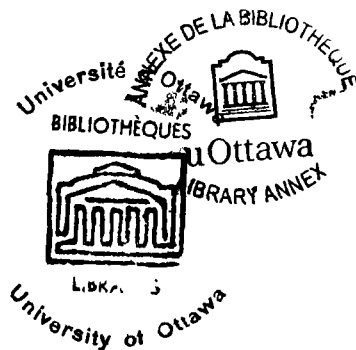


ASPECTS OF ANGLO-EGYPTIAN NEGOTIATIONS 1920-1936:
FROM THE FAILURE OF THE MILNER MEMORANDUM OF 1920
TO THE FINAL SETTLEMENT OF 1936

by Habibur Rahman

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RÉSUMÉ

Habibur Rahman was born in July 1949, in Chittagong, Bangladesh. He received B.A. (Hons.) in 1969 and M.A. in 1970 from the University of Dacca. He joined as lecturer in the Department of History, University of Chittagong, Bangladesh in 1972. He is a member of the Bangladesh Historical Association.

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PREFACE

Egypt was of great importance to the British Empire for many years owing to its strategic position as the gateway to British India and East Africa. British control of this vital link was established in 1882 when, taking advantage of internal disorders in the country, Britain occupied Egypt by force of arms without any justification beyond the needs of Empire. Britain continued its military occupation a full thirty seven years before even seeking to establish any sort of internationally recognized legal regime to justify its presence and then only in response to pressure from Egyptian nationalists. In 1920 the British entered into non-official negotiations with the Egyptians but the initial formula offered by the Egyptians was turned down by the British Cabinet and further negotiations in 1921 likewise proved to be an utter failure as the British refused to meet Egyptian demands for complete independence. A truncated form of independence was unilaterally granted by the British in 1922 as a result of Lord Allenby's (British High Commissioner in Egypt) insistence.

During the following thirteen years the Egyptians continued their struggle for true independence and entered into a series of negotiations to achieve this end. But serious differences arose each time over the issues of the security

of communications of the British Empire, the defence of Egypt, the Capitulations or foreigners' extraterritorial rights and the problem of the Sudan. Although almost all these issues were settled by 1930, it was only in 1936 under the threat of Italian fascist expansion in Ethiopia that the Egyptians and the British signed a treaty of friendship and alliance, which finally legalized the British position in Egypt and claimed to give Egypt real independence.

The purpose of this study is to investigate British reluctance to grant Egypt real independence from 1920 to 1936, and also to give a detailed account of the Anglo-Egyptian negotiations. It will be shown why it took 16 years before the issue was apparently resolved. It should be evident towards the end of the thesis that the more imperialist minded British continually opposed and impeded the real independence of Egypt and only accepted the 1936 treaty because of external threats from Italy. They also finally realized that the wide British military privileges in Egypt were still guaranteed by the 1936 treaty. Finally, the author has tried to examine critically the type of independence Egypt received under the Treaty of 1936, and will attempt to show that it was in fact not real independence at all.

Primary sources are used including Memoirs of British Politicians, publications of the Foreign Office of the United Kingdom in papers By Command, Hansard's Parliamentary Debates, and the London Times, which gives some new interpretations of this question. The Killearn Diaries

published recently and Eden's Memirs^o, until now unused for this problem, are essential for understanding the negotiations of 1936. One of the most detailed thesis to date on the Anglo-Egyptian Treaty of 1936 is the 1960 Yale University Ph.D. thesis of Mahmud Yusuf Zayid. Zayid relied only upon secondary Egyptian Arabic sources and gives only sketchy material on the topic. Zayid merely lists the negotiations and touches on Egyptian domestic reactions. But he does not investigate why the different negotiations continually broke down and what were the reactions of the British to the Egyptian demands. Several other theses have also been written within the last sixteen years since Zayid, but most deal with internal Egyptian affairs.¹ No one has investigated the divergent views of the British within the Labour, the Liberal and Conservative Parties. The imperialist wings were largely responsible for the lengthy and unfruitful negotiations between 1920-1936.

This thesis will try to arrive at some new views of the problems. It will show that the 1920 Milner-Zaghlul memorandum

H.A. Ibrahim, The Anglo-Egyptian Treaty of 1936, with special reference to the contemporary situation in Egypt and the Sudan (Ph.D. thesis, University of London, 1970). F. Lissauer, British Policy towards Egypt: 1914-1922 (Ph.D. thesis, University of London, 1975). J.G. Darwin, The Lloyd George Coalition Government and Britain's Imperial Policy in Egypt and the Middle East: 1918-1922 (D.Phil. University of Oxford, 1976). A. Sandall, The involvement of the United Kingdom in the Domestic Politics of Egypt: 1922-1936 (B.Litt. thesis, University of Oxford, 1976). Laila A. Morsey, The effects of British Foreign Policy towards Egypt and of the British presence in Egypt on Egyptian Nationalism during the period 1936-1945 (Ph.D. thesis, University of Wales, 1976). James, P. Jankowski The Young Egypt Party and Egyptian Nationalism; 1933-1945 (Ph.D. thesis, Michigan University, 1967). M. Deeb, The Wafd and its rivals, the rise and development of Political Parties in Egypt 19-1939 (D.Phil. thesis, University of Oxford, 1971).

was almost the same as the 1936 Treaty in content. The Egyptians were willing to accept the 1920 terms in all probability but it proved unfruitful as it was not acceptable to the British imperialist wings in three leading British political parties. Both Milner and the Egyptian Zaghlul were prepared to amend this memorandum so as to abolish the protectorate, sign an alliance and leave some British troops in Egypt. But this was refused by the British Cabinet dominated by the imperialists at the time, although it was acceptable to the Egyptians