioja was the 'official' mediator in Geneva, the proposals discussed at the negotiations were Acheson's.[113] Put simply, the geostrategic interests of the external agents determined the aims and the content of the peace-making process.

However, it should be noted that the local agents continued to view the issue of peace-making through the lens of their own perceptions regarding the settlements of the 1960 Constitution. Greek-Cypriots viewed the peace-making process as a means of protection against external imposition, i.e. a resolution under NATO auspices, without including a peace-making formula that would force the conflicting parties into direct negotiations as an item on the agenda. In fact, they accepted that the resolution of the conflict was not an issue primarily in the interest of those living in Cyprus but rather an issue that could be resolved through the intervention of external actors. Nevertheless, such intervention was not necessary to exert external pressure and bring the two communities together to hammer out a viable solution to the conflict, but rather to protect them from each other. On the other hand, the Turkish-Cypriots viewed a resolution within the NATO framework as a guarantee of their security, since the three guarantor powers were members of NATO and had to consider the interests of the alliance in exercising policy vis a vis the Cyprus issue. In other words, neither of the two communities viewed the conflict as an issue to be resolved by themselves.

[111] Among the main aims of Makarios' appeal to the UN was to render at least the Treaty of Guarantee inoperative. However, Security Council Resolution 186/1964 was ambiguous regarding intervention rights to the extent of allowing the parties to interpret it in opposite ways, with Makarios regarding it as an end to Turkish rights of intervention and Turkey as a preservation of those rights, see George W. Ball, 'Cyprus', in his *The Past Has Another Pattern*. (New York: Norton, 1982) 337, 348. Ball served in the US State Department from 1961 to 1966.

[112] Cynthia Nicolet, 'The Development of US Plans for the Resolution of the Cyprus Conflict in 1964: "The Limits of American Power"' (2010) 3(1) *Cold War History* 95, 105.

[113] On Acheson's plan see Amaral (no 110).

6. Concluding Remarks: Can a Timeless Constitution Ultimately Last?

The above analysis shows that the future- and present-oriented formulas that could have been used to make the Constitution functional failed. In fact, these formulas did not enable the creation of constitutional constructions, i.e. processes that give a legal text a legal effect.[114] The reason for such failure was to a certain extent that these formulas were externally context-oriented. However, even where this dimension was absent, local agents were reluctant to rely on procedures that could be internally context-oriented, due to the different perceptions of the two communities regarding the past constitutional settlements and their significance. A timeless constitution, namely a constitution that constructed the past as an absence of the past, remains timeless because the memory of that past defines the way that constitutional actors perceive their institutional roles.[115] Thus, the drafting, enactment, and implementation of the Cypriot Constitution failed to create constituent moments, instances where 'the being of the social vanishes' and is replaced by a perpetual investigation of the 'elements of social life and their translation in a legal order'.[116]

As Kim Scheppele correctly points out, the way that people experience constitutional life is vital for understanding how a constitution is perceived by those to whom it is addressed. Through constitutional experience, we can realise how social action is effectuated within the context of a constitutional order.[117] In Cyprus, the way that the two communities (the Cypriot Constitution does not mention the concept of people, as already mentioned) experienced their constitutional life through the lens of a

[114] On the essential characteristics of constitutional construction and their difference in interpretation, Lawrence B. Solum, 'The Interpretation-Construction Distinction' (2010) 27(1) *Constitutional Commentary* 95, and Laura Kisneros, 'The Constitutional Interpretation/Construction Distinction: A Useful Fiction' (2010) 27(1) *Constitutional Commentary* 71. The concept of 'constitutional construction' has been used in the context of the originalism debate in the USA. However, I consider it vital to the present analysis since it links the text of a constitution with legal efficacy.

[115] The enactment of the Cypriot Constitution does not entail any reference to the past. Nevertheless, such an omission might alienate the people in the name of whom the Constitution has been adopted. Recognition of the past, even of the wrongs of the past, contributes to 'the quality of the present and to the projection of the future', Catherine Duprè & Jiunn-rong Yeh, 'Constitutions and Legitimacy over Time', in Mark Tushnet, Thomas Fleiner & Cheryl Saunders (eds), *Handbook of Constitutional Law* (London, New York: Routledge, 2013) 45–47.

[116] Claude Lefort, *Democracy and Political Theory* (Minneapolis: Minnesota University Press, 1988) 228.

[117] Scheppele (no 87) 53.

past determined how they interacted within the constitutional context. Even if from a formal point of view, the enactment of the Constitution constitutes a transcendence of the past, the past nevertheless remains intact and freezes the present and future of the Cypriot constitutional order through the rigidity of the formal constitution and the biased perceptions of the two communities about the potential of the material constitution in the Cypriot constitutional order. If the past prevails, then it is not the starting point of the present, but rather the context within which the present is shaped. Instead of producing a dynamic perception of constitutional time, it leads to constitutional paralysis: 'It can delay the beginning of the present and thus dramatize it'.[118]

Another crucial issue is that subjective rights 'give the individual a free temporal space to counter public influence'.[119] The future of individuals should be free from State intervention.[120] However, an enabling condition of this function of liberties is that individuals should be able to influence the decisions of public authorities mainly through the exercise of their rights to political participation. The underlying presupposition for successful influence is that each individual must correspond to one vote. The power of individual votes should be equal. Yet, in the power-sharing system of governance in Cyprus, the equality of the vote is guaranteed by the formal constitution but does not affect the whole range of decisions that must be taken, since mutual vetoes exclude the decisions that affect the vital interests of both communities from majority rule, which is the counterpart of vote equality.

Thus, in cases like Cyprus, the effective exercise of such influence presupposes a right of 'negative self-determination' of individuals regarding the community to which they belong. Otherwise, the temporal space of each individual to counter the public influence is curtailed. Such a right must be in the form of a community member's ability to abandon the community to which they belong or the ability not to belong to any community.[121] However, according to the Cypriot Constitution, the citizens of

[118] Kirste (no 101) 39–40; Georges Gurvitch, *The Spectrum of Social Time* (Cham, Switzerland: Springer, 1964) 32–38.

[119] Kirste (no 101) 39–40.

[120] Ibid.

[121] The possibility to 'exit' can, under certain circumstances, provide incentives for cooperation and can contribute to constitutional stability. However, in order to be efficient in a constitutional order such as that of Cyprus, it should be possible for persons disagreeing with the choices of the community to leave it to exert pressure on the representatives of the community in State bodies and to express dissatisfaction with their choices. The Constitution of Cyprus, however, provided no such option. On the role of the possibility of exit as a mechanism contributing to the efficiency of the Constitution and, therefore, to constitutional

Cyprus are not part of the Cypriot people but members of two separate communities (Greek and Turkish), membership in which is based on specific criteria, such as origin, language, cultural traditions, and religion. It must be noted that citizens who do not belong to one of the two communities based on the above criteria must choose the community to which they would like to belong.[122] Thus, people who do not belong to one of the two communities possess no formal ability to express political will authentically and are thus determined by the political will of others.[123] They are deprived of a key right that allows for political participation—that of self-determination. Indeed, the constitutional structure of belonging provided by the Cypriot Constitution does not allow the bearers of political rights to formulate their own temporal space, which is crucial for both their private self-determination and collective self-determination as participants in the formulation of the public domain.[124]

The 'fear' of the individual dimension of the political identity of the members of each community is also reflected on the agreement of the members of the two communities in the committee that drafted the Cypriot Constitution to exclude *actio pop-*

stability, see Anton D. Lowenberg & Ben T. Yu, (1992) 'Efficient Constitution Formation and Maintenance: The role of "Exit"' (1992) 3(1) *Constitutional Political Economy* 51. Another parameter, pointed out in the relevant literature regarding the possibility of 'exit' to provide an incentive for conflicting sides to cooperate and to not mutually annihilate each other, is efficiency: the 'exit' is efficient when the design of the constitution allows minorities to make decisions relevant to their members, thus affecting State policy, and not when it affords them control of all State functions, that is, when it is impossible to make a decision or implement a policy without their consent, see Heather Gerken, 'Exit, Voice and Disloyalty' (2013) 62(7) *Duke Law Journal* 1,361.

[122] Article 2(1) and (2) of the Constitution of Cyprus.

[123] In fact, according to the relevant constitutional provision, (Art 2) individuals can shift from one community to another following a decision by the Communal Chamber of the community they belong. Yet, they cannot escape from the identification to one of the two communities. They remain entrapped to their communal identity which makes them eligible to acts as agents of the political rights the formal constitution provides for.

[124] The identity of the people is both private and public. It is private because through identity, individuals 'understand themselves as autonomous agents' and public because their individual identity is 'constructed through interaction with others'. N.W. Barber, 'What is constitutional ideology?' (2024) 22(3) *International Journal of Constitutional Law* 653, 661. In Cyprus though, the architecture of the formal constitution did not allow for such interaction between the two communities. Furthermore, the material constitution as described above did not allow such interchange among the members of each community. Thus, the only public identity existing at the time of the constitutional breakdown was the communal identities of the two communities, which were anchored in the past in such a way that the past 'colonised' the present and the future.

ularis as a means of legal recourse to the courts.[125] Further, it is worth mentioning that only the President and Vice President of the Republic acting jointly can:

> at any time prior to the promulgation of any law or decision of the House of Representatives, refer to the Supreme Constitutional Court for its opinion the question as to whether such law or decision or any specified provision thereof is repugnant to or inconsistent with any provision of this Constitution. (Art 140 of the Cypriot Constitution)

Thus, a group of individuals could not challenge the constitutionality of a law to the Supreme Constitutional Court on grounds that exceed their strictly personal interests and the recourse to the courts regarding issues related to the interpretation and application of the Constitution, could not operate as a joint action among people from different communities. Such joint action is permitted only to the President and Vice President of the Republic who represent in full each community respectively. Only the two key constitutional agents that grant their legitimacy to the communal distribution of power could filter the issues on which the Supreme Constitutional Court could act as a guardian of the constitution to its full extent, e.g. affecting the outcomes of all important constitutional and political issues.

Thus, the formal constitution that reflects how a political community should 'structure itself through constitutional mechanisms' soon after Cyprus independence was surpassed by the 'existential question on whether or not a multiethnic polity', like Cyprus, 'should exist as a unified political community'.[126] Instead of regulating the actions of its agents, the Constitution was therefore considered an instrument to justify their actions.[127] In this way, constitutional politics found itself in a suffocating embrace with everyday politics, which finally proved fatal for the longevity of the formal constitution.

[125] Emilianides (no 55) 380–381.

[126] On the distinction between normal and existential constitutional politics in multi-ethnic polities, see Choudry (no 59) 936–938.

[127] While the formal constitution set the framework of constitutional bearers' action, the perceptions of the bearers about the constitutional essentials considered the formal constitution not as a framework but as an instrument of action. Thus, the complete mismatch between the formal and the material constitution resulted in the breakdown of 1963. On the use of constitutions as instruments, see Elster (no 64) 101.

References

Amaral J., 'Multiparty Mediation in Cyprus 1963-1965' (2013) 25 (1) *Cyprus Review* 73.

Anderson A. & al., *The Loser's Consent: Elections and Democratic Legitimacy* (Oxford: Oxford University Press, 2007).

Arthur P.R., *Political Geography and the Cyprus Conflict 1963-1971* (Waterloo CA: University of Waterloo, Department of Geography, 1976).

Ball G.W., 'Cyprus', in G.W. Ball (ed.), *The Past Has Another Pattern* (New York: Norton, 1982) 337.

Barber N.W., 'What is constitutional ideology?' (2024) 22(3) *International Journal of Constitutional Law* 653.

Barber N.W., 'Against a Written Constitution' (2018) 11(1) *Public Law* 11.

Bilancia F. & C.S. Matteucci, 'The Material Constitution and the Rule of Recognition' in M. Goldoni & M.A. Wilkinson, (eds) *The Cambridge Handbook on the Material Constitution* (Cambridge: Cambridge University Press, 2023).

Blokker P., 'Political and Constitutional Imaginaries' in S. Adams & J. Smith, *Social Imaginaries, Critical Interventions*, (Lanham, Maryland: Rowman & Littlefield Publishers, 2019).

Choudhry S. & R. Stacey, 'Independent or Dependent? Constitutional Courts in Divided Societies' in H. Collin & A. Schwartz (eds), *Rights in Divided Societies* (Oxford, Portland: Hart, 2012).

Choudry S., 'Civil War, Ceasefire, Constitution: Some Preliminary Notes' (2008) 33(5) *Cardozo Law Review* 1,907.

Choudhry S., 'Old Imperial Dilemmas and the new Nation Building: Constitutive Constitutional Politics in Multinational Polities' (2005) 37(4) *Connecticut Law Review* 933.

Clerides G., *Cyprus: My Deposition, Vol 1* (Nicosia: Alithia, 1989).

Contiades X. & Al. Fotiadou, 'Imposed Constitutions: Heteronomy and Unamendability', in R. Albert, X. Contiades & Al. Fotiadou (eds), *The Law and Legitimacy of Imposed Constitutions* (London, New York: Routledge, 2018) 15.

Cover R.M., 'Foreword: Nomos and Narrative' (1983) 97(4) *Harvard Law Review* 45.

Daly T.G., 'The alchemists: Courts as democracy-builders in contemporary thought' (2017) 6(1) *Global Constitutionalism* 101.

Dixon R. & T. Ginsburg, 'Deciding not to Decide: Deferral in Constitutional Design' (2011) 9(3-4) *International Journal of Constitutional Law* 637.

Duprè C, and J-r. Yeh, 'Constitutions and Legitimacy over Time' in M. Tushnet, T. Fleiner & C. Saunders (eds), *Routledge Handbook of Constitutional Law* (London, New York: Routledge, 2013) 45.

Elster J., *Ulysses Unbound* (Cambridge: Cambridge University Press, 2009).

Emilianides A, *Constitutional Law in Cyprus*, (3rd edn., Alphen aan den Rijn, NL: Kluwer, 2024).

Emilianides A., *The Secret Negotiations: The Birth of the Republic of Cyprus* (Athens: Papazisis, 2022) (in Greek).

Emilianides A., *Beyond the Constitution of Cyprus* (Athens, Thessaloniki: Sakkoulas, 2006) (in Greek).

Gerken H., 'Exit, Voice and Disloyalty' (2013) 62(7) *Duke Law Journal*, 1,361.

Ginsburg T. & A. Huq, 'Democracy's Near Misses' (2018) 29(4) *Journal of Democracy* 16.

Goldoni M., '*The Material Study of a Constitutional Order'*, (2020), available at https://ssrn.com/abstract=3727474 or http://dx.doi.org/10.2139/ssrn.3727474.

Goldoni M. & M. Wilkinson, 'The material Constitution' (2018) 81(4) *Modern Law Review* 567.

Gurvitch G., *The Spectrum of Social Time* (Cham, Switzerland: Springer, 1964).

Harel A. & A. Shinar, 'Two Concepts of Constitutional Legitimacy' (2023*)* 12(1) *Global Constitutionalism* 80.

Hart V., 'Constitution Making and the Transformation of Conflict' (2001) 26(2) *Peace and Change* 153.

Hatzivassiliou E., *The Cyprus Question, 1878-1960: The Constitutional Aspect* (Minneapolis: Minnesota University Press, 2002).

Holmes S., *Passions and Constraint* (Chicago: University of Chicago Press, 1997).

Jackson V., 'What's in a name? Reflections on Naming, Timing and Constitution Making" (2008) 49(4) *William and Mary Law Review* 1,249.

Joseph J.S., 'The UN as an Instrument of National Policy: The Case of Cyprus', in E. Solomou & H. Faustmann (eds), *Independent Cyprus 1960-2010: selected readings from Cyprus Review* (Nicosia, Cyprus: University of Nicosia Press, 2011) 245.

Kay R., 'Preconstitutional Rules' (1981) 42(1) *Ohio State Law Journal* 188.

Kisneros L., 'The Constitutional Interpretation/Construction Distinction: A Useful Fiction' (2010) 27(1) *Constitutional Commentary* 71.

Kirste S., 'The Temporality of Law and the Plurality of Social Times: The Problem of Synchronizing Different Time Concepts through Law' in M. Troper & A. Verza (eds), *Legal Philosophy: General Aspects (Concepts, Rights, and Doctrines)* (Franz Steiner Verlag, 1999) 23.

Kombos C., *The Doctrine of Necessity in Constitutional Law* (Athens, Thessaloniki: Sakkoulas Publications, 2015).

Kyriakides S., *Cyprus: Constitutionalism and Crisis Government* (Philadelphia: Pennsylvania, University Press, 1968).

Lane Scheppele K., 'The Social Lives of Constitutions', in P. Blokker and C. Thornhill (eds), *Sociological Constitutionalism* (Cambridge: Cambridge University Press, 2017) 35.

Latham-Gambi A., 'The Constitutional Imaginary: Shared Meanings in Constitutional Practice and Implications for Constitutional Theory' (2021) 15(1) *ICL Journal* 21.

Lefort C., *Democracy and Political Theory* (Minneapolis: Minnesota University Press, 1988).

Lerner H., *Making Constitutions in Deeply Divided Societies* (Cambridge: Cambridge University Press, 2011).

Levinson S & J.M Balkin, 'Constitutional Crises' (2009) 157(1) *Pennsylvania Law Review* 707.

Linz J., 'Presidential or Parliamentary Democracy: Does it make a Difference', in J. Linz & A. Valenzuela (eds), *The Failure of Presidential Democracy,* (Baltimore: Johns Hopkins University Press, 1994) 18.

Lijphart A., *Democracy in Plural Societies*: *A Comparative Exploration,* (New Haven: Yale University Press, 1977).

Lijphart A. 'Constitutional Design for Divided Societies' (2004) 15(2) *Journal of Democracy* 96.

Lowenberg A.D., and B.T. Yu, 'Efficient Constitution Formation and Maintenance: The role of "Exit"', (1992) 3(1) *Constitutional Political Economy* 51.

Necatigil Z.M., *The Cyprus Question and the Turkish Position in International Law* (2nd edn., Oxford: Oxford University Press, 2001).

Nicolet C., 'The Development of US Plans for the Resolution of the Cyprus Conflict in 1964: The Limits of American Power' (2010) 3(1) *Cold War History* 95.

Ozcelik A. & T. Olkay, '(Un)constitutional Change Rooted in Peace Agreements' (2020) 18(4) *International Journal of Constitutional Law* 1,373.

Patterson D., 'Explicating the Internal Point of View' (1999) 52(1) *Southern Methodist University Law Review* 67.

Poggi G., *The State: Its Nature, Development and Prospects* (Cambridge: Polity Press, 1990).

Polyviou P., *Cyprus: Conflict and Negotiation 1960 – 1980* (New York: Holmes and Meir Publishers, 1980).

Redfield R., *Peasant Society and Culture: An Anthropological approach to Civilization* (Chicago: University of Chicago Press, 1956).

Roznai Y., 'Internally Imposed Constitutions' in R. Albert, X. Contiades & Al. Fotiadou (eds), *The Law and Legitimacy of Imposed Constitutions* (London: Routledge, 2018) 53.

Sant Cassia P., 'The Archbishop in the Beleaguered City: An Analysis of the Conflicting Roles and Political Oratory of Makarios' (1982-1983) *Byzantine and Modern Greek Studies* 191.

Sartori G., *Comparative Constitutional Engineering* (New York: New York University Press, 1994).

Schauer F., 'The Unwritten Foundations of all written Constitutions', in R. Albert., R.C. Williams & Y. Roznai (eds), *Amending America's Unwritten Constitution,* (Cambridge: Cambridge University Press, 2022) 217.

Solum L.B., 'The Interpretation-Construction Distinction, (2010) 27(1) *Constitutional Commentary* 95.

Soulioti S., *Fettered Independence- Cyprus 1878-1964, Volume One: The Narrative* (Minneapolis: Minnesota University Press, 2006).

Soulioti S., *Fettered Independence- Cyprus 1878-1964 Volume Two: The Documents* (Minneapolis: Minnesota University Press, 2006).

Stephens R., *Cyprus: A Place of Arms* (New York: Frederick A. Praeger, 1966).

Suteu S., 'Eternity Clauses in Post-Conflict and Post-Authoritarian Constitution-Making: Promise and Limits' (2017) 6(1) *Global Constitutionalism* 63.

Tornaritis K., *Cyprus and its Constitutional and other Legal Problems* (2nd edn., Nicosia: 1980).

Tsebelis G., 'Elite Interaction and Constitution Building in Consociational Democracies' (1990) 2(1) *Journal of Theoretical Politics* 5.

Wheatly S., 'The Construction of Constitutional Essentials of Democratic Politics by the European Court of Justice Following *Sedić and Finci*' in R. Dickinson & al. (eds), *Examining Critical Perspectives on Human Rights* (Cambridge: Cambridge University Press, 2012) 153.

Weston Markides D., *Cyprus 1957-1963 From Colonial Conflict to Constitutional Crisis: The Key Role of the Municipal Issue* (Minneapolis: Minnesota University Press, 2001).

The Effect of COVID-19 on Firms' Financial Performance and Distress: Evidence from Southern Europe

Melita Charitou,[1] **Petros Lois,**[2] **George Loizides,**[3] **and Katerina Morphi**[4]

Abstract

This study uses ***regression analysis*** *to explore the impact of the COVID-19 pandemic on the financial performance and distress of firms in four Southern European countries—Portugal, Italy, Greece, Spain, and Cyprus—covering the period of 2019 to 2021. The results show that the financial performance of firms based on return on assets (ROA) and return on equity (ROE) deteriorated by -1.3% and -5.7% respectively in 2020 compared to the pre- and post-COVID-19 periods. Specifically, Cyprus and Spain experienced the largest decline in ROA, -3.2% and ROE -4.0% respectively, both of which are statistically significant. The Altman Z-Score for firms in the region deteriorated by 19% during the COVID-19 period, with Italy experiencing the highest negative impact of 34%.* ***In the pandemic period overall, the retail trade sector (particularly the retail-eating places segment) experienced the steepest decline in ROA, marking it as the worst-performing sector—a result influenced by limited progress in digital transformation and heavy reliance on tourism. Meanwhile, the manufacturing sector faced the highest bankruptcy risk, evidenced by a statistically significant drop in the Altman Z-Score when compared to the pre- and post-pandemic periods.*** *Decomposing the* ***Altman Z-Score****, we identify weak market sentiment and sharp revenue declines as the primary drivers of firms' deteriorating financial health during the pandemic.*

Keywords: financial performance; firm distress; COVID-19 impact; Southern Europe; Altman Z-Score

[1] Associate Professor, School of Business, Department of Accounting, Economics and Finance, University of Nicosia

[2] Professor (Head of Department), School of Business, Department of Accounting, Economics and Finance, University of Nicosia

[3] Adjunct Lecturer, School of Business, Department of Accounting, Economics and Finance, University of Nicosia and Research Associate at Department of Accounting and Finance, University of Cyprus, Officer at Cyprus Fiscal Council

[4] Lecturer, School of Business, Department of Accounting, Economics and Finance, University of Nicosia

1. Introduction

The COVID-19 pandemic was a crisis that not only impacted public health but also harmed the economy. The outbreak reached Europe in January 2020, with Italy and Spain reporting the first cases. By 17th March 2020, EU Member States (MS) took preventive measures such as restricting travel within and outside the EU. They also cancelled public events, closed schools, and shut down restaurants and hotels. In addition, many MS halted non-essential production and imposed lockdowns that hampered economic activity across Europe.

Lockdown measures, the collapse of tourism, and supply chain disruptions affected multiple sectors across Europe, particularly in countries reliant on tourism and services. This resulted in a severe hit on the GDP of many MS in 2020. Among them was Italy, which experienced an 8.9% decline in GDP in 2020—the largest drop since 1995.[5] Across Europe, restrictions on mobility, loss of foreign visitors, and the high share of temporary workers contributed to severe economic contractions. Among the hardest hit, Spain recorded the worst performance in the euro area, with GDP falling by 11.0% in 2020.[6] Greece and Cyprus both experienced significant declines in their tourism sectors due to travel bans and reduced demand. Greece, where tourism accounts for 20% of GDP, faced the second-largest recession in the EU, with GDP contracting by 9%.[7] Cyprus, whose tourism sector contributes 13% to the GDP, saw a smaller decline of 3.2%, compared to its 5.9% growth in 2019. Similarly, Portugal's economy, where tourism represents about 15% of GDP, suffered its worst decline since 1936, with GDP shrinking by 7.6% due to sharp falls in revenue and employment.[8] Despite the challenges posed by the pandemic, Cyprus maintained a moderate economic and epidemiological profile, resulting in minimal adverse economic

[5] Philip Muggenthaler, Joachim Schroth & Yiqiao Sun, *The heterogeneous economic impact of the pandemic across euro area countries* (2021), available at ,https://ec.europa.eu/eurostat/documents/2995521/10545471/2-08092020-AP-EN.pdf/43764613-3547-2e40-7a24-d20c30a20f64 (last accessed 15 April 2024)

[6] Antonio Maqueda, *Spain's economy shrank 11% in 2020, in biggest drop since Civil War* (2021), available at Economic fallout of coronavirus crisis: Spain's economy shrank 11% in 2020, in biggest drop since Civil War | Economy and Business | EL PAÍS English (elpais.com) (last accessed 16 April 2024)

[7] European Commission (2023), *Country Report Greece, Institutional Paper* (June 2023), available at https://economy-finance.ec.europa.eu/system/files/2023-06/ip232_en.pdf (last accessed 16 April 2024)

[8] Economic Times, *Tourism-dependent Portugal posts worst GDP slump since 1936* (2021), available at:https://travel.economictimes.indiatimes.com/news/destination/global/tourism-dependent-portugal-posts-worst-gdp-slump-since-1936/81240625 (last accessed 17 April 2024)

effects.[9] Studying the financial performance and distress of firms in Southern Europe during the pandemic period is important because these economies rely on sectors like tourism and services that are particularly vulnerable to systemic shocks. This provides a unique opportunity to understand how external crises exacerbate pre-existing economic weaknesses.

The pandemic widened economic disparities among MS, with some countries demonstrating greater resilience and preparedness in managing the crisis. Adaptability in financial habits also played a role in this resilience, particularly in the shift toward cashless transactions. While COVID-19 accelerated global digitisation, cash-to-GDP ratios increased in Greece and Cyprus from 2010 to 2020, suggesting cash remained a preferred method for low-value transactions, despite hygiene concerns surrounding physical currency.[10] Although this trend predates the pandemic, it remains relevant, as Greece and Cyprus maintained **higher cash dependency compared to more digitalised economies like Sweden**. Interestingly, these two countries also reported lower-than-expected COVID-19 case numbers and fatalities, but this reflects independent public health dynamics rather than financial behaviour. Looking ahead, payment technologies will shape global cash usage, with the pandemic reinforcing both the need to support traditional cash and the growing momentum for central bank digital currencies.

Beyond health risks, researchers argue that the COVID-19 crisis disrupted organisational structures and governance mechanisms, making decision-making more complex.[11] The pandemic introduced unprecedented challenges for policymakers and businesses, necessitating change in economic policy, social governance, environmental regulation, ethical considerations, and financial oversight. New research opportunities emerged to analyse how different sectors responded and adapted to these challenges. Researchers also emphasised the huge economic and social impact of COVID-19 as well as its influence on financial markets and institutions.[12] The overall earnings and debt levels of businesses outside the financial services sector in the

[9] Elias Mallis & Maria Matsi, *The Covid-19 economic, social and health impact on Cyprus and selected Euro Area economies* (2020), available at https://www.gov.cy/media/sites/11/2024/04/the_covid.pdf (last accessed 19 May 2025).

[10] P. Lois & S. Repousis, 'Preliminary Review of the Impact of COVID-19 on Cash in Greece and Cyprus' (2021) 33(1) *Cyprus Review*, 19–36.

[11] G. Rinaldi & M. Paradisi, 'An empirical estimate of the infection fatality rate of COVID-19 from the first Italian outbreak' (2020) *Medrxiv*, 2020-04.

[12] J.W. Goodell, 'COVID-19 and finance: Agendas for future research' (2020) 34, *Finance research letters*, 101512.

eurozone returned to pre-pandemic levels by the end of 2021, reflecting a broader economic recovery in the region.[13] However, smaller firms, highly leveraged companies, and those in the services industry faced more severe financial struggles, largely due to weaker revenue streams.

COVID-19 affected economies in diverse ways, with some studies highlighting variations between the US and the EU.[14] However, other research has focused on broader implications, such as sustainability accounting, risk contagion, and financial markets, without necessarily comparing the two regions. A number of studies explored the social and environmental effects of COVID-19 from a sustainability accounting perspective through reporting and performance management practices.[15] Meanwhile, others have examined the risk contagion and liquidity challenges brought by COVID-19, highlighting its widespread financial implications. Studies have explored how global stock markets transmitted risks, identifying the UK and Italy as core risk transmitters, with contagion primarily driven by low-frequency components affecting supply chains and long-term investor expectations.[16] Further analysis has assessed the liquidity crisis faced by listed firms across multiple countries, revealing that, under severe distress scenarios, companies with limited operating flexibility risked exhausting their cash holdings within two years, significantly increasing their reliance on debt financing to avoid insolvency.[17]Additionally, research has investigated the interplay between **capital structure and corporate social responsibility (CSR) activity**, finding that firms with **excessive debt exposure** suffered **higher financial risks** during the pandemic. Conversely, firms maintaining **debt levels at**

[13] J. Metzler & al. 'Identifying the corporates most vulnerable to price shocks following the pandemic' (2022), available at: https://www.ecb.europa.eu/press/financial-stability-publications/fsr/focus/2022/html/ecb.fsrbox202205_01~f5c0dcc413.en.html (last accessed 31 May 2025)

[14] S. Chen & al., 'Tracking the economic impact of COVID-19 and mitigation policies in Europe and the United States' (2020) *IMF Working Papers*, *2020*

[15] C. A. Adams & S. Abhayawansa, 'Connecting the COVID-19 pandemic, environmental, social and governance (ESG) investing and calls for 'harmonisation'of sustainability reporting" (2022) 82, *Critical perspectives on accounting*, 102309; S. Bose & al., 'COVID-19 impact, sustainability performance and firm value: international evidence' (2022) *62*(1) *Accounting & Finance*, 597-643; C. H. Cho, J. Senn, & M. Sobkowiak, 'Sustainability at stake during COVID-19: Exploring the role of accounting in addressing environmental crises' (2022) (82) *Critical Perspectives on Accounting*, 102327.; E. Demers, J. Hendrikse, P. Joos & B. Lev, 'ESG did not immunize stocks during the COVID-19 crisis, but investments in intangible assets did' (2021) 48 (3-4) *Journal of business finance & accounting*, 433-462.

[16] H. Yu & al., 'Risk contagion of global stock markets under COVID-19: A network connectedness method', (2021) 61(4) *Accounting & Finance*, 5745-5782.

[17] A. De Vito & J. P. Gómez, 'Estimating the COVID-19 cash crunch: Global evidence and policy', (2020) 39(2) *Journal of Accounting and Public policy*, 106741.

or below optimal thresholds exhibited **greater resilience**, regardless of their CSR policies.[18] Finally, discussions on risk management and corporate reporting emphasise that COVID-19 reshaped risk recognition practices, prompting firms to reconsider stakeholder engagement and transparency in financial disclosures to maintain legitimacy and adapt to evolving crisis conditions.[19] Additionally, research on the link between market sentiment and stock returns during the pandemic shows that COVID-19 negatively impacted stock performance, altered sensitivity to firm-specific information—with public attention slowing stock price reactions while infection rates intensified them—and disproportionately affected short-term cash flows, particularly low-duration equities, contributing to the underperformance of value stocks due to their lower durations.[20]

This study contributes to the literature by comprehensively examining the financial repercussions of the COVID-19 pandemic on firms in Southern European countries, including Greece, Italy, Spain, Portugal, and Cyprus. By focusing on these structurally vulnerable economies, the study provides a nuanced analysis of how systemic shocks affect financial distress and performance metrics. The study employs the Altman Z-Score, a well-established bankruptcy prediction model, alongside widely used financial performance indicators such as return on assets (ROA) and return on equity (ROE). This approach lays a robust foundation for systematically investigating sectoral and regional disparities in financial outcomes. Building on this framework, we develop hypotheses to explore the multifaceted impact of the pandemic, grounded in theoretical perspectives such as the black swan theory, signalling theory, and agency theory.

2. Developing Hypotheses: Black Swan, Signalling, and Agency Theories in Financial Performance

Exploring the profound economic repercussions of the COVID-19 pandemic across Southern Europe, this study aims to delve deeper into the financial implications for firms in this region. By examining the distinct economic challenges faced by Greece,

[18] H. Huang & Y. Ye, 'Rethinking capital structure decision and corporate social responsibility in response to COVID-19' (2021) 61(3) *Accounting & Finance*, 4757-4788.

[19] C. Crovini, S. Schaper & L. Simoni, 'Dynamic accountability and the role of risk reporting during a global pandemic', (2022), *Accounting, Auditing & Accountability Journal*, *35*(1), 169-185.

[20] L. Xu & al., 'COVID-19, public attention and the stock market' (2021) 61(3) *Accounting & Finance*, 4741-4756.; P. M. Dechow & al., 'Implied equity duration: A measure of pandemic shutdown risk' (2021) 59(1) *Journal of Accounting Research*, 243-281.

Italy, Spain, Portugal, and Cyprus, we seek to establish a framework for evaluating their financial performance and distress. This contextual foundation paves the way for developing hypotheses that systematically investigate the pandemic's impact on various financial metrics, including bankruptcy risk and performance indicators such as ROA and ROE.

2.1 Hypothesis 1: Black Swan Theory

The COVID-19 pandemic serves as a clear example of a black swan event—an unpredictable occurrence with severe systemic consequences, only fully understood in hindsight.[21] The pandemic's sudden emergence disrupted global economies particularly in sectors heavily reliant on predictability and routine operations. Southern European countries, such as Greece, Italy, Spain, Portugal, and Cyprus, were disproportionately affected due to their structural dependence on tourism and services—sectors inherently vulnerable to exogenous shocks.

The pandemic's effects were not uniform across sectors or regions. Tourism-dependent industries experienced sharp declines in financial performance due to lockdowns, travel restrictions, and reduced consumer demand. Conversely, sectors like healthcare and telecommunications displayed resilience due to their adaptability and essential nature during the crisis. This sectoral divergence underscores the importance of examining how black swan events impact industries to varying extents based on their structural characteristics.

The COVID-19 pandemic triggered black-swan-level disruptions across global stock markets, leading to significant negative abnormal returns.[22] The aviation and tourism sectors were among the industries most unprepared for the scale of the pandemic, leading to severe GDP contractions in Southern Europe, with Spain (-11%) and Italy (-8.9%) particularly affected due to structural dependencies.[23] The interconnected nature of global networks significantly amplified the unforeseen economic shockwaves of the pandemic, causing widespread disruptions across industries and markets.[24] Assessment of disaster management practices in India regarding black

[21] N. N. Taleb, 'The impact of the highly improbable' (2008) Penguin Books Limited.

[22] W. Ahmad, Kutan & S. Gupta, 'Black swan events and COVID-19 outbreak: Sector level evidence from the US, UK, and European stock markets' (2021) 75 *International Review of Economics & Finance*, 546-557.

[23] Liu, X., 'The Economic Environment and Black Swan Events: Taking COVID-19 as an example' (2023) 23 *Journal of Education, Humanities and Social Sciences*, 336-341.

[24] T. Antipova, 'Coronavirus pandemic as black swan event' (2020, May) In *International conference on*

swan events revealed the need for dynamic risk assessment, the importance of community action, and a shift toward managing uncertainty and building resilience.[25]

Overall, the literature consistently highlights how the pandemic exposed pre-existing weaknesses in global supply chains and economic structures, learnings which only fully emerged and were understood retrospectively. The pandemic's sudden onset disrupted industries reliant on stable demand and physical presence (e.g., retail-eating places). With no historical precedent for such a global shutdown, firms lacked contingency plans for mitigating financial distress during prolonged lockdowns. Resilient sectors like healthcare adapted quickly by leveraging digital tools and essential services demand. In contrast, retail firms reliant on in-person interactions suffered disproportionately due to limited digital transformation. Based on the above studies,[26] we expect firms in structurally vulnerable sectors within Southern Europe to exhibit significantly worse financial performance during 2020 compared to pre- and post-pandemic periods. For example, the sudden emergence and severity of the pandemic caught the aviation, tourism, and international trade sectors unprepared, leading to immediate and substantial disruptions through travel restrictions, reduced demand, and supply chain issues. In consideration of these factors, particularly the outsized impact on Southern European nations due to their reliance on tourism and the limited progress in digital transformation within their retail sectors, we form our first hypothesis:

> *Hypothesis 1 (H1): Companies in countries heavily reliant on tourism and other sectors with low digital maturity (e.g., retail-eating places) will have recorded significantly lower financial performance in 2020 compared to other regions/sectors.*

This hypothesis aligns with the black swan theory by emphasising the unpredictability of COVID-19's impact on structurally vulnerable industries and regions. By grounding our expectations in empirical findings from prior literature, we provide a coherent framework for examining how systemic risks disproportionately affect specific sectors during a pandemic.

---

integrated science, 356-366. Cham: Springer International Publishing.

[25] P. K. Mishra, 'COVID-19, Black Swan events and the future of disaster risk management in India' (2020) 8 *Progress in Disaster Science*, 100137.

[26] X. Liu, 'The Economic Environment and Black Swan Events: Taking COVID-19 as an example' (2023) 23 *Journal of Education, Humanities and Social Sciences*, 336-341; W. Ahmad, A. M. Kutan & S. Gupta 'Black swan events and COVID-19 outbreak: Sector level evidence from the US, UK, and European stock markets' (2021) 75 *International Review of Economics & Finance*, 546-557.

2.2 Hypothesis 2: Signalling

While the COVID-19 pandemic's role as a black swan event profoundly impacted various sectors, as explored in Hypothesis 1, its effects were not uniformly distributed. The pandemic exposed vulnerabilities in firms with pre-existing financial weaknesses, thereby amplifying bankruptcy risks. This observation aligns with signalling theory, which posits that firms convey information about their financial health to stakeholders through various signals, including financial performance metrics. The COVID-19 outbreak heightened corporate financial distress, prompting firms—especially those already struggling—to engage in earnings management as a strategic response to mitigate negative stakeholder perceptions, with a preference for accrual-based techniques.[27]

Building upon this foundation, we posit that companies exhibiting weaker financial health prior to the pandemic were particularly susceptible to severe financial deterioration. This notion is grounded on the premise that pre-existing financial instability impairs a firm's ability to withstand external shocks. Examining a sample of listed Chinese companies, firms that signalled an early resumption of work during the pandemic enjoyed improved corporate performance, underscoring the importance of proactive messaging in times of crisis.[28] Conversely, asymmetric information between companies and investors increases the risk of adverse selection, highlighting signalling theory's role in mitigating these challenges.[29] To mitigate adverse selection risks, companies send signals about their financial health and prospects through channels such as transparent financial reporting and strategic disclosures. However, if these signals are manipulated, they may mislead investors rather than help them make informed decisions.

Signalling theory suggests that firms that cannot effectively signal their stability and prospects during a crisis are likely to face heightened perceptions of bankruptcy risk. As such, firms with lower pre-COVID Altman Z-Scores, indicative of financial instability, and weak liquidity positions were expected to experience a more pronounced deterioration in their financial health. The COVID-19 crisis influenced corporate cash dividend policies in Chinese firms, with signalling theory explaining

[27] A. A. Aljughaiman, T. H. Nguyen, V. Q. Trinh & A. Du, 'The Covid-19 outbreak, corporate financial distress and earnings management' (2023) 88 *International Review of Financial Analysis*, 102675.

[28] H. Shen & al. 'The impact of the COVID-19 pandemic on firm performance' (2021) In *Research on Pandemics,* 81-98 Routledge.

[29] H. Dang Ngoc, V. Vu Thi Thuy, & C. Le Van, 'Covid 19 pandemic and abnormal stock returns of listed companies in Vietnam' (2021) 8(1) *Cogent Business & Management*, 1941587.

how companies adjusted their dividend strategies during the pandemic, revealing a negative relationship between the crisis and cash dividend payments. Larger firms and state-owned enterprises were more likely to cut dividends to preserve cash and flexibility.[30] Based on these findings, this study extended the application of signalling theory to examine how firms' pre-existing financial health influenced their ability to cope with the COVID-19 crisis. By considering the relationship between financial stability, liquidity, and the pandemic's external shocks, we form our second hypothesis:

> *Hypothesis 2 (H2): Companies with lower pre-COVID Altman Z-Scores (indicative of financial instability) and weak liquidity will have experienced the largest decline in financial health.*

2.3 Hypothesis 3: Agency Theory

Agency theory addresses the relationship between principals (shareholders) and agents (managers) whose interests may not always align.[31] Under stable conditions, shareholders and managers often share similar goals: maximise the firm's value, ensure long-term sustainability, and pursue growth strategies. However, in times of crisis, diverging incentives can become amplified. Managers may opt to prioritise immediate liquidity preservation (e.g., cutting research and development or intangible investments) or avoid risks that could endanger short-term survival, potentially at the expense of the firm's long-term competitiveness. Agency problems can also arise when managers exploit informational advantages to mask poor performance or channel resources in ways not necessarily aligned with shareholder interests.[32]

The pandemic introduced unprecedented uncertainty—unclear duration of lockdowns, unpredictable consumer demand, shifting government regulations—exacerbating managerial decision-making challenges. Furthermore, certain governments extended sizable support packages, from wage subsidies to state-backed loans, thereby lowering the apparent cost of risk-taking or propping up unviable businesses.[33] Agency theory suggests that this environment may foster 'moral hazard', where man-

[30] X. Xu, C. Lin & Y. Yan, 'Covid-19 crisis and corporate cash dividend policies: Evidence from Chinese listed companies' (2023) 30(2) *Applied Economics Letters,* 178-184.

[31] W. H. Meckling, & M. C. Jensen, 'Theory of the Firm' (1976) 3(4) *Managerial behavior, agency costs and ownership structure*, 305-360.

[32] H. Dang Ngoc, V. Vu Thi Thuy & C. Le Van, C. 'Covid 19 pandemic and abnormal stock returns of listed companies in Vietnam' (2021) 8(1) *Cogent Business & Management*, 1941587.

[33] A. De Vito & J. P. Gómez, 'Estimating the COVID-19 cash crunch: Global evidence and policy' (2020) 39(2) *Journal of Accounting and Public policy*, 106741.

agers could be tempted to 'bet on resurrection' if they perceive that potential losses would be borne by creditors or the public sector.[34] Alternatively, managers might simply freeze capital expenditure and organisational development to ensure short-term solvency, a strategy that can hamper the firm's ability to rebound effectively once conditions improve. Agents (managers) in an environment of high uncertainty may make short-term decisions (e.g., reducing investment in digital transformation) to maintain liquidity at the expense of long-term sustainability. So, we form the following hypothesis:

> *Hypothesis 3 (H3): Sectors with high exposure to operational disruptions (e.g., manufacturing) and countries with weaker profitability metrics (e.g., Cyprus and Greece) exhibit greater financial distress.*

3. Methodology

This study employs a descriptive and quantitative approach to demonstrate how the data from firms' financial reports affects the variables under investigation. The Altman Z-Score model (1968), which can assess firms' financial wellbeing, also enhances the analysis. The model is as follows:

$$Z = 1.2\,X1 + 1.4\,X2 + 3.3\,X3 + 0.6\,X4 + 1\,X5$$

where

X1 = Working Capital / Total Assets
X2 = Retained Earnings / Total Assets
X3 = Earnings Before Interest and Taxes (EBIT) / Total Assets
X4 = Market Value of Equity / Total Liabilities
X5 = Sales / Total Assets

Financial distress is a condition where a firm's cash flow is insufficient to cover its debts. The COVID-19 pandemic caused financial distress for firms due in part to reduced demand for goods and services, especially in sectors like tourism, hospitality, entertainment, and retail. Additionally, disrupted supply chains led to higher costs and decreased productivity. Firms then faced reduced access to credit and liquidity, as lenders became more cautious and risk averse. The pandemic also caused uncertainty and volatility in the market, affecting consumer and investor confidence. These factors reduced revenue and profit for many firms, while increasing their expenses

[34] W. H. Meckling & M. C. Jensen, 'Theory of the Firm' (1976) 3(4) *Managerial behavior, agency costs and ownership structure,* 305-360.

and liabilities. As a result, some firms faced difficulties in meeting their financial obligations, such as paying wages, rent, taxes, interest, and principal in 2020.

Financial reports, which contain income statements and balance sheets, show a firm's financial situation to the stakeholders. The financial wellbeing (financial health) of a firm is essential for its operation. However, external shocks such as the COVID-19 pandemic can severely impact a firm's financial health, especially when persistent losses undermine its ability to remain solvent. A firm's financial health can deteriorate due to persistent losses, which reduce its ability to remain solvent.[35] Given these risks, financial distress occurs when a firm's cash flow becomes insufficient to cover short- or long-term obligations.[36] To investigate the relationship between the pandemic and bankruptcy risk, we utilise a panel data regression model that accounts for firm-level heterogeneity and the temporal dimension of the data. The model integrates cross-sectional and time-series data, enabling a robust examination of variations in financial distress across firms, industries, and countries. The regression model is as follows:

$$Z_{it} = b_0 + b_1\, Covid_{it} + b_2\, Liquidity_{it} + b_3\, AssetsTurnover_{it} + b_4\, Size_{it} + b_5\, BM_{it} + FE_{Country} + FE_{industry} + \varepsilon_{it}$$

This study also applies the panel data regression technique to identify the factors that influence the firm's financial performance. The following equation shows the regression model in this study:

$$ROA_{it} = b_0 + b_1\, Covid_{it} + b_2\, Leverage_{it} + b_3\, Liquidity_{it} + b_4\, AssetsTurnover_{it} + b_5\, Size_{it} + b_6\, BM_{it} + FE_{Country} + FE_{industry} + \varepsilon_{it}$$

$$ROE_{it} = b_0 + b_1\, Covid_{it} + b_2\, Leverage_{it} + b_3\, Liquidity_{it} + b_4\, AssetsTurnover_{it} + b_5\, Size_{it} + b_6\, BM_{it} + FE_{Country} + FE_{industry} + \varepsilon_{it}$$

where *i* represents the individual firm, and t represents the year. ROA and ROE are the dependent variables in this study. We consider COVID as the main variable of interest, while Leverage, Liquidity, Assets Turnover, Size, and Book-to-Market (BM) serve as control variables and is the error term. These control variables are commonly included to account for firm characteristics. In OLS regressions, we include country-and industry-fixed effects to control for unobservable differences based upon

[35] G. Andrade & S. N. Kaplan, 'How costly is financial (not economic) distress? Evidence from highly leveraged transactions that became distressed' (1998) 53(5) *The journal of finance*, 1443-1493.

[36] K. H. Wruck, 'Financial distress, reorganization, and organizational efficiency' (1990) 27(2) *Journal of financial economics*, 419-444.

observable characteristics in panel data. Definitions of the variables are detailed in the Appendix. In our regression analysis, we exclude leverage as a control variable in the first specification. This decision stems from the fact that leverage is inherently incorporated into the calculation of the Altman Z-Score, which serves as the dependent variable. The Results section explains how excluding leverage from the Altman Z-Score regression model ensures clarity and robustness.

4. Data and Descriptives

We collected data that covered the three-year period from 2019 to 2021 for the firms. The firms were listed in the stock exchanges in Athens, Greece (Exchange code: 107),[37] Nicosia, Cyprus (Exchange code: 221), Milan, Italy (Exchange code: 209), Lisbon, Portugal (Exchange code: 192), and Madrid, Spain (Exchange code: 201). We eliminated firms in the financial sector (Standard Industrial Classification, SIC code 6) and any firms that did not have observations for all three consecutive years. Our final sample consisted of 1,155 firm-year observations.

Table 1 shows the distribution of the firms across the three years. Almost half the firms in the sample are Italian (552 firms or 48% of the total firms), followed by 261 companies from Spain (23%). Greece has 231 companies, which is 20% of the sample. The last 10% of the sample contains firms in Portugal and Cyprus, totalling 33 (3%) and 78 (7%) respectively. Table 2 shows a considerable industry-level variation in our sample. The manufacturing and services industries have the largest number of observations (771 or two-thirds of the overall sample) while the industry of agriculture, forestry, and fishing has the least observations (6 in total, corresponding to 1%). Table 3 presents firm characteristics, including both dependent and independent variables. The mean value of the Altman Z-Score is 2.25, which suggests that, on average, companies are probably safe from bankruptcy (the main threshold for companies heading to bankruptcy is 1.81 within the next two years), but this is in the grey area and caution should be taken. In addition, our sample firms are profitable on average by 7% based on ROE and by 2% based on ROA. They have mean assets of 392 million euros (SIZE=5.97), and their median is slightly lower at 344 million euros. The dummy variable of COVID-19 indicates the one-third period, the year 2020, which is affected by COVID-19. A leverage ratio of 0.61 means that an average firm in our sample has 60% of debt and 40% of equity in its capital structure. This

[37] The stock exchange code (EXCHG) identifies the major exchange where a company's common stock is traded. For example, for Athens Stock Exchange (ASE) the code is 107.

indicates that our sample is moderately leveraged, meaning that an average firm relies more on debt than on equity to finance its assets and operations. The firms in our sample have a good liquidity position: they exhibit a ratio of 1.75, which means that, on average, they cover short-term obligations by 1.75 when liquating their current assets. Assets Turnover is on average 0.71, indicating that, on average, firms use their assets to generate 71 euro in sales out of 100 in their productive assets. The last independent variable is the Book-to-Market (BM) that proxies for the growth of the firm. Since on average the BM is below 1, at 0.75, this implies that the firms are on average undervalued because companies' equity is worth less than their market value. We winsorised all variables at the 1% and 99% level.

4. Results

Table 4 Panel A compares the mean and median values of all dependent variables between the COVID-19 and non-COVID-19 periods separately for each country. The table also shows the differences between the COVID-19 and non-COVID-19 periods separately for the sample of each country and tests for their statistical significance based on a t-test and Wilcoxon test on differences in means and medians respectively. Results suggest that the risk of bankruptcy measured by the Altman Z-Score increases in Italian firms with mean and median rising by 30.7% and 33.5% at 10% and 5% statistical significance, respectively while the other countries exhibit an increase in the associated risk, albeit a statistically insignificant one. With respect to profitability, Cyprus and Greece have the largest decline in profitability in ROA by -3.2% and -1.9% in means respectively at least at 5% significant level, followed by Italy's decline in ROA at mean difference 1.1% with statistical significance of 1%, and Spain's decline in ROA at median difference 2.0% with statistical significance at 5%. A similar pattern emerges using ROE. With respect to financial health, the Altman Z-Score for Cyprus and Portugal demonstrates mean and median differences that are comparable in magnitude with the other countries, though insignificant. This supports hypothesis H1: countries heavily reliant on tourism, such as Cyprus and Greece, experienced significant financial performance declines due to their exposure to systemic risks during the pandemic. The decline in profitability across these regions is consistent with their reduced economic activity stemming from restricted travel and tourism. Moreover, firms with lower pre-COVID financial stability, as indicated by weaker Altman Z-Scores, exhibited more pronounced deteriorations in financial health during the pandemic. This trend is particularly evident in countries like Portugal, where many

firms experienced Altman Z-Scores below the critical threshold of 1.81, emphasising pre-existing vulnerabilities that were exacerbated during the crisis.

This preliminary evidence is consistent with an overall decline in both financial health and performance of the firms. Table 4 Panel B compares the mean and median values of all dependent variables between the COVID-19 and non-COVID-19 periods separately for each industry. The manufacturing industry is affected the most from COVID-19. The industry's Altman Z-Score is negatively affected, as illustrated by median difference of 29.7% at a 10% statistically significant level, while there is a weak significance for the services industry showing median difference 26% and mean difference of 41.2% both at a 10% significance level. With respect to profitability based on ROA, a sharp decline is seen in retail trade, with 2.6% and 3.7%, followed by the manufacturing sector with 1.8% and 1.7% in medians and means respectively. The retail trade sector, particularly retail-eating places, experienced some of the steepest declines in profitability, further illustrating the vulnerability of sectors with low digital maturity in maintaining performance during systemic shocks. The sharp decline in the ROA for companies like AUTOGRILL SPA (from 0.0148 to -0.0984) and IBERSOL SGPS SA (from 0.0361 to -0.0757) underscores the unique vulnerabilities of retail businesses, especially those in the retail-eating places industry (SIC code 5812), in adapting to the unprecedented challenges of the pandemic. This aligns with our next hypothesis, H2: firms with low liquidity and weaker financial health, including companies in the manufacturing and retail sectors, faced more severe financial distress during the pandemic due to the accumulation of fiscal and operational weaknesses. Furthermore, the manufacturing industry demonstrated substantial declines in its Altman Z-Score, with a median reduction of 29.7% at a 10% statistical significance, highlighting the heightened financial distress of sectors with high exposure to operational disruptions. This aligns with the final hypothesis, H3: industries with complex supply chains, like manufacturing, were disproportionately impacted during the pandemic due to their vulnerability to systemic shocks.

The strict lockdown measures enacted to curb the spread of the virus resulted in prolonged closures of physical retail spaces. AUTOGRILL SPA, for example, operates extensively in travel hubs like airports and highways. With global travel restrictions leading to a near halt in tourism, the company faced a sharp contraction in its primary customer base. Similarly, IBERSOL SGPS SA, which manages restaurant chains across Portugal and Spain, suffered from reduced foot traffic and an overall contraction in consumer spending due to these restrictions. Moreover, there was a notable

shift in consumer behaviour during the pandemic. Fear of infection and economic uncertainty prompted consumers to prioritise spending on essential goods—such as groceries—over discretionary activities like dining out. This shift posed significant challenges to the retail-eating places businesses, which were often unprepared to pivot. Both AUTOGRILL SPA and IBERSOL SGPS SA faced limitations in adapting to takeaway and delivery models due to underdeveloped online delivery infrastructure. This lack of digital capabilities hindered operations during the crisis.

While the retail sector experienced the steepest decline in profitability, as evidenced by significant reductions in ROA, this decline did not consistently translate into an elevated bankruptcy risk as measured by the Altman Z-Score. Bankruptcy risk incorporates multiple dimensions beyond mere profitability, such as leverage, liquidity, asset efficiency, and solvency. Several factors explain this distinction, including capital intensity, cost structure, and sector-specific vulnerabilities. As a first example, the manufacturing sector is inherently more capital intensive, with significant fixed costs tied to machinery, equipment, and supply chain operations. During periods of economic downturn, the inflexibility of these fixed costs creates substantial financial pressure. This capital intensity, coupled with a reliance on long-term debt to finance operations, often leads to higher leverage ratios in manufacturing firms. Consequently, when revenue streams decline, as they did during the pandemic, manufacturing firms face amplified risks of financial distress and insolvency compared to their retail counterparts. In contrast, while they did suffer sharp declines in profitability, retail businesses tend to be structured with more variable cost models. For example, labour and inventory costs, which constitute a significant proportion of retail expenses, can be adjusted more flexibly in response to declining demand. This operational agility can mitigate the immediate impact on solvency, even in the face of poor financial performance. Additionally, manufacturing firms are more exposed to supply chain disruptions, which were pervasive during the COVID-19 pandemic. Delays in raw material deliveries, increased transportation costs, and factory shutdowns all compounded the financial risks for manufacturing businesses. Retail firms, on the other hand, while impacted by decline in consumer demand, were relatively less exposed to such upstream disruptions. Moreover, retail businesses often maintain stronger liquidity buffers, such as cash reserves, to manage short-term downturns in consumer demand. Manufacturing firms, by contrast, frequently reinvest cash into fixed assets or working capital, leaving them with lower liquidity during crises. This lack of immediate liquidity increases their vulnerability to bankruptcy. Lastly, sample size

considerations may have played a role in the observed trends. Retail companies constituted a smaller proportion of the sample compared to manufacturing firms, which may have reduced the statistical significance of bankruptcy risk metrics for the retail sector. This does not negate the observed trends in ROA decline but indicates that the Altman Z-Score's measurement of financial distress must account for such structural differences. Another contributing factor is the sectoral composition within retail. Many retail businesses cater to essential goods and services, such as grocery stores or pharmacies, which continued to generate revenue during the pandemic. By contrast, the manufacturing sector predominantly includes non-essential goods, where demand sharply declined during the crisis, further exacerbating financial risks.

Overall, while the retail sector experienced the steepest decline in ROA during the pandemic period, this decline did not uniformly translate into a higher bankruptcy risk. The manufacturing sector's elevated bankruptcy risk can be attributed to its capital-intensive structure, higher leverage, and reliance on long-term debt. Additionally, supply chain disruptions disproportionately impacted manufacturing firms, amplifying their financial distress. Conversely, retail firms often operate with more variable cost structures and maintain higher liquidity buffers, which provided some resilience despite poor performance. Finally, the inclusion of essential goods retailers within the sample moderated bankruptcy risk metrics for the retail sector.

The service industry was also hit by COVID-19, seeing its profitability plummet by 0.9% in medians and 2.2% in means. Across the countries we examined, service-related sectors were severely impacted by the pandemic-induced suspension of economic activity, travel restrictions, and reduced household spending opportunities. More specifically, firms operating in entertainment, hospitality, and sports experienced significant challenges during the pandemic. For instance, Notorious Pictures SpA in Italy saw a decline in profitability due to reduced cinema activity and disruptions in content distribution. Futebol Clube do Porto in Portugal faced a sharp drop in revenue (-39%) driven by restrictions on sporting events and reduced fan engagement. Neurosoft Software Productions in Greece (-27%) suffered from limited demand for its software solutions during the crisis. In Spain, FacePhi Biometria SA (-12% to -20%) saw weakened biometric services amid lower business activity, while Lordos Hotels Holdings Public in Cyprus (-5%) struggled with reduced tourism and hotel occupancy. These examples highlight how the pandemic's widespread impact on economic activities and consumer behaviour heavily affected the financial performance of service-based companies.

Table 5 presents correlations among all variables used in the study. Interestingly, the correlation between the Altman Z-Score and COVID-19 is negative and statistically significant at 5%, consistent with our expectation that, in the pandemic period, the Altman Z-Score becomes weaker than in the non-COVID-19 period presented with the years 2019 and 2021. The correlation between Altman Z-Score and the other independent variables is as expected. Thus, for more levered, overvalued, illiquid, and smaller firms, the Altman Z-Score is lower, indicated by the negative and statistically significant correlation; meanwhile, more efficient firms with respect to generating sales based on utilising assets are stronger in their financial status, evidenced by a positive and statistically significant correlation. ROA and ROE exhibit negative correlations of -0.116 and -0.096 with COVID-19, both at the strongest statistical significance and consistent with our expectations. Based on ROA, less levered, higher liquidity, and more efficient firms exhibit higher profitability, which is consistent with the general wisdom that these measures are positively associated with profitability.

Table 6 presents the results of the multivariate analysis based on the models shown in the methodology section. We include industry- and country-fixed effects in all multivariate regressions to control for industry- and country-level variations in our sample. Consistent with our expectations, the coefficient of dummy variable COVID-19 is negative in Panel A, suggesting that the Altman Z-Score is negatively affected by COVID-19 by -19.42%, statistically significant at 5%. In our regression analysis, we have excluded leverage as a control variable because it is directly embedded in the calculation of the Altman Z-Score, which serves as our dependent variable. Specifically, one of the components of the Altman Z-Score is X4 (Market Value of Equity / Total Liabilities), which is a measure of leverage. As such, including leverage as an independent variable in the regression would result in redundancy and a potential violation of the assumption of independence between the predictors and the dependent variable. Moreover, we observed a moderate negative correlation (-0.56) between leverage and X1 (Working Capital / Total Assets), another component of the Altman Z-Score. This highlights a level of overlap between these variables, which could lead to multicollinearity. Multicollinearity inflates the standard errors of the coefficients, making it difficult to isolate the effect of our variable of interest, the COVID-19 dummy.

Given this context, our primary focus is to examine the effect of COVID-19 on financial distress as measured by the Altman Z-Score. To get clear and reliable results, we sought to avoid redundancy and multicollinearity, which we achieved by exclud-

ing leverage as a separate predictor. This decision was in line with the methodological best practices when working with composite indices such as the Altman Z-Score, where variables like leverage are intrinsic components of the index.

The results in Panel B of Table 6 illustrate the impact of COVID-19 on financial performance as measured by ROA and ROE. Specifically, the coefficient for the COVID-19 dummy variable is -0.0134 in the ROA regression and -0.0572 in the ROE regression, both statistically significant at the 1% level. This indicates that, during the COVID-19 period, the average ROA decreased by 1.34% and the average ROE decreased by 5.72%, all else being equal. The negative coefficients suggest that the pandemic had a detrimental effect on financial performance. In practical terms, firms experienced reduced profitability, likely due to the economic disruptions caused by the pandemic. These results are statistically significant, as indicated by the p-values (0.0008 for ROA and 0.0030 for ROE). The practical implications of the multivariate analysis in Table 6 are significant for both policymakers and businesses. The negative impact of COVID-19 on the Altman Z-Score (-19.42%) and financial performance metrics such as ROA (-1.34%) and ROE (-5.72%) highlights the vulnerability of firms to systemic shocks. For businesses, these results underscore the importance of building financial resilience through improved liquidity management and proactive risk mitigation strategies.

Figure 1 shows the overall fall in profitability based on median ROA by country for all firms we examine. There is obviously a sharp decline in profitability during the year of the COVID-19 outbreak for all companies by country—Cyprus and Greece saw the largest decline. Figure 2 shows the median Altman Z-Score for each country by year. All companies in all countries, apart from Cyprus and Spain, show a sharp decline in their Altman Z-Score, especially firms in Portugal that are below the threshold of 1.81. In the following additional analysis section, we decompose the Altman Z-Score to see which of its components most affect the overall score.

5. Additional Analysis of the Altman Z-Score

We further investigate the components of the Altman Z-Score to see how they change with respect to the COVID-19 period. Figure 3 shows a weak market sentiment that significantly drops the market value equity of firms coupled with declining revenues during the COVID-19 period. These two major components appear to be the biggest driver of the deteriorating financial health of the companies, especially for Italy, Greece, and Portugal. The market value of equity reflects investor confidence, and

its decline indicates reduced trust in firms' stability, compounding financial distress. Additionally, declining revenues directly reduce firms' ability to cover expenses and sustain operations, making these components critical in driving the deteriorating financial health observed during the COVID-19 period. In Figure 4, we explain why the Altman Z-Score for firms in Cyprus rose in the COVID-19 period. We provide evidence that the main factor that has seen considerable climb is the ratio of market value of equity to total liabilities. For example, Blue Island Plc and Salamis Tours show a decrease in liabilities from 2019 to 2020, from 8 million euros to 6.5 million euros and from 7.8 to 5.9 million euros respectively. At the same time, these companies enjoyed a considerable increase in their market value of equity due to stock price increases during the COVID-19 period. Specifically, Blue Island Plc saw its price going up from 67 to 80 cents and Salamis Tours from 81 to 94 cents. This highlights the importance of country-specific factors, such as effective crisis management and economic structure, in mitigating financial distress. These results provide valuable insights into how tailored strategies can strengthen firm-level financial stability during systemic shocks.

6. Conclusion

The purpose of this study was to examine how the COVID-19 pandemic affected the financial outcomes and solvency of firms in Southern Europe, namely Portugal, Italy, Greece, Spain, and Cyprus, from 2019 to 2021, contributing to the literature by highlighting the significant impact of COVID-19 on firms' financial performance and solvency through metrics like ROA, ROE, and the Altman Z-Score.

The findings revealed that firms' financial performance, measured by ROA and ROE, worsened by -1.3% and -5.7% respectively in 2020 compared to the years before and after the pandemic. Cyprus and Spain experienced the most significant drops in ROA, -3.2% and ROE -4.0% respectively. Firms' financial distress, measured by the Altman Z-Score, decreased by 19% during the pandemic period and Italy suffered the most severe impact of 34%. The retail trade sector was the most negatively affected by COVID-19, while the manufacturing sector showed the highest likelihood of bankruptcy. Additionally, by breaking down the components of the Altman Z-Score, we discovered that the main causes of worsening financial condition for firms were the weak market sentiment, as indicated by the declining market values of equity and the steep drop in sales during the COVID-19 period. The insights into sector-specific vulnerabilities, such as in the retail trade sector and manufacturing sectors, enrich the

understanding of industry dynamics during systemic shocks. Additionally, the analysis emphasises the importance of market sentiment and revenue stability as critical drivers of financial health, offering new perspectives for future research on resilience strategies and the role of government intervention in mitigating financial distress.

While this study provides valuable insights into the financial impact of COVID-19 on firms in Southern Europe, it is important to acknowledge several limitations. The region-specific focus and reliance on financial performance metrics such as ROA and ROE may not capture broader implications; specifically, we have not considered operational efficiency or environmental, social, and governance (ESG) performance. Additionally, the analysis does not account for long-term recovery trends or differences in government intervention measures across countries. Future research could address these gaps by incorporating non-financial indicators, exploring recovery trajectories, and evaluating the effectiveness of policy measures, offering a more comprehensive understanding of firm resilience during systemic shocks.

Tables

Table 1. Sample Distribution by Country

Country	2019	2020	2021	Total	Percent
Cyprus (CYP)	11	11	11	33	3%
Spain (ESP)	87	87	87	261	23%
Greece (GRC)	77	77	77	231	20%
Italy (ITA)	184	184	184	552	48%
Portugal (PRT)	26	26	26	78	7%
Total	385	385	385	1,155	100%

Table 2. Sample by Country and Industry

Industry	CYP	ESP	GRC	ITA	PRT	Total	Percent
Agriculture, Forestry and Fishing	0	3	0	3	0	6	1%
Construction	0	24	21	21	6	72	6%
Manufacturing	12	111	102	273	27	525	45%
Mining	0	0	6	6	0	12	1%
Retail-Trade	0	6	12	15	12	45	4%
Services	15	54	36	123	18	246	21%
Transportation-Communications	3	60	33	93	15	204	18%
Wholesale-Trade	3	3	21	18	0	45	4%
Total	33	261	231	552	78	1,155	100%

Table 3. Descriptives

Variable	N	Mean	SD	P25	Median	P75
Altman Z-Score	1155	2.25	1.89	1.05	1.82	2.92
ROA	1155	0.02	0.07	0.00	0.03	0.05
ROE	1155	0.07	0.32	0.01	0.08	0.15
Covid	1155	0.33	0.47	0.00	0.00	1.00
Leverage	1155	0.61	0.20	0.49	0.62	0.75
Liquidity	1155	1.75	1.28	1.03	1.39	2.08
Assets Turnover	1155	0.71	0.62	0.38	0.62	0.88
Size	1155	5.97	2.17	4.27	5.84	7.47
BM	1155	0.75	0.70	0.33	0.56	1.00

Table 4. Univariate Analysis

Panel A. Median/Mean on Country Level

	Medians				Means			
Cyprus (CYP)	Covid				Covid			
	0 (N=22)	1 (N=11)	Dif	p-values	0 (N=22)	1 (N=11)	Dif	p-values
Altman_Z-Score	1.819	2.313	-0.494	0.530	2.247	2.195	0.052	0.937
ROA	0.043	0.011	0.032**	0.019	0.043	0.025	0.019	0.323
ROE	0.056	0.026	0.030**	0.047	0.036	0.047	-0.010	0.855
Spain (ESP)	Covid				Covid			
	0 (N=174)	1 (N=87)	Dif	p-values	0 (N=174)	1 (N=87)	Dif	p-values
Altman_Z-Score	1.811	1.809	0.003	0.666	2.493	2.444	0.049	0.865
ROA	0.027	0.018	0.009**	0.020	0.033	0.013	0.020**	0.028
ROE	0.105	0.064	0.040*	0.055	0.089	0.048	0.041	0.275
Greece (GRC)	Covid				Covid			
	0 (N=154)	1 (N=77)	Dif	p-values	0 (N=154)	1 (N=77)	Dif	p-values
Altman_Z-Score	2.054	1.736	0.318	0.259	2.384	2.135	0.249	0.334
ROA	0.030	0.010	0.019***	0.002	0.031	0.009	0.022***	0.007
ROE	0.075	0.037	0.038***	0.002	0.058	-0.028	0.086**	0.019
Italy (ITA)	Covid				Covid			
	0 (N=368)	1 (N=184)	Dif	p-values	0 (N=368)	1 (N=184)	Dif	p-values
Altman_Z-Score	1.920	1.585	0.335**	0.010	2.349	2.042	0.307*	0.060
ROA	0.030	0.019	0.011***	0.001	0.022	0.008	0.014*	0.056
ROE	0.094	0.062	0.032***	0.000	0.098	0.031	0.067**	0.041
Portugal (PRT)	Covid				Covid			
	0 (N=54)	1 (N=26)	Dif	p-values	0 (N=54)	1 (N=26)	Dif	p-values
Altman_Z-Score	1.203	1.045	0.158	0.304	1.408	1.130	0.278	0.357
ROA	0.030	0.020	0.011*	0.072	0.025	-0.001	0.026	0.134
ROE	0.101	0.071	0.030*	0.064	0.105	0.012	0.093	0.109

Panel B. Median/Mean on Industry Level

	Medians				Means			
Agriculture	Covid				Covid			
	0 (N=4)	1 (N=2)	Dif	p-values	0 (N=4)	1 (N=2)	Dif	p-values
Altman_Z-Score	0.966	1.683	-0.718	0.643	1.374	1.683	-0.310	0.775
ROA	-0.033	-0.076	0.043	1.000	-0.036	-0.076	0.040	0.518
ROE	-0.064	-0.196	0.132	1.000	-0.081	-0.196	0.116	0.460
Construction	Covid				Covid			
	0 (N=48)	1 (N=24)	Dif	p-values	0 (N=48)	1 (N=24)	Dif	p-values
Altman_Z-Score	0.990	0.805	0.184	0.410	1.148	0.976	0.173	0.453
ROA	0.006	0.004	0.002	0.933	0.007	0.010	-0.003	0.807
ROE	0.036	0.072	-0.036	0.466	-0.011	0.089	-0.100	0.325
Manufacturing	Covid				Covid			
	0 (N=350)	1 (N=175)	Dif	p-values	0 (N=350)	1 (N=175)	Dif	p-values
Altman_Z-Score	2.197	1.900	0.297*	0.065	2.691	2.479	0.211	0.271
ROA	0.035	0.018	0.018***	0.000	0.035	0.019	0.017***	0.009
ROE	0.093	0.056	0.037***	0.000	0.088	0.052	0.036	0.156

Mining	Covid				Covid			
	0 (N=8)	1 (N=4)	Dif	p-values	0 (N=8)	1 (N=4)	Dif	p-values
Altman_Z-Score	1.591	1.457	0.134	0.610	1.457	1.422	0.035	0.936
ROA	0.016	-0.041	0.056	0.734	-0.029	-0.037	0.009	0.875
ROE	0.037	-0.084	0.121	0.610	-0.233	-0.118	-0.115	0.739
Retail Trade	Covid				Covid			
	0 (N=30)	1(N=15)	Dif	p-values	0 (N=30)	1(N=15)	Dif	p-values
Altman_Z-Score	2.327	1.853	0.475	0.258	2.924	2.323	0.601	0.370
ROA	0.030	0.004	0.026**	0.012	0.043	0.006	0.037*	0.068
ROE	0.079	0.010	0.069**	0.016	0.133	-0.082	0.215**	0.018
Services	Covid				Covid			
	0 (N=164)	1 (N=82)	Dif	p-values	0 (N=164)	1 (N=82)	Dif	p-values
Altman_Z-Score	1.952	1.691	0.261	0.105	2.271	1.858	0.412*	0.092
ROA	0.026	0.018	0.009**	0.037	0.017	-0.005	0.022*	0.084
ROE	0.094	0.058	0.036**	0.027	0.092	-0.011	0.103**	0.043
Transportation-Communications	Covid				Covid			
	0 (N=136)	1 (N=68)	Dif	p-values	0 (N=138)	1 (N=69)	Dif	p-values
Altman_Z-Score	1.234	1.148	0.086	0.320	1.660	1.648	0.012	0.959
ROA	0.028	0.021	0.007*	0.052	0.026	0.006	0.020**	0.036
ROE	0.103	0.079	0.024**	0.019	0.123	-0.010	0.132***	0.006
Wholesale Trade	Covid				Covid			
	0 (N=30)	1(N=15)	Dif	p-values	0 (N=30)	1(N=15)	Dif	p-values
Altman_Z-Score	2.946	2.876	0.070	0.427	2.940	2.713	0.227	0.385
ROA	0.035	0.027	0.008**	0.041	0.035	0.021	0.014	0.107
ROE	0.103	0.062	0.041**	0.087	0.099	0.066	0.033	0.150

Table 5. Correlations

Variables	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
(1) Altman Z-Score	1.000								
(2) ROA	0.526***	1.000							
(3) ROE	0.177***	0.371***	1.000						
(4) Covid	-0.057*	-0.116***	-0.096***	1.000					
(5) Leverage	-0.572***	-0.332***	0.012	0.013	1.000				
(6) Liquidity	0.431***	0.160***	0.019	0.046	-0.530***	1.000			
(7) Assets_Turnover	0.240***	0.131***	0.088***	-0.057*	0.050*	-0.064**	1.000		
(8) Size	-0.175***	0.093***	-0.010	-0.006	0.248***	-0.245***	-0.114***	1.000	
(9) BM	-0.240***	-0.017	-0.121***	0.063**	-0.321***	0.057*	-0.029	-0.024	1.000

****p<0.01, **p<0.05, *p<0.1*

Table 6.

Panel A. Regression for Bankruptcy

	(1) *Altman Z-Score*
Covid	-0.1942** (0.0405)
Liquidity	0.6546*** (0.0000)
Assets_Turnover	0.6964*** (0.0000)
Size	-0.0244 (0.3157)
BM	-0.6774*** (0.0000)
Constant	1.0632 (0.1251)
Observations	1155
R-squared	0.3719
Country Fixed Effects	Yes
Industry Fixed Effects	Yes

p-values are in parentheses
**** p<.01, ** p<.05, * p<.1*

Panel B. Regression for Financial Performance

	(1) *ROA*	*(2)* *ROE*
Covid	-0.0134*** (0.0008)	-0.0572*** (0.0030)
Leverage	-0.1537*** (0.0000)	0.0327 (0.6082)
Liquidity	-0.0005 (0.7847)	0.0032 (0.7232)
Assets_Turnover	0.0257*** (0.0000)	0.0550*** (0.0039)
Size	0.0095*** (0.0000)	0.0031 (0.5775)
BM	-0.0143*** (0.0000)	-0.0379** (0.0168)
Constant	0.0315 (0.4325)	0.0569 (0.7679)
Observations	1155	1155
R-squared	0.2784	0.1149
Country Fixed Effects	Yes	Yes
Industry Fixed Effects	Yes	Yes

p-values are in parentheses
**** p<.01, ** p<.05, * p<.1*

Figures

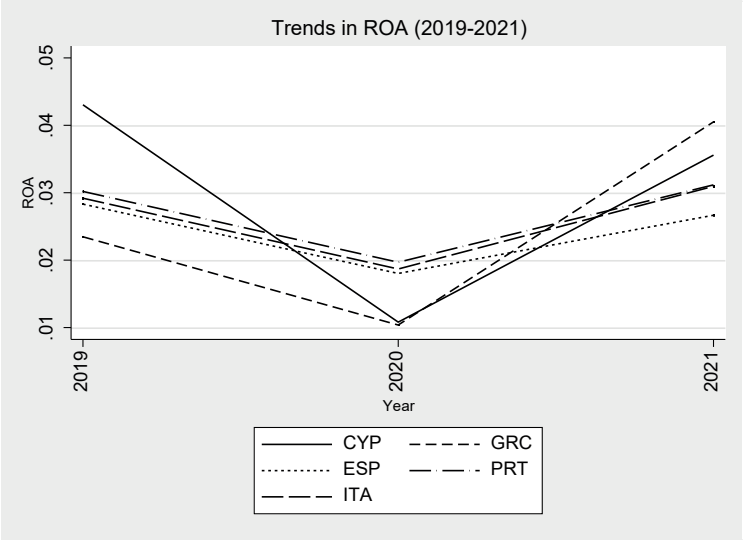

Fig. 1. Trends in Median Profitability ROA by Year for Selected Countries (2019–2021), showing variations across Cyprus (CYP), Greece (GRC), Italy (ITA), Spain (ESP), and Portugal (PRT)

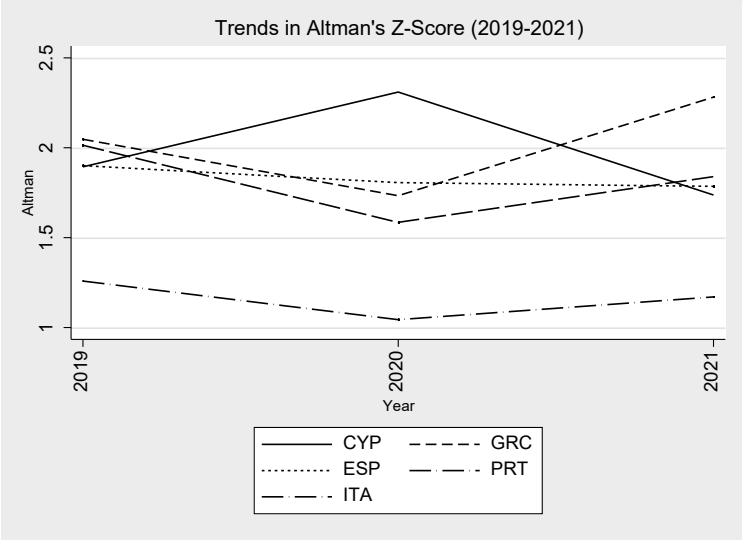

Fig. 2. Trends in Altman Z-Score by Year for Selected Countries (2019–2021), showing variations across Cyprus (CYP), Greece (GRC), Italy (ITA), Spain (ESP), and Portugal (PRT)

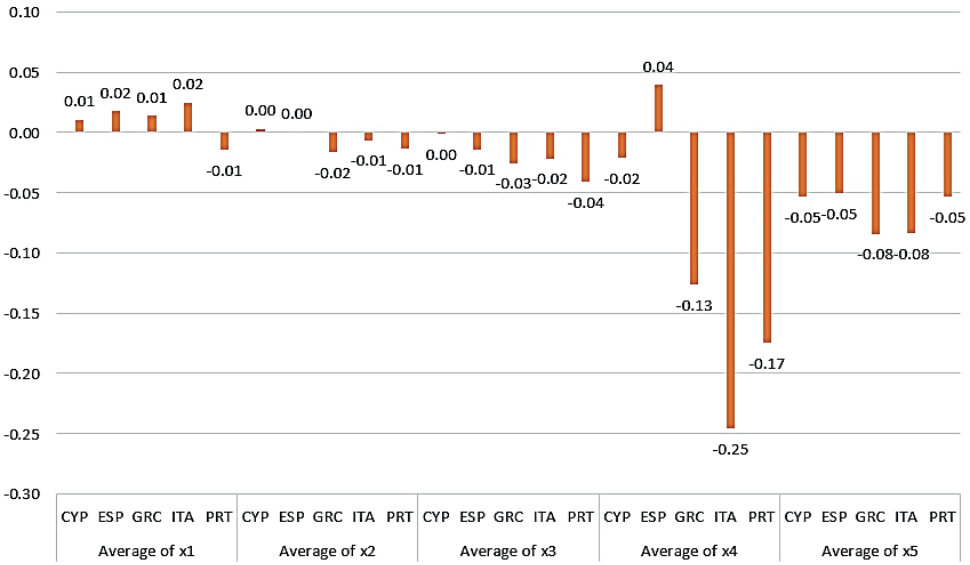

Fig. 3. Changes in each component of Altman Z-Score between the COVID and non-COVID periods

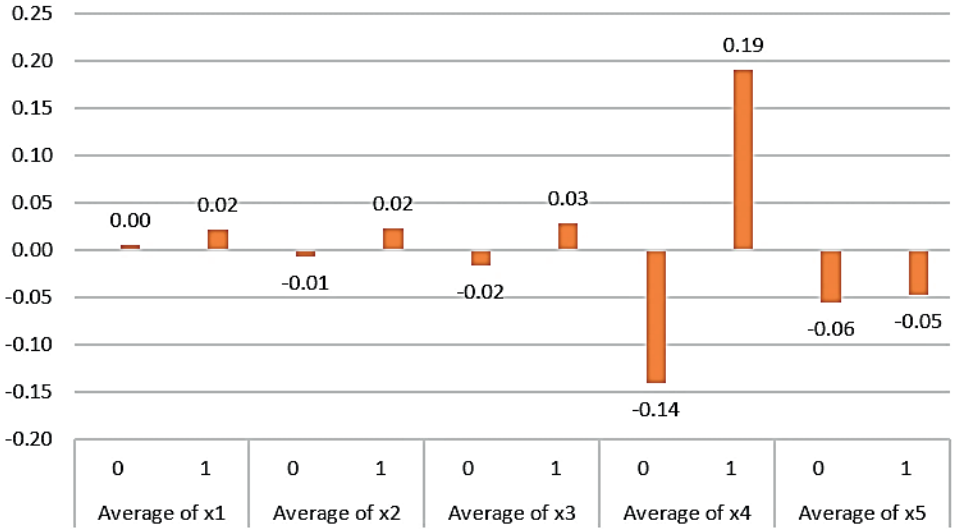

Fig. 4. Changes in each component of Altman Z-Score for Cyprus between companies that have seen an improvement in their Altman Z-Score during COVID-19 (1) and the rest (0)

Appendix

Variables	Definition
Altman Z-Score	A measure based on the following factors: X1= wcap/at X2=re/at X3=ebit/at X4= prccm*cshpria/lt X5=revt/at Source: Compustat-Capital-IQ, Compustat-Global Security Monthly
Assets Turnover	Sales divided by Total assets (revt/at) Source: Compustat-Capital-IQ
Covid	A dummy variable assigns the value of 1 to the year 2020; otherwise, it is assigned 0
BM	Book value of common stock (CEQ) divided by Market Capitalization (prccm*cshpria) Source: Compustat-Capital-IQ, Compustat-Global Security Monthly ceq: Book value of common stock, Compustat/Fundamentals/Balance Sheet Items prccm: Fiscal year end price cshpria: Common Shares Used to Calculate Earnings per Share (Basic)
Leverage	Total Liabilities divided by Total Assets (lt/at) Source: Compustat-Capital-IQ
Liquidity	Current Assets divided by Current liabilities Source: Compustat-Capital-IQ
ROA	Net Income divided by Total Assets Source: Compustat-Capital-IQ
ROE	Net Income divided by Total Equity Source: Compustat-Capital-IQ
Size	Natural logarithm of Total assets (at) Source: Compustat-Capital-IQ

References

Adams, C.A. & Abhayawansa, S., 'Connecting the COVID-19 pandemic, environmental, social and governance (ESG) investing and calls for 'harmonisation'of sustainability reporting' (2022) 82 *Critical Perspectives on Accounting*, 102309.

Aljughaiman, A.A. & al., 'The Covid-19 outbreak, corporate financial distress and earnings management' (2023) 88 *International Review of Financial Analysis*, p.102675.

Ahmad, W., Kutan, A.M. & Gupta, S., 'Black swan events and COVID-19 outbreak: Sector level evidence from the US, UK, and European stock markets' (2021) *75 International Review of Economics & Finance*, 546-557.

Altman, E., 'Financial ratios, discriminant analysis and the prediction of corporate bankruptcy' (1968) 23(4) *The Journal of finance*, 598-608.

Andrade, G. & Kaplan, S.N., 'How costly is financial (not economic) distress? Evidence from highly leveraged transactions that became distressed' (1998) *53*(5), *The journal of finance*, 1443-1493.

Antipova, T., 'Coronavirus pandemic as black swan event' (2020, May) In *International conference on integrated science* 356-366. Cham: Springer International Publishing.

Bose, S. & al., 'COVID-19 impact, sustainability performance and firm value: international evidence' (2022) 62(1) *Accounting & Finance*, 597-643.

Chen, S., Igan, D.O., Pierri, N. & Presbitero, A.F., 'Tracking the economic impact of COVID-19 and mitigation policies in Europe and the United States' (2020) 125 *IMF Working Papers*, *2020*Cho, C.H., Senn, J. & Sobkowiak, M., 'Sustainability at stake during COVID-19: Exploring the role of accounting in addressing environmental crises' (2022) 82 *Critical Perspectives on Accounting*, 102327.

Crovini, C., Schaper, S. & Simoni, L., 'Dynamic accountability and the role of risk reporting during a global pandemic' (2022) 35(1) *Accounting, Auditing & Accountability Journal*, 169-185.

Dang Ngoc, H., Vu Thi Thuy, V. & Le Van, C., 'Covid 19 pandemic and abnormal stock returns of listed companies in Vietnam' (2021) 8(1) *Cogent Business & Management*, 1941587.

Dechow, P.M. & al., 'Implied equity duration: A measure of pandemic shutdown risk' (2021) 59(1) *Journal of Accounting Research*, 243-281.

Demers, E. & al., 'ESG did not immunize stocks during the COVID-19 crisis, but investments in intangible assets did' (2021) 48(3-4) *Journal of Business Finance & Accounting*, 433-462.

De Vito, A. & Gómez, J.P., 'Estimating the COVID-19 cash crunch: Global evidence and policy' (2020) 39(2) *Journal of Accounting and Public Policy*, 106741.

Goodell, J.W., 'COVID-19 and finance: Agendas for future research' (2020) 35, *Finance research letters*, 101512.

Huang, H. & Ye, Y., 'Rethinking capital structure decision and corporate social responsibility in response to COVID-19' (2021) 61(3) *Accounting & Finance*, 4757-4788.

Liu, X., 'The Economic Environment and Black Swan Events: Taking COVID-19 as an example' (2023) 23 *Journal of Education, Humanities and Social Sciences*, 336-341.

Lois, P. & Repousis S., 'Preliminary Review of the Impact of COVID-19 on Cash in Greece and Cyprus.' (2021) 33(1) *Cyprus Review*, 19–36.

Mallis E. & Matsi M., 'The Covid-19 economic, social and health impact on Cyprus and selected Euro Area economies' (2020). https://www.gov.cy/media/sites/11/2024/04/the_covid.pdf

Meckling, W.H. & Jensen, M.C., 'Theory of the Firm' (1976) 3(4) *Managerial behavior, agency costs and ownership structure*, 305-360.

Mishra, P.K., 'COVID-19, Black Swan events and the future of disaster risk management in India' (2020) 8 *Progress in Disaster Science*, 100137.

Rinaldi, G. & Paradisi, M., 'An empirical estimate of the infection fatality rate of COVID-19 from the first Italian outbreak' (2020) *Medrxiv*, 2020-04.

Shen, H. & al., 'The impact of the COVID-19 pandemic on firm performance' (2021) In *Research on Pandemics,* 81-98. Routledge.

Taleb, N.N., 'Black swans and the domains of statistics.' (2007) 61(3) *The american statistician,* 198-200.

Wruck, K.H., 'Financial distress, reorganization, and organizational efficiency' (1990) 27(2) *Journal of financial economics*, 419-444.

Xu, L., Chen, J., Zhang, X. & Zhao, J., 'COVID-19, public attention and the stock market' (2021) 61(3) *Accounting & Finance*, 4741-4756.

Xu, X., Lin, C. & Yan, Y., Covid-19 crisis and corporate cash dividend policies: Evidence from Chinese listed companies. (2023) 30(2) *Applied Economics Letters*, 178-184.

Yu, H., Chu, W., Ding, Y.A. & Zhao, X., 'Risk contagion of global stock markets under COVID-19: A network connectedness method' (2021) *61*(4) *Accounting & Finance*, 5745-5782.

The Post-Genocide Reorganisation of the Armenian Community of Cyprus in the 1920s-1930s

Edgar Hovhannisyan[1] **and Alexander-Michael Hadjilyra**[2]

Abstract

Armenians have lived in Cyprus since ancient times. Although their number on the island has never been large, they have made a significant contribution to its cultural and socio-political life. After the Adana massacre (1909) and the Armenian Genocide (1915–1923), thousands of Armenian refugees settled in Cyprus. In the 1920s and 1930s, the process of reorganising the Armenian community of Cyprus started, new bodies of the Armenian Ethnarchy were formed, and the Armenian Prelature of Cyprus played the most important role in all these. As of the mid-1920s, the Prelature came officially under the jurisdiction of the Catholicosate of the Great House of Cilicia. The reorganisation of the Armenian community of Cyprus was important in preserving the identity of local Armenians and integrating them into the island's socio-political life. Using Armenian-speaking sources, this article offers significant information, events, and insights about the Armenian-Cypriot community, some of which are available for the first time in English. Finally, examining the inner workings of this Armenian community serves as a paradigm for the formation of the broader Armenian Diaspora.

Keywords: Armenian Diaspora; Catholicosate of the Great House of Cilicia; Armenian-Cypriot community; Armenian Prelature of Cyprus; Armenian refugees

Introduction

References about Armenians in Cyprus start as early as 578 AD, during Byzantine rule.[3] The relations of Armenians with Cyprus increased during the time of the Ar-

[1] PhD, Associate Professor, Faculty History and Social Science, Armenian State Pedagogical University.

[2] MA, researcher-scholar.

[3] Arshag Alboyadjian, 'Gibros gëghzin' ('The island of Cyprus') in Teotig (ed.), *Amenoun Daretsouytsë* (*Everyone's Almanac*) (1927) 1(21), Paris, 210–212; Susan Paul Pattie, *Faith in History: Armenians Rebuilding Community* (Washington: Smithsonian Institution Press, 1997) 33; Sossie Kasbarian, 'Rooted and Routed: The Contemporary Armenian Diaspora in Cyprus and Lebanon' (PhD thesis, School of Oriental and African Studies, University of London, 2006) 53–54; Alexander-Michael Hadjilyra, *The Armenians of Cyprus* (Larnaca: Kalaydjian Foundation, 2009) 10; John Matossian, *Silent Partners: The Armenians and Cyprus - 578–1878* (Nicosia: Lusignan Press, 2009) 9–13; Alexander-Michael Hadjilyra,

menian Kingdom of Cilicia;[4] since then, the number of Armenians who settled in Cyprus increased further. The Armenian Prelature of Cyprus was first mentioned in 1179, during the pontificate of Catholicos Gregory IV.[5] In subsequent centuries, Cyprus became an important spiritual and cultural centre for the Armenians, with the Armenian Church playing a key role. Archival documents reveal that the Prelature's 'administrative organisation' began mid-19th century.[6]

The Armenian Genocide, perpetrated during World War I, was fateful to the Armenian people. More than 1.5 million Armenians were massacred and over 800,000 had to abandon their ancestral homes.[7] Armenian cultural heritage was also destroyed:[8] because of the Genocide, Armenian spiritual and religious institutions were abandoned in the historical homeland.[9] For example, in 1915, the Catholicosate of the Great House of Cilicia had to abandon its historical seat in Sis, to be exiled to Aleppo, Idlib, Jerusalem, and, finally, Damascus; in 1919, it returned to Adana, set-

The Armenians of Cyprus (Nicosia: Press and Information Office, 2016) 7–8; Edgar Hovhannisyan, *Gibrosi temi veragazmoutiunë yev gibrahayoutiunë (1920–1940 tt) Bedros Arkebisgobos Saradjian* (*The reorganisation of the Diocese of Cyprus and the Armenians of Cyprus (1920–1940) Archbishop Bedros Saradjian*) (Yerevan, 2021) 3.

[4] Pagouran, *Gibros Gëghzi* (*The Island of Cyprus*) (Nicosia: National Educational Orphanage Printing Press, 1903) 52–55; Archbishop Papken Gulesserian, *Hay Gibros* (*Armenian Cyprus*) (Antelias: Printing House of the Seminary of the Catholicosate of Cilicia, 1936) 39–43; Sir George Hill, *A History of Cyprus, Volume Three* (Cambridge: Cambridge University Press, 1948) 85–95; Kasbarian (no 3) 54; Matossian (no 3) 19–41, 45–54; Alboyadjian (no 3) 212–213; Hadjilyra (2009) 11–12; Hovhannisyan (2021) 4; Pattie (no 3) 39. Originally a principality (1080), it became a Kingdom in 1198, until it was seized by the Mamelukes in 1375.

[5] Bishop Ghevont, *Hishadagaran Gibrahay Kaghouti* (*Repository of Memories of the Armenian-Cypriot Community*) (Antelias: Printing House of the Armenian Catholicosate of Cilicia, 1955) 17; Puzant Yeghiayan, *Zhamanagagits Badmoutiun Gatoghigosoutian Hayots Giligio, 1914–1972* (*Contemporary History of the Armenian Catholicosate of Cilicia, 1914–1972*) (Antelias: Printing House of the Armenian Catholicosate of Cilicia, 1975) 283; Archbishop Varoujan (ed.), *Gibrosi temi hovëvagan garkë yev temagan gazmavoroutiunë* (*The pastoral succession of the Cyprus Diocese and the diocesan formation*) (Nicosia, 2011a) 7, 11; Alboyadjian (no 3) 212; Gulesserian (no 4) 28, 241–242; Hovhannisyan (2021) 4; Matossian (no 3) 69; Pagouran (no 4) 49; Pattie (no 3) 34.

[6] Varoujan (2011a) 24–54.

[7] Vahakn Dadrian, *The History of the Armenian Genocide: Ethnic Conflict from the Balkans to Anatolia to the Caucasus* (Oxford: Berghahn Books, 1995) 185–356; Raymond Kévorkian, *The Armenian Genocide: A Complete History* (New York: I.B. Tauris, 2011) 289–690; Alexander-Michael Hadjilyra, *The Melkonian Educational Institute: An Island within an Island* (La Verne, California: Collegiate Press, 2023) 2, 119, 131; Hadjilyra (2009) 14; Hadjilyra (2016) 30; Pattie (no 3) 43–44.

[8] Kévorkian (no 7) 272–278.

[9] Simon Payaslian, 'The Destruction of the Armenian Church during the Genocide' 2006 1(2) *Genocide Studies and Prevention* 163–164; Hadjilyra (2023) 3; Kévorkian (no 7) 272–278, 755.

ting up temporary premises. When the French Forces[10] evacuated Cilicia in 1921, Catholicos Sahag II Khabayan[11] followed his flock to refugeehood: for the next nine years, he was without a permanent home, moving between Aleppo (his temporary premises), Damascus, and Beirut.[12]

In the 1920s, the Armenian Diaspora began to form, along with Armenian political, philanthropic, as well as spiritual-religious institutions.[13] In this decade, when the Catholicosate did not have a permanent seat, the idea of establishing it in Cyprus was periodically discussed.[14] However, the imperative need to be closer to the majority of Armenian refugees made the suburb of Antelias in Lebanon the next headquarters of the see of Cilicia in 1930, previously the site of an Australasian Near East Relief Foundation orphanage (1922–1928).[15]

Under the new circumstances of the mid-1920s, the Armenian Prelature of Cyprus gradually came under the jurisdiction of the Catholicosate of Cilicia. The Catholicosate made huge efforts towards organising the communal life of the Armenian refugees who had settled in Cyprus and preserving their ethnic identity. The island of Cyprus thus became a 'historic host state for the diasporic Armenians'.[16]

This article presents the process of resettling thousands of Armenians in Cyprus following the Armenian Genocide, and reorganising the local Armenian community

[10] According to the terms of the Armistice of Mudros (30 October 1918), Cilicia was placed under a French mandate. A High Commissioner was appointed, and the Légion d'Orient (later called Légion Arménienne) and other French military forces were deployed in the region. Eventually, however, the French left two months after the Treaty of Ankara (20 October 1921).

[11] Archbishop Varoujan (ed.), *Tëghtagtsoutiun Sahag P. Gatoghigosi yev Bedros Ark. Saradjiani* (*Correspondence of Catholicos Sahag II and Archbishop Bedros Saradjian*) (Nicosia, 2010b) 11-16; Seta B. Dadoyan, 'The Move of the Catholicosate from Armenia, to Cilicia, to Antelias' in Seta B. Dadoyan (ed.), *The Armenian Catholicosate of Cilicia: History, Treasures, Mission* (Antelias: Armenian Catholicosate of the Great House of Cilicia, 2015) 49–54; Ghevont (no 5) 74, 76; Gulesserian (no 4) 123, 156–157; Yeghiayan (no 5) 62–63, 313, 484–485, 897. Born Kapriel Khabayan (Kharpert, 1849 – Antelias, 1939), he graduated from the Theological Seminary of Jerusalem (1871). In 1902, he was elected Catholicos of Cilicia, the last in the ancient throne of Sis and the first one in Antelias. The survival of the Catholicosate of Cilicia is, in many ways, attributed to his tenacity and immense efforts. Catholicos Sahag II visited Cyprus four times: 5 June–5 August 1922, 9 July–6 October 1931, 10 July–8 October 1933, and 16 August–4 September 1934.

[12] Dadoyan (no 11) 49–51, 53; Hadjilyra (2023) 121–122; Hovhannisyan (2022) 1277–1278; Yeghiayan (no 5) 52–66, 84–91, 166, 207–241.

[13] Edgar Hovhannisyan 'The Restoration of the Catholicosate of the Great House of Cilicia after Exile' (2022) 10(4) *Quaestio Rossica* 1277–1284.

[14] Varoujan (2010b) 107–108; Yeghiayan (no 5) 222, 286–287, 290–291; SA1/1129/1921.

[15] Dadoyan (no 11) 53; Hovhannisyan (2022) 1281–1282; Yeghiayan (no 5) 321–336, 474–475.

[16] Kasbarian (no 3) 56.

in the 1920s and 1930s. Using the Armenian community of Cyprus as an example, the article aims to illustrate the formation of the Armenian Diaspora. A small portion of Genocide survivors settled in Cyprus and chose the path of the Diaspora, that is, not to assimilate, and to preserve their identity in a foreign environment. As a result, the old Armenian community of Cyprus, with its structures, was reorganised in the 1920s–1930s, with the Armenian Church playing an important role.

This research is mostly based on Armenian-language works; they have scientific value because they were written at the time of the Armenian-Cypriot community's reorganisation. Armenian-speaking scholars tend to be familiar with most of these works. For non-Armenians, especially those in academia, this article offers significant information, events, and insights about the Armenian population in Cyprus.

The research was substantially based on the archival materials available at the Cyprus State Archives, and the archives of the Armenian Prelature of Cyprus. Some of these documents have been scientifically analysed for this article and circulated for the first time. The article's development was also significantly influenced by Armenian publications in Cyprus.

The Establishment of Cilician Armenian Refugees in Cyprus

The number of Armenians in Cyprus remained small until the Armenian Genocide. In 1877, priest Hovhannes Shahinian[17] registered 152 Armenians in Cyprus; in 1879, according to the census carried out a year after the island was leased to the British, there were only 166 Armenians.[18] Their number began to gradually increase during British rule: the first official population census, in 1881, recorded 201 Armenians; ten years later, there were 291 Armenians on the island, who by 1901 had increased to 553; the 1911 census recorded 611 Armenians in Cyprus.[19]

[17] Fr. Hovhannes Shahinian (Constantinople, 1855 – Halevga, 1922) came to serve in Cyprus in 1877 and started gathering church archives, as well as birth, marriage, and death records. Other than serving in Nicosia, for which at times he was the only Armenian priest, he also officiated in Larnaca, when there was no resident Armenian priest, and Magaravank.

[18] Alboyadjian (no 3) 226; Hadjilyra (2009) 20; Hovhannisyan (2021) 14.

[19] Hadjilyra (2016) 16. These figures are the combined numbers of those registered as Armenians by religion and speakers of Armenian, which explains the discrepancy with figures cited in Hadjilyra (2009) 20–22 and Pattie (no 3) 245. Nicosia was home to most Armenians (two-thirds of their total population in 1881, 60% in 1891 and 1901, and almost 50% in 1911), followed by Larnaca (rising from 7% in 1881 and 1891, to 11% in 1901, and 28% in 1911), with the rest living around the monastery and other places.

In 1912, according to the Parish Council of Cyprus, 480–600 'local and refugee'[20] Armenians resided on the island.[21] The influx of Armenians to Cyprus began to increase after the Hamidian massacres of 1894–1896 and the Adana massacre in 1909.[22] Up until 1921, only a small number of displaced Cilician Armenians had settled in Cyprus, however they did not intend to permanently settle on the island, and yearned to return to their homes;[23] amongst them were many orphans.[24] According to the 1921 census, there were 1,573 Armenians in Cyprus, of whom 1,197 were Gregorian.[25]

The Armenians who had settled in Cyprus before the Armenian Genocide were considered locals by the refugees. After the Genocide, the image of the Armenian-Cypriot community changed completely. Following the final uprooting of the Armenians of Cilicia, the influx of Armenian refugees started on 8 November 1921.[26] Over the next few years, about 8,000 to 10,000 refugees displaced from various locations in Cilicia, Western Armenia, and Asia Minor[27] arrived on the island.[28] Alongside the

[20] Varoujan (2010b) 388. At the time, only the Armenians who resided on the island before the arrival of the British in 1878 were considered locals, as well as their descendants.

[21] Archbishop Varoujan (ed.), *Adanayi vganerë yev Sourp Sdepanos vgayaranë* (The martyrs of Adana and the testimony of Saint Stephen) (Nicosia, 2010a) 11–112; Hadjilyra (2016) 30.

[22] Archbishop Varoujan (ed.), *Darakroutiun, Vorper, Melkonian Hasdadoutiun* (Exile, Orphans, Melkonian Institute) (Nicosia, 2011b) 20–21; Alboyadjian (no 3) 226; Dadrian (no 7) 179–185; Gulesserian (no 4) 89–91; Pagouran (no 4) 82; Pattie (no 3) 54–56, 58–59; Varoujan (2010a) 4; Varoujan (2010b) 57; SA1/2196/1896; SA1/2271/1896; SA1/2285/1896; SA1/2426/1896; SA1/1106/1909; SA1/1781/1909. Because of the Hamidian massacres, about 1,000 Armenians arrived in Cyprus, of whom only about 100 remained (mostly from Diyarbakir/Dikranagerd, Aintab and Kilis), due to the poor state of the local economy; after the Adana massacre, about 2,000 Armenians fled to Cyprus, most of whom returned to their homeland or emigrated abroad shortly afterwards.

[23] Pattie (no 3) 59–60; Varoujan (2011b) 32, 51, 275.

[24] Hovhannisyan (2021) 84–87; Pattie (no 3) 86; Varoujan (2010b) 32, 34; Varoujan (2011b) 40–317; Yeghiayan (no 5) 99, 101.

[25] Hadjilyra (2009) 20–21; Pattie (no 3) 245. Of these, ⅓ lived in Nicosia, 13% in Larnaca, 3% in Famagusta, and the rest in Amiandos (c. 30%), around the monastery, and various other places. The term 'Gregorian' was used to denote Apostolic Orthodox Armenians, who venerate Saint Gregory the Illuminator as the founder of their Church, as opposed to Catholic and Protestant Armenians.

[26] Hovhannisyan (2021) 14–15, 25; Varoujan (2010b) 57; Varoujan (2011b) 20–21; SA1/1401/1921.

[27] Safavid Persia and Ottoman Turkey split the territory of ancient Armenia in 1502, resulting in the Ottoman-Persian wars in the 16th, 17th, and 18th centuries. Western Armenia was the name given to the Armenian lands that joined the Ottoman Empire. Most of the Armenian population of Western Armenia was massacred during the Genocide perpetrated by the Ottoman Empire between 1915 and 1923. Hundreds of thousands of Armenian Genocide survivors emigrated from their motherland, and settled in various countries, forming the Armenian Diaspora.

[28] Kevork Keshishian & Margarit Baghdasaryan, 'Gibros' (Cyprus), *Hay Spiurk Hanrakidaran* (Arme-

Armenian refugees, there were Greek refugees as well.[29] However, only a fraction of these refugees settled on the island—many found the living conditions unfavourable, and soon emigrated to other countries across Europe and the USA, or oftentimes to Syria and Lebanon.[30]

A report prepared by Prelate Bedros Saradjian on 16 November 1923 recorded 3,648 Armenians in Cyprus, of whom 319 were locals, 3,029 had settled from late 1921 onwards, while 300 had arrived between 1896 and late 1921.[31] According to another report Saradjian prepared on 7 April 1931, there were 3,471 Armenians in Cyprus in 1930.[32] The 1931 official census recorded 3,617 Armenians, of whom 3,377 were followers of the Apostolic Church,[33] the rest being Armenian Catholics and Armenian Protestants (mostly Evangelicals); the population of Cyprus was 347,959.[34] On 6 June 1935, Saradjian prepared another report on the island's Armenian population: overall 3,819 persons, of whom 102 were locals (i.e. they were here before the Genocide), and 370 resided at the Melkonian Educational Institute.[35]

The Armenians who settled on the island primarily came from Cilicia; however, there were also some from Western Armenia, and various other Armenian-populated settlements of the Ottoman Empire.[36] According to Arshag Alboyadjian (1927), they hailed from 66 cities, towns, and villages in Cilicia, Western Armenia, and Asia Mi-

nian Diaspora Encyclopaedia) (Yerevan: Armenian Encyclopaedia Publishing House, 2003) 343; *Arev* (27 January 1930, No. 3340) 1; Hadjilyra (2016) 11; SA1/1172/1922; SA1/1216/1922; SA1/426/1923; SA1/1205/1923; SA1/1430/1927; SA1/520/1930.

[29] *Arev* (19 December 1922, No. 1167) 1.

[30] *Arax* (16 July 1924, No. 5) 5; *Arax* (16 August 1925, No. 31) 4; *Arev* (27 January 1930, No. 3340) 1; Varoujan (2010b) 190.

[31] Varoujan (2011a) 201; Varoujan (2011b) 193. Of these, 52% lived in Nicosia, 41% in Larnaca, 3% in Amiandos, 2% in Famagusta, and the rest around the monastery, and various other places.

[32] Varoujan (2010b) 441, 444, 456–459. Of these, 59% lived in Nicosia, 23% in Larnaca, 7% in Amiandos, 4% in Famagusta, 4% in Limassol, and the rest around the monastery, and various other places.

[33] Hadjilyra (2016) 16; Hovhannisyan (2021) 16. Of these, 48% lived in Nicosia, 22% in Larnaca, 3% in Limassol, 2% in Famagusta, and the rest around the monastery, and various other places.

[34] Hadjilyra (2009) 21; Pattie (no 3) 245.

[35] Gulesserian (no 4) 90–91; Hadjilyra (2009) 21. Of the refugees, 64% lived in Nicosia, 20% in Larnaca, 6% in Limassol and 3% in Larnaca; the rest lived in Amiandos, around the monastery, and various other places. The Melkonian grounds were not considered part of Nicosia at the time.

[36] Gulesserian (no 4) 91; Varoujan (2010b) 444. The majority of these refugees came from Adana, Seleucia (Silifke), Caesarea (Gessaria), Hadjin, Aintab, Marash, Kharpert, Sis, Tarsus, and Mersin.

nor.[37] According to Archbishop Saradjian, those who had remained by 1935 hailed from 51 places in present-day Turkey.[38]

The Armenians of Cyprus were mainly craftsmen and merchants, but there were also renowned photographers, doctors, dentists, lawyers, as well as government officials, factory owners, and land owners.[39] Thanks to their multilingualism, many worked as interpreters and translators for the colonial government, and the various consulates.[40]

Along with ordinary people from Cilicia and Western Armenia, clergymen, public figures, and educators settled on the island as well. Amongst them was the former Prelate of the city Hadjin in Cilicia, Bishop Bedros Saradjian,[41] who in fact became the island's Armenian Prelate, having also served as such earlier, between 1899 and 1905. Saradjian wrote letters, in his words, 'to the 20th century representatives of humankind' in Paris, London, Washington, Rome, and elsewhere, seeking assistance to the displaced Armenians; he did not receive any response or support.[42] He also sent letters to the Armenian National Delegation and to Armenian circles, describing the urgent state of Cilician Armenians.[43]

Saradjian played an important role in facilitating the immigration of Armenian refugees to Cyprus, and organising their communal life. In particular, he made huge efforts towards obtaining permission from the local authorities for the Armenian refugees to arrive on the island—the colonial government had restricted the entry of Armenian refugees, and refused to provide significant material assistance.[44] To this end, Saradjian approached the government and guaranteed that the arriving refu-

[37] Alboyadjian (no 3) 226; Hovhannisyan (2021) 17.

[38] Gulesserian (no 4) 91; Hadjilyra (2016) 33. Present-day Turkey encompasses Eastern Thrace, Asia Minor, Anatolia, Cilicia, Western Armenia, and the Pontus region.

[39] *Arax* (31 May 1924, No. 2) 4; *Arax* (16 June 1924, No. 3) 5, *Arax* (September–December 1927, No. 68) 4; Alboyadjian (no 3) 239; Gulesserian (no 4) 258; Pagouran (no 4) 88–90; Pattie 61–64, 90–92; Varoujan (2010b) 444.

[40] Hadjilyra (2009) 14; Hovhannisyan (2021) 18–19; Pattie (no 3) 50–53.

[41] *Arev* (8 June 1940, No. 6522) 2; *Arev* (1 October 1940, No. 6620) 1–2; Alboyadjian (no 3) 228; Gulesserian (no 4) 250–251; Varoujan (2010b) 18, 23–28, 94; Yeghiayan (no 5) 462, 489–490, 897–898. Born Bedros Saradjian (Sivrihisar, 1870 – Antelias, 1940), he graduated from the Theological Seminary of Jerusalem (1891). During his two terms as Armenian Prelate of Cyprus (1899–1905 and 1920–1940), he realised various projects. In 1936, he was appointed Vicar-General of the Catholicosate of Cilicia, and initiated numerous construction works in Antelias, serving until he was elected Catholicos in 1940.

[42] Varoujan (2010b) 57.

[43] Varoujan (2011b) 55–73; Hovhannisyan (2021) 20.

[44] Varoujan (2011b) 118; SA1/1130/1915. Originally, the island's government was negatively disposed towards the settling of Armenian refugees in Cyprus, see Andrekos Varnava & Trevor Harris '"It is quite

gees would not cause a 'financial burden to anyone'.[45] The work done by Saradjian in terms of the numerous mediations to the local government was equally important on the issue of receiving the refugees.[46] Ultimately, because of their industriousness, these refugees did not become a burden on the local authorities, the local Armenian Ethnarchy, or the Armenian institutions. That is also why the local authorities eventually allowed Armenian refugees to settle on the island, unlike Greek refugees,[47] despite the fact that the latter were not large in number.[48] Nevertheless, had there been no restrictions for the Armenian refugees arriving in Cyprus, their number could well have been even greater.

Most newly-settled Armenian refugees experienced extreme hardship. For many years, they were not granted British citizenship,[49] which placed barriers in their living situation and work opportunities. On 21 December 1926, Saradjian met with the newly-arrived Governor of Cyprus, Sir Ronald Storrs,[50] to once again raise the issue of granting British citizenship to Armenian refugees in Cyprus; five years earlier, the issue had been raised, and was rejected by the British. Here, let us note that local Armenians, as well as Armenians who had settled in Cyprus up until 5 November 1914,[51] were considered British subjects, while those who arrived later were not. As the pleas made to the local authorities had not received a positive response, Saradjian suggested to Catholicos Sahag II to apply to the British Colonial Office.[52]

The issue of their citizenship would only be settled in December 1929—an Armenian who had been residing for five years on the island could become a British subject

impossible to receive them": Saving the Musa Dagh Refugees and the Imperialism of European Humanitarianism' (2018) 90(4) *The Journal of Modern History* 834–862.

[45] Varoujan (2011b) 118.

[46] For example, Saradjian was instrumental in securing funds to pay the government for the mandatory 40-day quarantine period in Dhekelia and elsewhere, see Pattie (no 3) 60–61, 67.

[47] Varoujan (2011b) 146.

[48] An argument used at the time was that the Greeks had a State of their own, whereas the Armenians did not (the Armenian Soviet Socialist Republic founded in 1920 was not a sovereign State, rather a constituent republic of the Soviet Union).

[49] Hovhannisyan (2021) 23; Varoujan (2010b) 223.

[50] *Arax* (16 August 1926, No. 54–55) 1; *Arax* (September 1926, No. 56) 1; Varoujan (2010b) 190. Sir Ronald Storrs (Burry, UK, 1881 – London, 1955) graduated from Pembroke College, Cambridge (1903). After serving as Military Governor of Jerusalem (1917–1920), and Governor of Jerusalem and Judea (1920–1926)—where he became well-acquainted with both the Armenians and the Armenian Church—he arrived in Cyprus on 30 November 1926, serving until 9 June 1932.

[51] Hill (no 4) 412–414, 521; Hovhannisyan (2021) 14, 23; Pattie (no 3) 34. Cyprus was annexed by the British Empire on 5 November 1914.

[52] Varoujan (2010b) 221.

if they were known by at least four British persons, a positive testimony was given about them, and they were was able to pay ten pounds sterling.[53] Thus, the Armenian refugees were gradually naturalised as British subjects.

The Reorganisation of the Armenian Prelature of Cyprus and the Formation of the Armenian Ethnarchy's Bodies

The Prelature's organisation and clarification of which hierarchical see of the Armenian Church[54] it belonged to was of critical importance for the reorganisation of the communal life of Armenians in Cyprus. Although historically under the Catholicosate of Cilicia, since the mid-18th century (except between 1837–1861, when it reverted to Cilicia) it had been alternating between the Armenian Patriarchates of Jerusalem and Constantinople.[55] Most Armenian refugees had previously been under the jurisdiction of the Catholicosate of Cilicia; under the new circumstances, they expressed their desire to maintain this affiliation. In the early 1920s, uncertainty abounded regarding the Prelature's administrative attachment. The Armenian refugees started raising the issue of where the island's Armenian Prelature should belong spiritually. Meanwhile, the Armenian Patriarchate of Constantinople was not officially against relinquishing the Diocese to the Catholicosate of Cilicia.[56] Saradjian played an important role in this matter, too. Soon after settling in Cyprus,[57] he became the Vicar of

[53] Varoujan (2010b) 282.

[54] Archbishop Malachia Ormanian, *The Church of Armenia: Her History, Doctrine, Rule, Discipline, Liturgy, Literature, and Existing Condition* (London: A. R. Mowbray & Co., 1912) 131–138, 316; Dadoyan (no 11) 46–47; Ghevont (no 5) 68–70; Hadjilyra (2009) 27; Hovhannisyan (2022) 1276; Kasbarian (no 3) 178; Payaslian (no 9) 149–150. There are four hierarchical sees in the structure of the Armenian Church: the Catholicosate of All Armenians (in Etchmiadzin, Armenia), the Catholicosate of the Great House of Cilicia (in Antelias, Lebanon), the Armenian Patriarchate of Jerusalem, and the Armenian Patriarchate of Constantinople.

[55] Alboyadjian (no 3) 223–228; Ghevont (no 5) 68–70; Gulesserian (no 4) 243–247; Varoujan (2010b) 96–97, 389; Yeghiayan (no 5) 285–289. Cyprus was at times under the Armenian Patriarchates of Constantinople (1759–1775, 1799–1812, 1861–1864, 1877–1888, 1897–1898, 1908–1921) and Jerusalem (1775–1799, 1812–1837, 1848–1861, 1865–1877, 1888–1897, 1898–1908), even—unilaterally—under the Catholicosate of Etchmiadzin (1864–1865). The Prelature's administrative attachment had become a matter of debate between the Catholicosate of Cilicia and the Patriarchate of Constantinople even before World War I, when a large number of Cilician Armenians had settled on the island after the Adana massacre of 1909; however, World War I and the Genocide did not provide an opportunity to resolve the issue.

[56] Ghevont (no 5) 71–72; Hovhannisyan (2021) 5–6, 25, 37; Varoujan (2011a) 183–184.

[57] Gulesserian (no 4) 250–251; Varoujan (2010b) 18, 26–27, 94; Varoujan (2011a) 21; Varoujan (2011b) 71. Saradjian arrived in Larnaca on 12 April 1920, moving to Nicosia the following day. After his

the Prelature, and then assumed the leadership of the island's Armenian Ethnarchy. The latter's reorganisation continued to be an important issue in subsequent years.

The first reorganisation of communal affairs occurred at the introduction of Education Law XXIV/1920. On 24 December 1920, the colonial government appointed a four-member Committee of Management[58] for 'Armenian Church Schools';[59] previously, these schools had been managed by the Parish Council, without any governmental involvement.[60]

Since the Armenian National Constitution had been ratified by Sultan Abdülaziz,[61] the Armenian community of Cyprus almost always governed its affairs via an elected Parish Council.[62] Saradjian took steps towards forming new bodies, and eventually placing the Prelature under the jurisdiction of the Catholicosate of Cilicia. By his initiative, and according to the Armenian National Constitution, a five-member Auditing Council was elected on 28 January 1923, responsible for overseeing the activities of

supporters made Archbishop Taniel Hagopian step down from the helm of the Prelature in May 1920, he retained the title of Prelate of Hadjin until the fall of Hadjin on 15 October 1920.

[58] SA1/1476/1920; SA1/854/1921. The following Parish Council members were appointed: Apisoghom Utidjian, Apkar Guvezian, Aram Kevorkian, and Movses Soultanian.

[59] The schools under its purview were the following: a) the Vartanants boys' school, and Shoushanian girls' school (1886 & 1902, Nicosia; Shoushanian had been established by Saradjian himself); and b) the Mousheghian co-ed school (1909, Larnaca). This Committee was not responsible for private Armenian schools, i.e. a) at the Adalia settlement, near the monastery (1910–1922); b) at Saint Joseph's convent in Larnaca, under Armenian Catholic Abbot Jean Kouyoumdjian (1921–1923); c) three small schools in Larnaca run by Haroutiun Kalaydjian, Verkin Abadjian, and Protestant Satenig Derderian (1922–1923); d) a kindergarten in Larnaca taught by Josephine Gulesserian, under the Reformed Presbyterian Mission (1923–1939); and e) an elementary school operating within the Larnaca American Academy (1923–1936).

[60] Indeed, in 1921 Saradjian assumed the position of Headmaster for all public Armenian schools of Cyprus, until in 1933 Setrak Guebenlian took over for Nicosia's Melikian School, serving until 1949; in Larnaca, Haigazoun Hagopian became the first Headmaster (1933–1937), followed by Assadour Magarian (1937–1945).

[61] Dadoyan (no 11) 49, 52; Hovhannisyan (2021) 124; Ormanian (no 54) 93, 153–156; Yeghiayan (no 5) 60–68, 241, 532–535, 881–886. The National Constitution, compiled in Constantinople in 1863 in the spirit of the *Hatt-ı Hümayun* edict (1856), regulated internal Armenian communal life. Following the Genocide, and the depopulation of Armenians in the Ottoman Empire, it remained in force within the Armenian Diaspora communities until it was first amended in 1941, and then in 1965, when it became known as the Constitutional Charter of the Catholicosate of the Great House of Cilicia.

[62] *Arev* (24 March 1932, No. 4006) 3; Ghevont (no 5) 88; Varoujan (2010b) 397. According to available records, there was a Parish Council at least since 1872.

the Parish Council, which also prepared the community's budget.[63] On 25 February and 4 March, the Parish Council was elected, also consisting of five members.[64]

On 26 March 1923, Saradjian announced the appointment of a five-member Parish Council for Larnaca,[65] with Bishop Yeghishe Garoyan[66] as its President, who was resident there between 1921 and 1929.[67] Also in 1923, the Larnaca Armenian cemetery was established,[68] and a larger school building was erected in Larnaca, to which a second floor was added in 1926,[69] thanks to a donation by Agha Garabed Melkonian.[70]

In a letter dated 24 March 1924, Saradjian requested from Catholicos Sahag II to confirm the island's elected national bodies with a pontifical encyclical, and to con-

[63] Varoujan (2010b) 97–98, 142. This body operated until 1927, consisting of Hampartsoum Kevorkian, Toros Goudsouzian, Dickran Ouzounian, Stepan Eramian, and Raphael Philipposian.

[64] *Arev* (1 March 1923, No. 1226) 2; *Arev* (14 March 1923, No. 1237) 2; Varoujan (2010b) 97–98; SA1/1476/1920. Sarkis Kradjian, Aram Kevorkian, and Michael Topdjian were elected on 25 February 1923, whereas Garabed Nigoghossian, and Armenag Nassibian were elected on 4 March 1923; these five were appointed by the High Commissioner as the Committee of Management for Armenian Church Schools on 11 May 1923. Except for Aram Kevorkian, the others completely replaced the previous members (elected on 3/16 March 1919), namely Apisoghom Utidjian, Movses Soultanian, Aleksan Eramian, and Apkar Guvezian (the latter had served since 7 February 1888).

[65] Hovhannisyan (2021) 27; Varoujan (2011b) 159–160. Its members were Dr. Aram Geokdjian, Baghdig Nishanian, Setrak Guebenlian, Diran Kazandjian, and Oksen Kouyoumdjian.

[66] Ghevont (no 5) 65; Yeghiayan (no 5) 532, 549–551, 898. Born Garabed Garoyan (Kharpert, 1873 – Beirut, 1943), he graduated from the Theological Seminary of Sis (1891). The last Catholicosal Vicar of Adana (1920–1921), he found refuge in Larnaca (1921–1929). After serving as Catholicosal Vicar of Lebanon (1929–1940), he became locum tenens of the Catholicosate (1940–1943).

[67] Hovhannisyan (2021) 22–23, 27, 42; Varoujan (2010b) 86; Varoujan (2011a) 202; Varoujan (2011b) 159–160.

[68] Hadjilyra (2016) 28; SA1/1418/1912. The government granted the burial ground to the community in 1921, but the first burial took place in 1923, as the surrounding wall needed to be constructed; the cemetery was enlarged in 1932 from the original 3 evleks (669 m²) to 2 donums, 2 evleks and 1,944 sq. ft. (3,525 m²).

[69] Alboyadjian (no 3) 236–237; Ghevont (no 5) 84–85; Gulesserian (no 4) 112–113; Hadjilyra (2023) 122; Varoujan (2010b) 94, 182–183, 450; Varoujan (2011b) 250, 259–264. The construction of this school building was co-financed by the Prelature, and the Adana Educational Association, based in Watertown, Massachusetts.

[70] Hadjilyra (2023) 3–9, 26, 31–33, 122; Yeghiayan (no 5) 392, 397, 444–446; SA1/827/1925; SA1/999/1925. At Saradjian's request, Garabed Melkonian financed the uniforms and shoes of the students of the Melikian School in Nicosia (1926–1928) and the Armenian School in Larnaca (1925–1928), and donated money for the construction of a 7.1 km paved road linking Magaravank with the town of Kythrea. Thanks to Archbishop Papken Gulesserian's intercession, Garabed Melkonian also became the first benefactor of the Catholicosate of Cilicia in 1930, with an annual donation of £1,000.

firm him as Prelate,[71] which the latter did on 8 April.[72] With this important historical document, the Catholicosate of Cilicia established its jurisdiction over the Armenian Prelature of Cyprus.[73] The contents of the aforementioned encyclical were announced to the island's Armenian national bodies and to the people, who received them with great enthusiasm.

On 20 December 1924, Catholicos Sahag II elevated Saradjian to an Archbishop.[74] In addition to being a form of appreciation for his intense work, this was also an act of protecting Saradjian's position from the ambitions of Archbishop Zaven Der Yeghiayan,[75] who appeared to have designs for the same role. Thus, the Prelature officially came under the jurisdiction of the Catholicosate of Cilicia, to which the Armenian Patriarchate of Constantinople had given its consent.[76]

In early August 1925, the Larnaca Parish Council was dissolved, as some members had resigned; on 28 August, Saradjian announced the appointment of a new three-member Parish Council.[77] The next elections for the Nicosia Parish Council

[71] Hovhannisyan (2021) 27; Varoujan (2010b) 96.

[72] Ghevont (no 5) 71–73; Varoujan (2010b) 100; Varoujan (2011a) 205–206; Yeghiayan (no 5) 287.

[73] In a letter found in the archives of the Armenian Prelature of Cyprus addressed to the Archbishop of Canterbury Cosmo Gordon Lang and dated 14 December 1934, Catholicos Sahag II and Co-adjutor Papken I stated that 'The Island of Cyprus has become a diocese of this Catholicossate (sic) of Cilicia since June 27, 1914', the date of the Armenian Patriarchate of Constantinople's Mixed Council's relevant decision. However, previously there was a genuine fear that if Saradjian were to leave, Cyprus could become a Diocese of Jerusalem or Constantinople, or even Etchmiadzin, as per what is recorded in Varoujan (2010b) 228–230 and Yeghiayan (no 5) 288–290.

[74] Hovhannisyan (2021) 29; Varoujan (2010b) 125. Khabayan shared a deep spiritual link with Saradjian, as he had ordained him a deacon (21 September 1891), an archdeacon (29 August 1892), and a Bishop (1 May 1914), and had also bestowed upon him the rank of Senior Archimandrite (12 June 1912).

[75] Vatche Ghazarian (ed.), *Zaven Der Yeghiayan: My Patriarchal Memoirs* (Barrington, Rhode Island: Mayreni Publishing, 2002) 260–261; *Arev* (2 January 1925, No. 1781) 1; Gulesserian (no 4) 110; Hadjilyra (2023) 18. Born Michael Der Yeghiayan (Mosul, 1868 – Baghdad, 1947), he graduated from the Theological Seminary of Armash (1895). Having served as Armenian Patriarch of Constantinople (1913–1922), Archbishop Zaven arrived in Cyprus on 22 December 1924 to oversee the construction and administrative affairs of the Melkonian, serving as its first General Headmaster between 25 June 1925 and 18 December 1926, remaining President of the Trust until mid-May 1927. Afterwards, he moved to Baghdad.

[76] Ghevont (no 5) 71–72; Varoujan (2011a) 183–184. In 1916, the Young Turks' government abolished the Armenian Patriarchates of Constantinople and Jerusalem; the former was restored after the Armistice of Moudros (1918), and the latter in 1919. After the establishment of the Republic of Turkey in 1923, the status of the Constantinople Patriarchate was precarious.

[77] *Arev* (10 September 1925, No. 1991) 2; Varoujan (2011b) 262–265. Initially appointees included Hagop Bohdjelian, David Hadji Azirian, and Serovpe Torossian; when Torossian declined, the position was filled by Haroutiun Hampalian.

took place on 26 June 1927;[78] the Council consisted of five members, who were elected from the Armenian population of the island for a four-year term. According to the compiled electoral list, 712 Armenians who belonged to the Armenian Apostolic Orthodox Church had the right to vote; 631 of those participated in the elections.[79] Eligibility to vote was granted to those aged 25 and over, who had been resident on the island for at least two years; meanwhile, candidates had to be at least 30 years old, and live in the city of Nicosia.[80] As President of the Parish Council, Saradjian presented the new composition of the elected Parish Council for the approval of Catholicos Sahag II;[81] the Parish Council was the island's only body competent on matters pertaining to its Armenian community.[82]

These elections were extremely important for strengthening the island's Armenian institutions. After the elections, in the autumn of 1927, the Parish Council formed or reorganised a number of bodies to shape communal life. Among them, the Poor Board (established in 1907),[83] which had an important role: to elicit donations, and use the money to pay the house rents and provide a monthly allowance for poor Armenians.[84] The School Board was appointed by the government, at the recommendation of the Parish Council, on 2 September 1927.[85] Its duty was to organise and supervise the activities of the island's public Armenian educational institutions. Also appointed in October 1927 was the four-member Larnaca Church/School Committee.[86] Catholicos Sahag II ratified the bodies formed by the Prelature on 29 October 1927.[87]

---

[78] *Arev* (5 July 1927, No. 2550) 1; *Arev* (18 October 1927, No. 2639) 2; *Arax* (May–June 1927, No. 64–66) 2; Hovhannisyan (2021) 40–41; Varoujan (2010b) 207, 244, 441. Those elected included Aram Kevorkian (Chairman), who had received the most votes, Vahram Levonian, Haroutiun Bohdjalian, Armenag Djivelikian, and Nazaret Yirigian; Yirigian left the island in 1929.

[79] *Arev* (18 October 1927, No. 2639) 1; Hovhannisyan (2021) 41; Varoujan (2010b) 207.

[80] Varoujan (2010b) 441.

[81] Varoujan (2010b) 207.

[82] Varoujan (2010b) 223–224.

[83] Varoujan (2010b) 441; Varoujan (2011b) 194. Stepan Derounian, Dickran Epremian, Toros Boghossian, and Garabed Iskenderian were appointed in October 1927. The Poor Board (Աղքատախնամ Մարմին) took care of the needy, the widows, the orphans and the sick, and it also took care of the church.

[84] Hovhannisyan (2021) 41; Varoujan (2010b) 444.

[85] *Arev* (21 October 1927, No. 2642) 2; Varoujan (2010b) 441–442; SA1/1476/1920. Its members were Dr. Haroutiun Toumayan, Aram Kevorkian, Vahram Levonian, Dr. Raphael Armadouni, and Raphael Philipposian.

[86] Varoujan (2010b) 442. Its members were Krikor Andekian, David Azirian, Senekerim Odabashian, and Hagop Bohdjelian; the latter resigned in 1929 and was replaced by Krikor Andrikian.

[87] Varoujan (20110b) 223; Varoujan (2011a) 212.

The Governor appointed a new School Board on 1 March 1930.[88] In late June 1931, the term of the Parish Council expired, thus Saradjian proposed to Catholicos Sahag II to allow new elections, and the creation of a Diocesan Council to replace the Parish Council.[89] The rationale for having a Diocesan Council was based on the growth of the community: the island's Armenian population—previously 400–500 persons—had become about 3,500 after the arrival of the refugees.[90] Therefore, it was no longer suitable to govern the Armenian-Cypriot community with a five-member Parish Council. Instead, a proposal was put forth to establish a new Constitutional Charter and a Diocesan Council.[91]

The suggestion to have a Diocesan Council was correlated with the *modus operandi* of the Armenian National Constitution.[92] Catholicos Sahag II gave his consent for its formation on 9 December 1931.[93]

From the angle of organising communal life, it was important to have a new Charter, which needed to be prepared before the Diocesan Council elections. Bearing in mind the peculiarities of the Armenian-Cypriot community and the approval of Catholicos Sahag II in 1926, Saradjian submitted the Charter that had originally been prepared in 1907;[94] its draft indeed reflected local particularities, thus providing a co-ordinated and effective function for the island's Armenian Ethnarchy.[95] The final processing and approval of this new Charter would take place a few years later.

On 12 January 1932, the Prelature's Charter—consisting of 25 Articles—was approved by Catholicos Sahag II.[96] The Diocesan Council would consist of 11 members—9 laymen and 2 clergymen—who would serve an eight-year term. The laymen would be elected by a secret ballot from the Armenian-Cypriot community, whereas the clergy members would be appointed directly by the Prelate. The Diocesan Coun-

[88] SA1/1476/1920. Dr. Haroutiun Toumayan, Dr. Karekin Amadian, Aram Kevorkian, Mardig Hagopian, and Raphael Philipposian were appointed; Dr. Amadian left Cyprus in the summer of 1930.

[89] Varoujan (2010b) 310.

[90] Hadjilyra (2016) 16; Varoujan (2011a) 215–216.

[91] Varoujan (2010b) 451–452.

[92] *Arax* (16 July 1926, No. 52–53) 1; *Arax* (16 August 1926, No. 54–55) 1.

[93] Ghevont (no 5) 88–89; Hovhannisyan (2021) 42; Varoujan (2010b) 311, 316; Varoujan (2011a) 218–219.

[94] Hovhannisyan (2021) 43; Varoujan (2010b) 386. The Charter, dated 6/19 May 1907 and consisting of 45 Articles, had been submitted for inspection to the Catholicos of Cilicia before World War I; however, subsequent events stalled the process.

[95] Varoujan (2010b) 224.

[96] Varoujan (2010b) 460–463; Varoujan (2011a) 225–230.

cil would elect the Prelate, and a five-member Administrative Council composed of Nicosian Armenians, for a period of four years.[97]

The Prelate was the President of the Diocesan Council, the Administrative Council, and all the other councils and committees of the Prelature.[98] Armenians who had been resident in Cyprus for at least two years, aged 25 and over, and had paid the national tribute were eligible to vote; Armenian-Cypriots over the age of 30 were eligible for election. People with psychological issues, those who had demonstrated dishonourable behaviour in national affairs and had been reprimanded by national bodies, or those who had been sentenced to six months or more in prison by local courts did not have the right to vote.[99]

With permission from Catholicos Sahag II,[100] the Diocesan Council elections took place on 7 February (Larnaca, Limassol, Famagusta), and on 14 February 1932 (Nicosia).[101] The newly-elected Diocesan Council was presented to Catholicos Sahag II for approval, who quickly ratified it with an encyclical on 24 February.[102] At the Diocesan Council's recommendation, on 1 March 1932, the government appointed a new School Board.[103] Finally, on 25 March 1932, the Diocesan Council elected the five members of the Administrative Council.[104]

To organise communal life, the Administrative Council formed a number of bodies: the Church Committees for Nicosia and Larnaca[105] were responsible for the

[97] Varoujan (2010b) 316–317, 460–461; Varoujan (2011a) 225–227.

[98] Varoujan (2010b) 463; Varoujan (2011a) 229.

[99] Varoujan (2010b) 461; Varoujan (2011a) 226.

[100] Varoujan (2010b) 316–317, 323–324; Varoujan (2011a) 218–221.

[101] *Arev* (24 February 1932, No. 3980) 2; *Arev* (24 March 1932, No. 4006) 1; Varoujan (2010b) 323–327; Varoujan (2011a) 219–220. Aram Kevorkian once again received the most votes, followed by Vahram Levonian, Movses Soultanian, Haroutiun Bohdjalian, Krikor Guiragossian, Dickran Melikian, Hagop Kalaydjian, Dr. Krikor Mangoian, and Haroutiun Nassibian. The clergy members were Fr. Benjamin Vanerian (Nicosia) and Fr. Krikor Bedrossian (Larnaca); Guiragossian left Cyprus in January 1936.

[102] Varoujan (2010b) 324, 326, 328–329; Varoujan (2011a) 219–222.

[103] SA1/1476/1920; SA1/1216/1932. Aram Kevorkian, Vahram Levonian, Raphael Philipposian, Melik Melikian, and Aram Ouzounian were appointed; their collective term was successively renewed until 30 September 1947; Kevorkian would go on to serve until 4 October 1956, whereas Levonian and Melikian until 30 September 1960.

[104] Hovhannisyan (2021) 45; Varoujan (2010b) 334. Aram Kevorkian, Vahram Levonian, Armenag Djivelikian, Setrak Touloumdjian, and Stepan Derounian were elected; Derounian passed away in September 1933, and Touloumdjian in August 1936.

[105] *Arev* (8 June 1932, No. 4069) 2; Varoujan (2011b) 311. For Nicosia, only the names of Garabed Shahnazarian, and Garabed Naltchadjian were found in available sources. Hagop Kalaydjian, Krikor Andrikian, Senekerim Odabashian, Donig Yessayan, and Hovagim Saradjian were appointed in late May for Larnaca.

maintenance and the finances for each of the two churches, while the Poor Board[106] managed the community's finances according to the budget approved by the Administrative Council.[107]

Dr. Roupen Takvorian[108]—who accused Saradjian of gross mismanagement and nepotism, and also claimed that the elections were fraudulent and against the Armenian National Constitution[109]—challenged the new Charter and the elections in court; the latter issued a writ of summons on 12 April 1932 for all Prelature officials to appear on 16 May.[110] Judge Mustafa Fuad Bey[111] requested on 12 October 1934 all relevant documents pertaining to the case, which Saradjian submitted on 3 December.

On 23 December 1936, Judge Fuad declared the Prelature's Constitutional Charter null and void; it was subsequently replaced by Law 6/1937 (dated 14 May 1937), whose provisions were extended by Law 10/1942 and Law 3/1945. During this period, the Prelature was governed by the elected Diocesan Council and the appointed Administrative Council, whose establishment and actions were deemed legal and valid by the aforementioned legislation.[112]

A new Charter was prepared in 1942, and ratified by Catholicos Karekin I Hovsepiants[113] on 1 October 1944. It consisted of 104 Articles, and provided for a 14-member Diocesan Council (12 laymen and two clergymen) and a seven-member

[106] Toros Boghossian, Krikor Shadarevian, Garabed Iskenderian, Stepan Derounian, Kapriel Reisian, Dickran Epremian, and Toros Yeghiayan were appointed; Reisian passed away in September 1936, Boghossian in July 1938, and Epremian in February 1942.

[107] Varoujan (2010b) 461–463; Varoujan (2011a) 227–229.

[108] Dr. Roupen Takvorian (Arapgir, 1886 – Nicosia, 1977) graduated from Vahan Kurkjian's National Armenian Orphanage in Nicosia, and received his dentistry degree from the American University of Beirut (1913). He was an orator and very much involved in community affairs, affiliated with AYMA and the ARF Dashnaktsoutiun party.

[109] *Arev* (8 March 1932, No. 3992) 1; Armenian Prelature of Cyprus archives.

[110] District Court of Nicosia-Kyrenia Action 172/1932 and Divisional Court Action 553; *Arev* (31 May 1932, No. 4062) 1; Armenian Prelature of Cyprus archives. Earlier on, Dr. Takvorian had brought these claims to the attention of Governor Storrs via two memoranda, dated 17 October 1927 and 8 February 1932.

[111] Judge Mustafa Fuad Bey (Nicosia, 1888 – London, 1968) served as a judge in the District Court of Nicosia (1913–1927) and the Supreme Court (1927–1939). After serving in Ghana (1939–1945), he returned to Cyprus, working as a lawyer.

[112] Hovhannisyan (2021) 45; Armenian Prelature of Cyprus archives.

[113] Dadoyan (no 11) 54–55; Yeghiayan (no 5) 532, 625–627, 898. Born Karekin Hovsepiants (Maghavouz, Artsakh, 1867 – Antelias, 1952), he graduated from the Kevorkian Seminary of Etchmiadzin (1890), and received his Philosophy doctorate from the University of Leipzig (1897). After serving as Primate of the Diocese of Crimea and Nor Nakhichevan (1927–1934), and Primate of the Eastern Diocese of North America (1938–1943), he was elected Catholicos of Cilicia in 1943, eventually arriving in Lebanon in 1945. Cathol-

Administrative Council.[114] The increase in the members of these Councils reflected the increase of the Armenian population of Cyprus, which, according to the 1946 census, was 3,962 persons, of whom 3,686 were Armenian Orthodox.[115] According to Law 3/1945, the new Charter came into effect on 13 May 1946. Prior to that, new Diocesan Council elections were held,[116] whose results were eventually ratified by Catholicos Karekin I on 15 April 1946. With the finalised adoption of the new Charter on 13 March 1950, and the formation of new bodies of the Ethnarchy, the process or reorganising the Armenian community of Cyprus was complete.[117]

The Issue of the National Tribute

The collection of the national tribute[118] in the Armenian Diaspora communities was a crucial issue. In the 1920s, a system of national tribute collection had not been introduced yet in Cyprus, so Catholicos Sahag II would periodically send exhortations to the Prelature's officials towards this direction.

In Article 3 § 6 of the ratified 1932 Charter of the Prelature, a national tribute was stipulated for the first time; the Diocesan Council also decided to stipulate an annual diocesan tribute in support of Antelias:[119] 'A proportional national tribute, according

icos Karekin I visited Cyprus three times: 18 October–6 November 1946, 30 May–14 June 1947, and 28 September–12 October 1948.

[114] Ghevont (no 5) 89; Yeghiayan (no 5) 807.

[115] Hadjilyra (2009) 21–22; Pattie (no 3) 245. Of these 3,686 persons, 61% lived in Nicosia, 22% in Larnaca, 6% in Limassol, 3% in Famagusta, and the rest in other places.

[116] *Arev* (24 January 1946, No. 8239) 2; Armenian Prelature of Cyprus archives. Senior Archimandrite Paren Melkonian arrived in Cyprus on 15 November 1945, as Catholicosal Delegate, to organise and oversee the Diocesan Council elections. The eventful elections were held on 2 December (Famagusta), 9 December (Limassol), 16 December (Larnaca), and 23 December 1945 and 13 January 1946 (Nicosia), with complimentary elections in Nicosia on 3 February 1946. The elected members were: Aram Kevorkian, Onnig Chakarian, Levon Mangoian, Melik Melikian, Kevork Mherian, Yervant Bodikian, and Nshan Arakchindjian (Nicosia); Levon Boyadjian, Hagop Bohdjelian, and Hagop Kalaydjian (Larnaca); Vahram Avedikian (Limassol); and Vahram Bezdigian (Famagusta); the two clergymen were archpriest Khoren Kouligian (Nicosia) and Fr. Krikor Bedrossian (Larnaca). Paren Melkonian left the island on 28 May 1946.

[117] Ghevont (no 5) 89; Yeghiayan (no 5) 807; Armenian Prelature of Cyprus archives. Indeed, that Charter was amended on 7 November 1960, and remained in place until the current Charter was ratified by Catholicos Aram I Keshishian on 3 December 2010.

[118] This was a voluntary monetary contribution to the Prelature, like an ecclesiastical tithe, which enabled the financing of construction works, subsidisation of the local Armenian schools, and also the provision of financial aid to sick and needy individuals; along with the money it derived from the leasing of the carob and olive trees in the vicinity of the monastery, the national tax was the Prelature's only income.

[119] Hovhannisyan (2021) 46; Varoujan (2010b) 340.

to the means of each Armenian of Cyprus, is imposed and at the same time a diocesan tribute to the Catholicosate is stipulated'.[120]

Formalising the national tribute of the Armenian-Cypriot community was an important step to effectively organise their communal life. Catholicos Sahag II, in his encyclical ratifying the outcome of the 1932 Diocesan Council elections, dated 24 February 1932, once again addressed the issue of stipulating a national tribute in the Armenian Prelature of Cyprus.[121] Two years later, on 1 January 1934, with a special encyclical addressing the Armenians of his subordinate Dioceses, Catholicos Sahag II exhorted everyone to participate in the national tribute, according to their resources.[122]

As the effective organisation of communal life and the functioning of national institutions largely depended on its systematic collection, the Armenian communities that went through the diasporisation path reformulated this idea of national tribute enshrined in the Armenian National Constitution and reintroduced it. The national tribute became a practical manifestation of national responsibility, a means of earning the right to participate in national affairs, resisting assimilation, and establishing a working Diasporan identity.

Armenian Places of Worship and Education in Cyprus

Along with the issue of administrative subordination of the Prelature, especially thanks to Prelate Bedros Saradjian's consistent efforts, the Ethnarchy's bodies were gradually reshaped and reorganised, playing an important role in the socio-political, educational, and cultural life of the Armenian-Cypriots, and the work of preserving Armenianism. New churches were also built.

According to a report prepared by Saradjian on 7 April 1931, there were five Armenian churches in Cyprus:[123] a) the Virgin Mary cathedral in Nicosia, next to the Prelature,[124] originally established in 1116 and rebuilt between 1308 and 1310;[125] b)

[120] Varoujan (2010b) 460; Varoujan (2011a) 225.

[121] Varoujan (2010b) 329.

[122] Varoujan (2010b) 464.

[123] For information about the Armenian churches and chapels that existed in Cyprus prior to this period, see Alboyadjian (no 3) 233–234; Ghevont (no 5) 59–61; Gulesserian (no 4) 59–61; Hadjilyra (2016) 9–10; Hovhannisyan (2021) 55–56; Keshishian & Baghdasaryan (no 28) 345; Matossian (no 3) 76–78, 82–84, 89; Pagouran (no 4) 69–71.

[124] The Prelature was built in 1789; previously, it was housed at the Melikian family mansion, just behind the cathedral.

[125] Alboyadjian (no 3) 231–233; Ghevont (no 5) 37–50; Gulesserian (no 4) 75–88; Hadjilyra (2016) 13,

Saint Paul's chapel, in Nicosia's Armenian cemetery,[126] which was built in 1892 by the will of Constantinopolitan benefactor Boghos Odadjian;[127] c) the well-known monastery of Saint Makarios, located in Halevga, about 15 miles (23 km) to the north-east of Nicosia, originally established circa 1000 and rebuilt in 1425, with a chapel erected between 1811 and 1814;[128] d) Saint Stephen's chapel in Larnaca, built through fundraising between 1909 and 1913;[129] and e) the ruined and unused Virgin Mary chapel in Famagusta, also known as Ganchvor monastery, which was constructed in 1346.[130]

Earlier, thanks to Saradjian's efforts, the monastery's chapel and belfry were renovated by commission of Dickran Ouzounian,[131] Ashod Arslanian, and Garo Balian (1926), and its consistory was renovated and an iron gate was placed by commission of Boghos and Anna Magarian (1929).[132] Moreover, in 1931 and 1933, two monuments were erected in its vicinity, the former to honour Abbot Mekhitar of Sebaste and the Mekhitarists,[133] and the latter on the occasion of opening of the square next to the monastery.[134]

21; Keshishian & Baghdasaryan (no 28) 345; Matossian (no 3) 42–44, 55, 116–118, 124–127, 133–135, 153, 156–164; Pagouran (no 4) 61–69, 111–112.

[126] SA1/1417/1912. Given its proximity to walled Nicosia, coupled with sanitary concerns, and the fact that the small cemetery (covering just 3 donums and 2 evleks, or 4,682 m²) was nearly full, the government did not allow new burials there as of 10 October 1931.

[127] Alboyadjian (no 3) 233; Ghevont (no 5) 50, 53–54; Gulesserian (no 4) 61; Matossian (no 3) 153; Pagouran (no 4) 87; Pattie (no 3) 61. Boghos G. Odadjian (Constantinople, 1853 – Nicosia, 1891) was a translator for the island's colonial government.

[128] Alboyadjian (no 3) 228–230; Ghevont (no 5) 21–36; Gulesserian (no 4) 61, 147–166, 257; Matossian (no 3) 92–93, 169; Pagouran (no 4) 91–106, 113; Pattie (no 3) 34, 52–53, 55, 102; Yeghiayan (no 5) 284.

[129] Alboyadjian (no 3) 234–235; Ghevont (no 5) 57–58; Gulesserian (no 4) 61; Varoujan (2010b) 32; Yeghiayan (no 5) 287.

[130] Alboyadjian (no 3) 234; Ghevont (no 5) 55–56; Gulesserian (no 4) 65–74; Matossian (no 3) 72, 86–88, 153, 165–168; Pagouran (no 4) 70; Pattie (no 3) 34; Varoujan (2010b) 442–443, 459.

[131] Dickran Ouzounian (Diyarbakir/Dikranagerd, 1870 – Nicosia, 1957) arrived in Cyprus with his wife, Touma, in 1897. A shrewd businessman, he partnered with Movses Soultanian in 1920, with the two national benefactors eventually becoming in-laws in 1936. In 1938, Dickran and Touma Ouzounian commissioned the construction of the Ouzounian School in Nicosia.

[132] Ghevont (no 5) 27, 29; Gulesserian (no 4) 267–269; Hadjilyra (2009) 26.

[133] Born Manoug Bedrossian (Sebaste, 1676 – Venice, 1749), he was admitted as a monk at the Monastery of Sourp Nishan in 1691. Setting out for Rome in 1695, Mekhitar stayed briefly at the Magaravank. In 1701, he established the Mekhitarist Armenian Catholic Religious Order in Constantinople, which moved to Methone, Peloponnese (1703), and eventually to the island of San Lazzaro in Venice (1715). Between 1773 and 1805, a branch also existed in Trieste, Italy, which moved to Vienna, and erected their current monastery between 1835 and 1837.

[134] Ghevont (no 5) 29; Gulesserian (no 4) 155–157, 258.

By Saradjian's initiative, the cathedral was renovated in 1930,[135] and the Armenian Genocide monument was erected in the Nicosia church courtyard in 1932.[136] Thanks to his initiative, the aforementioned Ganchvor church in Famagusta was leased to the Prelature in 1936, and was restored between 1937 and 1944.[137] In 1938, a new chapel dedicated to the Holy Resurrection was erected in the new Armenian cemetery of Nicosia (established in 1931)[138] by Haroutiun Bohdjalian.[139] Finally, thanks to the land donation of benefactor Satenig Soultanian,[140] the contribution of Stepan Kavafian, and the Prelature, Saint George's church was constructed between 1939 and 1940 in Limassol.[141]

From the angle of identity preservation, the next important direction was the organisation of national educational life. Thanks to the efforts of Saradjian, and by donation of the heirs of the late national benefactor Artin Bey Melikian,[142] the Melikian Armenian Elementary School was erected and started operating in 1921 in Nicosia, replacing the previous boys' and girls' Armenian schools.[143] That school was chiefly maintained through revenue collected from the leased rooms, lands, and estates of

[135] Hovhannisyan (2021) 58; Varoujan (2010b) 302.

[136] *Arev* (4 May 1932, No. 4039) 1; Gulesserian (no 4) 100, 257; Hadjilyra (2016) 26, 30.

[137] SA1/880/1935. Owned by the government, it is a listed ancient monument, leased to the Prelature on 7 March 1936, for a period of 99 years.

[138] Hadjilyra (2016) 28; SA1/1417/1912; LRS1/24866. The new cemetery in the suburb of Ayios Dhometios (area: 7 donums and 2 evleks, or 1,034 m²), to the west of Nicosia, was granted to the community thanks to arrangements made by Saradjian.

[139] Ghevont (no 5) 53–54; Hadjilyra (2016) 20; Hovhannisyan (2021) 58–59; Pattie (no 3) 73–74. Haroutiun (Artin) Bohdjalian (Caesarea, 1891 – Nicosia, 1957) was a wealthy businessman, famous for his carpets across Cyprus. The word/name 'Haroutiun' in Armenian means 'Resurrection'.

[140] Satenig Kevorkian-Soultanian (Nicosia, 1891–1973) was the wife of national benefactor Movses Soultanian (Nicosia, 1884–1977). She was involved in various activities of the community, from the church to the AGBU club.

[141] Ghevont (no 5) 59–60, Hadjilyra (2009) 25; Keshishian & Baghdasaryan (no 28) 344–345; Matossian (no 3) 153. Satenig Kevorkian donated the plot (1 donum, 1 evlek and 4,012 sq. ft., or 1,744 m²) for a church to be built, in memory of her late father-in law, Kevork.

[142] Artin Bey Melikian (Nicosia, 1858–1921) was a well-known merchant of agricultural products, a landowner in Kythrea and Nicosia, and a national benefactor who donated land and buildings to the Prelature.

[143] Alboyadjian (no 3) 235–236; Ghevont (no 5) 82–83; Gulesserian (no 4) 112–113; Hadjilyra (2009) 23; Pattie (no 3) 58; Varoujan (2010b) 37, 94.

the Sourp Magar monastery,[144] covering numerous other expenses.[145] In 1923, there were 320 students and 12 teachers in the elementary school and the kindergarten next to it,[146] while in the 1927, there were 420 male and female students, with 11 teachers.[147] In the following years, more Armenian schools were built:[148] in Famagusta (1927), Limassol (1928),[149] Amiandos (1928),[150] and in Nicosia the Ouzounian School (1938), operating henceforth as the Melikian-Ouzounian School.

The famous Melkonian Educational Institute was built in Aglandjia, on the outskirts of Nicosia, between 1924 and 1926, thanks to the generous donation of brothers Krikor and Garabed Melkonian,[151] initially to house and educate Armenian Genocide orphans.[152] The Melkonian was a beacon of hope and culture for Armenianism and Armenophony, with Armenian students from all over the globe. It evolved from an orphanage (1926–1940) to a renowned secondary school (1934–2005) with a boarding section, organising a multitude of cultural, sports, and scouts events. In June 1926, there were 231 students and 18 teachers; 350 students and 29 teachers in June 1935;[153] and 276 students and 29 teachers in June 1938. Known for years as the 'Armenian Orphanage', it had its own administration.[154]

[144] *Arev* (20 October 1926, No. 2333) 2; *Arev* (10 February 1938, No. 5811) 2–3; Alboyadjian (no 3) 229; Gulesserian (no 4) 159; Varoujan (2010b) 31. According to official *kochans* (title deeds), dated 20/07/1925 and 29/07/1929, the monastery's vast lands covered 8,914 donums, 2 evleks and 2,600 sq. ft. (1,192.6 hectares); there were about 30,000 olive and carob trees, whose exploitation constituted the Prelature's main source of income, about £600 in 1921.

[145] *Arev* (31 August 1925, No. 1982) 2.

[146] Hovhannisyan (2021) 71; Varoujan (2011b) 194.

[147] Alboyadjian (no 3) 236; Varoujan (2010b) 216; Varoujan (2011b) 284, 293–294.

[148] Alboyadjian (no 3) 236–237; Ghevont (no 5) 83–84; Gulesserian (no 4) 114; Hadjilyra (2009) 23.

[149] This school was established by Saradjian's initiative.

[150] The school in Amiandos was operated by Tunnel Asbestos Cement Ltd. between 1928–1939.

[151] Krikor (Caesarea, 1843 – Alexandria, 1920) and Garabed Melkonian (Caesarea, 1849 – Alexandria, 1934) are amongst the greatest benefactors of the Armenian nation. After settling in Alexandria (1880), they gradually became the largest tobacco manufacturers in the Middle East. As they were both unmarried, they decided to use their immense fortune to educate the young Armenian orphans who survived the Genocide. After Krikor's death, Garabed made all necessary arrangements, constructing— among others—the Melkonian Educational Institute in Nicosia (1924–1926).

[152] Alboyadjian (no 3) 237–239; Ghevont (no 5) 81–82; Gulesserian (no 4) 102–111; Hadjilyra (2023) 14–22; Pattie (no 3) 75–77; SA1/1481/1923. The Melkonian was built on a land covering 139 donums and 3 evleks (186,289 m²), comprising about 20 buildings, and a grove planted by the first orphans in memory of their perished relatives: each cypress tree is like a cross for a family perished in the Genocide.

[153] Gulesserian (no 4) 109; Hadjilyra (2023) 35.

[154] *Arev* (19 June 1936, No. 5308) 3; Hadjilyra (2023) 38, 126. Initially, the Melkonian was managed by its General Headmasters, appointed by the AGBU Central Board, namely Archbishop Zaven Der Yeghiayan (1925–1926), Krikor Guiragossian (1927–1936), and Dr Hagop Topdjian (1936–1944), aided by Deans

Armenian-Cypriot Social Life, Printing Houses and Publications

Although the Armenian-Cypriot community was not large in the early 20th century, it stood out for its active social and cultural life.[155] The Armenian Club (1902), the Armenian Women's Association (1916), the Armenian Young Men's Association (AYMA, 1934), as well as the Armenian Women of Cilicia Association (1938), were active in Nicosia. A local chapter of the Armenian General Benevolent Union (AGBU)[156] was also established in Nicosia in 1913.[157] Already in 1912, an AGBU chapter had been established in Larnaca. Active in Larnaca was also the Armenian Bibliophiles' Association (*Krasirats*), a reading room established in 1923; two years later, *Krasirats* established a women's chapter called the Armenian Women's Association, which supervised the local Sunday school. In 1931, *Krasirats* and the Armenophony Association merged and became known as the Armenian Club. In Limassol's small Armenian community there was the Armenian Ladies' Association, formed in 1934, and an AGBU chapter, established in 1936. During the 1920s and 1930s, one of the three traditional Armenian parties,[158] the Armenian Revolutionary Federation (ARF Dashnaktsoutiun),[159] was active on the island, which had a chapter based in Larnaca.

---

of Students Levon Tashdjian (1925–1927), Vahan Tekeyan (1934–1935), and Boghos Kevorkian (1935–1945). Following Vahan Malezian's visit to reorganise the Melkonian, in June–July 1936, a temporary three-member Committee was appointed (Movses Soultanian, Aram Kevorkian and Mikael Topdjian). In 1940, a proper five-member School Board was appointed (Aram Kevorkian, Onnig Chakarian, Melik Melikian, Dr. Raphael Armadouni, and Movses Soultanian); Soultanian served until 1951, whereas the others until 1956.

[155] Alboyadjian (no 3) 239; Gulesserian (no 4) 114–115; Keshishian & Baghdasaryan (no 28) 347; Pattie (no 3) 73–74, 79, 93–94, 99–100.

[156] Established in 1906 in Cairo, the AGBU is currently the largest non-profit Armenian organisation in the world, with chapters and offices in 33 countries, and it is involved in a plethora of fields and programmes in the Armenian Diaspora, from education, scouting and sports, to cultural and youth activities, the press, humanitarian aid, internships, etc.

[157] This chapter was established thanks to Saradjian's efforts, who visited Cyprus between 25 February–21 May 1913.

[158] The other two parties, the Armenian Democratic Liberal Party (ADL Ramgavar) and the Social Democrat Hunchakian Party (SDHP Hunchakian), were not active in Cyprus at the time; officially, ADL Ramgavar first appeared on the island in 1956, whereas SDHP Hunchakian much later, in 2005.

[159] ARF Dashnaktsoutiun was established in 1890 in Tiflis, Georgia. It is an Armenian nationalist-socialist political party, with a presence in 32 countries, exerting considerable influence across the Armenian Diaspora via its affiliated organisations (Armenian Relief Society, Homenetmen Armenian General Athletic Union, Hamazkayin Armenian Educational and Cultural Society, Armenian National Committee, and Armenian Youth Federation), publications and online activity. As of 1947, AYMA in Nicosia and the Armenian Club in Larnaca have been affiliated with it.

Finally, in 1921, by initiative of Saradjian, the Sourp Asdvadzadzin church choir was established in Nicosia, under maestro Vahan Bedelian.[160]

Thus, after the process of reorganisation, the Armenian community of Cyprus, although not large, enjoyed an active social life. At the same time, sports teams (mainly football and basketball) and scouts groups were active in both Nicosia and Larnaca, as well as two bands in Nicosia.[161]

Printing presses that published Armenian newspapers emerged in the 1920s and 1930s. In 1921, following the uprooting of the Armenians in Cilicia, Mardiros Mosditchian[162] came to Cyprus from Mersin and relocated his printing press in Larnaca. There, he started printing the *Arax* newspaper in 1924, which only lasted for five years. Initially a fortnightly publication (1924–1926), it later became a monthly (1926–1929);[163] in addition to Armenian, Mosditchian's press also printed in Greek, English, and Turkish.

Between 1922 and 1923, Haroutiun Arslanian published and edited the *Azad Gibrahay* weekly newspaper in Nicosia. Originally, it was handwritten, and reproduced using a cyclostyle, while in 1923 it was printed at the Mosditchian printing house in Larnaca, and then in Nicosia.[164] In 1923, the Armenophony Association was founded by Armenian students of the Larnaca American Academy; in 1925, it started publishing the handwritten monthly newspaper *Lousarpi*, which was originally prepared in one copy, and read out to the members of the Association; in 1926, Manuel Kassouni[165]

[160] Hadjilyra (2016) 25; Pattie (no 3) 81–82. Vahan Bedelian (Adana, 1894 – Nicosia, 1990) graduated from Saint Paul's College in Tarsus (1920). He arrived in Cyprus the following year, becoming a famous musician, maestro, violin teacher, educator, composer, and cantor, who taught thousands of students from all communities of the island.

[161] Hovhannisyan (2021) 75; Pattie (no 3) 82–83, 100–101. Thanks to Saradjian's friendship with King of Hejaz Hussein bin Ali, who was exiled to Cyprus between 1925 and 1930, the Melikian school band received new musical instruments in 1926; the other band, also under the direction of Vahan Bedelian, was that of the Melkonian.

[162] Mardiros N. Mosditchian (Caesarea, 1874 – Larnaca, 1954) attended the Anatolia College in Merzifon. In 1904, he settled in Mersin, where he worked as a printer. Since 1921, he was a printer and stamp maker in Larnaca. In 1932, he moved his printing house to Nicosia, which worked until 1963.

[163] Alboyadjian (no 3) 239; Gulesserian (no 4) 116; Hadjilyra (2009) 29.

[164] Alboyadjian (no 3) 239; Gulesserian (no 4) 119; SA1/471/1923.

[165] Manuel Kassouni (Aintab, 1887 – Fresno, 1974) graduated from Aintab's Central Turkey College (1915), and taught at the American Academy of Larnaca (1922–1962), while at the same time he served as an Armenian Evangelical preacher (1954–1962). He also established a small printing house to print Armenian and English books and periodicals.

established a small printing press that allowed the publication of *Lousarpi* to continue for three more years.[166]

Between 1923 and 1925, *Krasirats* published the *Kraser* weekly newspaper in Larnaca. The editors were Kevork Chakmakdjian, Hagop Kouyoumdjian, and Giragos Geokbashian.[167] In 1928, the literary and scientific monthly magazine *Ovasis* was published by the printing press founded by Maxoud Maxoudian in Nicosia; this magazine was published until 1930, and its editor-in-chief was Samuel Toumayan (1928–1929), followed by Diran Luledjian (1929–1930).[168] In Nicosia, in 1932, another printing press was established by teacher and later Headmaster Setrak Guebenlian,[169] who published the biannual *Nshouil* newspaper of the Melikian School between 1936 and 1938.[170] Finally, the Melkonian published *Ayk*, the oldest secondary school magazine of the Armenian Diaspora, and the longest-running Armenian-Cypriot publication. It first appeared in 1930, as an unofficial publication by the Melkonian's senior students, published once or twice a year. As an official school magazine, *Ayk*'s first issue appeared in 1937, initially as a fortnightly magazine, which became quarterly in 1938, biannual in 1939, and yearly in 1940. During this period, its editor-in-chief was Vahe Vahian (Sarkis Abdalian),[171] and it was printed at Guebenlian's printing press.[172]Another printing press in Larnaca was that of Messiah Ohanian, established in 1933.[173]

The aforementioned publications played various roles: a) they created links between the Armenian community in Cyprus, Armenia, and other countries in the Armenian Diaspora; b) they informed Armenians, both in Cyprus and abroad, of local

[166] Alboyadjian (no 3) 239; Gulesserian (no 4) 117; SA1/607/1926.

[167] Gulesserian (no 4) 119; Hovhannisyan (2021) 83; Keshishian & Baghdasaryan (no 28) 347.

[168] Gulesserian (no 4) 118; Varoujan (2011b) 288; SA1/651/1928.

[169] Setrak Guebenlian (Dörtyol, 1887 – Nicosia, 1962) was a teacher, a journalist, a printer, and a founding member of the ADL Ramgavar party. He taught at the Melikian school as of 1921, eventually serving as its Headmaster (1933–1949). Afterwards, he taught at the Terra Santa College, whereas between 1960-1962 he was a member of the Armenian School Board. Between 1959 and 1962, he published the *Henaran* newspaper in Nicosia.

[170] Gulesserian (no 4) 119.

[171] Talented poet and writer Vahe Vahian (Gürün, 1908 – Beirut, 1998) graduated from Aleppo's Armenian Evangelical College (1925), and the American University of Beirut (1930). He taught at the Melkonian (1935–1946), becoming the first editor-in-chief of *Ayk*. In 1944, he founded and became the first President of the Friends of Armenia Association (*Paregamats*) in Nicosia, serving until 1946, when he moved to Beirut.

[172] Hadjilyra (2023) 82, 85–86.

[173] Gulesserian (no 4) 118; Keshishian & Baghdasaryan (no 28) 348; SA1/870/1933.

and international current affairs, which was especially important for those who did not read Greek and/or Turkish; c) they documented Armenian-Cypriot life in the 1920s and 1930s, providing valuable insights up to the present day; and d) they gave a voice to the Armenians of Cyprus to express themselves and their concerns.

Epilogue: Administrative Affairs Between 1936 and 1956

After the death of Co-adjutor Catholicos Papken I Gulesserian,[174] and due to Catholicos Sahag II's advanced age and failing health, the Synod of Bishops in Antelias appointed Saradjian as Catholicosal Vicar-General on 20 July 1936;[175] he accepted, on condition he would remain Prelate of Cyprus. To handle local affairs, he appointed Archimandrite Barouyr Minassian[176] as his Vicar-General on 9 October 1936.[177]

On 8 November 1939, Catholicos Sahag II passed away; two days later, Saradjian was elected Catholicosal locum tenens. He remained Prelate of Cyprus even after he was elected Catholicos on 30 May 1940 and then consecrated on 2 June 1940.[178] On 5 August 1940, he suggested to the Diocesan Council that a proper Prelate should be elected.[179] He passed away on 28 September 1940, with the sombre record of the Catholicos with the shortest term in office (less than five months). In contrast, also taking into account his previous tenure (7 September 1899–1 October 1905), he served the longest as Armenian Prelate of Cyprus, nearly 26 years.

After Minassian left Cyprus on 13 September 1940, Fr. Khoren Kouligian[180] served as locum tenens, until 24 December 1946, when Senior Archimandrite Ghevont Che-

[174] Ghevont (no 5) 74–76; Gulesserian (no 4) 108, 146, 154; Yeghiayan (no 5) 312, 383–389, 395, 454–897. Born Haroutiun Gulesserian (Aintab, 1868 – Antelias, 1936), he graduated from the Theological Seminary of Armash (1895). As of 1923, he aided exiled Catholicos Sahag II. In 1932, he founded the *Hask* journal, whereas in 1936 he was elected Co-adjutor to Catholicos Sahag II; in the same year, he published the monumental reference work *Hay Gibros* (*Armenian Cyprus*). Co-adjutor Catholicos Papken I visited Cyprus twice: 25 March–9 May 1934, and 16 August–4 September 1934.

[175] *Arev* (21 July 1936, No. 5335) 1; *Arev* (25 July 1936, No. 5339) 1; Yeghiayan (no 5) 523; SA1/1164/1936.

[176] Born Hrant Minassian (Constantinople, 1910 – Pennsylvania, 1988), he graduated from the Theological Seminary of Jerusalem (1934). He taught at the Melkonian (1935–1940), returning to Jerusalem in 1940. He was defrocked in 1943. Nothing else is known about his life afterwards.

[177] *Arev* (17 November 1936, No. 5436) 1; SA1/924/1923; SA1/1424/1936.

[178] *Arev* (30 July 1940, No. 6566) 1–2; Hovhannisyan (2021) 93–109, 117, 120; Yeghiayan (no 5) 489–528. Having embarked on extensive construction works in Antelias, he earned the title of Shinogh (Ktetor).

[179] Varoujan (2011b) 236–237.

[180] Ghevont (no 5) 65. Fr. Khoren Kouligian (Zeitoun, 1896 – London, 1972) started teaching in 1918 and

beyan[181] arrived on the island as Catholicosal Vicar, elected as Prelate on 6 March 1952; on 17 November 1956, newly-elevated Archbishop Chebeyan left Cyprus to serve in Aleppo.

Conclusion

Following the Adana massacre in 1909, and the ultimate uprooting of the Armenians in Cilicia in 1921, thousands of Armenians migrated to Cyprus, of whom nearly 3,000 settled on the island permanently. By studying the archives, we can see how the Armenian refugees changed the island. The process of forming the bodies of the Armenian Ethnarchy of Cyprus started following the reorganisation of the Armenian Prelature of Cyprus, and after coming under the jurisdiction of the Catholicosate of the Great House of Cilicia. Due to their numerical superiority, the Armenian refugees from Cilicia who had settled on the island dominated communal life. They formed new community bodies in the main cities and towns of Cyprus, as well as schools, cultural associations, and newspapers.

The process of reorganisation of the Armenian community of Cyprus after the Armenian Genocide represents a part of the Armenian Diaspora formation. Despite its small size, the Armenian-Cypriot community has been a significant hub for the Diaspora. The study of this process allows us to clarify the historical context and peculiarities of reshaping this community. Studying the process of diasporisation of Armenians who survived the Genocide by the example of one community reveals many similarities, as well as peculiarities regarding the skills and practices of Armenians who settled in a foreign environment and preserved their national identity, by reorganising their spiritual-religious, educational, and cultural life.

After persistent efforts in the 1920s, the Armenian Prelature of Cyprus and the local Armenian national bodies were restored under the Catholicosate of the Great House of Cilicia. Already in the 1930s, the Armenian community of Cyprus, having overcome numerous difficulties in reorganisation, experienced an active social, educational, and cultural life—all primarily directed at preserving national identity.

in 1927 he was ordained a priest. In Nicosia, he served as a parish priest (1938–1966), and also taught at the Melkonian (1940–1961). In 1942, he was awarded the title of archpriest.

[181] Ghevont (no 5) 65; Yeghiayan (no 5) 585, 595, 737, 900; SA1/404/1947. Born Jirayr Chebeyan (Adapazar, 1911 – Antelias, 2006), he graduated from the Theological Seminary of Antelias (1936). In Cyprus, he served as Catholicosal Vicar (1946–1952), and then as Prelate (1952–1956); in 1955, he published the valuable reference work *Hishadagaran Gibrahay Kaghouti* (*Repository of Memories of the Armenian-Cypriot Community*).

The integration of the island's Armenians into the general life of Cyprus was also an important issue, which was accomplished effectively as well. After receiving their citizenship, the large part of the Armenians in Cyprus became law-abiding and useful citizens, contributing to public life on the island to this day.

References

Alboyadjian, A., 'Կիպրոս կղզին' ('The island of Cyprus') in Teotig (ed.), Ամէնուն Տարեցոյցը (*Everyone's Almanac*), (1927) 1(21), Paris, 192–239 (in Armenian).

Dadoyan, S. B., 'The Move of the Catholicosate from Armenia, to Cilicia, to Antelias' in Seta B. Dadoyan (ed.), *The Armenian Catholicosate of Cilicia: History, Treasures, Mission* (Antelias: Armenian Catholicosate of the Great House of Cilicia, 2015) 22–67.

Dadrian, V., *The History of the Armenian Genocide: Ethnic Conflict from the Balkans to Anatolia to the Caucasus* (Oxford: Berghahn Books, 1995).

Ghazarian, V. (ed.), *Zaven Der Yeghiayan: My Patriarchal Memoirs* (Barrington, Rhode Island: Mayreni Publishing, 2002).

Ghevont, Bishop, Յիշատակարան Կիպրահայ Գաղութի (*Repository of Memories of the Armenian-Cypriot Community*) (Antelias: Printing House of the Armenian Catholicosate of Cilicia, 1955) (in Armenian).

Gulesserian, Archbishop P., Հայ Կիպրոս (*Armenian Cyprus*) (Antelias: Printing House of the Seminary of the Catholicosate of Cilicia, 1936) (in Armenian).

Hadjilyra, A-M., *The Armenians of Cyprus* (Larnaca: Kalaydjian Foundation, 2009).

Hadjilyra, A-M., *The Armenians of Cyprus* (Nicosia: Press and Information Office, 2016).

Hadjilyra, A-M., *The Melkonian Educational Institute: An Island within an Island* (La Verne, California: Collegiate Press, 2023).

Hill, Sir G., *A History of Cyprus, Volume Three* (Cambridge: Cambridge University Press, 1948).

Hovhannisyan, E., Կիպրոսի թեմի վերակազմությունը և կիպրահայությունը (1920–1940 թթ.) Պետրոս Արքեպիսկոպոս Սարաճյան (*The reorganisation of the Diocese of Cyprus and the Armenians of Cyprus (1920–1940) Archbishop Bedros Saradjian*) (Yerevan, 2021) (in Armenian).

Hovhannisyan, E., 'The Restoration of the Catholicosate of the Great House of Cilicia after Exile' (2022) 10(4) *Quaestio Rossica* 1274–1287.

Kasbarian, S., 'Rooted and Routed: The Contemporary Armenian Diaspora in Cyprus and Lebanon' (PhD thesis, School of Oriental and African Studies, University of London, 2006).

Keshishian, K. & M. Baghdasaryan, 'Կիպրոս' ('Cyprus'), Հայ Սփյուռք Հանրագիտարան (*Armenian Diaspora Encyclopaedia*) (Yerevan: Armenian Encyclopaedia Publishing House, 2003) 343–349 (in Armenian).

Kévorkian, R., *The Armenian Genocide: A Complete History* (New York: I.B. Tauris, 2011).

Matossian, J., *Silent Partners: The Armenians and Cyprus - 578–1878* (Nicosia: Lusignan Press, 2009).

Ormanian, Archbishop M., *The Church of Armenia: Her History, Doctrine, Rule, Discipline, Liturgy, Literature, and Existing Condition* (London: A. R. Mowbray & Co, 1912).

Pagouran, Կիպրոս Կղզի (*Island of Cyprus*) (Nicosia: National Educational Orphanage Printing Press, 1903) (in Armenian).

Pattie, S. P., *Faith in History: Armenians Rebuilding Community* (Washington: Smithsonian Institution Press, 1997).

Payaslian, S. 'The Destruction of the Armenian Church during the Genocide' (2006) 1(2) *Genocide Studies and Prevention* 149–171.

Varnava, A. & Tr. Harris, '"It is quite impossible to receive them": Saving the Musa Dagh Refugees and the Imperialism of European Humanitarianism' (2018) 90(4) *The Journal of Modern History* 834–862.

Varoujan, Archbishop (ed.), Ատանայի վկաները եւ Սուրբ Ստեփանոս վկայարանը (*The martyrs of Adana and the testimony of Saint Stephen*) (Nicosia, 2010a) (in Armenian).

Varoujan, Archbishop (ed.), Թղթակցութիւն Սահակ Բ. Կաթողիկոսի եւ Պետրոս Արք. Սարաճեանի (*Correspondence of Catholicos Sahag II and Archbishop Bedros Saradjian*) (Nicosia, 2010b) (in Armenian).

Varoujan, Archbishop (ed.), Կիպրոսի թեմի հովուական կարգը եւ թեմական կազմաւորումը (*The pastoral succession of the Cyprus Diocese and the diocesan formation*) (Nicosia, 2011a) (in Armenian).

Varoujan, Archbishop (ed.), Տարագրութիւն, Որբեր, Մելգոնեան Հաստատութիւն (*Exile, Orphans, Melkonian Institute*) (Nicosia, 2011b) (in Armenian).

Yeghiayan, P., Ժամանակակից Պատմութիւն Կաթողիկոսութեան Հայոց Կիլիկիոյ, *1914–1972* (*Contemporary History of the Armenian Catholicosate of Cilicia, 1914–1972*) (Antelias: Printing House of the Armenian Catholicosate of Cilicia, 1975) (in Armenian).

Armenian Newspapers:

«Արաքս» (Arax), 31 May 1924, 2. Larnaca.

«Արաքս» (Arax), 16 June 1924, 3. Larnaca.

«Արաքս» (Arax), 16 July 1924, 5. Larnaca.

«Արաքս» (Arax), 16 August 1925, 31. Larnaca.

«Արաքս» (Arax), 16 July 1926, 52–53. Larnaca.
«Արաքս» (Arax), 16 August 1926, 54–55. Larnaca.
«Արաքս» (Arax), September 1926, 56. Larnaca.
«Արաքս» (Arax), May–June 1927, 64–66. Larnaca.
«Արաքս» (Arax), September–December 1927, 68. Larnaca.
«Արեւ» (Arev), 19 December 1922, 1167. Cairo.
«Արեւ» (Arev), 1 March 1923, 1226. Cairo.
«Արեւ» (Arev), 14 March 1923, 1237. Cairo.
«Արեւ» (Arev), 2 January 1925, 1781. Cairo.
«Արեւ» (Arev), 31 August 1925, 1982. Cairo.
«Արեւ» (Arev), 10 September 1925, 1991. Cairo.
«Արեւ» (Arev), 20 October 1926, 2333. Cairo.
«Արեւ» (Arev), 5 July 1927, No. 2550. Cairo.
«Արեւ» (Arev), 18 October 1927, 2639. Cairo.
«Արեւ» (Arev), 21 October 1927, 2642. Cairo.
«Արեւ» (Arev), 27 January 1930, 3340. Cairo.
«Արեւ» (Arev), 24 February 1932, 3980. Cairo.
«Արեւ» (Arev), 8 March 1932, 3992. Cairo.
«Արեւ» (Arev), 24 March 1932, 4006. Cairo.
«Արեւ» (Arev), 4 May 1932, 4039. Cairo.
«Արեւ» (Arev), 31 May 1932, 4062. Cairo.
«Արեւ» (Arev), 8 June 1932, 4069. Cairo.
«Արեւ» (Arev), 19 June 1936, 5308. Cairo.
«Արեւ» (Arev), 21 July 1936, 5335. Cairo.
«Արեւ» (Arev), 25 July 1936, 5339. Cairo.
«Արեւ» (Arev), 17 November 1936, 5436. Cairo.
«Արեւ» (Arev), 10 February 1938, 5811. Cairo.
«Արեւ» (Arev), 8 June 1940, 6522. Cairo.
«Արեւ» (Arev), 30 July 1940, 6566. Cairo.
«Արեւ » (Arev), 1 October 1940, 6620. Cairo.
«Արեւ» (Arev), 24 January 1946, 8239. Cairo.

Cyprus State Archives files:

SA1/2196/1896.

SA1/2271/1896.
SA1/2285/1896.
SA1/2426/1896.
SA1/1106/1909.
SA1/1781/1909.
SA1/1417/1912.
SA1/1418/1912.
SA1/1130/1915.
SA1/1476/1920.
SA1/854/1921.
SA1/1129/1921.
SA1/1401/1921.
SA1/1172/1922.
SA1/1216/1922.
SA1/426/1923.
SA1/471/1923.
SA1/924/1923.
SA1/1205/1923.
SA1/1481/1923.
SA1/827/1925.
SA1/999/1925.
SA1/607/1926.
SA1/1430/1927.
SA1/651/1928.
SA1/520/1930.
SA1/1216/1932.
SA1/870/1933.
SA1/880/1935.
SA1/1164/1936
SA1/1424/1936.
SA1/404/1947.
LRS1/24866.

Armenian Prelature of Cyprus archives

(the files are not numbered)

Cyprus Law Court cases:

District Court of Nicosia-Kyrenia Action 172/1932.

Divisional Court Action 553.

Personal Data Protection: A Preeminent EU Right for the Cypriot Legal System

Georgios Tsaousis[1]

Abstract

Data protection plays a key role in the European Union (EU) edifice. It is an invaluable tool in ensuring the mandated free movement of goods, services, capital, and persons in the internal market. Harmonisation of data protection rules between Member States (MS) was a vital step to ensure uniform implementation of this fundamental EU competence. A first attempt—Directive 95/46/EC—proved to be incomplete but was followed by the General Data Protection Regulation (GDPR), a regulatory necessity in the digital age. Although Regulations are far more coherent legislative instruments than Directives, MS are afforded some leeway when adopting national rules in certain fields. Cyprus could hardly be the exception; having integrated the GDPR into domestic law, it maintained certain 'national peculiarities', especially in the fields of court proceedings, public interest, children's consent, genetic and biometric data, and the combination of large-scale filing systems. However, some aspects of the national provisions continue to clash with the principles governing the processing of personal data (Article 5 of the GDPR). On a practical level, the Cyprus Commissioner for personal data protection should be able to reconcile such shortcomings; however, this has not been the case. This may be ascribed to either the downgrading of their role by other institutions, lack of expertise (given that the position does not require qualifications or experience in data protection), or even to the cultural attitude towards privacy in Cyprus. Despite the national peculiarities and the Commissioner's downgraded role, Cyprus' participation in the EU acquis undoubtedly ensures more effective personal data protection.

Keywords: data protection; Cyprus; GDPR; Commissioner for personal data protection; EU acquis; fundamental rights; harmonisation measures; EU secondary law

1. Introduction

Data protection plays a key role in the European Union (EU) edifice. It is a valuable tool in ensuring the free movement of goods, services, capital, and persons in

[1] Assistant Professor, Faculty of Law, University of Nicosia

the internal market. However, the uniform implementation of this fundamental EU competence has encountered obstacles in the form of disparate data protection rules, which also undermine legal certainty.[2]

The right to the protection of personal data was established by pilot Directive 95/46/EC. Its drafters were clearly influenced[3] by Convention 108 of the Council of Europe[4] and by the jurisprudence around the right to informational self-determination.[5] The Directive succeeded in harmonising the various regulatory models of the Member States (MS), specifying the basic principles of data processing and connecting the legality of their processing with clearly defined legitimate purposes. It established the rights of individuals (information, access, opposition) and set up national independent supervisory authorities (Article 28 of the pilot Directive).

It would not be an exaggeration to claim that the Directive—and the regulatory model it established—set the standard regarding the protection of informational privacy across the EU. Additionally, the requirement to ensure a satisfactory level of protection for cross-border data flow in third countries has decisively contributed to the adoption of relevant legislation in several countries in America and Asia.[6] Naturally, Cyprus, as a MS under accession, could hardly be left unaffected.

---

[2] Francis Aldhouse, 'Data protection in Europe – Some thoughts on reading the academic manifesto' (2013) 29(3) *Computer Law & Security Review* 289–292.

[3] Directive 95/46/EC, Preamble, Recital 11: 'Whereas the principles of the protection of the rights and freedoms of individuals, notably the right to privacy, which are contained in this Directive, give substance to and amplify those contained in the Council of Europe Convention'. Available at https://eur-lex.europa.eu/eli/dir/1995/46/oj/eng

[4] Convention 108/28.01.1981 for the Protection of Individuals with regard to Automatic Processing of Personal Data. This Convention has influenced privacy and data protection laws in Europe and beyond for over 40 years. Its modernised version (known as Convention 108+ adopted on 18 May 2018) continues to do so.

[5] Attila Kiss & Gergely László Szőke, 'Evolution or Revolution? Steps Forward to a New Generation of Data Protection Regulation', in Serge Gutwirth, Ronald Leenes & Paul de Hert (eds), *Reforming European Data Protection Law* (Dordrecht Heidelberg New York London: Springer, 2015) 311; Nadezhda Purtova, 'Default entitlements in personal data in the proposed Regulation: Informational self-determination off the table … and back on again?' (February 2014) 30(1) *Computer Law & Security Review* 6.

[6] Paul M. Schwartz, 'The EU-U.S. Privacy Collision: A Turn to Institutions and Procedures' (May 2013) 126(7) *Foreign & Comparative Law* 1966; Graham Greenleaf, 'The Influence of European Data Privacy Standards Outside Europe: Implications for Globalization of Convention 108' (March 2012) 2(2) *International Data Privacy Law* 77.

2. The Right to Data Protection in the Cypriot Legal System

2.1. Incorporation Of the Pilot Directive for Data Protection

Data protection is not a new right; rather, it is the codification of a right which had previously been incorporated into the 'classic' individual right to the protection of private life (Article 15 of the Cyprus Constitution). The notion of private life is not to be interpreted narrowly, since the aim is to safeguard fundamental rights. Such rights may be restricted only by law, only if judged necessary for reasons specified in Article 15 and in addition, in so far as the restriction is justified in a European democracy.[7] Regarding its application, the jurisprudence pre-dating the incorporation into internal law of Directive 95/46/EC recognised the existence of the right to the protection of personal data and included it within the protective scope of Article 15 of the Constitution without specifically referring to it. The safekeeping, use, and disposal of one's assets, personal data included, is integral to private life. Their disclosure and publication violate the right guaranteed by Article 15.1 of the Constitution. This is explicitly crystallised in a 2000 Supreme Court decision:

> The exercise of the right guaranteed by Article 15.1 cannot be interfered with, except as defined in paragraph 2 of the same Article of the Constitution. Intervention is only permitted if it is authorised by law and is exclusively necessary for one or more purposes defined in the same provision of the Constitution.[8]

Directive 95/46/EC formed part of the *acquis communautaire*, and its incorporation into national law was a prerequisite to accession for candidate MS. Furthermore, the EU Charter enshrines data protection as a fundamental right under Article 8, in addition to the right to private and family life under Article 7. In contrast to earlier rounds, candidate MS for the 2004 and 2007 EU enlargements faced the challenge of adjusting legislation[9] prior to accession to bring their laws, regulatory frameworks, and administrative practices in line with the *acquis communautaire*.[10]

The Directive was transposed into Cypriot legislation with the Personal Data Processing (Protection of the Individual) Law of 2001 (Law 138(I)/2001), which entered

---

[7] Achilles C. Emilianides, *Constitutional Law in Cyprus* (3rd edn., The Netherlands: Wolters Kluwer, 2024) 180.

[8] President of the Republic v House of Representatives (2000) 3 CLR 238.

[9] Candidate MS must accept the *acquis* before joining the EU. Derogations are few and limited in scope.

[10] Christophe Hillion, 'EU enlargement: A legal analysis' in A. Arnull & D. Wincott (eds), *Legitimacy and Accountability in the European Union* (Oxford: Oxford University Press, 2002) 405.

into force on 23 November 2001. On the same date, the European Convention for the Protection of Individuals from Automated Processing of Personal Data (Establishing) Law (Law 28(III)/2001), which ratified the corresponding Convention of the Council of Europe, was also published in the Official Gazette.

Article 28 of the Directive provided for the establishment of an authority charged with overseeing the implementation of national provisions enacted by the member states within its territory.

2.2. The Cypriot National Data Protection Authority

Cyprus has established Independent Administrative Authorities (IAAs) to offer faster and more targeted solutions[11] in certain areas of social life. Particularly, those areas in which the traditional administrative structure finds it difficult to respond due to the complexity of social structures but also to technological progress and the risks it entails.[12] According to EU law, the authority should exercise its duties completely independently from the legislative, and especially from the executive. In legal terms, the independence of an administrative body corresponds to its authority to make decisions at its 'complete discretion', uninfluenced by any kind of external pressure. And the quality of independence allows the *summa divisio* of the independent authorities from the traditional administrative bodies.

The Cypriot Constitution distinguishes between political power and administrative function. It prohibits the involvement of the government in the administrative functioning of the State. The legal basis for this is an imperative constitutional principle, recognised by jurisprudence,[13] which stipulates that the administration must operate independently of political influence. To fulfil the purpose of administrative independence, the Cypriot legislator assigned responsibility for staffing the administration to an independent body, the Public Service Commission. At the level of ex-

[11] The protection, or rather the solutions, offered by IAAs could be characterised as autonomous in the sense that they do not originate from the 'classic' administration. Rather, they stem from a legal structure that has the peculiarity of being characterised as independent since it acts, decides, and sometimes imposes sanctions without any executive-branch intervention.

[12] Jean-Bernard Auby, 'Remarques Terminales' in R.F.D.A., N° 5/2010, 931.

[13] President of the Republic v House of Representatives (No. 3) (2011) 3 CLR 777; Kakouris v District of Famagusta et al. (2004) 1 CLR 8; Frangoulides (No. 2) v Republic (1966) 3 CLR 676; R.I.K. etc. v Karagiorgis et al. (1991) 3 CLR 159; Dimokratia v Konstantinidis (No. 1) (1996) 3 CLR 206; Socrates v Democracy (1997) 3 CLR 204; Democracy v Pogiatzi (1992) 3 CLR 196; President of the Republic v House of Representatives (1991) 3 CLR 631; President of the Republic v House of Representatives (No. 2) (2009) 3 CLR 648; Pavlou a.o. v Returning Officer a.o. (1987) 1 CLR 252; Hinds a.o. v The Queen (1976) 1 All E.R. 354.

press provisions, the Cypriot Constitution explicitly establishes and safeguards the separation of powers through specific Articles—122, 124, and 125—which concern the public service and the Public Service Commission.

Cyprus' Commissioner for personal data protection ('the Data Commissioner') is an IAA charged with supervising the implementation of legislative data protection provisions and other regulations concerning the protection of individuals from the processing of their personal data. The Commissioner therefore defends fundamental rights and freedoms guaranteed by the Constitution (privacy, respect of correspondence and communication, etc.) while making regulatory interventions[14] in the field of data processing, which is constantly changing through the development of new technologies, especially artificial intelligence (AI).

The Directive states that the independent authority must be notified of the processing of any personal data included in a file by both public and private entities. In 2002–2003, the Commissioner's first year of operation, a total of 1,370 notifications were submitted for the keeping / operation of records and the processing of personal data.[15] Interest in the personal data protection framework was admittedly limited in the early years of implementation. In fact, in a 2004 European Commission survey, 60% of EU citizens had never heard of the legislation regarding the protection of personal data. This ignorance may be explained by the relatively nascent stage at which digital tools like the internet, social networks, and AI applications were two decades ago. In Cyprus, despite sustained efforts by the IAA to inform professional classes such as lawyers, journalists, and doctors (usually through their professional organisations), the lack of a substantial response has been highly problematic, as these professionals play an essential role in the processing of personal data.[16]

The Directive quickly proved to be an imperfect regulatory tool for ensuring comprehensive personal data protection, unable to meet the challenges of globalisation and rapid technological development.[17] The need to establish more coherent rules became imperative.

[14] For example, the Commissioner announced the completion of 30 audits regarding the use of cookies by news and public information websites. Then Commissioner Nikolaidou concluded some websites did not disclose the purposes for their use of cookies, while others that did provide that information did not receive users' express consent for the use of cookies. Announcement dated 08 May 2023, available at https://www.dataprotection.gov.cy/dataprotection/dataprotection.nsf/All/99981BE9F8E399EFC22589A9002E6742?OpenDocument# (accessed on 28 April 2025).

[15] Data Protection Commissioner, Annual Report 2002-2003, 9 [in Greek].

[16] Data Protection Commissioner, Annual Report 2004, 3 [in Greek].

[17] EC Communication 04.11.2010: 'A comprehensive approach on personal data protection in the EU',

2.3. The GDPR and the Role of the Cypriot Presidency

It is a truism that the law lags behind technology. However, data protection law has reacted relatively nimbly to the digitalisation of society and the economy. While the commodification of personal information is not a new phenomenon, its expansion into the online environment is a qualitative change, possibly even a paradigm shift. The evolution of personal information on an economic scale is shown clearly across online businesses, especially in advertising practices.[18] In a globalised market, personal data has become the basic currency of the information economy.[19] Personal data is undoubtedly crucial in political communication as well,[20] with risks posed to the quality of democracy by unfair processing.[21] In short, by the end of the first decade of the 21st century, the data protection framework needed updating[22] to address the challenges of the digital age and restore eroded confidence in the regulatory and protective capacity of EU legislation.[23]

The EU General Data Protection Regulation (GDPR) must be viewed in the context of the worldwide trend—inspired by the EU itself—to adopt similar laws.[24] On the adoption of the GDPR's predecessor, Directive 95/46/EC, only around 30 countries, most in Western Europe, had similar rules; nowadays almost 130 across all continents have some form of regulatory framework in place.[25] Adopted in April 2016 and applicable as of May 2018, the GDPR is the centrepiece of the reform of the EU regulatory framework for the protection of personal data. While retaining the conceptual framework of the Directive 95/46/EC it replaced, the GDPR represents a major shift

18.

[18] Andrew Hotaling, 'Protecting personally identifiable information on the Internet: Notice and consent in the age of behavioral targeting' (2008) 16 CommLaw Conspectus 529.

[19] Helen Nissenbaum, 'A Contextual Approach to Privacy Online' (2011) 140(4) *Daedalus* 34.

[20] Katharine Dommett, 'Data-driven political campaigns in practice: understanding and regulating diverse data-driven campaigns' (2019) 8(4) *Internet Policy Review*.

[21] Ekathimerini.com, 'Prosecutor to probe Asimakopoulou's alleged GDPR breach' (05 March 2024) available at https://www.ekathimerini.com/news/1233321/prosecutor-launches-investigation-into-asimakopoulous-alleged-gdpr-breach/.

[22] Mira Burri & Rahel Schär, 'The Reform of the EU Data Protection Framework: Outlining Key Changes and Assessing Their Fitness for a Data-Driven Economy' (2016) 6 *Journal of Information Policy* 481.

[23] Marc Rotenberg, 'On International Privacy: A Path Forward for the US and Europe' (Spring 2014) 35(4) *Harvard International Review* 24.

[24] Michelle Goddard, 'The EU General Data Protection Regulation (GDPR): European Regulation that has a Global Impact' (November 2017) 59(6) *International Journal of Market Research* 705.

[25] Giovanni Butarelli, 'Forefront' in Christofer Kuner, Lee A. Bygrave & Christofer Docksey (eds), *The EU General Data Protection Regulation (GDPR) A Commentary* (Oxford: Oxford University Press, 2020).

in the regulation of data protection while reaffirming that privacy constitutes one of the fundamental rights of EU law.

Initially, certain MS raised juridical and political objections to the choice of a Regulation as the legal instrument, as its binding force restricted national approaches regarding the level and method of data protection. For example, while Germany fervently supported a high level of protection, the UK feared that such protection might act as a deterrent to the establishment of US technology companies on its soil, as the British applied a less protective regulatory framework.[26] Member States argued that a Regulation would introduce binding rules and thus limited leeway to develop alternative protection policies. In other words, it would be a centralised and monopolistic legislation contrary to the principle of subsidiarity, which runs through EU law.[27]

Denmark, which held the Presidency of the EU Council in the first half of 2012, processed the final proposal of the GDPR article by article. Cyprus then assumed the Council Presidency and continued this horizontal approach focusing on three issues: (1) delegated and implementing acts; (2) administrative burdens and compliance costs; and (3) more flexibility for the public sector. Due to its length, the Danish and Cypriot Council Presidencies reviewed less than half of the GDPR proposal by the end of 2012.

The Regulation was chosen (instead of the Directive) to achieve coherence between the legislative arrangements of the MS. The Regulation contributed to better harmonisation due to its direct applicability (Article 288, Treaty on the Functioning of the European Union)[28] into national law without the need for national rules. In other words, it has a direct effect and prevails, thanks also to the primacy of EU law, over any contrary national regulations.[29]

2.4. The New GDPR Regulatory Framework

European Union Regulations produce a direct legal effect; consequently, MS are not required to transpose them into their national legal order. By providing a uniform set

[26] Luke Danagher, 'An Assessment of the Draft Data Protection Regulation: Does it Effectively Protect Data? (2012) 3(3) *European Journal of Law and Technology*.

[27] Paul. M. Schwartz, 'The EU-U.S. Privacy Collision: A Turn to Institutions and Procedures' (May 2013) 126(7) *Foreign & Comparative Law* 1966–2008.

[28] According to the criteria of *Van Gend en Loos*.

[29] C. Kuner, 'The European Commission's Proposed Data Protection Regulation: A Copernican Revolution in European Data Protection Law' (6 February 2012) *Bloomberg BNA Privacy and Security Law Report* 1–15.

of rules, the GDPR creates a coherent framework and largely achieves balanced data protection across the geographical boundaries of the EU, crystallising an environment of legal certainty from which economic operators and individuals can benefit as 'data subjects'.

In Cyprus, as part of the qualitative upgrading of key individual rights, a reference was added to the preamble of the Constitution in 2016, referencing Article 8(2) of the European Convention of Human Rights (ECHR) and mentioning the introduction of an additional exception to the right to privacy. Regarding the implementation of the GDPR, on 31 July 2018, the Law on the Protection of Natural Persons Against the Processing of Personal Data and the Free Movement of such Data was published in the Official Gazette (Law 125(I)/ 2018). Its purpose was implementing provisions of the GDPR, which affords MS a degree of discretion.[30] It should be noted that in 2018, a Parliamentary Legal Committee report on the above law made a reference to the EU Charter of Fundamental Rights (EUCFR). The President of the Republic had returned the draft law to the House of Representatives for reconsideration. Certain provisions were found to be incompatible with the Charter and were therefore removed from the draft.[31] In particular, the initial bill (as formulated by Parliament) did not fully define *who* could lawfully process personal data. According to the President of the Republic, this made the law problematic because it conflicted with the letter and spirit of the GDPR, on which it was based.

The GDPR is a notably dense and complex legal text (consisting of 99 articles and 173 recitals in the preamble) that attempts to cover all cases of data processing. However, the continuous evolution of technology, as well as political and economic relations, requires a continuous updating—or, more correctly, crystallisation—of the regulatory framework to ensure a high and uniform level of protection in data processing among MS. For this reason, the GDPR established the European Data Protection Board (EDPB), an independent EU body tasked with coherently applying data protection rules throughout the EU and facilitating cooperation between the data protection authorities of MS.[32] The EDPB has the competence to issue general

[30] Consequently, with the entry into force of the provisions of Law 125(I)/2018, the Personal Data Processing (Protection of the Individual) Laws of 2001 to 2012 were repealed.

[31] FRA, The EU Charter of fundamental rights in Cyprus, available at https://fra.europa.eu/sites/default/files/fra_uploads/fra-2019-eu-charter-in-cyprus_en.pdf (last accessed 28 April 2025).

[32] The EDPB is based in Brussels and replaces the Article 29 Working Group of Directive 95/46/EC. It is composed of representatives of the national data protection authorities and the European Data Protection Supervisor (EDPS). The European Commission is entitled to participate without voting rights in the activities and meetings of the EDPB.

guidance documents[33] (including guidelines, recommendations, and best practices) to clarify EU legislative acts concerning data protection, thus clarifying rights and obligations to stakeholders.[34] The body can also issue binding decisions on national supervisory authorities to ensure consistent implementation. The EDPB launched a coordinated enforcement framework (CEE) action for 2024, an initiative to implement right of access, which will involve 31 data protection authorities (DPAs) across the European Economic Area.[35]

2.5. The Role of the Data Commissioner

The GDPR has maintained and to some extent upgraded the role and powers of the Cypriot independent data protection authority.[36] The Cypriot Data Commissioner has issued guidelines and recommendations on the following: commercial promotions, public administration, labour relations, banking and financial transactions, camera surveillance systems, the insurance sector, the provision of health services and especially biometric data, academic research, education, the internet and wider technological developments, mass media, social media, and local authorities.[37] The Commissioner has proven to be particularly proactive, updating instructions or giving opinions and issuing notices even on somewhat unusual or particularly complex cases (e.g. consent in the context of direct marketing, renaming of Facebook groups / pages, announcements in relation to existing transmission licenses, etc.). Adherence to duty is clearly viewed as crucial, as it effectively ensures a higher level of personal data protection institutionally. Dedication to duty and efficiency are not self-evident, given that the Data Commissioner is part of the administrative structure and must therefore deal with the chronic dysfunctions of 'traditional' State institutions as well as frequent cases of wrong civil servant mentality. For example, its Greek counterpart

[33] E.g. 'Guidelines 2/2023 on Technical Scope of Art. 5(3) of e-Privacy Directive', 'Recommendations 1/2022 on the Application for Approval and on the elements and principles to be found in Controller Binding Corporate Rules (Art. 47 GDPR)', 'Guidelines 01/2022 on data subject rights – Right of access', '*EDPB Best practices for the organization of EDPB Plenary meetings*' etc., all available at: https://www.edpb.europa.eu/our-work-tools/general-guidance/guidelines-recommendations-best-practices_en (last accessed 28 April 2025).

[34] Shervin Nahid, *'Data Protection and Compliance*' edited by Stewart Room, BCS Learning & Development Limited (2021) ProQuest Ebook Central, p. 189.

[35] Howard, R. Jason '*EDPB begins coordinated privacy enforcement*' (2024) Cybersecurity Policy Report, 1.

[36] The mission and competences of the Commissioner are described in Articles 57 and 58 of the GDPR as well as in Articles 24 and 25 of Law 125(I)/2018.

[37] A list of the most important instructions of the Commissioner is provided below the references.

(the HDPA) unfortunately never managed to live up to the expectations and the great challenges it faced.

The Commissioner can intervene in a regulatory capacity as well as impose civil and administrative sanctions. The legality and proportionality of these penalties can be brought on an ad hoc basis before the Administrative Court.[38] According to Article 28 of Law 125(I)/2018, 'every natural or legal person has the right to appeal against a decision of the Commissioner before the Administrative Court'. The right to appeal against a decision by the Commissioner is, however, only granted if the latter has caused moral or material damage.[39]

Things are more complicated in practice, with cooperation between the Commissioner and the institutions remaining problematic. In fact, in a recent discussion of the Office's budget in the Parliamentary Finance Committee, the Commissioner expressed concern about the incorrect use of the personal data protection framework in cases where transparency issues may arise. The Commissioner's Office is permanently understaffed, while the Commissioner's request to recruit staff through special examinations has not moved forward.[40]

3. The Review of the Sanctions Imposed Through Current Jurisprudence

The Data Commissioner in Cyprus must hold the same qualifications as a Supreme Court judge (Article 19(2) of Law 125(I)/2018). This means appointees are well acquainted with legislation and the administrative procedures alike. The decisions of the Commissioner are nevertheless frequently annulled, a fact that has a negative effect on both legal certainty and the proper observance of GDPR principles regarding effective data protection. The reasons are many and varied and may be found in the systemic administrative shortcomings and dysfunctions as well as the national culture towards privacy. The pathologies of the administrative mechanism tend to become ingrained, while Cypriot society remains a predominantly traditional society

[38] Breikot Management LTD v. Republic through Personal Data Protection Commission, Case no. 962/2019, 16/12/2022.

[39] T.A. v Republic through Personal Data Protection Commission, Case No. 1612/2019, 21/08/2023.

[40] Sigmalive.com, 'The Personal Data Protection Authority is seeking personnel with special exams' (04 November 2024) available at https://www.sigmalive.com/news/local/1253809/prosopiko-me-eidikes-eksetaseis-zita-i-ep-prostasias-prosopikwn-dedomenon [in Greek] (last accessed 28 April 2025)

that finds it difficult to understand and assimilate the more specific aspects of privacy, as they develop and evolve through technological progress.

However, perhaps most crucial of all is the Commissioner's potential lack of expertise. The legislation does not require candidates for Data Commissioner to have expertise either in data protection law, or in EU law, or even in administrative law, the fundamental principles of which apply in all its administrative actions and when imposing sanctions. The volatility of the data protection regulatory framework, combined with the complexity of the cases brought before it, make it more than imperative that the Data Commissioner is specialised in personal data protection law and technology regulation. The effectiveness of the Data Commissioner's task has a direct impact on the level of protection of citizens' rights as well as on the day-to-day business of companies and will thus play a significant role in the success of the GDPR.[41] It is therefore also important to acknowledge and highlight the need to ensure that DPAs possess adequate human and financial resources to successfully carry out their mission.[42]

An interim decision held that the applicant had been deprived of documents essential to the support of his case:

> The purpose of Article 61(1) of Regulation (EU) 2016/679 [...] is to provide information and mutual assistance so that the Regulation is implemented and applied in a coherent manner [...] The subject who appeals to justice must have the same weapons in presenting and arguing his case as the administration had when investigating the case before it. Potentially, an element that the administration investigated but ultimately decided not to rely on is evidence that helps the case of the administrator and thus, its non-disclosure effectively deprives him of the opportunity for a fair trial (Article 6 (1) ECHR).[43]

In another case, the challenged decision imposing a fine was annulled due to improper provision to the applicant of the right to be heard on all the elements of the

[41] Andra Giurgiu & Tine A. Larsen, 'Roles and Powers of National Data Protection Authorities: Moving from Directive 95/46/EC to the GDPR: Stronger and More 'European' DPAs as Guardians of Consistency?' (2016) 2(3) *European Data Protection Law Review* 352.

[42] FRA, 'Data Protection in the European Union: the role of National Data Protection Authorities (Strengthening the fundamental rights architecture in the EU II)' (2010), p. 50, available at: https://op.europa.eu/en/publication-detail/-/publication/994e9977-d4c7-4f28-8221-9e10f916e330/language-en (last accessed 23 September 2025)

[43] LGS Handling LTD & Ors v Republic through Personal Data Protection Commission, Case No. 14/2020, 10/1/2022.

case; more specifically, the administration did not notify the applicant of the complaint or offer it for inspection, as required, before the applicant was found liable or sentenced.[44]

A recent ruling held that the Commissioner's decision had been made under legal and factual error, without due investigation or reasoning. The Commissioner:

> accepted that the applicants' processing of the complainant's data was lawful, and that there was no evidence to prove that the person who, according to the complainant's claim, disseminated his data, had gained access to his personal file. On the contrary, this person was demonstrably not present at the contested session of the applicants in which reference was made to the complainant's data. However, he arbitrarily concluded that the applicants had breached their obligations.[45]

Another decision also follows the same lines, according to which the Commissioner:

> did not investigate the origin of the information but contented himself with generalizing the applicant's status as a politically exposed person. Even such a person, however, is not exempt from the protection provided by the Law. Therefore, the decision suffers from lack of due research and erroneous interpretation of the law and the facts.[46]

Finally, a decision from 2024 focused on both the error of the Commissioner and his failure to conduct an adequate investigation: 'Before arriving at the final decision, the Commissioner should have clarified the contradictory positions of the applicants to clarify the actual conditions of application of the processing'.[47]

4. The Particularities of National Data Protection Law

The GDPR harmonises data protection rules throughout the EU and is directly and consistently applicable in all MS. Cyprus enthusiastically welcomed the new era of

[44] Arctinos Publications LTD v Republic through Personal Data Protection Commission, Case No. 92/2019, 3/2/2022.

[45] Municipality of Strovolos v Republic through Personal Data Protection Commission, Case No. 1596/2018, 17/5/2022

[46] B.G. v Republic through Personal Data Protection Commission, Case No. 95/2020, 26/10/2023.

[47] LGS Handling LTD et al. v Republic through Personal Data Protection Commission, Case No. 14/2020, 23/1/2024.

data protection. In fact, it was one of the leading MS in imposing fines during the first year of application of the Regulation.[48]

It must be noted that the GDPR is in fact the result of a compromise between politicians and powerful business interests in the technology and IT sectors. For this reason, according to recital 10,[49] MS are afforded some leeway to maintain or introduce national provisions to further determine the application of the data protection rules established by the GDPR or to adapt more specific rules in certain fields; perhaps the most salient of these is data protection in labour relations.[50] The GDPR contains 'opening clauses'[51] that allow MS to further specify its application in these areas—these specifications are commonly used in 'harmonization measures of EU secondary law'[52] as a compromise to facilitate political agreement on the law.

The GDPR allows MS to establish targeted rules in specific areas to ensure an effective level of data protection while respecting political, social, and economic particularities. Cypriot legislation has few such variations. Some are considered necessary either for the proper functioning of institutions (e.g. in data processing in the courts, or to protect the public interest), or for the proper functioning of the market (e.g. processing the data of minors). Others, however, are considered problematic or, rather, disproportionate in relation to the intended purpose (e.g. data of fire department employees, large-scale data interconnection). To date, the compatibility of national regulations with the GDPR has not (yet) been subjected to judicial review; this is likely imminent, especially for the consent of minors and the databases of security forces (the police and fire departments).

[48] Catherine Barrett, *'Emerging trends from the first year of EU GDPR enforcement' (2020) Chicago*: American Bar Association. 16(3): 24.

[49] 'This Regulation does not exclude Member State law that sets out the circumstances for specific processing situations, including determining more precisely the conditions under which the processing of personal data is lawful'.

[50] Halefom H. Abraha, 'A pragmatic compromise? The role of Article 88 GDPR in upholding privacy in the workplace' (2022) 12(4) *International Data Privacy Law* 277.

[51] For a complete list of the opening clauses found throughout the GDPR, see Paul Voigt & Axel von dem Bussche, *The EU General Data Protection Regulation (GDPR): A Practical Guide* (Cham, Switzerland: Springer International, 2017) 220.

[52] Emilia Miscenic & Anna-Lena Hoffmann, 'The Role of Opening Clauses in Harmonization of EU Law: Example of the EU's General Data Protection Regulation (GDPR)' (2020) *EU and comparative law issues and challenges series (ECLIC)* 51

4.1. Court Proceedings

Article 55(3) of the GDPR excludes the competence of national DPAs to supervise data processing performed by courts.[53] This is not the case under Cyprus law. Perhaps Cypriot legislators did not specify on the matter intentionally, as there is a relevant rule in the Regulation. However, this gives rise to a practical issue. As Cypriot law is silent on the matter, this supervision falls de facto under the competence of the DPA. Having noted this deficiency, the Supreme Court temporarily suspended the publication of court decisions pending the introduction of a legislative framework implementing the obligations imposed under the GDPR. The Court also formulated several proposals to ensure compliance with Article 55(3) of the GDPR. Finally, the Supreme Court (with a circular dated 19/07/2018)[54] regulated the pending issues of harmonising the publication of decisions with the GDPR: The decisions intended for publication/editing on the internet would be published with reference only to the surnames of natural person parties without reference to any other personal identifiers and especially without reference to pseudonyms.

4.2. Public Interest

Data controllers may process individuals' personal data in public interest cases (e.g. tax, banking, police, etc.). Other than being necessary for the performance of a task carried out in the public interest, this processing must have a (national or EU) legal basis or be within the scope of exercise of official authority vested in the data controller. According to Cypriot law:

> the processing of personal data which is vested by virtue of a Decision of the Council of Ministers to a public authority or body for the performance of a task carried out in the public interest or in the exercise of official authority shall be performed lawfully and fairly, in a clear, precise and transparent manner in relation to the data subject, in accordance with the provisions of Article 5(1), point (a) and Article 6(1) point (e) of the Regulation.[55]

[53] However, in an important decision (Judgment of 02/03/2023 - Norra Stockholm Bygg Case C-268/21), the CJEU ruled that the GDPR applies to civil proceedings before national courts, including court orders to produce documents containing personal data as evidence.

[54] The circular is available at https://www.cyprusbarassociation.org/files/ANNOUNCEMENTS/2018/egkyklios_125.pdf

[55] Article 7 of Law 125(I)/2018.

The term 'lawfully' signifies that there must be a written rule of law that defines or allows the specific processing for the purposes of public interest. On the other hand, the 'qualitative elements' of the processing, i.e. whether the required level of protection is met, should be judged on a case-by-case basis.

4.3. Children's Consent

According to the EDPB consent guidelines,[56] persons aged 16 and above can provide consent. For those below the age of 16 (children), the data controller must request consent from a parent or legal guardian. However, the Cypriot provision sets the age bar lower:

> When the offering of information society services directly to a child is based on the child's consent, the processing of personal data shall be lawful where the child is at least fourteen (14) years old. For a child younger than fourteen (14) years old, the processing of personal data referred to in subsection (1) shall be lawful when consent is given or authorized by the holder of parental responsibility over the child.[57]

Based on recent data, a third of GDPR fines for social media platforms are linked to the protection of children's data.[58] This finding highlights the extent to which children's online activity is vulnerable to abuse. Cyprus should therefore bring the regulatory framework up to at least the standards of the EDPB.

4.4. Genetic and Biometric Data

The GDPR is the first to provide a definition of genetic data. Article 4(13) defines it as:

> the personal data relating to the inherited or acquired genetic characteristics of a natural person which give unique information about the physiology or the health of that natural person and which result, in particular, from an analysis of a biological sample from the natural person in question.[59]

---

[56] EDPB, Guidelines 05/2020 on consent under Regulation 2016/679, adopted on 4 May 2020.

[57] Article 8 of Law 125(I)/2018.

[58] Ioanna Lykiardopoulou, 'A third of GDPR fines for social media platforms linked to child data protection' (*The Next Web*, 8 November 2023), available at: https://thenextweb.com/news/gdpr-fines-social-media-platforms-child-data-protection (last accessed 23 September 2025).

[59] Law 125(I)/2018 states: '"genetic data" shall mean personal data relating to the inherited or acquired genetic characteristics of a natural person which give unique information about the physiology or the

Genetic data contains unique information about the data subjects and their blood relatives, highlighting the importance of privacy protection.[60] The processing of genetic data must be subject to stricter rules, since it may expose core aspects of an individual's identity (ethnic and/or racial origin, state of health, sexual life, etc.). However, by making an artificial distinction between various categories of biometric data through the use of automated data processing methods, out of respect for fundamental rights and freedoms, the GDPR fails to provide clear rules and much-needed protection.[61]

Considering the danger posed by the processing of this type of data, special regulations were introduced to establish additional safeguards and limit the risk. The Cyprus legislature focused on the processing of genetic and/or biometric data in the context of commercial practices.[62] Furthermore, the new rules on labour regulations stipulated that the processing of employees' biometric data must be necessary (e.g. for security reasons, in the case of employees working in high-risk/high-security areas such as ports, airports, military installations, etc.). If employees have provided consent for the collection and processing of their biometric data, but the process is deemed not to be necessary, the consent in no way remedies the illegality.[63] On a related note, Article 9(1) of Law 125(I)/2018 prohibits the processing of genetic and biometric data for purposes of health and life insurance. These stricter rules are specific to Cyprus, given that the GDPR does not prohibit this processing for life or health insurance purposes.[64]

---

health of that natural person and which result from an analysis of a biological sample from the natural person in question'.

[60] Mahsa Shabani & Pascal Borry, 'Rules for processing genetic data for research purposes in view of the new EU General Data Protection Regulation' (2018) 26 *European Journal of Human Genetics*.

[61] Els J. Kindt, 'Having yes, using no? About the new legal regime for biometric data' (June 2018) 34(3) *The computer law and security report* 538.

[62] An Administrative Court Decision (Sub. No. 1930/2012) dated 19/05/2017 ratified the Commissioner's Decision dated 02/10/2012, which mandated a private hospital to stop collecting and processing biometric data (and delete any data already collected/processed) through their fingerprint scanning system. The system was used to monitor hours worked. The Commissioner's Decision was based on the principle of proportionality—a fundamental rule of lawful processing. The Court ruled that the operation of a system to monitor working hours constituted a disproportionate interference in private life.

[63] Data Protection Commissioner, Opinion 2/2018, p. 3.

[64] A complaint was filed against an insurance company by a complainant who claimed that her gynaecological exam (Pap test) claim was denied on the grounds that she would have to provide the result of the exam for the company to assess her claim. With the intervention of the Commissioner, the insurance company ultimately re-evaluated the complainant's claim and paid her the corresponding compensation, without requiring the submission of any examination results. Commissioner's annual report (2020) 68.

Also, where the processing of genetic and biometric data is based on a data subject's consent, the further processing of such data requires further consent. The introduction of stricter requirements for processing genetic data seems appropriate in Cyprus, in view of heightened concerns regarding potential misuses of genetic data, which could result from increased availability of said data.

Cypriot legislation also contains certain provisions that seem incompatible with the protective framework of the GDPR (especially the principles of Article 5, with an emphasis on lawfulness, minimisation, and proportionality). These provisions are found in the regulatory framework that governs the operation of the security forces (police and fire services) and mandate the collection of genetic material from new recruits. The regulation states:

> upon recruitment, each Member is photographed, and their genetic material and fingerprints are taken, which are kept in a separate file of the Fire Department, maintained in accordance with the Law on the Protection of Natural Persons Against the Processing of Personal Data and the Free Movement of Such Data, for service purposes. A Member's photograph, genetic material and fingerprints and all copies and related records are erased upon leaving the service, unless the Member is under criminal or disciplinary investigation or prosecution at the time.[65]

In principle, this regulation initially formed part of the measures to prevent and address corruption in the police,[66] but were subsequently also adopted by the fire service.[67] The contested regulation expressly states that the data collection and processing framework is governed by Law 125(I)/2018, i.e. by the GDPR, but does not reflect its fundamental provisions.

First, the collection of data is based on service purposes, albeit not restrictively defined in advance, pursuant to Article 5(2): 'Personal data shall be collected for specified, explicit and legitimate purposes'. Official reasons must be specified, as the prevention and prosecution of criminal offenses is excluded from the scope of the GDPR Also, according to Article 9(2) I of the GDPR, the processing of genetic and bi-

[65] Regulatory administrative act 196/2021 for the Police and 462/2017 for the Fire Brigade.

[66] Advisory report on the Establishment and Operation of the Police Internal Audit Service Law of 2017 (currently Law 3(I)/2018)

[67] Before becoming autonomous, the fire service operated under the legislation governing the police. The legislation which now governs the fire service is distinct, but nevertheless identical to that of the police.

ometric data is allowed (among others) for reasons of public interest. These reasons, however, must be further specified and delimited, which is not the case here.

The collection and processing of genetic material also requires a Data Protection Impact Assessment (DPIA) (see GDPR Article 35). In this case, however, the relevant explanatory reports submitted to Parliament before the ratification of Administrative Act 462/2017 show that no DPIA meeting GDPR standards was submitted.[68] Of course, without the DPIA, the necessity and in particular the proportionality of the processing cannot be assessed and evaluated. In fact, rather bafflingly, the questionnaire/impact analysis even mentioned that the entry into force of the act would positively affect foreign investments. The Commissioner welcomed the disputed arrangements and expressed no reservations about the creation of the above files and their compatibility with GDPR requests.[69] In none of the annual reports did the Commissioner mention participation in the consultation (while doing so for other legislation), despite being expressly required to by the law (GDPR Article 11(2)), as it concerns the processing of genetic data, i.e. data that carries serious risks for the data subjects involved.

The wording of the regulatory framework makes it clear that the measure in question was adopted for ambiguous reasons. It is difficult to understand how it assists in attracting investments and this clause should probably not be taken seriously. Furthermore, it is questionable whether the fight against corruption is effectively served through the processing of a special category of personal data (biometrics). While the collection of personal data is an effective means of deterring repeat offenders, in this case, the data belongs to police and fire service professionals. As such, the prevention purpose served by recording of this special category of personal data is presumptive and markedly uncertain. Therefore, this regulation clearly contradicts both the principle of legitimacy of purpose, since it does not specify with the necessary clarity the reason for the creation of the file in question, as well as the principles of proportionality and limitation of the storage period (GDPR Article 5(1), (3), and (5)).

The law reveals a certain ambiguity: Are the rules applicable to the subsequent use of all personal data under the GDPR? Or are they limited to the subsequent use

[68] DPIA is a comprehensive description of the envisaged processing operations and the purposes of the processing, assessment of the necessity and proportionality of the processing operations in relation to the purposes, assessment of the risks to the rights and freedoms of data subjects and the measures envisaged to address the risks.

[69] Report of the Parliamentary Legal Committee 10.

of 'police or criminal justice' data?[70] The above data collection and processing should be subject to the proper regulatory framework, i.e. Directive 2016/680—more widely known as the Law Enforcement Directive (LED)—on the protection of natural persons regarding the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection, or prosecution of criminal offences, which has been transposed into national legislation with Law 44(I)/2019. This gives rise to the following paradox: A file with a special category of personal data is created for the purposes of combating corruption, which, however, does not fall within the regulatory framework of the LED, but of the GDPR, although the latter excludes from its regulatory framework the collection and processing for the purposes of preventing and suppressing crime. This is an obvious interpretative error by the legislator that needs immediate correction because the LED establishes different rules both in terms of the lawfulness of the processing and the rights of the data subject.[71] In the case of this specific file, the data collected and processed for purely official purposes is (or should be) included in the provisions of the GDPR, while the data collected and processed for the purposes of preventing and suppressing criminal offenses is included in those of the LED. However, this once again raises the issue of violation of the principle of proportionality because the data is collected preventively, with the aim of being used in a potential criminal investigation.[72]

4.5. Merging Large-Scale Filing Systems

The GDPR itself does not define what constitutes 'large-scale'. The Article 29 Working Party Guidelines on whether processing is 'likely to result in a high risk' for the purposes of the GDPR regarding 'data processed on a large scale'[73] state that 'the GDPR does not define what constitutes large-scale, though recital 91 provides some

[70] Catherine Jasserand, 'Subsequent Use of GDPR Data for a Law Enforcement Purpose: The Forgotten Principle of Purpose Limitation?' (2018) 4(2) *European Data Protection Law Review* 152.

[71] Due to the specificity of the scope of the LED, some rights included in the GDPR are not found in the Directive (e.g. the right to portability) or may be subject to limitations (e.g. right of access).

[72] See, Taner Kuru, 'C-205/21 VS v Ministerstvo na vatreshnite raboti, Glavna direktsia za borba s organiziranata prestapnost: Indiscriminate and Generalised Collection of Biometric and Genetic Data by Law Enforcement Authorities in the EU Is Not Allowed' (2024) 10(2) *EDPL* 223 – 231; Supreme Court, first instance jurisdiction, Application No. 7/2024, 23.01.2024.

[73] WP29, 'Guidelines on Data Protection Impact Assessment (DPIA) and determining whether processing is 'likely to result in a high risk' for the purposes of Regulation 2016/679', available at https://ec.europa.eu/newsroom/article29/items/611236/en (last accessed 28 April 2025)

guidance'.[74] The increase in the volume of data that public authorities, businesses, and researchers handle nowadays is a consequence of technological advances, including cloud computing, the internet of things (IoT), and machine learning, as well as improvements in computational power and lower data storage costs.[75] The importance of adopting adequate legal protection for data subjects, especially when using individual-level genomic data, has been stressed in view of increased data sharing, for example, linking files for the purpose of ensuring public order, or for research purposes, for example, identification of potential correlations between diseases and underlying genetic factors.[76]

Under Cypriot law (Law 125(I)/2018, Article 10), public authorities or bodies are permitted to merge their large-scale filing systems, but only for reasons of public interest (a definition that is up to the State).[77] Wherever the merging relates to special categories of personal data or to personal data relating to criminal convictions and offences, or is to be carried out with the use of identity card numbers or any other identifiers of general application, it must be preceded by a DPIA and a prior consultation with the Commissioner, who is in charge of the manner in which the systems are merged.[78] The merging of filing systems as provided by Cypriot law is not a particularity,[79] but rather a social imperative based on the wide discretion that the GDPR

[74] Under recital 91, 2nd sentence, 'A data protection impact assessment should also be made where personal data are processed for taking decisions regarding specific natural persons following any systematic and extensive evaluation of personal aspects relating to natural persons…following the processing of special categories of personal data…or data on criminal convictions and offences…'.

[75] Ines Ortega Fernandez, Sara El Kortbi Martinez & Lilian Adkinson Orellana, 'Large Scale Data Anonymisation for GDPR Compliance', in John Soldatos & Dimosthenis Kyriazis (eds), *Big Data and Artificial Intelligence in Digital Finance* (Cham, Switzerland: Springer, 2022) 327.

[76] Bartha Maria Knoppers, 'Framework for responsible sharing of genomic and health-related data' (2014) 8(3) *The HUGO Journal*.

[77] 'Large scale data' is not a standard term; it can be associated with data that grows to a huge volume over time and is held by conventional data warehousing solutions. On the other hand, according to the Guidelines on the protection of individuals regarding the processing of personal data in a world of Big Data, T-PD (2017)01 of the Convention 108 Advisory Committee, big data is the growing technological ability to collect, process and extract new and predictive knowledge from great volume, velocity, and variety of data.

[78] In 2019, 14 DPIAs were submitted for consultation to the Commissioner in accordance with Article 10 of Law 125(I)/2018, for the merging of IT systems owned by public authorities, of which 12 were processed. Commissioner's annual report (2019) 147. A list of approved file associations is provided on page 148.

[79] Christiana Markou, 'Cyprus: A Look into the Law for the Effective Application of the GDPR Reports: GDPR Implementation Series' (2019) 5(3) *EDPL Review* 396.

assigns to MS to regulate issues related to sensitive areas of their national politics (e.g. policing, provision of health services, social policy etc.).

5. Conclusion

The right to the protection of personal data emerged almost 50 years ago as a special aspect of privacy requiring protection beyond traditional legal instruments.[80] Today, the protection of personal data has evolved into an independent fundamental right enshrined in EU primary law.[81] The GDPR harmonises law among EU MS, strengthening the common market while simultaneously protecting individual rights. For most MS that had not enacted corresponding national legislation (like Cyprus), data protection is a right provided to its citizens through accession to the EU.

The landscape of data protection and privacy laws in Cyprus is poised for significant transformation driven by the rapid evolution of technology, emerging cybersecurity threats, and a changing societal perspective towards individual privacy. As we advance further into the digital age, the necessity for robust regulatory frameworks that can adapt to these advancements will become increasingly critical.[82] Despite its small size, Cyprus has established itself as an international business hub, attracting foreign investment and corporate headquarters. Cyprus' status as an EU MS is an asset that, within the increased infrastructure interconnectivity of the post-pandemic era, can enable a rapid and integrated growth.[83] In this light, ensuring a high level of data protection is crucial, both for the development of the national economy (which must remain attractive for investment) and for the safeguarding of data subjects' individual rights. The Data Commissioner's annual reports confirm the satisfactory implementation of the EU regulatory framework. Certain irregularities in need of addressing are observed at the national level, in regulations established within the scope of discretion granted by the GDPR to the MS. In particular, the regulatory framework requires clarification regarding the delimitation of the public interest and

[80] The first national law for the protection of personal data was the Swedish '*Datalagen'* of 11 May 1973.

[81] Article 8 of the Charter of Fundamental Rights of the EU.

[82] Generis Global, 'Understanding Data Protection and Privacy Laws in Cyprus', available at https://generisonline.com/understanding-data-protection-and-privacy-laws-in-cyprus/ (last accessed 25 April 2025).

[83] Effie Theodoropoulou, 'Cyprus: A New, Evolving Energy Center or Possibly Hub for the European Union in the Eastern Mediterranean' (Master thesis, University of Piraeus, March 2022), available at: https://dione.lib.unipi.gr/xmlui/bitstream/handle/unipi/14326/Theodoropoulou.pdf?sequence=3&isAllowed=y (last accessed 23 September 2025)

more protection regarding the consent of minors. As for the processing of special categories of data based on corruption prevention policies, the legality of the measure should be examined considering the current Court of Justice of the European Union (CJEU) and European Court of Human Rights (ECtHR) case law. This is because the legitimate purpose is not always compatible with fundamental principles of personal data law, such as purpose limitation and proportionality.

In practice, numerous complaints from citizens have accumulated over time. The complaints cover the spectrum of social, political, and economic activity and concern data controllers from the private and public sectors alike. Arguably, this is because controllers or processors have been poorly informed about their duties and obligations, or the adaptation to the requirements of the GDPR has been inconsistent. The Data Commissioner plays a crucial role in this, as they supervise the implementation of the GDPR and can impose sanctions. Ultimately, Cyprus has been faster and more effective in ensuring data protection than other, more experienced countries. This, of course, does not mean that there is no room for improvement.

In addition to issuing opinions and guidelines, the Data Commissioner must prepare standard compliance policies for the standard cases of data processing (e.g. banking institutions, private and public hospitals, internet applications, etc.) and undertake deeper public outreach initiatives. To effectively perform the role of data protection guardian, the Data Commissioner must have scientific and practical knowledge of the subject and be able to monitor developments and rise to the challenges. This is particularly important as the 'conventional' protection of personal data seems easy compared to the tectonic shifts and major challenges associated with AI, for which the EU is widely viewed to be ill-prepared. Consequently, the position of the Data Commissioner must be upgraded both institutionally (harmonious cooperation with political authorities) and substantively (adequate human and other resources).

The institutionalisation of data protection at the EU level affords individual MS limited legislative and administrative flexibility. But even despite the rigidity of EU law, the little flexibility it affords can prove significant. Cyprus, as a member of both the EU and the Commonwealth of Nations, has a domestic legal framework that resembles a colourful mosaic, an amalgam of different legal traditions. The national legislator must therefore take advantage of this unique legal culture and institutionally assimilate best practices, on the one hand to maintain the country's status as an

attractive investment destination[84] and, on the other, to safeguard at-risk individual rights.

Regarding the future, the cataclysmic changes brought about by AI are sure to pose new challenges to maintaining a high level of data protection.[85] At this early stage, it is unclear whether the AI Act will be as pivotal an international benchmark for shaping AI regulation as the GDPR has been for data protection. GDPR will continue to apply to the processing of personal data in the context of AI technologies. However, the AI Act also seems to build on some of the principles under the GDPR and, in practice, the two regimes and their respective requirements coexist. It is therefore important for 'providers' and 'developers' of AI systems to understand the interplay between these two pieces of legislation. Due to its small size, Cyprus may be an ideal ecosystem for practical implementation and interactive control of AI and personal data. Therefore, the experiences of the Cyprus model can optimise legislation and good practices in a field that is constantly evolving. Moreover, Cyprus is trying, I think successfully, to meet the requirements of EU law, something it did in the case of the AI Act.[86]

The accession of Cyprus to the EU was undoubtedly a key moment in the modern history of the island. At a purely legal level, the national regulatory framework was essentially restructured to align with the requirements of the common market. Concurrently, it provided an impetus for 'maturation' and enrichment in the field of fundamental rights. Some individual rights might never have been established without an EU-imposed obligation,[87] while others would certainly have been established at some point independently of EU membership. The right to the protection of personal data

[84] Invest Cyprus, an independent, government-funded entity, aggressively promotes investment in the traditional shipping, tourism, banking, and financial and professional services sectors. Newer sectors for Foreign Direct Investment (FDI) include energy, film production, investment funds, education, research & development, information technology, and regional headquartering. U.S. Department of State: 2023 Investment Climate Statements: Cyprus, available at https://www.state.gov/reports/2023-investment-climate-statements/cyprus/

[85] Alkistis Kostopoulou, 'Artificial Intelligence and Personal Data: Topical Issues on the Occasion of the EU AI ACT' (MA thesis, University of Piraeus, 2022) 56; Ronald Leenes & al. (eds.) *Data protection and privacy: the age of intelligent machines* (Oxford, UK: Hart Publishing, 2017).

[86] Deputy Ministry of Research, Innovation and Digital Policy, Press release of 6.11.2024, First milestone for the implementation of Regulation (EU) 2024/1689 on Artificial Intelligence in Cyprus, available at https://www.gov.cy/dmrid/en/uncategorized/first-milestone-for-the-implementation-of-regulation-eu-2024-1689-on-artificial-intelligence-in-cyprus/ (last accessed 30 April 2025).

[87] CJEU, Case C-55/18, *Federación de Servicios de Comisiones Obreras (CCOO) v. Deutsche Bank SAE*, judgment 14.05.2019. Member States must force employers to implement a system of measuring the daily working time of each employee.

is undoubtedly one of the latter. The participation of Cyprus in the EU does not determine the existence, but rather the quality of the protection, i.e. the protective scope of the right. Maintaining and strengthening the common market require reasonable compromises. Practically speaking, data subjects and technology companies have an inherently unequal relationship. The power of modern-day technological giants exceeds that of States. In this light, the adoption of rules at the EU level helps MS to look oligopolies in the eye,[88] oppose their demands, and ultimately defend threatened individual liberties, following the idiom 'many hands make light work'. In the case of Cyprus, considering its size, together with the structure of its economy (headquarters of corporate giants), personal data is protected far more effectively through its participation in the EU *acquis*.

References

Abraha H., *'A pragmatic compromise? The role of Article 88 GDPR in upholding privacy in the workplace*' (2022) International Data Privacy Law, 12(4): 276-296.

Aldhouse F., '*Data protection in Europe – Some thoughts on reading the academic manifesto*', Computer Law & Security Review (2013) 29(3): 289-292.

Auby J-B, '*Remarques Terminales*' {Terminal Remarques} in Revue Française de Droit Administratif (2010), 5: 931.

Barrett C., *'Emerging trends from the first year of EU GDPR enforcement*' (2020) Chicago : American Bar Association. 16(3) : 22-25.

Burri M., Schär R., *'The Reform of the EU Data Protection Framework : Outlining Key Changes and Assessing Their Fitness for a Data-Driven Economy*', Journal of Information Policy (2016) 6: 479-511.

Butarelli G, '*Forefront*' (2020) in The EU General Data Protection Regulation (GDPR) A Commentary, Ch. Kuner, Lee A. Bygrave, Ch. Docksey (eds), Oxford University Press.

Danagher, L., *'An Assessment of the Draft Data Protection Regulation: Does it Effectively Protect Data?*' (2012) European Journal of Law and Technology, Vol. 3(3).

Dommett K., '*Data-driven political campaigns in practice: understanding and regulating diverse data-driven campaigns*', Internet Policy Review (2019) 8(4).

Emilianides A., '*Constitutional Law in Cyprus*' (2024) 3nd ed. Wolters Kluwer.

[88] Edith Hancock, 'The EU's uphill battle against Big Tech power' (*Politico* 6 March 2024), available at https://www.politico.eu/article/the-eus-uphill-battle-against-big-tech-power/ (last accessed 25 April 2025).

Fernandez I.O, Kortbi M, Adkinson L, '*Large Scale Data Anonymisation for GDPR Compliance*' in '*Large Scale Data 'Anonymisation for GDPR Compliance in Big Data and Artificial Intelligence in Digital Finance*' (2022), Springer: 325-336.

FRA, 'Data Protection in the European Union: the role of National Data Protection Authorities (Strengthening the fundamental rights architecture in the EU II)' (2010), available at: https://op.europa.eu/en/publication-detail/-/publication/994e9977-d4c7-4f28-8221-9e10f916e330/language-en (last accessed 23 September 2025)

Giurgiu A., Larsen T., *'Moving from Directive 95/46/EC to the GDPR: Stronger and More 'European' DPAs as Guardians of Consistency?*', Roles and Powers of National Data Protection Authorities, European Data Protection Law Review (2016) 2(3): 342-352.

Goddard M., '*The EU General Data Protection Regulation (GDPR): European Regulation that has a Global Impact*', International journal of market research (November 2017) 59(6): 703-705

Greenleaf G., '*The Influence of European Data Privacy Standards Outside Europe: Implications for Globalization of Convention 108*' (March 2012) International Data Privacy Law 2(2): 77-111.

Gutwirth, S. et al. (eds.) 'Data protection and privacy: the age of intelligent machines' (2017) Oxford [UK]; Hart Publishing.

Hillion C, *'EU enlargement: A legal analysis' in: Arnull A, Wincott D (eds) Legitimacy and Accountability in the European Union* (2002) Oxford: Oxford University Press: 401-419.

Hotaling A, '*Protecting personally identifiable information on the Internet: Notice and consent in the age of behavioral targeting'*, 16 CommLaw Conspectus 529 (2008): 529-565.

Jasserand C., '*Subsequent Use of GDPR Data for a Law Enforcement Purpose: The Forgotten Principle of Purpose Limitation?*' European data protection law review (Internet) (June 2018) Vol.4(2): 152-167

Jason H., '*EDPB begins coordinated privacy enforcement*' (2024) Cybersecurity Policy Report, 1.

Kindt E., '*Having yes, using no? About the new legal regime for biometric data*', The computer law and security report (June 2018), Vol.34 (3): 523-538.

Kiss A. & László Sőke G, '*Evolution or Revolution? Steps Forward to a New Generation of Data Protection Regulation of Data Protection Regulation*', in S. Gutwirt et al (eds), Reforming European Data Protection Law, Law, Governance and Technology Series 20 (Springer 2015): 311-331.

Knoppers, B.M. '*Framework for responsible sharing of genomic and health-related data*' (2014) HUGO J 8(3): https://doi.org/10.1186/s11568-014-0003-1

Kostopoulou A., '*Artificial Intelligence and Personal Data: Topical Issues on the Occasion of the EU AI ACT*' (2022) Master Thesis, ProQuest Dissertations Publishing, p. 56.

Kuner C, *'The European Commission's Proposed Data Protection Regulation: A Copernican Revolution in European Data Protection Law*', Bloomberg BNA Privacy and Security Law Report (2012) February 6, 2012: 1-15.

Kuru T, '*C-205/21 VS v Ministerstvo na vatreshnite raboti, Glavna direktsia za borba s organiziranata prestapnost: Indiscriminate and Generalised Collection of Biometric and Genetic Data by Law Enforcement Authorities in the EU Is Not Allowed*', EDPL (2024) vol. 10(2): 223 – 231.

Lykiardopoulou, I, 'A third of GDPR fines for social media platforms linked to child data protection' (*The Next Web*, 8 November 2023), available at: https://thenextweb.com/news/gdpr-fines-social-media-platforms-child-data-protection (last accessed 23 September 2025).

Markou C., '*Cyprus: A Look into the Law for the Effective Application of the GDPR Reports: GDPR Implementation Series*', EDPL Review (2019), 5(3): 389-396

Miscenic E., Hoffmann A.-L., '*The Role of Opening Clauses in Harmonization of EU Law: Example of the EU's General Data Protection Regulation (GDPR)*' (2020) EU and comparative law issues and challenges series (ECLIC): 44-61.

Nahid S., *'Data Protection and Compliance*' edited by Stewart Room, BCS Learning & Development Limited (2021) 2nd ed. ProQuest Ebook Central, p. 189.

Nissenbaum H., *'A Contextual Approach to Privacy Online'*, Daedalus (2011) 140 (4):32–48.

Purtova N., '*Default entitlements in personal data in the proposed Regulation: Informational self-determination off the table … and back on again?*' (February 2014) Computer Law & Security Review, 30(1): 6-24.

Riga E., Dionysiou, K. *'Supremacy of EU law in Cyprus legal order*', Cyprus Mail, 30.06.2021.

Rotenberg M, *'On International Privacy: A Path Forward for the US and Europe*', Harvard International Review (Spring 2014), Cambridge 35(4): 24-28

Schwartz, P., '*The EU-U.S. Privacy Collision: A Turn to Institutions and Procedures*' (May 2013) Foreign & Comparative Law 126(7): 1966-2008.

Shabani, M., Borry, P. '*Rules for processing genetic data for research purposes in view of the new EU General Data Protection Regulation'* (2018) European Journal of Human Genetic 26: 149–156 https://doi.org/10.1038/s41431-017-0045-7.

Theodoropoulou, E. '*Cyprus:* A New, Evolving Energy Center or Possibly Hub for the European Union in the Eastern Mediterranean' (Master thesis, University of Piraeus, March 2022), available at: https://dione.lib.unipi.gr/xmlui/bitstream/handle/unipi/14326/Theodoropoulou.pdf?sequence=3&isAllowed=y (last accessed 23 September 2025)

Voigt P., Bussche A., '*The EU General Data Protection Regulation (GDPR): A Practical Guide*' (2017) Springer International.

Main topics in which Cypriot data Commissioner adopted guidelines or addressed specific instructions:

- Directive 4/2017 for right of access of employees or candidates in the public section (only available in Greek).
- Opinion 1/2018 addressed to Trade Unions in relation to the notification by the employers of lists with names of employees, their salaries, and contributions (only available in Greek).
- Opinion 2/2018 on video surveillance at work and the use of biometric systems (only available in Greek).
- Opinion 1/2019 on the access to email accounts of employee and former employee (only available in Greek).
- Opinion 1/2020 on the supervision of long distance / online exams by higher education institutions (only available in Greek).
- Opinion 1/2022 concerning transmission of messages and placing of calls with political content / promotion of candidates (only available in Greek).
- Directions about retention periods for medical data (only available in Greek).
- Interpretation of Article 10 GDPR (only available in Greek).
- Data protection officers (DPO) Guidance.
- Data Protection Impact Assessments (DPIA) Guidance.
- Data transfers (only available in Greek).
- Records of processing activities.
- Video-surveillance (only available in Greek).
- Employment relations (only available in Greek).
- Personal data breach notifications.
- Codes of conduct and certifications mechanisms.
- Exercise of the right to access by public employees (only available in Greek).
- Processing and retention period of data by banking institutions.
- Direct marketing of goods and services.
- Use of the internet and mobile phones.

Digital Gatekeepers: Addressing Fake News, 'Deepfakes', and Hate Speech While Safeguarding Free Speech

Stella Mala[1]

Abstract

Fake news that distorts elections, deepfakes that impersonate identities, and hate speech that fuels intolerance are increasingly converging in the digital sphere, creating unprecedented risks. The most dangerous threat emerges where deepfakes carry elements of hatred, amplifying both disinformation and incitement. This article examines how far online intermediaries can go in filtering such content without eroding fundamental rights. Anchored in Article 10 of the European Convention on Human Rights and the Rabat Plan of Action, it surveys the full body of relevant case law while situating the analysis within the framework of the Digital Services Act and evolving standards of intermediary liability. Comparative examples highlight the limits of algorithmic moderation and the quasi-judicial role of human operators. The central claim is urgent: Without clear safeguards, the intertwined challenges of fake news and hate speech risk undermining democracy itself.

Keywords: freedom of expression; hate speech; fake news; deepfakes; intermediary liability

1. Introduction

Algorithms geared towards keeping users safe online are prone to making errors, often removing legitimate content such as nude artworks or advertisements featuring innocuous subjects. For instance, in 2020, Facebook's algorithm erroneously removed an advertisement depicting onions because it perceived them as nudity.[2] In another notable case, the algorithm removed the renowned artwork *The Origin of the World*, misinterpreting it as pornographic material.[3] In this instance, the algorithm

[1] Adjunct, Department of Law, University of Nicosia, Cyprus. Email: mala.ste@unic.ac.cy

[2] Adam Satariano, 'Facebook Can Be Forced to Delete Content Worldwide, E.U.'s Top Court Rules' (*The New York Times*, 3 October 2019), available at https://www.nytimes.com/2019/10/03/technology/facebook-europe.html (last accessed 15 June 2025).

[3] Lorena Muñoz-Alonso, 'Parisian Court Rules It Has Jurisdiction in "L'Origine du Monde" vs Facebook

failed to assess the legitimacy of the speech effectively. Furthermore, incidents such as the Imane Khelif case illustrate the enduring difficulty of effectively addressing hate speech in online environments. An Algerian boxer who competed in the 2024 Paris Olympics, Imane Khelif was the target of false claims alleging she was transgender, which led to a surge of online hate speech and discrimination against her.[4] This unfounded news spread rapidly, driven by prejudice, and caused significant damage to her reputation. The incident underscores the harmful effects of fake news and online hate speech, particularly regarding issues of gender and sex identity. Human content moderators bear the responsibility of demoting, removing, or eliminating content and may further this action when the content is deemed illegitimate or, more problematically, when it is mistakenly perceived as such despite being legitimate. Addressing the liability of algorithms and human content operators in the context of hate speech or of fake news is a particularly pressing and complex issue.

This article adopts a doctrinal and normative legal methodology, interrogating the evolving interface between human rights law and digital speech regulation. It critically engages with the legal architecture surrounding freedom of expression, hate speech, and fake news, particularly where these phenomena overlap or are indistinctly classified. The analysis is anchored in the three-part test under Article 10(2) of the European Convention on Human Rights (ECHR), serving as a framework to assess the legality, legitimacy, and proportionality of speech restrictions in the digital sphere. To further nuance the treatment of hate speech, the Rabat Plan of Action is employed as a threshold matrix for evaluating incitement. The inquiry is informed by comparative perspectives and adopts a critical lens on the normative role of digital intermediaries, whose algorithmic governance increasingly mediates the boundaries of permissible, lawful expression.

Case' (*artnet*, 9 March 2015), available at https://news.artnet.com/art-world/parisian-court-rules-it-has-jurisdiction-in-lorigine-du-monde-vs-facebook-case-275117 (last accessed 13 June 2025).

[4] Rachel Baig, 'Boxer Imane Khelif targeted by hate speech, disinformation' (*DW*, 08 June 2024), available at https://www.dw.com/en/paris-olympics-boxer-imane-khelif-battles-hate-speech/a-69863650 (last accessed 14 June 2025).

2. Freedom of Expression, Fake News, and Hate Speech: Exploring Boundaries in a Connected World

'Expression' is the internal state of mind or intellect externalised through speech, writing, symbols, and actions.[5] It is a fundamental human freedom to express what one feels, believes, experiences, or wishes to share. Expression takes numerous forms, and there may be new forms of expression in the future that we have yet to discover. The answer to whether this right should be protected is affirmative, especially when considering that significant battles were fought and many lives were sacrificed to secure the right for individuals to express themselves. It is crucial to protect the right to freedom of expression, which should only be limited in exceptional circumstances.

Freedom of expression is a fundamental right and should be seen as a collective one, affecting both the sender and receiver of speech, as well as society as a whole.[6] Many studies characterise freedom of expression as a universal and natural right inherent to every human being, contributing to the establishment and smooth functioning of a democratic society.[7] Freedom of expression is a universal and foundational human right, recognised not only in international human rights law but also as a constitutional right in many democratic systems. It lies at the very core of the ECHR and serves as a cornerstone of democratic society, intimately connected to the purposes and spirit of the Convention itself. Its protection is presumed from the outset, forming the backbone of pluralism, open debate, and public accountability. Article 10 of the ECHR is structured into two paragraphs: the first defines the freedoms protected, namely the freedom to hold opinions, and to receive and impart information and ideas, without interference by public authorities and regardless of frontiers.[8] The second paragraph outlines the three conditions under which a State may legitimately restrict these freedoms.[9]

Article 10(2) of the ECHR makes clear that freedom of expression protects not only neutral or agreeable ideas, but also those that may offend, shock, or disturb. Through its interpretation, the European Court of Human Rights (ECtHR) emphasises that such freedom is essential to individual autonomy and democratic plural-

5 Alexander Brown, 'What Is Hate Speech? Part 1: The Myth of Hate' (2017) 36 *Law and Philosophy*.

6 Jonathan Seglow, 'Hate Speech, Dignity and Self-Respect' (2016) 19 *Ethical Theory and Moral Practice*.

7 Şener v. Turkey, App no 26680/95 (ECtHR, 18 July 2000).

8 The only exemption derives from par. 2.

9 *Aleksey Ovchinnikov v. Russia* Appl. no. 24061/04 (ECtHR, 16 December 2010).

ism. At the same time, the Court defines the freedom's limits, reminding us that even fundamental rights are not absolute and must be balanced against the rights of others and the interests of a democratic society.[10] In the light of the above, a very fine line separates the one from the other, often making the distinction unclear. At the same time, this paradox makes freedom of expression more appealing, as it does not imply that any provocative, offensive, or shocking expression should be automatically prohibited, but rather that it should be heard as it is intrinsically linked to a democratic society, individual freedoms, pluralism, tolerance, and open-mindedness.

The three-part test demands that any limitation to free speech must: a) be prescribed by law; b) pursue a legitimate aim; and c) be necessary in a democratic society, with the latter element requiring a nuanced proportionality assessment. Any limitation upon this right must be regarded as exceptional, justified only under strictly defined conditions, and applied with the utmost restraint.[11] On this basis, one could reasonably argue that it was appropriate to publicly address during the Olympics Khelif's gender identification or sexual identity, as there was a legitimate public interest in discussing whether, given her gender characteristics, she could compete fairly and equally against cisgender women. The exercise of the right to freedom of expression is far more complex than it may seem. Nevertheless, internet users often hastily form opinions and express themselves without fully processing the information or considering the legitimacy of the speech involved. This tendency underscores the challenges inherent in balancing the right to express oneself with the responsibility to do so thoughtfully and responsibly.

The right to freedom of expression has expanded into new media platforms in the wake of the technological revolution, transforming public discourse. As a result, discussions surrounding the legality of expression are no longer solely governed by human rights; they now also incorporate elements from new technologies and social networking. This intersection of legal frameworks reflects the evolving nature of communication in the digital age, where the parameters of expression are increasingly shaped by the complexities of modern media.[12] The right includes the freedom

[10] *Handyside v. the United Kingdom* Appl. No. 5493/72 (ECtHR, 7 December 1976).

[11] *Aleksey Ovchinnikov v. Russia* Appl. no. 24061/04 (ECtHR, 16 December 2010).

[12] Stella Mala*, The Legal Framework of Online Hate Speech* (*Το Νομικό πλαίσιο του Διαδικτυακού Μισαλλόδοξου Λόγου*) (Nicosia, Hippasus, 2023) (in Greek).

of speech and the formation and expression of opinions and ideas,[13] including online expression.[14]

Case law shows that forms of expression protected by the ECHR include documents,[15] radio broadcasts,[16] paintings,[17] films,[18] poetry,[19] artistic work,[20] novels,[21] electronic information systems,[22] and satirical expression.[23] The freedom to share information and ideas is inherently linked to the freedom to receive them, whether in print or broadcast media. Public information should be disseminated to foster dialogue that promotes research, questioning, and development. Restrictions on disseminating information should be proportional and justified,[24] aiming not to discourage the right itself, as such a result would be detrimental to States and the participatory interests of their citizens.

3. Bridging EU Law with International Obligations and the Convergence of Hate Speech and Fake News

The EU's 2008 Framework Decision defines hate speech as the intentional public incitement to violence or hatred directed against a group of persons or a member of a group identified based on race, colour, religion, descent, or national or ethnic origin, with the aforementioned offense being committed through the dissemination, by any means, of written material, images, or other elements.[25] This Framework Decision is binding on EU Member States (MS) and harmonises national laws.[26] It is recognised

[13] *Handyside v. the United Kingdom* Appl. No. 5493/72 (ECtHR, 7 December 1976) par. 49; *Erbakan v. Turkey* Appl. No 59405/00 (ECtHR, 6 July 2006) par. 56

[14] *Delfi AS v. Estonia* Appl. No. 64569/09 (ECtHR, 16 June 2015).

[15] *Handyside v. the United Kingdom* Appl. No. 5493/72 (ECtHR, 7 December 1976).

[16] *Groppera Radio AG and Others v. Switzerland*, Appl. No. 10890/94 (ECtHR, 28 December 1990).

[17] *Müller and Others v. Switzerland* Appl. No. 10737/84 (ECtHR, 24 May 1988).

[18] *Otto-Preminger-Institut v. Austria* Appl. No. 13470/87 (ECtHR, 20 September 1994).

[19] *Karataş v. Turkey* Appl. No. 23168/94 (ECtHR 8 July 1999).

[20] *Müller and Others v. Switzerland* Appl. No. 10737/84 (ECtHR 24 May 1988).

[21] *Akdaş v. Turkey* Appl. No. 41056/04 (ECtHR, 16 February 2010).

[22] *Eon v. France* Appl. No. 26118/10 (ECtHR 14 March 2013); *Kuliś and Różycki v. Poland* Appl. No 27209/03 (ECtHR 6 October 2009); *Alves da Silva v. Portugal* Appl. No. 41665/07(ECtHR, 20 October 2009).

[23] *Vereinigung Bildender* Künstler v. Austria Appl. No. (ECtCR, 25 January 2007).

[24] *Mouvement raëlien Suisse v. Switzerland* Appl. No. 16354/06 (ECtHR, 13 July 2012) par. 75.

[25] Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law [2008] OJ L328/55.

[26] See Cyprus: The Law on Combating Certain Forms and Expressions of Racism and Xenophobia through Criminal Law of 2011 (134(I)/2011), Criminal Code of Cyprus article 99A; see France: Law of 29

as a secondary source of European law and sets the minimum standards for criminalising hate speech, racism, and xenophobia across the EU. Following the ECHR and the 1997 Recommendation, [27] MS have also criminalised hate speech based on sexual orientation and gender identity.[28]

Its chronological precedence is precisely what makes the 1997 Recommendation one of the most well-known and widely cited attempts to define hate speech. Further, its broad definition that protects groups of people identified by sexual orientation and gender identity is well-known to EU MS, as they are parties to the ECHR. It has thus motivated these States to extend protections to groups identified by their sexual or gender identity. The ECtHR has frequently referenced the 1997 Recommendation in its decisions, underscoring its significance in shaping the legal understanding of hate speech.[29] On several occasions, the Court has drawn upon the 1997 Recommendation, further solidifying its role in guiding MS on the protection of groups based on sexual or gender identity.[30]

Complementing the definitional guidance offered in the 1997 Recommendation and the 2008 Framework Decision, the Rabat Plan of Action offers an internationally recognised framework that assists in assessing whether an expression qualifies as unlawful incitement to hatred, while safeguarding the right to freedom of expression.[31] The Rabat Plan was developed under the auspices of the United Nations (UN) and grounded in Article 20(2) of the International Covenant on Civil and Political Rights (ICCPR), which provides that: 'Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law'.[32] The Rabat Plan defines 'hatred' and 'hostility' as intense, irrational feelings

July 1881 on freedom of the press Article 32 and Law of 29 July 1881 on freedom of the press, Article 24; Germany: German Criminal Code (Strafgesetzbuch – StGB article 130.

[27] Recommendation (EC) R (97) 20 Recommendation of the Committee of Ministers to Member States on "Hate Speech", [1997] Committee of Ministers.

[28] See the French Law of 29 July 1881 on Freedom of the Press, Article 24 and Cyprus Criminal Code, Article 99A.

[29] Federica Casarosa, 'The European Regulatory Approach toward Hate Speech Online: The balance between efficient and effective protection' (2019) 55 *Gonzaga Journal of International Law*.

[30] *Carl Jóhann Lilliendahl v. Iceland*, Appl. no. 29297/18, (ECtHR, 12 May 2020); *Beizaras and Levickas v. Lithuania*, Appl.no. 412888/15, (ECtHR, 14 January 2020).

[31] United Nations High Commissioner for Human Rights, 'Report of The United Nations High Commissioner for Human Rights on the Expert Workshops on the Prohibition of Incitement to National, Racial or Religious Hatred' (United Nations High Commissioner for Human Rights 2013) available at https://www.ohchr.org/Documents/Issues/Opinion/SeminarRabat/Rabat_draft_outcome.pdf.

[32] International Covenant on Civil and Political Rights (ICCPR), adopted 16 December 1966, UNGA Res

of opprobrium and aversion toward a targeted group; 'advocacy' implies an intention to publicly promote such attitudes; and 'incitement' refers to speech that creates an imminent risk of discrimination, hostility, or violence against individuals belonging to protected groups.

At the core of this framework lies a threshold test designed to determine when speech may lawfully be subject to restriction or criminal sanction. All six elements must be satisfied: a) the broader social and political environment is one in which the speech is likely to exacerbate discrimination, hostility, or violence; b) the speaker occupies a position of status, influence, or authority such that their words are capable of amplifying harm; c) the speech is made with the deliberate aim of inciting harm, rather than through negligence or recklessness; d) the language, tone, and structure of the message are inflammatory or provocative, making incitement more likely; e) the reach, audience, and means of communication are sufficiently extensive to increase the potential impact of the speech; and f) there is a real and imminent risk that the speech will directly result in discriminatory or violent action.

By introducing a rigorous and context-sensitive framework, the Rabat Plan ensures that limitations on speech are narrowly defined, necessary, and proportionate. This approach helps prevent arbitrary or overly broad restrictions while safeguarding both human dignity and freedom of expression. The Rabat test underscores the non-automatable nature of such assessments: While algorithms may support the detection of certain indicators such as speaker identity and dissemination metrics, the full application of the Rabat criteria, specifically those involving intent, context, and likelihood of harm, requires human, legal judgment. Thus, the Plan reinforces the importance of careful, reasoned adjudication in balancing the right to free expression with the need to combat hate speech. Defining hate speech in legal terms and applying the Rabat Plan are already complex tasks, and the rise of fake news further complicates the landscape, blurring the already fragile lines between expression and incitement, information and propaganda.

In recent years, online hate speech has grown,[33] occasionally taking the form of fake news (disinformation or misinformation).[34] This is not a new phenomenon—in

2200A (XXI), entered into force 23 March 1976, 999 UNTS 171.

[33] D. Madrid-Morales & H. Wasserman, 'Research Methods in Comparative Disinformation Studies' in Wasserman H and Madrid-Morales D (eds), *Disinformation in the Global South* (Wiley Blackwell, 2022) 41–57.

[34] Photios Spyropoulos, 'The Spread of False News in the Age of "Fake News"' (2019) 8 *Epistimonika Apotipomata*.

the 2012 *Raëlien Suisse* case,[35] the ECtHR addressed the issue of digital disinformation in relation to a poster campaign designed to convince people of the existence of extraterrestrials. The distribution of fake news might be a criminal offence under national laws.[36] It is not explicitly an offense under EU law but when a false information incites hatred, violence, xenophobia, and racism it can be prosecuted under existing laws.

A critical challenge in regulating harmful speech lies in the overgeneralisation of 'fake news', often commingling misinformation, disinformation, and malinformation without adequate legal precision. This lack of distinction risks both unjustified censorship and ineffective protection against genuinely harmful content. To enhance legal clarity, it is necessary to differentiate these categories based on intent, harm, and legal status even though certain categories of fake news generally fall outside the scope of legal scrutiny due to their inherently innocent character and absence of intent.

Misinformation refers to false or misleading information shared without malicious intent, such as erroneous reporting or satire.[37] For example, a satirical depiction of political figures, such as an image portraying the US president dancing with the Russian president, may be created as humorous commentary on current events rather than an attempt to deceive.[38] Such content, while factually inaccurate, lacks the deliberate intent to mislead or cause harm, distinguishing it from disinformation or incitement to hatred under legal frameworks. Such speech typically remains protected under freedom of expression as enshrined in Article 19 of the ICCPR. In contrast, disinformation involves deliberately false information intended to deceive and cause harm, for example, misleading propaganda that incites violence or discrimination. This type of expression may lawfully be restricted under Article 20(2) ICCPR. Malinformation, meanwhile, describes the use of truthful information out of context to harm individuals, such as the non-consensual disclosure of private data; these instances may fall under privacy or defamation laws.

---

[35] *Raëlien Suisse v. Switzerland*, Appl.no. 16354/06, (ECtHR, 13 July 2012).

[36] See for example the Criminal Code of Cyprus, Article 50.

[37] Jonathan Greenberg, *The Cambridge Introduction to Satire* (Cambridge University Press, 2019) 7 ('They all shape their judgments into an artistic form and blend attack with entertainment').

[38] *Müller and Others v. Switzerland* (Application No 10737/84) (ECtHR, 24 May 1988) (recognising that Article 10 protects artistic expression); see also *StraußKarikatur* (1 BvR 313/85) BVerfGE 75, 369 (Order of the First Senate, German Constitutional Court, 3 June 1987) ('satire can be art, but not all satire is art').

The legal landscape surrounding synthetic media has grown increasingly complex, particularly with the emergence of deepfakes—digitally fabricated or manipulated content, those present unique regulatory challenges. According to the Artificial Intelligence Act, 'deep fake' means AI-generated or manipulated image, audio, or video content that resembles existing persons, objects, places, entities, or events and would falsely appear to a person to be authentic or truthful.[39] For example, non-consensual intimate deepfakes are broadly condemned and typically fall under existing privacy and sexual offence laws in many jurisdictions. On the other hand, political deepfakes, especially those intended as parody or satire often remain protected by free speech guarantees, though they may be scrutinised under evolving rules aimed at safeguarding electoral integrity and media transparency.

This intricate regulatory terrain is reflected in international developments such as the Council of Europe's Recommendation CM/Rec (2022)16 on combating hate speech and the EU's Digital Services Act.[40] This is complemented by the leading international authorities, including UN Special Rapporteurs on freedom of expression and hate speech, who have underscored the need for a carefully balanced legal approach.[41] They call for frameworks that uphold fundamental rights while effectively addressing real harms. These experts stress the importance of applying clear legal definitions and maintaining high thresholds before imposing any restrictions on speech, particularly in politically or socially volatile contexts.

Ultimately, a clear and coherent legal framework that distinguishes between misinformation, disinformation, and malinformation is essential. Grounding these categories in international human rights principles and the latest normative guidance allows policymakers and courts to strike a fair balance: preserving freedom of expression while ensuring accountability where speech crosses the line into incitement, discrimination, or violence. Such clarity helps guard against arbitrary or disproportionate censorship, while promoting responsible and rights-respecting regulation.

---

[39] Regulation (EU) 2024/... of the European Parliament and of the Council laying down harmonised rules on artificial intelligence (Artificial Intelligence Act), [2024] OJ L ..., Art 3(60).

[40] Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC (Digital Services Act) [2022] OJ L277/1.

[41] See, for example, UN Human Rights Council, *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression*, A/HRC/47/25 (13 April 2021); and UN General Assembly, *Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association*, A/74/486 (2019).

Despite the growing urgency to regulate harmful online content, a persistent difficulty lies in defining key terms such as *'misinformation'* and *'disinformation'*. The conceptual ambiguity surrounding these notions continues to challenge both lawmakers and courts. Nevertheless, certain institutional and legislative efforts have been undertaken to provide at least a functional framework or working definitions. For instance, there are some European policies, such as the *Code of Practice on Disinformation*[42] and the *Digital Services* Act,[43] which focus primarily on platform transparency and accountability rather than penalising fake news or attempting to offer a precise definition of it. In 2019, the ECtHR introduced the term *'fake news'* in *Brzezinski v. Poland*,[44] providing a broadly accepted, general definition encompassing both disinformation and misinformation. Current policy initiatives, while significant, remain insufficient, although the European Commission has made an effort to define the term *'disinformation':*

> [V]erifiably false or misleading information that is created, presented and disseminated for economic gain or to intentionally deceive the public, and may cause public harm. Public harm comprises threats to democratic political and policy-making processes as well as public goods such as the protection of EU citizens' health, the environment or security.[45]

Furthermore, the Commission clarifies that disinformation does not include reporting errors, satire, and parody, or clearly identified partisan news and commentary. In contrast to disinformation, misinformation[46] consists of false or misleading information that is shared without the intent to deceive or cause harm, and the person spreading it is not the originator of the content. Consequently, if someone mistakenly spreads fake news without intending to deceive or cause harm, this would be regarded as misinformation.[47] However, if the claim was made with malicious intent, it could be considered disinformation. Manipulation, rumours based on falsehoods,

[42] European Commission, 'Code of Practice on Disinformation' (Digital Strategy, 26 May 2021) https://digital-strategy.ec.europa.eu/en/policies/code-practice-disinformation accessed accessed 3 June 2025.

[43] Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services (Digital Services Act) [2022] OJ L277/1.

[44] *Brzeziński v. Poland*, Appl. no. 47542/07, (ECtHR, 25 July 2019).

[45] European Commission, 'Code of Practice on Disinformation' (2018) https://digital-strategy.ec.europa.eu/en/policies/code-practice-disinformation accessed on 10 June 2025.

[46] Philippe Jougleux, *Facebook and the (EU) Law: How the Social Network Reshaped the Legal Framework* (Springer, 2022).

[47] European Parliament, *The Legal Framework to Address 'Fake News': Possible Policy Actions at the EU Level* (Policy Department for Economic, Scientific and Quality of Life Policies, 2018).

conspiracy theories, and misinformation are characteristics frequently found in both hate speech and fake news.[48] Fake news is closely linked to the offense of hate speech; both directly impact the right to information and both constitute a danger to democratic society.[49]

Malicious AI-generated content, such as deepfakes, presents a clear threat to the smooth functioning of democratic States.[50] Strengthening independent and reliable media outlets is a crucial safeguard against such threats. Free and pluralistic media are a key pillar of democracy and essential for a healthy market economy. The EU adopted the European Media Freedom Act (EMFA) (Regulation (EU) 2024/1083),[51] which entered into force on 7 May 2024. Its major provisions are already in effect, with full application across the EU commencing on 8 August 2025. The Act aims to protect media freedom and pluralism, ensure the cross-border operation of both public and private outlets without undue pressure, and address the challenges posed by the digital transformation of the media sector.

The EMFA seeks to standardise national laws across the EU regarding editorial freedom, media pluralism, and independence, addressing the challenges posed by digital transformation. It is widely accepted that the media must have a strong voice to inform citizens with integrity about current affairs. This 'asylum' status ensures journalists' voices are not weakened.[52] In the same vein, journalism should be recognised as a crucial profession that contributes to the establishment, development, and smooth functioning of a democracy.[53] The main goals of the EMFA are to ensure the sustainability of media outlets, strengthen democratic engagement, combat disinformation, and protect media freedom and pluralism. The Act also addresses concerns

[48] Bente Kalsnes, 'Fake News' (2018) *Oxford Research Encyclopedia of Communication*.

[49] Philippe Jougleux, *Facebook and the (EU) Law: How the Social Network Reshaped the Legal Framework* (Springer, 2022).

[50] S Rayhan & S Rayhan, 'The Role of AI in Democratic Systems: Implications for Privacy, Security, and Political Manipulation' (MSC thesis, 2023); J. Twomey & al., 'Do deepfake videos undermine our epistemic trust? A thematic analysis of tweets that discuss deepfakes in the Russian invasion of Ukraine', (2023) 18(10) *Plos One*.

[51] European Media Freedom Act, Regulation (EU) 2024/1083 of the European Parliament and of the Council of 11 April 2024 on safeguarding media freedom in the European Union, OJ L, 7 May 2024, p. 1, available at https://eur-lex.europa.eu/eli/reg/2024/1083/oj (last accessed 28 August 2025).

[52] http://ec.europa.eu/information_society/newsroom/image/document/2016-50/2016-fundamental-colloquium-conclusions_40602.pdf last accessed on 28 August 2024.

[53] *Editorial Board of Pravoye Delo and Shtekel v. Ukraine* Appl. No. 33014/05 (ECtHR, 5 May 2011); *Times Newspapers Ltd v. the United Kingdom,* Appli. No. 3002/03 Appl. No 23676/03 (ECtHR, 10 March 2009).

about political bias, transparency in media ownership, and the allocation of State advertising, with the aim of preventing political interference in the media and safeguarding the rights of journalists and their sources.

Speech is not acceptable by default—hate speech is a clear legal limit on the right to freedom of expression. It is important to differentiate between cases where hate speech targets a protected group or an individual from that group and instances where hate speech is driven by false information or where fake news is deliberately created to incite prejudice against a group or an individual of the protected group. Although it may initially seem that hate speech and fake news are closely linked, as both can disseminate falsehoods about an individual or protected group, this is not always the case. There are situations where hate speech is propagated through lies, misinformation, and intentional distortion of the truth to provoke hatred against a protected group. It is crucial to establish whether the fake news was disseminated with intent, which would categorise it as disinformation, or without intent or unintentional inaccuracies, which would classify it as misinformation. Disinformation requires proof of deliberate intention by the sender, whereas misinformation does not.

According to the theoretical framework of disinformation, if someone intentionally spreads a fake story with hate speech, this act qualifies as both disinformation and an offense of hate speech.[54] Conversely, if an individual genuinely believes a false news story to be true and spreads it with hate speech, this situation is classified as misinformation, though it still constitutes hate speech. A separate scenario occurs when someone disseminates fake news, intentionally or unintentionally, without incorporating hate speech but for financial gain. In this case, the fake news itself does not necessarily incite hate or violence. If this news is later republished with hate speech commentary, the situation becomes more complex, as the original disseminator is not accountable for the subsequent actions of others. Therefore, it is crucial to distinguish between disinformation and hate speech to accurately evaluate the nature of the offense, if any. Fake news creates considerable confusion and challenges for end users.[55] Each individual is responsible for their own actions and intentions, and it is important to recognise the distinction between the acts of the sender and those of the receiver or subsequent disseminators of information. While the sender of

[54] E. Humprecht, F. Esser, F & P. Van Aelst, 'Resilience to Online Disinformation: A Framework for Cross-National Comparative Research' (2020) 25(3) *International Journal of Press/Politics*, 493–516.

[55] European Parliament, Regulation of the European Parliament and of the Council on the European Media Freedom Act (2018), available at https://www.europarl.europa.eu/RegData/etudes/IDAN/2018/619013/IPOL_IDA(2018)619013_EN.pdf (last accessed 29 May 2025).

information may be held accountable for their intentions and the content they create or spread, the receiver or further disseminator can also be responsible for how they handle and share that information. This distinction ensures that each party's role in the dissemination of information is evaluated appropriately, taking into account their specific actions and intentions.

4. The ECHR's Stance on Fake News and Hate Speech

Fake news that includes hate speech does not enjoy the protection offered by Article 10 of the ECHR, which safeguards freedom of expression.[56] There are limitations and responsibilities associated with the rights of others, national security, public safety, prevention of disorder or crime, or the protection of health or morals. In the case of fake news, especially if it leads to harm, incites violence or hatred, or spreads disinformation that could cause significant public harm, authorities may justify restrictions under Article 10(2). The ECtHR has consistently upheld that while free expression is crucial, it does not extend to protecting false information that can cause significant harm or threaten public order. Unlike other forms of expression, hate speech is subject to stricter limitations under Article 10 of the ECHR. While the right to free expression is fundamental, the ECHR recognises that this right does not extend to speech that incites hatred, violence, or discrimination, and allows States to impose restrictions on such speech to protect the rights and safety of others.

Therefore, while some forms of expression, even controversial or offensive ones, are protected, fake news that crosses certain thresholds such as incitement to violence, hate speech, or causing harm may not be protected under Article 10. The judicial approach to disinformation includes recognising the high level of protection afforded to value judgments and personal opinions under freedom of expression. According to ECtHR case law, such opinions are less susceptible to proof and should be protected more robustly than false factual assertions.[57] This distinction between facts and value judgments is particularly relevant in cases of misinformation, where false information is shared unknowingly, as opposed to disinformation, which involves

[56] Article 11(1) of the Charter of Fundamental Rights of the European Union (2000/C 364/01) recognises the freedom of expression and information: 'Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers'.

[57] *Lingens v. Austria*, Appl. no. 9815/82, (ECtHR 8 July 1986).

intentional deceit.[58] The protection of opinions, therefore, becomes crucial when assessing the culpability of individuals sharing misinformation.

The ECtHR has emphasised that governments cannot suppress speech simply because it challenges official views;[59] minority opinions should be protected particularly in ongoing debates on unresolved public issues. The ECtHR has also held that ECHR Article 10 does not forbid the discussion of information even if its truthfulness is dubious. To balance freedom of speech with the right to accurate information, the focus should be on promoting responsible communication, encouraging media pluralism, and discouraging users from sharing unverified content.[60]

The ECtHR determines on a case-by-case basis whether there is a legitimate reason for restricting speech, assessing the potential harm. There have been instances where the Court has dismissed hate speech cases as unfounded, invoking Article 17 (the abuse clause) to emphasise that the appeal itself undermines the principles of the ECHR. However, the abuse clause should not be overused to combat disinformation, as this can erode fundamental speech protections. It is also important to recognise that not all disinformation is illegal under domestic or EU law. Therefore, policymakers must carefully balance the restriction of disinformation with the right to freedom of expression.

On 27 August 2024, the ECtHR issued a landmark decision regarding fake news.[61] The Court held that Article 10 of the ECHR, which protects the right to freedom of expression, does not extend to the dissemination of scientifically unfounded opinions about coronavirus vaccines.[62] Klaus Bielau, an Austrian physician, was disciplined by the Austrian Medical Association for promoting baseless anti-vaccine claims, such as denying the existence of pathogens and the effectiveness of vaccines. After unsuccessful cases before the national courts, Bielau brought his case to the ECtHR, alleging a violation of his freedom of expression.

After weighing the various rights involved, the ECtHR held that while doctors have the right to participate in public health debates, including expressing critical and minority views, this freedom is not unlimited. The Court emphasised that restric-

[58] European Council, Information Disorder: Toward an Interdisciplinary Framework for Research and Policy Making (2017) https://rm.coe.int/information-disorder-toward-an-interdisciplinary-framework-for-researc/168076277c accessed 30 August 2024

[59] *Sergey Petrovich Salov v. Ukraine,* Appl. no. 65518/01, (ECtHR, 27 April 2004).

[60] Registrar of the European Court of Human Rights (ECtHR), Press Release: ECHR 370 (2013), EUR. COURT OF HUMAN RIGHTS (December 17, 2013).

[61] *Bielau v. Austria*, Appl. no. 20007/22, (ECtHR, 27 August 2024).

[62] Votes 6/7.

tions on freedom of expression may be necessary when false and categorical public statements are made about medical matters, particularly when such statements are published online. The decision further noted that the €2,000 fine imposed on Bielau was modest, considering the potential harm caused by his statements. The Court's decision reinforced that free speech has limits, especially when public health is at stake and when the issues are serious enough to affect human life. Six out of seven judges voted against finding a violation of Article 10.

In a dissenting opinion, one judge held that there was no violation of Article 10, which protects freedom of expression. The judge argued that the applicant's published article, which encouraged readers to question conventional medical practices, should not be dismissed as unreasonable. The article was intended for a specific audience already open to alternative medicine and did not have a significant public reach. The judge also highlighted a similar case, *Stambuk v. Germany*, where the Court found a violation of Article 10 in a situation involving advertising by a medical practitioner.[63] The judge concluded that the restrictions imposed on the applicant were disproportionate and constituted a form of censorship, which could deter future expression of opinions, thereby threatening democratic society.

5. The Dual Threat: Why Fake News Coupled with Hate Speech Matters

False and misleading information, in its myriad forms, is profoundly disturbing and carries far-reaching consequences.[64] It can foster widespread misconceptions, incite mass unrest, and fuel resistance to accurate knowledge, which collectively pose significant threats to individual well-being, societal cohesion, and the integrity of democratic processes.[65] Furthermore, the proliferation of fake news can engender bigoted rhetoric and generate fear, potentially resulting in hate crimes due to the disarray and confusion it causes. Of particular concern is the dissemination of false information concerning critical matters such as public health, evident during the coronavirus pandemic, which can undermine trust in health authorities and exacerbate public health crises.[66] Similarly, the deliberate distortion of facts to manipulate election out-

[63] *Stambuk v. Germany*, App no 37928/97 (ECtHR, 17 October 2002, Third Section),

[64] Rayhan & Rayhan (no 50).

[65] S. Rosenfeld, *Democracy and Truth: A Short History* (University of Pennsylvania Press, 2019); J. Strömbäck & al., *Knowledge Resistance in High-Choice Information Environments* (Routledge, 2022).

[66] A. Lazić & I. Žeželj, 'A Systematic Review of Narrative Interventions: Lessons for Countering Anti-Vac-

comes, overthrow governments and create disorder,[67] shape public attitudes,[68] justify wars,[69] or threaten environmental stability represents an even more egregious use of misinformation, with potentially devastating consequences for democratic institutions and global stability.

6. Algorithmic Transparency and Accountability

The rapid growth of social media and digital platforms has led to a surge in user-generated content (UGC), including illegal material. Intermediary liability regimes differ significantly across jurisdictions, revealing deep normative tensions. Through Section 230 of the 1960 Communications Decency Act, the US provides extensive immunity to platforms for third-party content,[70] prioritising free expression and limiting State interference. This section, referred to as 'the Good Samaritan' protection, remains a cornerstone of internet regulation in the US, granting broad immunity to online platforms for UGC. While it has played a critical role in enabling the internet's rapid expansion, legal scholars increasingly point to its inadequacies in addressing contemporary harms such as disinformation and hate speech. As Dickinson notes, courts have constructed an expansive immunity doctrine that has struggled to adapt to evolving technologies and societal challenges, thereby protecting even bad-faith actors and impeding meaningful regulatory reform. With the US Supreme Court recently considering *Gonzalez v. Google LLC*, its interpretation of Section 230 may provide an opportunity to align legal protections with modern expectations of accountability and platform responsibility.[71]

---

cination Conspiracy Theories and Misinformation' (2021) 30(6) *Public Understanding of Science* 644–670, available at https://doi.org/10.1177/09636625211011881.

[67] M. Spring, 'Sadiq Khan says fake AI audio of him nearly led to serious disorder' (*BBC News*, 14 February 2024), available at https://www.bbc.com/news/uk-68146053, last accessed 13 June 2025.

[68] Oxford Internet Institute, 'Social Media Manipulation by Political Actors: An Industrial Scale Problem' (University of Oxford, 2021) available at https://www.oii.ox.ac.uk/publications/social-media-manipulation-by-political-actors-an-industrial-scale-problem/ last accessed 30 August 2024.

[69] E. Smalley, 'Russia's False Claims About Biological Weapons in Ukraine Demonstrate the Dangers of Disinformation and How Hard It Is to Counter – 4 Essential Reads' *The Conversation* (2022)

[70] 1 47 USC § 230 (Communications Decency Act); see also Gregory M Dickinson, 'Section 230: A Juridical History' (2025) 28 *Stan Tech L Rev* 1.

[71] *Gonzalez v. Google LLC*, 598 U.S. ___ (2023), available at https://www.supremecourt.gov/opinions/22pdf/21-1333_6jfm.pdf

Unlike the US, which tends to take a hands-off approach, the EU follows a much more regulated path. Under the Directive on electronic commerce,[72] platforms are exempt from liability if they can show that they were genuinely unaware of the illegal content disseminated through their services, and if they act expeditiously to remove or disable access once they become aware of it. With the introduction of the Digital Services Act (DSA),[73] however, the EU now places stronger responsibilities on major platforms, including conducting risk assessments and being more transparent about how they operate. The approach has also been shaped by the case law of the European Court of Human Rights, most notably in *Delfi AS v. Estonia*, where the Court upheld liability for a news portal over user-generated comments, emphasizing the balance between freedom of expression and the protection of rights from harmful online content.[74]

Meanwhile, the UN is pushing for a human rights-centred approach through its Special Rapporteurs and Guiding Principles on Business and Human Rights.[75] This means encouraging platforms to respect freedom of expression, while also protecting users from harm. These different approaches—the US's more permissive model, the EU's regulatory oversight, and the UN's emphasis on rights—can sometimes clash. This makes it harder to create clear, global standards for holding platforms accountable. The DSA does not replace the old Directive on electronic commerce but instead builds on it to tackle today's digital challenges. It reflects growing pressure on online platforms to do more when it comes to illegal content. And increasingly, those efforts rely on AI tools to help monitor and manage what is happening online.[76]

---

[72] Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market [2000] OJ L 178/1, available at https://eur-lex.europa.eu/eli/dir/2000/31/oj (last accessed 28 August 2025). *Delfi AS v. Estonia* App no 64569/09 (ECtHR, 16 June 2015); *Sánchez v. Spain* App no 45532/20 (ECtHR, 6 February 2024).

[73] Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC (Digital Services Act) [2022] OJ L 277/1, available at https://eur-lex.europa.eu/eli/reg/2022/2065/oj (last accessed 29 August 2025).

[74] *Delfi AS v. Estonia* App no 64569/09 (ECtHR, 16 June 2015); *Sánchez v. Spain* App no 45532/20 (ECtHR, 6 February 2024).

[75] United Nations Human Rights Council, *Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework* (UN Doc HR/PUB/11/04, 2011) available at https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf (last accessed 30 May 2025).

[76] Rayhan & Rayhan (no 50).

Understanding how the algorithm functions is crucial for establishing the legal framework concerning the social media platform's liability.[77] Algorithms are often perceived as 'black boxes' because their opaque decision-making processes regarding content legitimacy.[78] Consequently, it is often unclear why certain content is (not) flagged as hate speech. Furthermore, audit trails are considered critical, as regular audits of algorithms ensure they are functioning as intended. Establishing a framework for these regular audits is essential. The algorithm functions like a 'surgeon' for the internet, receiving notices or identifying illegal content in their platform and removing illegal content, much like a 'carcinoma'.[79] Such content threatens to spread and 'infect' the entire online environment. With hate speech, time exacerbates the damage it inflicts on the individual.

Furthermore, the internet, as a global village, allows information to spread in all directions, leading to the bubble phenomenon. The time required for a human content operator to perceive, judge, and act must be immeasurably swift.[80] In recent years, there has been a noticeable coexistence of strict hard law and soft law. So, while the regulation of hate speech on social media is governed by European legal frameworks, there is a simultaneous growing trend toward developing non-binding, 'soft' rules for the operation of social networking services. The soft law frameworks governing social media platforms focus on reducing the spread of false information by limiting its visibility and promoting accurate sources. At the same time, these platforms are legally obligated to remove content that crosses the line into illegality, such as when false information also constitutes hate speech. In such cases, the content is not only misleading but also harmful, necessitating its removal under both voluntary guidelines and binding legal obligations.

[77] FRA, 'Bias in Algorithms –Artificial Intelligence and Discrimination' (2023) available at https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-bias-in-algorithms_en.pdf (last accessed 18 August 2024).

[78] Erwan Le Merrer & Gilles Trédan, 'What is a black box algorithm?: Tractatus of algorithmic decision-making' (2023) *HAL* ffhal-03940259f.

[79] The Digital Services Act (DSA) establishes an EU-wide framework for detecting, flagging, and removing illegal content, along with new risk assessment obligations for large online platforms and search engines to identify how such content spreads. What qualifies as illegal content is not determined by the DSA, but by existing EU or national laws—for instance, terrorist content, child sexual abuse material, or illegal hate speech are defined at the EU level. If content is illegal only in a specific MS, it should generally be removed only within that State's territory.

[80] Digital Services Act 2022 (EU) Regulation 2022/2065, available at https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32022R2065 (last accessed 26 May 2025).

Within the broader discourse on algorithmic transparency and accountability, the Rabat Plan of Action highlights the indispensable role of human judgment in assessing harmful speech. While algorithms may detect surface-level indicators, such as speaker identity or dissemination reach, they cannot adequately evaluate nuanced elements like intent, context, and likelihood of harm. These inherently legal and interpretive assessments require human oversight. As such, the Plan reinforces the need for transparent, accountable systems that preserve fundamental rights. In an environment increasingly shaped by AI-driven content and fake news, such safeguards are more critical than ever to prevent the erosion of legal standards and protect both freedom of expression and public safety.

The European Commission has collaborated with social media companies to address hate speech online, treating them like other media channels, through the Code of Conduct.[81] Accordingly, IT companies should review most valid notifications for the removal of illegal hate speech within 24 hours and, if necessary, remove or disable access to such content. The Directive on electronic commerce prompted the creation of take-down procedures, though it does not provide detailed regulation.[82] These 'notice and action' procedures start when someone alerts a hosting service provider, like a social network or e-commerce platform, about illegal content such as racist or abusive material. The process concludes when the provider takes action regarding the content. For this reason, online human content operators may struggle to keep pace with the rapid technological advancements of the internet. The responsibility of the provider within the global village is immense.

Imagine a deep fake combined with hate speech which is one of the most dangerous forms of disinformation where advanced technology is used to impersonate someone and spread false, hateful views in their name. This misuse of identity can have serious repercussions, not only damaging the individual's reputation but also posing broader risks to society. Such actions can contribute to the spread of harmful fake news, incite violence, or fuel discrimination. The role of algorithms in this

[81] European Commission, 'Code of conduct for combating the online illegal hate speech', available at http://ec.europa.eu/newsroom/just/item-detail.cfm?item_id=54300; K. Podstawa, 'Hybrid Governance or... Nothing? The EU Code of Conduct on Combatting Illegal Hate Speech Online', *Use and Misuse of New Technologies* (Springer, 2019).

[82] Article 14 of the European Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on Electronic Commerce').

context is crucial, as they often dictate how widely and quickly this illegal content is disseminated.

Effective control over algorithmic systems requires more than proper design, and monitoring demands a multilayered approach involving both technical and regulatory oversight. Technical controls such as code audits, testing frameworks, and formal verification methods help ensure that algorithms function as intended. At the same time, regulatory mechanisms, including government oversight, industry standards, and impact assessments, provide external accountability. Yet, the inherent complexity of modern algorithms presents persistent challenges: they can produce emergent behaviours, operate across legal jurisdictions, and evolve more rapidly than oversight frameworks can adapt. Additionally, commercial confidentiality often restricts independent review, further complicating efforts to establish comprehensive governance. While no control mechanism is foolproof, combining robust technical safeguards with adaptive regulatory strategies remains essential in managing the risks associated with complex algorithmic systems.

The UK has proposed legislation to criminalise the creation and distribution of deepfakes, especially those involving sexually manipulated images, as part of a broader effort to combat harmful online content.[83] There is a big difference between fake news that involves the spread of false information affecting public opinion, fake news that involves spreading of hate speech, and deepfakes, which use AI-generated media to manipulate individuals' images, often with prejudice for malicious purposes like privacy violations and spreading of hate speech. The proposed penalties reflect the serious threat these forms of disinformation pose to individuals and society. Deepfake content and hate speech warrant zero tolerance and should be removed immediately from the digital space. As the ECtHR argued:

> The risk of harm posed by content and communications on the Internet to the exercise and enjoyment of human rights and freedoms, particularly the right to respect private life, is certainly higher than that posed by the press. Therefore, the policies governing reproduction of material from the printed media and the Internet may differ. The latter, undeniably, have to be adjusted according to the technology's specific features in order to secure the protection and promotion of the rights and freedoms concerned.[84]

[83] UK Government, 'Government Cracks Down on Deepfakes Creation' (GOV.UK, 30 November 2022) available at https://www.gov.uk/government/news/government-cracks-down-on-deepfakes-creation (last accessed 12 September 2024).

[84] *Editorial Board of PravoyeDelo and Shtekel v. Ukraine*, Application no. 33014/05, (ECtHR, 5 May

7. The Jurisprudential Development of the Responsibility of the Internet Provider

Communication via the internet has evolved significantly over the past two decades. Initially used mainly by researchers to share messages and information, the internet eventually became accessible to the public, leading to a proliferation of websites hosted by internet service providers (ISPs). Some of these websites contained unlawful content, prompting rightsholders to seek liability from ISPs. ISPs claimed they were mere intermediaries and could not control their subscribers' content. Rightsholders argued that ISPs often benefited from infringing activities and should be held accountable. To address these issues, 'safe harbour' protections were introduced, shielding ISPs from liability for their subscribers' illegal actions. In Europe, the Directive on electronic commerce provides broad immunity for online service providers, although rightsholders can still seek judicial relief to stop unlawful behaviour or gather information on infringers.

Shtekel had previously established the principle of immunity status for ISPs: 'No one can be held responsible for online content that they did not author, unless they either accepted it as their own or refused to comply with a court order for its removal'.[85] This principle is no longer applicable today, as it would imply ISPs are covered by a regime of immunity and limited liability.

Delfi began by highlighting the need to establish a lack of preventive liability and direct violation in order to hold the intermediary accountable.[86] It involved an online newspaper with significant reach and visibility in Estonia and Russian-speaking countries, publishing hundreds of articles daily. Readers could comment on these articles anonymously, leading to the publication of extreme, intolerant, threatening, abusive, and defamatory comments. The newspaper allowed readers to express themselves directly through options like 'Add comment', 'Post comment', and 'Read comment'. It made it clear in its operating rules that the responsibility for comments lay with their creators, not the provider. Readers could report comments using a notification button, and the provider could then delete the content if deemed illegal. This approach was fully compliant with both European and national laws. A shipping company requested the removal of extreme comments against it and sought monetary compensation. While the provider removed the comments, the request for com-

2011).

[85] Ibid.

[86] *Delfi AS v. Estonia*, Appl. No.64569/09, (ECtHR 10 October 2013)

pensation was denied. A prolonged legal dispute culminated in the ECtHR, which was tasked with determining whether the right to freedom of expression had been violated and assessing the responsibility of the internet provider involved. The ECtHR examined a potential violation of Article 10 of the ECHR by applying a three-stage test to assess the lawfulness of the restriction on freedom of expression. The court concluded that there was no violation.

The *Delfi* judgment established new jurisprudence by confirming that an ISP could, in certain circumstances, be held liable for illegal content on its service, despite not being the original creator. This liability is based on the provider's exclusive control over its service, the inability of the victim to prevent harm, and the financial benefits the provider accrued from the content until its removal was mandated. The ECtHR's case-by-case approach evaluates the reason for the restriction, the conduct of the provider, the financial benefit derived, the harm inflicted, and the disadvantage suffered by the complainant. This rationale was later affirmed by the ECtHR Plenary, which ruled that speech containing illegal content is not protected under Article 10 of the ECHR.[87] Consequently, an ISP may be liable for such content on its service, even if it did not create the content, if the provider could have controlled the service but failed to do so, thereby establishing culpability and a causal link between the provider's inaction and the resultant harm.

In its decision, the ECtHR established four criteria for evaluating a platform's liability for user comments: a) the context of the comments; b) the steps taken to prevent or remove unlawful comments; c) the feasibility of holding the actual authors accountable; and d) the consequences of the domestic ruling for the company. The court found Delfi AS had ultimate control over the comments and profited from them, and its measures to delete hateful comments were insufficient. Anonymity on the platform made it impossible to hold actual authors accountable. The fine imposed on Delfi AS was minimal and not considered disproportionate and thus did not violate freedom of expression. The ECtHR underlined that platforms like Delfi AS, which exercise control over and derive profit from user-generated comments, can be held liable for such content.[88]

The *Magyar* case further illuminated the reasoning in *Delfi* and pointed out the circumstances in which a departure is warranted.[89] In the present case, although the

[87] *Delfi v. Estonia*, Appl. No.64569/09, (ECtHR, Plenary session 16 June 2015).

[88] Ibid. paras 142–143.

[89] *Magyar Tartalomszolgáltatók Egyesülete and Index.hu Zrt v. Hungary*, Appl. No. 22947/13, (ECtHR, 2 May 2016).

online comments contained illegal content, they did not amount to intolerant speech such as hate speech or incitement to violence. Instead, the Court examined the responsibility of the ISP in relation to defamatory remarks. The applicants, who were self-regulated ISPs operating a news portal, were required to remove readers' comments after domestic courts judged them to be defamatory and unlawful. This case is important for the responsibility of the ISP but also for the protection of the right to freedom of expression. The case ruled that the ISP is not liable if it hosts vulgar or offensive speech on its service. Furthermore, the responsibility of the ISP could not be established due to the lack of economic interest factors, which justified the divergence from *Delfi*'s reasoning.

The ECtHR has consistently expressed scepticism towards the notice-and-action principle. In the 2013 *Delfi* case, reaffirmed by the Grand Chamber in 2015, the Court ruled that holding a platform liable for third-party comments does not necessarily violate freedom of expression under the ECHR, even if the platform has a notice-and-action system in place. The Court emphasised that States have broad discretion in balancing privacy rights (ECHR Article 8) and freedom of expression (ECHR Article 10) and would require strong reasons to override national courts' decisions. The ECtHR stated that countries could impose liability on platforms that fail to promptly remove clearly unlawful comments, such as hate speech and direct threats, even without notification from victims or third parties.

Eight years later, the Court has strengthened its stance, suggesting that States have a positive obligation to penalise platforms that do not proactively remove hate speech. In *Zöchling*, an Austrian news portal published an article leading to death threats and insults against journalist Christa Zöchling.[90] Although the platform quickly deleted the comments upon request and blocked the users, the ECtHR criticised the lack of a notice-and-action system and the absence of automatic filtering measures. The Court argued that the platform could have foreseen the offensive comments, given past experiences, and found that the lack of balancing of competing interests violated the State's procedural obligations under ECHR Article 8.

In the case of *Sanchez v. France*,[91] the Grand Chamber of the ECtHR rejected Julien Sanchez's claim against France, where he argued that his criminal conviction for not removing hateful comments from his Facebook page violated Article 10 of

[90] *Zöchling v. Austria*, Appl. no. 4222/18, (ECtHR, 5 September 2023).

[91] *Sanchez v. France (Grand Chamber)*, App no 45581/15 (ECtHR, 15 May 2023), available at https://hudoc.echr.coe.int/eng?i=003-7648098-10537594 (last accessed 29 August 2025).

the ECHR. Sanchez, a French politician, was fined for failing to delete third-party comments that were discriminatory and incited hatred against Muslims. He contended that this fine unfairly burdened his freedom of expression by requiring constant monitoring of his public Facebook page. The ECtHR's Fifth Section ruled that his conviction did not violate Article 10, as the comments were clearly unlawful and his inaction towards them warranted the penalty. The Grand Chamber upheld this decision, stating that the interference with Sanchez's freedom of expression was lawful, necessary in a democratic society, and pursued a legitimate aim, emphasising his greater duty to manage hateful comments as a politician.

The Court suggested that a minimum degree of moderation or automatic filtering is desirable to quickly identify unlawful comments, a stance reiterated in *Zöchling*. This position indicates a lack of awareness of the controversies surrounding filter systems and an uncritical view of AI in handling complex human issues. Additionally, the ECtHR's decision may imply that States have a positive obligation to require platforms to monitor for unlawful content, conflicting with the EU's legal framework, as reinforced by the DSA. This issue is not about what types of content should be allowed online, but rather the timing and automation of content management.

In *Pătraşcu v. Romania*, the applicant was held liable by domestic courts for offensive third-party comments posted under his Facebook post, which criticised the Bucharest National Opera. The ECtHR found this to be a violation of his right to freedom of expression under ECHR Article 10. Unlike previous rulings such as *Delfi* and *Sánchez*, where the Court accepted liability under specific conditions, here it emphasised that holding a private individual responsible for third-party content—without clear legal standards—was disproportionate. The decision reflects a notable shift in the Court's reasoning, acknowledging that ordinary users do not have the same editorial capacity as media outlets or public figures. Imposing liability in such cases risks encouraging self-censorship and undermining meaningful public debate, particularly on matters of public interest.

8. Elevating Accountability: The Expanded Responsibilities of ISPs

Under the Directive on electronic commerce,[92] human content operators are not liable for information transmitted or stored when performing specific activities such

[92] Directive on electronic commerce, supra note 77.

as mere conduit, caching, and hosting. Mere conduit refers to providing unfiltered internet access, caching involves temporarily storing information to improve transmission efficiency, and hosting pertains to storing information like websites on ISP servers. The directive does not cover hyperlinking, leading to initial national court exemptions, which were later considered potentially infringing. The Court of Justice of the European Union (CJEU) ultimately ruled that hyperlinking is not infringing unless it links to infringing material with actual or constructive knowledge of its illegality. Human content operators have no obligation to monitor stored information or seek out illegal activities. However, hosting human content operators must not have actual or apparent knowledge of illegal activity and must act promptly to remove such content upon gaining knowledge. Unlike US law, European legislation does not require a human content operator to control unlawful activities or financially benefit from them to claim immunity, though case law has affirmed these principles.

The role of the human content operator has evolved with technological advancements, expanding from simple hosting to complex platforms like social media, requiring different regulations for liability and content management. The online service provider now carries an increased level of responsibility for their platform. Under the DSA,[93] when a complaint (notice) is submitted, the provider is made aware that illegal content exists on their service; they must assess it and, if necessary, remove it expeditiously. Notably, liability is not triggered by the mere submission of a complaint, but arises once the provider has actual knowledge of illegal content and fails to act—a standard that has been criticised as stringent.

Platforms are required to act 'expeditiously' to remove or disable access to illegal content once they become aware of it, as outlined in Article 16 of the DSA. This provision establishes the notice-and-action mechanism, mandating that platforms put in place procedures for handling notifications and act without undue delay. While certain EU laws impose specific deadlines such as the one-hour removal requirement for terrorist content under the 2021 Terrorist Content Online Regulation,[94] the DSA and the Directive on electronic commerce rely more generally on the standard of acting swiftly, without prescribing strict time limits for hate speech or disinformation. In this respect, the EU Code of Conduct on Countering Illegal Hate Speech Online plays a complementary role: though not legally binding, it recommends a 24-hour time-

[93] Regulation (EU) 2022/2065, supra note 78

[94] Regulation (EU) 2021/784 of the European Parliament and of the Council of 29 April 2021 on addressing the dissemination of terrorist content online [2021] OJ L 172/79, article 3(3).

frame and reflects the EU's expectations for rapid responses by social media companies. Since its adoption, successive evaluations show that major IT firms, including TikTok, have significantly improved their removal times for racist and xenophobic content.

9. Combating Digital Deception and Harmful Content by Penalising Deepfakes and the Chilling Effect on Freedom of Expression

There are good reasons to worry about fake news—producing and spreading disinformation online is much cheaper and easier due to the availability of a platformised, digital, end-to-end infrastructure for information exchange. What does this mean? It means that anyone, without cost, immediately, and under the cloak of anonymity, can easily take actions that range from something as simple as defrauding a person, to causing much more terrifying outcomes. These include inciting hatred and hate crimes, threatening peace, public order, public health, and democracy, spreading false propaganda, and using sexually explicit deepfakes. As mentioned, a deepfake can be an AI-generated video, audio, or image that mimics real individuals or events with striking realism, using techniques like deep learning and generative adversarial networks. Deepfakes can pose serious risks, such as spreading fake news and/or hate speech, enabling identity theft, and creating non-consensual explicit content, making it increasingly difficult to distinguish between authentic and manipulated media.

A critical question arises as to whether fake news should carry a criminal penalty.[95] In Cyprus, fake news is criminalised with a penalty of up to three years in prison and this provision of Cypriot criminal law should be promptly revised to reflect contemporary formats of disinformation. The provision states:

> Publication of fake news, etc.
>
> 50.-(1) Whoever publishes, in any form, false news or information that may undermine public order or public confidence in the state or its institutions, cause fear or anxiety in the public, or violate public peace and order in any way, is guilty of a misdemeanor and is punishable by imprisonment not exceeding two years, a fine not exceeding one thousand five hundred pounds, or both

[95] Philenews, 'September to the House of Representatives: Amendment for Criminalization of Dissemination of False News (26 June 2024) available at https://www.philenews.com/kipros/koinonia/article/1486457/septemvrio-sti-bouli-tropologia-gia-pinikopiisi-exivrisis-psevdon-idiseon/ (last accessed 2 September 2024).

> penalties.... Provided that it is a defense to the accused if they can prove to the satisfaction of the Court that the publication was made in good faith and was based on facts justifying such publication.[96]

Meanwhile, the UK has proposed legislation to criminalise the creation and distribution of deepfakes, especially those involving sexually manipulated images, as part of a broader effort to combat harmful online content.[97] The criminalisation of fake news, which may be justified in extreme cases such as fraudulent deepfakes, sexually explicit deepfakes, or content threatening democracy, public safety, and health, also carries a chilling effect on freedom of expression. Recognising the chilling effect as an independent theory is important in light of the ECtHR's growing emphasis on factors that undermine free speech. Even when restrictions are deemed legitimate after passing the three-part test, there remains an inherent suspicion of censorship. This underscores the need to treat the chilling effect as an additional control mechanism, since even minimal censorship can deter lawful expression.

Not all these issues warrant censorship or efforts to block information. Requiring internet intermediaries to filter out non-mainstream or non-fact-based opinions could significantly impoverish our democracy and society. The key to balancing freedom of expression with the right to accurate information lies in: a) promoting responsible information-sharing practices; b) implementing proactive media policies that encourage pluralism and diversify content exposure; c) enhancing media literacy and supporting user behaviour through educational initiatives; and d) addressing extreme and dangerous online falsehoods under a special regulatory regime to mitigate their potential extremely serious harm. The mere existence of a criminal penalty undoubtedly exerts a deterrent effect on the right to freedom of expression,[98] which is a valid concern for advocates of this right. Nonetheless, the gravitas of certain forms of online fake news justifies imposing substantial financial penalties or even imprisonment, should the court find it appropriate and reasonable.

More and more national legal systems, like Cyprus and the UK, are turning to criminal law to tackle disinformation, including deepfakes and fake news. But relying

[96] Cyprus, Criminal Code, Cap. 154, s 50 (as amended), available at https://www.cylaw.org/nomoi/enop/non-ind/0_154/full.html (last accessed 29 August 2025).

[97] UK Government, 'Government Cracks Down on Deepfakes Creation' (GOV.UK, 30 November 2022) https://www.gov.uk/government/news/government-cracks-down-on-deepfakes-creation (last accessed 12 September 2024).

[98] Natalie Alkiviadou, 'Prison for Fake News?' (*Verfassungsblog*, 19 June 2024) available at https://verfassungsblog.de/prison-for-fake-news/ (last accessed 2 December 2024).

too heavily on criminal penalties raises serious concerns for freedom of expression. According to Article 19(3) of the ICCPR and the UN's Human Rights Committee, any restriction on speech must be necessary and proportionate and criminal sanctions should only be used as a last resort. Heavy dependence on these measures can create a chilling effect, especially for journalists, activists, and vulnerable groups. Instead, other solutions, like civil penalties, working with independent fact-checkers, or co-regulation through tools like the EU Code of Practice on Disinformation can offer a more balanced and effective response, without undermining free speech.

10. Conclusion

Determining whether fake news qualifies for protection under freedom of expression due to its severity is a complex task for human content operators. This challenge is heightened when distinguishing between contentious but permissible opinions and harmful disinformation or deepfakes that could incite violence or panic. While serious fake news might affect public opinion or democratic processes without crossing legal boundaries, extremely serious deepfakes—particularly those posing threats to public safety or inciting hate crimes—necessitate stricter regulation. The situation becomes even more intricate when the content also involves hate speech, as it not only misrepresents facts but also promotes discrimination or violence against certain groups. Human content operators must carefully balance safeguarding freedom of expression with addressing dangerous content. This is complicated by the constantly evolving tactics of disinformation and the overlap with hate speech, necessitating clear and effective guidelines to ensure that measures target harmful content without unduly suppressing legitimate discourse. To conclude, the role of online intermediaries is becoming increasingly challenging with the advancement of technology. By using algorithms and their workforce, these intermediaries must make critical decisions that often place them in a quasi-judicial role. They need to balance protecting freedom of expression, safeguarding their platforms from illegal content, and considering the principle of deterrence. This complex responsibility requires careful judgment to navigate the nuances of permissible speech and harmful content, ensuring that their actions do not inadvertently infringe on fundamental rights or contribute to an overly restrictive environment.

References

Books and Articles

Alkiviadou Natalie, 'Prison for Fake News?' (*Verfassungsblog*, 19 June 2024) available at https://verfassungsblog.de/prison-for-fake-news/ (last accessed 2 December 2024).

Brown A., 'What Is Hate Speech? Part 1: The Myth of Hate' (2017) 36 *Law and Philosophy* 123–164.

Casarosa F., 'The European Regulatory Approach toward Hate Speech Online: The Balance between Efficient and Effective Protection' (2019) 55 *Gonzaga Journal of International Law* 89–128.

Dickinson G.M., 'Section 230: A Juridical History' (2025) 28 *Stanford Technology Law Review* 1–35.

Greenberg J., *The Cambridge Introduction to Satire* (Cambridge University Press, 2019).

Humprecht E., Esser F. & Van Aelst P., 'Resilience to Online Disinformation: A Framework for Cross-National Comparative Research' (2020) 25(3) *International Journal of Press/Politics* 493–516.

Jougleux P., *Facebook and the (EU) Law: How the Social Network Reshaped the Legal Framework* (Springer, 2022).

Kalsnes B., 'Fake News' (2018) *Oxford Research Encyclopedia of Communication*.

Lazić A. & Žeželj I., 'A Systematic Review of Narrative Interventions: Lessons for Countering Anti-Vaccination Conspiracy Theories and Misinformation' (2021) 30(6) *Public Understanding of Science* 644–670.

Le Merrer E. & Trédan G., *What is a Black Box Algorithm? Tractatus of Algorithmic Decision-Making* (2023) ffhal-03940259f.

Madrid-Morales D. & Wasserman H., 'Research Methods in Comparative Disinformation Studies' in Wasserman H. & Madrid-Morales D. (eds), *Disinformation in the Global South* (Wiley Blackwell 2022) 41–57.

Mala S., *The Legal Framework of Online Hate Speech (Το Νομικό πλαίσιο του Διαδικτυακού Μισαλλόδοξου Λόγου)* (Nicosia, Hippasus 2023) (in Greek).

Podstawa K., 'Hybrid Governance or… Nothing? The EU Code of Conduct on Combatting Illegal Hate Speech Online' in *Use and Misuse of New Technologies* (Springer, 2019).

Rayhan S. & Rayhan S., 'The Role of AI in Democratic Systems: Implications for Privacy, Security, and Political Manipulation' (2023) DOI: 10.13140/RG.2.2.31121.61281.

Rosenfeld S., *Democracy and Truth: A Short History* (University of Pennsylvania Press, 2019).

Seglow J., 'Hate Speech, Dignity and Self-Respect' (2016) 19 *Ethical Theory and Moral Practice* 1103–1116.

Smalley E., 'Russia's False Claims About Biological Weapons in Ukraine Demonstrate the Dangers of Disinformation and How Hard It Is to Counter – 4 Essential Reads' *The Conversation* (2022).

Spring M., 'Sadiq Khan Says Fake AI Audio of Him Nearly Led to Serious Disorder' *BBC News* (2024).

Spyropoulos P., 'The Spread of False News in the Age of "Fake News"' (2019) 8 *Epistimonika Apotipomata*.

Strömbäck J., Wikforss Å., Glüer K., Lindholm T. & Oscarsson H., *Knowledge Resistance in High-Choice Information Environments* (Routledge 2022).

Twomey J., Ching D., Aylett M.P., Quayle M., Linehan C. & Murphy G., 'Do Deepfake Videos Undermine Our Epistemic Trust? A Thematic Analysis of Tweets that Discuss Deepfakes in the Russian Invasion of Ukraine' (2023) 18(10) *Plos One*.

Legislation & International Instruments

Charter of Fundamental Rights of the European Union [2000] OJ C 364/1, art 11(1).

Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law [2008] OJ L 328/55.

Council of Europe, Committee of Ministers, Recommendation No R (97) 20 on 'Hate Speech' (1997).

Cyprus, Criminal Code, Cap 154, Article 50.

Cyprus, Criminal Code, Cap 154, Article 99A.

Cyprus, Law on Combating Certain Forms and Expressions of Racism and Xenophobia through Criminal Law 2011 (134(I)/2011).

Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market [2000] OJ L 178/1, available at https://eur-lex.europa.eu/eli/dir/2000/31/oj (last accessed 28 August 2025).

Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market [2000] OJ L 178/1, art 14.

European Commission, *2016 Fundamental Rights Colloquium: Conclusions* (2016) http://ec.europa.eu/information_society/newsroom/image/document/2016-50/2016-fundamental-colloquium-conclusions_40602.pdf (last accessed 28 August 2024).

European Commission, *Code of Conduct on Combating Illegal Hate Speech Online* http://ec.europa.eu/newsroom/just/item-detail.cfm?item_id=54300.

European Commission, *Code of Practice on Disinformation* (2018) https://digital-strategy.ec.europa.eu/en/policies/code-practice-disinformation (last accessed 10 June 2025).

European Commission, *Code of Practice on Disinformation* (Digital Strategy, 26 May 2021) https://digital-strategy.ec.europa.eu/en/policies/code-practice-disinformation (last accessed 3 June 2025).

European Council, *Information Disorder: Toward an Interdisciplinary Framework for Research and Policy Making* (2017) https://rm.coe.int/information-disorder-toward-an-interdisciplinary-framework-for-researc/168076277c (last accessed 30 August 2024).

European Media Freedom Act, Regulation (EU) 2024/1083 of the European Parliament and of the Council of 11 April 2024 on safeguarding media freedom in the European Union [2024] OJ L 7 May 2024, 1, available at https://eur-lex.europa.eu/eli/reg/2024/1083/oj (last accessed 28 August 2025).

European Parliament, 'The Legal Framework to Address "Fake News": Possible Policy Actions at the EU Level' (Policy Department for Economic, Scientific and Quality of Life Policies 2018).

Germany, Criminal Code (Strafgesetzbuch – StGB), Article 130.

International Covenant on Civil and Political Rights (ICCPR), adopted 16 December 1966, UNGA Res 2200A (XXI), entered into force 23 March 1976, 999 UNTS 171.

Oxford Internet Institute, *Social Media Manipulation by Political Actors: An Industrial Scale Problem* (University of Oxford 2021) https://www.oii.ox.ac.uk/publications/social-media-manipulation-by-political-actors-an-industrial-scale-problem/ (last accessed 30 August 2024).

Regulation (EU) 2021/784 of the European Parliament and of the Council of 29 April 2021 on addressing the dissemination of terrorist content online [2021] OJ L 172/79, art 3(3).

Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC (Digital Services Act) [2022] OJ L 277/1, available at https://eur-lex.europa.eu/eli/reg/2022/2065/oj (last accessed 29 August 2025).

Regulation (EU) 2024/... of the European Parliament and of the Council laying down harmonised rules on artificial intelligence (Artificial Intelligence Act) [2024] OJ L ..., art 3(60).

UN General Assembly, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, A/74/486 (2019).

UN Human Rights Council, Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, A/HRC/47/25 (13 April 2021).

United Nations High Commissioner for Human Rights, 'Report of the United Nations High Commissioner for Human Rights on the Expert Workshops on the Prohibition of Incite-

ment to National, Racial or Religious Hatred' (2013) https://www.ohchr.org/Documents/Issues/Opinion/SeminarRabat/Rabat_draft_outcome.pdf (last accessed 29 August 2025).

United Nations Human Rights Council, *Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework* (UN Doc HR/PUB/11/04, 2011) https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf (last accessed 30 May 2025).

United States, *Communications Decency Act*, 47 USC § 230 (enacted 1996).

Cases

Akdaş v Turkey, App no 41056/04 (ECtHR, 16 February 2010).

Alves da Silva v Portugal, App no 41665/07 (ECtHR, 20 October 2009).

Beizaras and Levickas v Lithuania, App no 41288/15 (ECtHR, 14 January 2020).

Bielau v Austria, App no 20007/22 (ECtHR, 27 August 2024).

Brzeziński v Poland, App no 47542/07 (ECtHR, 25 July 2019).

Delfi AS v Estonia, App no 64569/09 (ECtHR, 10 October 2013).

Delfi AS v Estonia, App no 64569/09 (ECtHR, 16 June 2015).

Delfi AS v Estonia, App no 64569/09 (ECtHR, Grand Chamber, 16 June 2015).

Editorial Board of Pravoye Delo and Shtekel v Ukraine, App no 33014/05 (ECtHR, 5 May 2011).

Eon v France, App no 26118/10 (ECtHR, 14 March 2013).

Erbakan v Turkey, App no 59405/00 (ECtHR, 6 July 2006).

Gonzalez v Google LLC, 598 U.S. ____ (2023).

Groppera Radio AG and Others v Switzerland, App no 10890/94 (ECtHR, 28 December 1990).

Handyside v United Kingdom, App no 5493/72 (ECtHR, 7 December 1976).

Karataş v Turkey, App no 23168/94 (ECtHR, 8 July 1999).

Kuliś and Różycki v Poland, App no 27209/03 (ECtHR, 6 October 2009).

Lingens v Austria, App no 9815/82 (ECtHR, 8 July 1986).

Lilliendahl C.J. v Iceland, App no 29297/18 (ECtHR, 12 May 2020).

Magyar Tartalomszolgáltatók Egyesülete and Index.hu Zrt v Hungary, App no 22947/13 (ECtHR, 2 May 2016).

Mouvement Raëlien Suisse v Switzerland, App no 16354/06 (ECtHR, 13 July 2012).

Müller and Others v Switzerland, App no 10737/84 (ECtHR, 24 May 1988).

Otto-Preminger-Institut v Austria, App no 13470/87 (ECtHR, 20 September 1994).

Ovchinnikov v Russia, App no 24061/04 (ECtHR, 16 December 2010).

Salov v Ukraine, App no 65518/01 (ECtHR, 27 April 2004).

Sanchez v France, App no 45581/15 (ECtHR, Grand Chamber, 15 May 2023).

Sánchez v Spain, App no 45532/20 (ECtHR, 6 February 2024).

Şener v Turkey, App no 26680/95 (ECtHR, 18 July 2000).

Stambuk v Germany, App no 37928/97 (ECtHR, 17 October 2002, Third Section).

Strauß Karikatur, 1 BvR 313/85, BVerfGE 75, 369 (German Constitutional Court, 3 June 1987).

Times Newspapers Ltd v United Kingdom, App nos 3002/03 and 23676/03 (ECtHR, 10 March 2009).

Vereinigung Bildender Künstler v Austria, App no 68354/01 (ECtHR, 25 January 2007).

Zöchling v Austria, App no 4222/18 (ECtHR, 5 September 2023).

Online News & Media Sources

Deutsche Welle, 'Paris Olympics Boxer Imane Khelif Battles Hate Speech' (DW, 14 June 2025) https://www.dw.com/en/paris-olympics-boxer-imane-khelif-battles-hate-speech/a-69863650 (last accessed 14 June 2025).

Kinsella E., 'Parisian Court Rules It Has Jurisdiction in L'Origine du Monde vs. Facebook Case' (Artnet News, 5 March 2015) https://news.artnet.com/art-world/parisian-court-rules-it-has-jurisdiction-in-lorigine-du-monde-vs-facebook-case-275117 (last accessed 13 June 2025).

Philenews, 'September to the House of Representatives: Amendment for Criminalization of Dissemination of False News' (Philenews, 26 June 2024) https://www.philenews.com/kipros/koinonia/article/1486457/septemvrio-sti-bouli-tropologia-gia-pinikopiisi-exivrisis-psevdon-idiseon/ (last accessed 2 September 2024).

Satariano A., 'Facebook Can Be Forced to Delete Content Worldwide, E.U.'s Top Court Rules' (The New York Times, 3 October 2019) https://www.nytimes.com/2019/10/03/technology/facebook-europe.html (last accessed 15 June 2025).

Institutional & Reports

European Union Agency for Fundamental Rights (FRA), *Bias in Algorithms – Artificial Intelligence and Discrimination* (2023) https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-bias-in-algorithms_en.pdf (last accessed 18 August 2024).

UK Government, 'Government Cracks Down on Deepfakes Creation' (GOV.UK, 30 November 2022) https://www.gov.uk/government/news/government-cracks-down-on-deepfakes-creation (last accessed 12 September 2024).

BOOK REVIEWS

Cyprus Under British Colonial Rule: Culture, Politics, and the Movement toward Union with Greece, 1878–1954

Christos P. Ioannides
Lexington Books
Lanham, Maryland, 2019 (pp. 321)
ISBN: 9781498582049

Christos P. Ioannides' *Cyprus Under British Colonial Rule* offers a thought-provoking and original contribution to Cypriot historiography by examining the interplay between culture, religion, and politics during a critical era of the island's modern history. The book spans from the outset of British colonial rule, in 1878, to 1954, the year preceding the EOKA revolt, a pivotal moment marking the intensification of the Enosis (union with Greece) movement. Through a nuanced reading of folk poetry, Ioannides innovatively foregrounds subaltern voices in colonial Cyprus, revealing how cultural expression served as a powerful conduit for political sentiment and resistance.

From the outset, the author states his central aim: 'to examine the role of culture and its religious dimension in politics, using Cyprus's experience under British rule as a case study' (p. xii). In doing so, he diverges from conventional political or diplomatic histories by prioritising popular expression -especially folk poetry- as a legitimate and rich historical source. This methodological approach is of particular significance, given the general lack of access to formal outlets of political discourse among the largely uneducated peasant population of Cyprus during this period. By viewing 'songs as a form of resistance', Ioannides convincingly argues that folk poetry functioned as a medium through which the oppressed articulated grievances, aspirations, and collective identity.

Historiographical Contribution

One of the major strengths of this work is its unique contribution to Cypriot historiography. While the field has traditionally focused on high politics, colonial governance, or international diplomacy, Ioannides brings to the fore a sociocultural perspective that highlights the lived experience of ordinary Cypriots. As primary sources of his study, the author uses the folk poems that were created between 1878 and the

first part of the 1950s and, specifically, he largely uses the works of Dr Constantinos Yiangoullis -whom he identifies as the 'father of the systematic study of Cypriot folk poetry'- and Menelaos Christodoulou.[1] Alongside the poems, the book offers a rich contextualisation of the British period and the Enosis movement, not merely as a political project championed by elites, but as a grassroots phenomenon deeply rooted in the social fabric of Cypriot rural life. The work is firmly grounded in a solid corpus of historiography. Ioannides engages with key historical accounts, such as Robert Holland's *The Cyprus Revolt*, George Georgallides' seminal works, or the works of Stanley Kyriakides, William Mallinson, Francois Crouzet, Heinz Richter, etc. However, there is limited engagement with more recent scholarship, as the author neglects the newer wave of Cypriot historians such as Andrekos Varnava, Alexis Rappas, Anastasia Yiangou, Yiannos Katsourides,[2] etc, whose political and social histories offer complementary and, at times, corrective perspectives to older political narratives. Greater dialogue with this recent literature would have enhanced the book's analytical depth and historiographical currency.

Structure and Content

The book is structured chronologically across 11 chapters, each of which addresses a specific thematic and temporal aspect of the British colonial rule. The organisation is clear and coherent, allowing the reader to follow the political and social evolution of Cyprus over three-quarters of a century. Chapter 1 lays the groundwork by outlining the institutional and symbolic authority of the Orthodox Church in Cyprus from the Byzantine times to the Ottoman Rule. The Church's power, which was consolidated during the Ottoman period, is shown to have played a critical role in shaping the cultural and political aspirations of the Cypriot people. Ioannides identifies the continuity of the 'Megali Idea' -the irredentist vision of uniting all Greek-speaking peoples- as a powerful intellectual force that persisted well into the 20th century until the Asia Minor debacle in 1922.

---

[1] Konstantinos G, Yiangoullis (ed.), *Pavlou Liasidi Complete Works* (*Παύλου Λιασίδη, Άπαντα*), vols. I and II, (Nicosia: Centre for Scientific Research, 2003) (in Greek) Konstantinos G, Yiangoullis (ed.), *Palesi, Chr. Th, Complete Works* (*Παλαίση, Χρ. Θ. Άπαντα*) First Volume (Nicosia: Cyprus Research Centre, 2000) (in Greek); Menelaos Christodoulou (ed.), Cypriot Demotic Songs (*Κυπριακά Δημώδη Άσματα*), vol.10, (Nicosia: Cyprus Research Centre, 1987) (in Greek).

[2] Alexis Rappas, *Cyprus in the 1930s: British Colonial Rule and the Roots of the Cyprus Conflict* (London: I.B. Tauris, 2014); Anastasia Yiangou, *Cyprus in World War II: Politics and Conflict in the Eastern Mediterranean* (London: I.B. Tauris, 2010); Yiannos Katsourides, *The History of the Communist Party in Cyprus* (London: I.B. Tauris, 2014); Andrekos Varnava, *British Imperialism in Cyprus, 1878-1915: The Inconsequential Possession* (Manchester: University Press, 2009).

Chapter 2 begins with the arrival of the British in Nicosia and provides a solid description of the first months of the British rule. In this chapter, the author addresses the theme of ambivalence -a phenomenon that arguably remains relevant even today. Ioannides aptly states that the British colonial policy in Cyprus was marked by ambivalence -admiration for the Greek classical heritage coexisted with the imperatives of imperial control. The author accepts in principle that the *doctrine of divide and rule* had shaped British policy in Cyprus. However, the British ambivalence he accurately describes, suggests that this doctrine shouldn't be taken as a given, as this risks an oversimplification in the understanding and interpretation of British politics in Cyprus. The opposite of divide and rule, i.e. British efforts towards de-nationalisation of the communities, was highly resisted by the local population, and especially the Church, and therefore left little margin for alternative approaches.[3] Additionally, the author aptly identifies Greek ambivalence which characterised the local population: love for Greece on the one hand and respect for the British on the other. This dynamic is vividly illustrated in a conversation between Lawrence Durrell and a taxi driver (p.59) or the dubbing of Britain, not as a foe or as a dictator, but as an 'aunt' who treated Cyprus as a slave (p.149) by Pavlos Liasides, or as a 'stepmother' in contrast to the 'true mother', Greece, by Kyriacos Karneras, (p.152). It could be argued that this duality persists today, given the continuing affection within the Greek Cypriot community for the English language, British education and institutions, despite long-standing political grievances (guarantor powers, sovereign British bases, etc).

Chapter 3 turns to the rural peasantry, examining the socio-economic realities that shaped their political consciousness. Ioannides presents a detailed demographic and geographic portrait of urban and rural Cyprus, revealing sharp contrasts in development and opportunity. He demonstrates how poverty, clientelism, and lack of services entrenched the Church's role as both a spiritual and a socio-economic anchor for the majority of Cypriots. In subsequent chapters, Ioannides deepens his exploration of the Church's centrality to Cypriot life. The Church is shown not only as a religious institution but also as a vehicle of cultural preservation and political mobilisation. Folk poetry is once again employed to reflect this symbiotic relationship between faith and political identity.

The following chapters, 6 and 7, arguably constitute the book's core and make its most valuable contribution to Cypriot colonial historiography. Chapter 6 is especially

[3] Antigone Heraclidou, *Imperial Control in Cyprus: Education and Political Manipulation in the British Empire* (London: I.B. Tauris, 2017) 259.

compelling for its portrayal of the *poietarides*, or folk poets, as key agents in articulating the popular mood. Ioannides draws a compelling sociological profile of these poets, emphasising their economic precarity and embeddedness within the peasant class. As he aptly puts it, 'no one expressed the plight of the poor as the folks did, because they themselves were flesh from the flesh of the poor' (p.127). This grounded perspective adds credibility to the use of their poetry as historical evidence and vocalises neglected voices and stories of the period. Chapter 7 addresses the emotional and symbolic resonance of the Enosis ideal. Drawing upon Durrell's description of the 'mystery of Enosis', Ioannides interprets the concept as a deeply internalised national longing, often articulated through familial metaphors such as mother-child bond. What is particularly significant here is that this aspiration cut across ideological lines. Even leftist poets like Liasides and Karneras, whose political leanings might have suggested alternative visions, expressed support for union with Greece, indicating wide appeal of Enosis among the local population. Indeed, the demographic analysis the author makes of the October 1931 uprising, in Chapter 8, shows 'that the peasants' resistance against British colonialism was unmistakable' (p.182), overturning the British belief that the uprising was an urban one of limited extent, as well as the British artificial construct about 'the subservient' Cypriot peasant (p.182).

Lastly, chapters 8 through 11 provide a thorough political chronology, detailing major events such as the 1931 uprising, Cypriot contributions to the World Wars, the 1950 plebiscite, and the ascent of Archbishop Makarios III. The analysis ends with Makarios' appeal to the United Nations in 1954, against the wider context of self-determination of people, and the withering British influence in the Middle East.

Critical Reflections

While Ioannides' interdisciplinary approach is commendable, there are areas where the analysis could be strengthened. Most notably, the final chapters -while detailed in their political narrative- lose some of the distinctive cultural analysis that makes the earlier chapters so compelling. The decreasing use of folk poetry in the final chapters is unfortunate, as it dilutes the book's unique methodological contribution. While this may be partly due to a lack of available sources, the absence nonetheless weakens the overall cohesion of the work. Additionally, while the book excels in foregrounding Greek Cypriot voices since its focus is on the *Enosis movement*, it could have incorporated some references to the perspectives of Turkish Cypriots and other minority groups, as a more inclusive treatment would have enriched his analysis. However, it

is very understandable that this was very difficult to achieve due to language restrictions or absence of relevant sources.

Despite these minor limitations, *Cyprus Under British Colonial Rule* stands as a valuable and original contribution to the study of colonial Cyprus. Its central innovation -reading political and social history through the lens of folk poetry- provides an essential corrective to state-centered narratives and opens new avenues for research. Ioannides's work offers a rare insight into the thoughts and lives of a population often left voiceless in the archival record. For scholars of colonialism, nationalism, and modern Greek and Cypriot history, this book serves as both a resource and an inspiration.

In sum, Ioannides succeeds in his attempt to illuminate the cultural foundations of political resistance in colonial Cyprus. His work not only fills a notable gap in Cypriot historiography but also exemplifies the potential of interdisciplinary historical methods. Future scholarship would do well to build upon his example, further exploring the intersections of culture, religion, and resistance in societies shaped by colonial rule.

Antigone Heraclidou

Defense and Security of Small States – The Case of Cyprus [Άμυνα και Ασφάλεια Μικρών Κρατών – Η Περίπτωση της Κύπρου]

Petros Savvides ed.
Armatolos Publishing
Nicosia, 2021 (pp. 225)
ISBN: 9789963984114

The collective volume *Defense and Security of Small States – The Case of Cyprus* constitutes a writing project that, using the theoretical tools of the broader subject of international relations (more specifically the part that relates to grand strategy and the security of small state actors), seeks, in a methodologically sound way, to identify, highlight, and analyze the nature of the security challenges faced by the Republic of Cyprus at a military, diplomatic, and communicative level.

In more detail, this collective volume is divided into three thematic sections. In the first chapter of the first section, Dr Vasilis Kappis sets the theoretical foundations on which the collective volume will be written. More specifically, the first chapter does a bibliographical review of the very definition of grand strategy, while at the same time analyzing its separation from concepts such as military strategy, foreign policy and diplomacy, which, according to the author, are parts of grand strategy. Finally, to additionally clarify things, the first chapter also provides a list of cases of grand strategy planning at the level of major, medium and small powers.

The second chapter of the first section analyses the new challenges that emerge in the security environment of the Republic of Cyprus, as well as how the qualitatively and quantitatively increasing imbalance of power between Cyprus and the occupying power create ever greater strategic deadlocks for Nicosia. At the same time, Dr Petros Savvides draws conclusions and lessons from recent military conflicts (Nagorno-Karabakh, Libya), based on which he proposes the reconsideration and adaptation to the modern operational reality of the Republic of Cyprus military strategy.

The second section of the volume deals with diplomatic issues in which Turkey has taken direct revisionist actions that question the very statehood of the Republic of Cyprus. More specifically, in the first chapter of the second section, Dr Ioannides

makes a specific reference to the legal means that the Republic of Cyprus can use to defend its statehood against Turkish aggression, while at the same time integrating, into the above framework, the diplomatic initiatives already taken in the field of exercising its jurisdiction in maritime zones, which aim at the improvement of the Republic of Cyprus at an economic, political and strategic level. Correspondingly, Panagiotis Hatzipavlis, in the second chapter, continues to raise the issue of the applicability and binding nature of the rules of international law under conditions of significant imbalance of power, while also adding airspace as a new field that Turkey can exploit in order to impinge on the sovereign rights of the Republic of Cyprus. Finally, beyond the new fields in which Turkish revisionist policy is encroaching, in the third chapter of the second section of this volume, Professor Michalis Kontos, using Alexander George's theory of 'Coercive Diplomacy', attempts to define and thoroughly demonstrate the strategic vision/targeting, ergo the means and the manner in which Ankara attempts to coerce Nicosia to suspend its oil and gas exploration and exploitation plans, without actually having to resort to any direct use of military force.

The last section mainly deals with the ways of internally balancing the Turkish threat. More specifically, Marios Poullados, in the first chapter of this section, initially proceeds to present the legislative framework governing the country's defense spending and then proceeds to the relationship between the amount of defense spending and the impact that it has on the growth of the combat capability of the Cypriot National Guard. Closing, the author presents a comparative study of the defense spending of Turkey, Greece, and Cyprus, which demonstrates the growth of the Turkish military threat over the years. The last chapter of this unit examines the role played by the mass and social media in conducting information operations, in disinforming the international public opinion, and, finally, in undermining the morale of defense and security, especially in cases of states that are faced with a tangible security threat. Specifically, in this unit is examined the use of Turkish television series as a means of propaganda, promoting the Neo-Ottoman Turkish narrative, and as an intimidation method. At the same time, the author proposes solutions for Greece and Cyprus to deal with this kind of Turkish propaganda. In the second part of the chapter, Dr Konstantinos Konstantinou examines the way Cypriot mass media approach issues related to national security and the distortion of news concerning military issues in order to serve party and other ideological interests.

In conclusion, proceeding to a holistic assessment of this collective volume, one can claim that it constitutes a particularly important and original bibliographical contribution in the field of international relations and strategic studies. The contributors

of this book, by using in each case their theoretical background in an expert way, succeed in identifying, highlighting, and presenting a series of traditional and non-traditional threats to national security and state sovereignty. At the same time, based on international experience and practice, the authors proceed on a case-by-case basis to formulate specific proposals for a better understanding and response by state officials of the above complex challenges. Finally, although the subject of the book in question requires readers to be familiar with it and the related terminology, the structure of the thematic sections, the comprehensible formulation and the analysis of the arguments and hypotheses made by the authors, combined with the systematic use of the case study method, make this collective volume particularly useful for professionals in this particular field, and at the same time accessible and understandable for a casual reader interested in Cypriot national security.

Georgios Siachamis

Kyrenia in the Memories of its Displaced Greek Residents [Η Κερύνεια στις Μνήμες των Εκτοπισμένων Ελλήνων Κατοίκων της]

Theophano Kypri
Kyrenia Folklore Society
Nicosia, 2021 (pp. 806)
ISBN: 978-9963-2450-4-8

The work of Theophano Kypri *Kyrenia in the Memories of its Displaced Greek Residents / (Η Κερύνεια στις Μνήμες των Εκτοπισμένων Ελλήνων Κατοίκων της)*, Nicosia 2021, is a book meticulous and rich in primary sources, which was published by Kyrenia Folklore Society and contains 87 oral testimonies from the Archive of Oral History of the Cyprus Research Centre (CRC).

The work of Kypri and the other researchers at the Science Centre is both invaluable and critical work for our nation. Their approach, which involves the careful selection of interviews that most effectively capture the lived experiences and cultural heritage of Kyrenia, underscores the methodological rigour and academic value of the work. With the publication of this book and the use of the oral testimonies collected at the centre, Kypri pays tribute to all those whose oral testimonies contributed to the preservation of the customs of the occupied areas. That is why her one-by-one, careful selection of the most illustrative and qualitative interviews, presenting in detail the world of Kyrenia, is of utmost value. The Archive of Oral History and this book are of extreme importance both to the academic and research community and our culture.

From a scholarly standpoint, Kypri's work aligns with the foundational principles of oral history as articulated by Alessandro Portelli and Paul Thompson. The use of lived memory as historical evidence bridges the gap between official narratives and personal experience, turning Kypri's book into an important contribution to the democratic production of history.

Kazamias' work also draws from the same archive, yet his approach is more focused on situating the experiences of the displaced within broader political and historical frameworks. His volume offers a valuable counterpoint to Kypri's more

ethnographic lens, demonstrating how the same source material can yield different interpretative outcomes depending on the methodological focus.

In total, the book contains 87 testimonies, comprising of 38 testimonies from women and 49 from men. These testimonies provide a detailed examination and analysis of everyday life, cultural practices, social structures, and the contributions of Kyrenia's residents to historical events, including wartime efforts. Additionally, they document occupational patterns and socio-economic developments from the early 20th century up to the Turkish invasion of 1974. Through personal narratives, the book offers valuable insights into the lived experiences of the displaced Greek residents of Kyrenia, contributing to a broader understanding of historical memory and cultural heritage.

Teachers, craftsmen, fishermen, housewives, civil and public servants, doctors, lawyers, and entrepreneurs of the local community narrate their experiences, and share their memories for the first time through this programme. Additionally, by using the tool of oral history they communicate their experiences to the general readership; experiences which would not have been rescued but would have been lost over the years without oral history and T. Kypri.

This publication is invaluable for the coming generations and it is an important contribution to the conservation and preservation of our historical memories of the occupied areas. In addition, it is of extreme value and it promotes various cultural elements of Kyrenia as it outlines the unsung heroes of the city. Moreover, it is a national legacy for the anthropography of Kyrenia, since it contains original testimonies, important memories, various life experiences of the people, and it unfolds and brings to life, through the years, the people of Kyrenia as well as their daily life, their beliefs, values, customs, traditions and their contribution to the national fights.

As in the comparable work *The Turkish Invasion and the Uprooting of Kyrenia Residents* by George Kazamias, Kypri's book is rooted in a rigorous oral history programme and shares the same institutional source: the Archive of Oral History of the Cyprus Research Centre. Both works demonstrate how memory serves as a mechanism of resistance and identity preservation. However, while Kazamias offers a macrohistorical contextualisation of the testimonies, Kypri centres the local folklore and microhistorical detail of everyday life.

The published narratives reveal previously undocumented aspects of Kyrenia's society, bringing to life the experiences and actions of its residents from the early 20th century until the tragic events of July 1974. In compiling this work, Theophano Kypri placed particular emphasis on reconstructing the historical and cultural

landscape of Kyrenia across the centuries. Her focus was primarily on preserving and highlighting elements of Greek folklore and cultural identity, despite the transformations imposed by the Turkish occupation after 1974. Through this approach, the book not only serves as a historical record but also as a testament to the enduring heritage of Kyrenia's displaced Greek community.

The conservation of the local dialect, the vivid oral testimonies, and the direct and firsthand graphic descriptions, showcase the area and certainly the people of Kyrenia, along with their daily life, habits, customs, traditions, folklore, beliefs, and views. This is a linguistic treasure as it is unique in its kind and it helps preserve the local dialect.

Within the pages of the book, both well-known and lesser-known individuals from Kyrenia -ranging from ordinary citizens to members of the educated class- offer authentic and vivid accounts of their lives. These firsthand testimonies provide a rich and multifaceted portrayal of the region's social and cultural fabric. To ensure a structured and chronological representation, the narratives are systematically classified according to the birth dates of the individuals, allowing for a comprehensive examination of intergenerational experiences and perspectives.

The content of the book is rich, with a plethora of information, apt and lively descriptions which transfer the reader to eras gone. They all allow the reader to travel to the past and relive life in Kyrenia, thus achieving the goal of this publication, which is to conserve the memories of the younger generation, the historical, cultural, and folklore of the Municipality of Kyrenia.

Her work can easily be classified as a reference book which reminds readers of their origins as through the book, people and other civilisations are presented and continue to exist through our memories, determining our national and cultural identity.

The book serves as a crucial repository of the memories of both the region and its people, preserving their lived experiences through vivid oral testimonies. These firsthand accounts enable readers to envision daily life in Kyrenia during the period under study, offering a nuanced reconstruction of the past. This is further enhanced by the author's meticulous and objective approach, as she skillfully maps the historical and cultural landscape of Kyrenia. Through these narratives, readers are able to relive the realities of that era, gaining deeper insight into the traditions and social structures that defined the community. Among those featured in the book is Kypri's close friend, Rina Katselli, a fellow scholar and advocate for the preservation of local

folklore and traditions, whose contributions further underscore the significance of cultural heritage in shaping historical memory.

This book is a written depiction of the town, with both the central parts as well as the lesser known parts of the town, the important and unseen places of it, which presents the residents with all the things they should remember until their return.

Every line adds up to our knowledge through the authentic testimonies of the displaced people of Kyrenia and highlights the city's structural points. This illustrates the entirety of Cyprus and it predetermines the future of our collective memories.

Each narration included in Kypri's book is unique, contributing to the creation of a comprehensive mosaic that captures the history and cultural identity of Kyrenia across different periods. The testimonies collectively reconstruct the town's social fabric, traditions, and historical developments, offering valuable insights into its evolution. Additionally, the structure of the book allows for a flexible reading experience, as each section can be read independently. This enables readers to navigate the contents and index, selecting the topics that align with their specific interests, whether related to everyday life, cultural practices, or historical events.

The title of the book indicates the subjectivity of the book, since it is a record of the memories of the displaced Greek inhabitants and does not include the memories of the Turkish Cypriot residents of Kyrenia.

This limitation reflects a broader challenge in oral history: the potential for partiality when only one community's voice is documented. As noted in Kazamias' volume and in global oral history scholarship (Thompson, Portelli), the inclusion of multiple perspectives fosters a fuller reconstruction of collective memory. The absence of Turkish Cypriot, Maronite, and other residents' accounts -also present in Kyrenia before 1974-restricts the multi-ethnic narrative of the city.

While Kypri's book offers a valuable and in-depth look at the memories of the Greek Cypriot residents of Kyrenia, it does present a significant limitation in its scope. The absence of narratives from Turkish Cypriots, Maronites, foreigners, or tourists who lived or worked in the picturesque neighborhoods of Kyrenia, represents a notable gap in the historical and cultural narrative of the town. The book exclusively includes the oral testimonies of those born in Kyrenia, omitting the perspectives of individuals who, despite hailing from other cities such as Larnaca or Nicosia, lived in Kyrenia for many years, contributing to the town's cultural and social fabric. So the book can easily be termed as subjective and one-sided, since it only highlights the view of the local Kerynians about Kyrenia and "silences" the rest. *As a reader, I*

would be interested to find in this book the diversity of the worlds of Kyrenia, Turkish Cypriots, Greek Cypriots, English and others.

In my opinion, another weakness of the book is the absence of photographic evidence. The issue is that there is a lot of material available at the Press and Information Office and the author could have used that. Had the narratives been accompanied by photographic material, the reader would have had the opportunity to glean a complete picture of the human geography of Kyrenia.

By contrast, the two-volume publication on the Dome Hotel, authored by Rina Katselli, includes extensive photographic documentation alongside chronological testimony This integration offers a more immersive view of the lived experience and demonstrates how visual archives complement oral histories in shaping historical understanding. Kypri's book would benefit significantly from similar visual enrichment.

Moreover, the inclusion of audio recordings -perhaps via QR codes-could allow readers to engage more deeply with linguistic variations, emotional tone, and vocal authenticity, aligning with current digital humanities practicing in oral history archiving.

In my humble opinion, this book should be read by both locals and foreigners due to its rich exploration of Kyrenia's spiritual and cultural life. It offers valuable insights into the town's schools and their activities, religious practices, churches and chapels, historical monuments, the port's labour movement, and the tourist development that took place prior to the Turkish invasion.

The preservation of local narratives is of great importance, as it safeguards the customs of folk traditions, many of which have been displaced or erased by the occupying forces. Furthermore, the book meticulously documents original place names that have since been altered, ensuring that these aspects of the Kyrenian identity are not lost. Through its careful recording of these traditions and stories, the book serves as an essential tool in maintaining a cultural connection to the past, especially in the face of continuous changes.

The book preserves and conveys to the readership (third generation of refugees) the popular perceptions of their ancestors, fairy tales, folk songs, proverbs, and so much more that is important for the folk tradition and popular culture of the Kyrenia area.

The narratives of this book bring the reader in contact with the old people of Kyrenia, with leading figures of the city, spiritual people, scientists, businessmen, sailors, craftsmen, as well as with ordinary people; the heroes, the fallen and the missing because of the Attila invasion. The thematic axes of this book are enough, and the

descriptions and information are inexhaustible and lead up to the events of the coup and the invasion, since small and peaceful Kyrenia paid a very high price in the tragic events of July 1974. We owe a debt of gratitude to Kypri for the complete mapping she did on the Kyrenia anthropogeography.

In conclusion, Theophano Kypri's work stands as an important microhistorical documentation of a lost city. While it excels in detail, narrative richness, and cultural preservation, its scientific merit is further enhanced when examined alongside other publications, such as Kazamias' institutional volume or the Dome Hotel testimonies, which offer broader perspectives and visual material. However, it must be noted that all three works lack intercommunal narratives -a limitation that reflects the one-sidedness of Greek Cypriot memory production. From one perspective, this absence constitutes a significant shortcoming in terms of inclusivity and historical representation. Yet, from another, it could be seen as the core strength of Kypri's book, as it provides a thorough and focused account of one community's lived experience, allowing for a deeper and more intimate exploration of Greek Cypriot identity and memory.

Ioanna Alexandrou

Tenancy law in Cyprus
[Το Δίκαιο της Ενοικίασης στην Κύπρο]

Evripides Hadjinestoros - Charikleia Theodoulou - Charilaos Velaris - Anastasios Anastasiou - Tonis Kyriakides - Stella Damianou
Hippasus Communications & Publishing Ltd
Nicosia, 2025 (pp. 146)
ISBN: 9789963676507

This is a relatively comprehensive yet concise handbook on the law of tenancy in Cyprus, appropriately prefaced by the President of the Rent Control Court, Mrs. Lefkia Kammitsi. The handbook consists of nine chapters, each offering a compact overview of both statutory provisions and case law, accompanied by analytical critique where applicable.

Chapter One introduces the development of rent law in Cyprus, referring to both statutory rent control tenancies (*ενοικιοστάσιο*) and conventional tenancies.

Chapter Two focuses on conventional tenancies, and discusses, *inter alia*, periodic tenancies, the registration of leases, and the rights and obligations of both registered owners and tenants. It also addresses the demanding issue of lawful termination periods for periodic tenancies and examines, in some detail, the conditions required for a valid notice of termination.

Chapter Three deals with the Rent Control Act (*θέσμια ενοικίαση*), which is inherently complex and thus requires deeper analysis. It sets out the legal requirements for a tenancy to fall under the Rent Control regime and outlines the jurisdiction of the Rent Control Court.

Chapter Four then addresses the legal concept of a licence —an often misunderstood area. I consider this a particularly tricky subject, and, in my view, the authors have addressed it thoroughly and appropriately, in line with the aims of the handbook.

Chapter Five, the longest chapter in the book, examines the exceptions under the Rent Control Act that allow for the termination of a protected tenancy and the eviction of the tenant. As with earlier chapters, relevant case law and thoughtful critique are included.

Chapters Six and Seven deal with the conditions under which an eviction order

may be amended or cancelled, particularly in cases where the order was obtained through false representations.

Chapter Eight discusses the suspension of eviction orders, providing helpful insight into this frequently litigated issue.

The handbook concludes with Chapter Nine, which addresses the determination of rent in both conventional and rent control tenancies. This is one of the more substantial chapters and includes references to technical aspects of rent assessment.

Overall, the book deals fairly extensively with the provisions of Rent Control in Cyprus and, to a lesser extent, with conventional tenancy agreements governed by Contract Law —comparatively a more straightforward form of tenancy. In my humble opinion, this handbook is a commendable piece of work, and it is certainly worth highlighting for its well-structured and accurate coverage of the full range of tenancy relationships recognised by Cypriot law, including licences and periodic tenancies.

Most importantly, it definitively succeeds in fulfilling its purpose as a handbook. It serves not only as an accessible introduction for readers unfamiliar with this area of law, but also as a practical guide for those seeking to deepen their relevant knowledge or engage with tenancy-related matters in everyday legal practice.

Although I am of the view that the Rent Control Act is, in some respects, outdated and perhaps overly restrictive of landlords' rights —particularly in matters of tenancy termination and rent determination— the authors, quite fairly, chose not to address these broader policy concerns. Instead, they remained focused on presenting the core principles of tenancy law in Cyprus, in line with the purpose of the work. That choice reflects the practical and educational nature of the book and is, in my opinion, entirely justified.

In conclusion, I consider this book an outstanding collaborative effort —both sufficiently well-written and researched. It is a valuable contribution to the legal literature on Cypriot tenancy law and one that I fully recommend to both legal professionals and students alike.

Anastasia Papamichael

History of the Communist Party of Cyprus (1923-1944) [Ιστορία του Κομμουνιστικού Κόμματος της Κύπρου (1923-1944)]

Alexis Alecou and Spyros Sakellaropoulos
Topos
Athens 2023 (pp. 232)
ISBN 978-960-499-442-7

No other political party or political movement in Cyprus has been the subject of such extensive historical research and book writing, as the Communist Party of Cyprus. Many historians, academicians, political analysts, journalists, university students and lovers of history, have at times occupied themselves with studying the history of the Communist Party of Cyprus, but have also proceeded in producing written material thereon. Tens of books, newspaper and periodical articles and proceedings of ad hoc seminars and congresses have been produced through time. Yet, it appears, as it has been proven by the authors of this book, that there is still room for more research and writing on the subject.

The reasons are obvious. The Communist Party of Cyprus has been the first political party ever to be established on the island, at a time when society was characterised by backwardness, poverty, unemployment, low wages and long hours of work, heavy taxation and exploitation by a ruthless colonial rule. The appearance of the Communist Party of Cyprus at that specific period of time –the decade of 1920-1930– when no hope appeared to emerge from any side gave that hope to the people. The workers and farmers, who made up the bulk of the social structure, placed their hopes and expectations on the new political party, which declared, as one of its basic scopes, the upgrading of the social and economic level of the masses of people. The authors present, from the early chapters of the book, the miserable social and economic conditions in which the local population lived and the lack of prospects for a better life. They proceed then to present the social and economic objectives of the new party, which were in line with the doctrines of Marxism-Leninism.

A handful of people, despite heavy colonial police persecution, organised themselves secretly in small communist nuclei, which in time led to the establishment

of an island-wide political movement, the Communist Party of Cyprus. Such people as Panos Fasouliotis, Charalambos Solomonides, Leonidas Stringos, Costas Christodoulides-Skeleas, Demetris Anastasiou-Chrysostomides, Emilios Hourmouzios, Yiannis Papangelou-Lefkis, Charalambos Vatyliotis-Vatis, Nikos Yiavopoulos and a few others, were the pioneers in this new movement. On many occasions, they paid a high price for their involvement by being imprisoned by the British or by paying heavy fines for their activities. The authors really succeed in presenting how, at the beginning at least, small communist nuclei of two to three persons were formed and worked in secrecy towards the establishing of the party.

Early communist activity was initiated in Limassol, which was at that time the centre of economic, commercial, social and cultural activity in Cyprus. Limassol, thanks to its busy port, acted as a window of Cyprus to the outside world. The arrival of hundreds of visitors and sailors from abroad, mainly from Greece, helped promote a kind of informal political education to the local people. The contact of local people with these visitors and sailors, some of whom had really some level of education and knew what had happened in other parts of the world, such as in Europe and Russia, helped motivate local people. Periodicals, newspapers and other printed material, which visitors happened to bring with them when arriving on the island, was a valuable source of information for local leaders.

The authors present in their book how local people, labourers and farmers alike, organised themselves in small professional organisations, most important among them being the Ergatikon Kentro Lemesou (Limassol Labour Centre), which acted as a Labour Union. This institution gradually spread its influence to other activities in Limassol, but also to other parts of Cyprus, as in Nicosia, Larnaca, Famagusta and elsewhere. The new movement introduced as the Communist Party spread all over the island and left its mark on local elections, being municipal or local elections organised for the purposes of the Legislative Council. The authors have indeed succeeded, in a challenging way, to present through the pages of this book how the Communist Party of Cyprus soon became a leading institution on the island.

However, the functions of a political party are not limited to social and economic issues alone, but also, and mainly so, to political issues: how the country is governed, liberation from colonial rule, democracy, promotion of human rights and other relevant issues. The dominant political issue of the Cyprus society at that time was its liberation from colonial rule and its Enosis with Greece, which by all reasons was the motherland: with the same language, same religion and same national feelings and aspirations. In this respect, the newly established Communist Party in my opinion

failed to prove itself. But the authors also failed to present to the best possible degree, the role of the new party on what we call Cyprus politics. They have made the same mistake as other writers before them, who produced publications on the Communist Party, but failed to record the actual role of the party on such issues as the liberation of the island from colonial rule and the struggle of the people for Enosis etc.

The Communist Party, at least during the period covered in the book (1923-1944) was strongly against Enosis, which it considered as a curse for the Cypriots, contrary to the wishes of the majority of Cypriots who considered it as a blessing. For a political party established in the core of the struggle for Enosis, the superficial mention to Enosis in the book indicates that the Communist Party has not much to say. Or that the authors chose to refer to it in brief, as if they were protecting the party. It is relevant to mention that in the constitution of the Communist Party published in the Party's newspaper *Neos Anthropos* on 24 December 1926, Article 1, which was titled to mention the purposes of the new Party on the Cyprus issue, is blank. But in the original hand-written copy of the Constitution (Cyprus National Archive, SAI 1678/26, items 8-16), the newly established Communist Party pursued right from the start the establishing of a Balkan Federation of Soviet Socialist Republics, which, after uniting with other similar federations in other parts of the world, would make-up the Global Proletariat Federation. That which Ploutis Servas, ex-Secretary General of the Party characterised as nonsense. (Ploutis Servas, *Κοινή Πατρίδα*, Nicosia 1997, p. 82).

However, the authors have also failed to present how the Communist Party of Cyprus stood during the events of the spontaneous uprising of Cypriots in October 1931 –*Τα Οκτωβριανά*. Chapters 6 and 7 of the book, which cover this event, present the Communist Party as delaying in joining forces with the *Unionists* against the British. The authors present the view that the Communist Party joined voluntarily on the second day. The historical truth, however, based on undisputable sources is different. The uprising took place on Wednesday evening, 21 October 1931. The next day, Thursday 22 October 1931, the Central Committee of the Party, in a meeting, condemned the uprising characterising it as 'a nationalistic chauvinistic provocation of the Cyprus capitalistic class'. (Fifis Ioannou, *Έτσι Άρχισε το Κυπριακό: Στα Αχνάρια μιας Δεκαετίας 1940-1950*, Athens 2005, p. 15). However the day after, i.e. on Friday 23 October, having seen that the uprising spread all over the island, the Party's Central Committee took a new stand after a new meeting, cancelling its previous decision and calling the uprising as a *'national liberation and antimperialistic movement'*. (Fifis Ioannou, p. 15). And also took the decision to take part in the uprising. To this end Tefkros Anthias was sent to see the Archbishop, asking him to

form a *'United National Liberation Antimperialistic Front'*. Indeed on Saturday 24 October 1931 a meeting was convened under the chairmanship of the Archbishop, in which Charalambos Vatyliotis-Vatis, representing the Communist Party, took part as the head of a three-member delegation, which included Tefkros Anthias and Costas Kononas. And it is at this meeting that the Communist Party agreed to participate in the uprising and encouraged its people to do so. But of course this did not materialize, since the day after, Sunday 25 October 1931, the uprising was totally crushed by the security forces, and political leaders involved, including Charalambos Vatyliotis-Vatis and Costas Crhistodoulides-Skeleas, were arrested and exiled.

The authors of the book do not cover all aspects of the history of the party as far as this major event is concerned. For example, they do not mention what exactly happened after their arrival in the USSR. I feel I am entitled to recall what exactly happened there. They indeed mention that after the exile of Vatis and Skeleas to Britain, they both managed to go to the USSR. On their arrival, they were summoned to appear before the Balkan Office of the Third International and explain what had happened in Cyprus in October 1931 and what had been the role of the Communist Party. As Ploutis Servas recalls (ex Secretary General of the Party (1936-1944), who was then studying in Moscow and was present in the hall where the hearings were held), the two Cypriot leaders appeared before Bela Kun, Secretary of the Balkan Office. Ploutis Servas writes that it was a normal court trial, which judged their stand during the uprising and found them guilty of violating the decision of the Third International, taken during its Sixth Congress in 1928. In accordance with this decision, communists all over the world should join forces with nationalists in the case of revolution or uprising against colonial rules. The two Cypriot leaders were found guilty of failing to act in accordance with the said decision of the Third International. Vatis was sentenced to serve in a kolkhoz in Siberia teaching farmers on agricultural matters. Skeleas was sent to Marioupolis to work in the printing office of the Greek newspaper which was published there. Strangely enough, both died mysteriously soon after: Vatis in 1933 at the age of 36 and Skeleas in 1940 at the age of 42. (Fifis Ioannou, *Έτσι Άρχισε το Κυπριακό/Στα Αχνάρια μιας Δεκαετίας 1940-1950*, Athens 2005, pp. 19-20). I feel it is an omission on behalf of the authors not to mention anything in their book on this issue.

Another major issue, which the authors do not cover adequately in their book, refers to the stand of the Cyprus Communist Party on the Second World War. The authors present the view that the War was an imperialistic conflict among capitalistic countries in which the communists had no reason to get involved. And that is why

the Communist Party refused to encourage its people to sign up as volunteers even when Greece was attacked by Italy in 1940. It is worth noting that the USSR and Germany had signed, in August 1939, an agreement not to attack each other. And the Third International issued a Directive, in October 1939, calling communists all over the world to stay out of the war. The Communist Party of Cyprus, as a member of the Third International since 1931, could not, of course, do otherwise but honour the said decision. That is why the Communist Party did not proceed to call Cypriots to join the allied forces against the Nazis as volunteers. But, even when Hitler broke the non-offensive Agreement and attacked USSR, on 22 June 1941, the Communist Party of Cyprus did not call people to register as volunteers. Nothing is said about this by the authors. The Party waited for another two years, until 16 June 1943, when the Party's Central Committee took the decision to call its people to join the allied forces against the Nazis. The war was, of course, still going on, but its end was already visible in the horizon. The Germans were retreating from the eastern front with USSR and they were also pushed out from North Africa. And on 10 July 1943 the allied forces landed in Sicily in their pursuit against the Germans. It was a matter of time for the war to come to an end, with the total defeat of the Germans.

These are major historical facts, which should have been presented in a book recording the history of the Communist Party of Cyprus.

George Camelaris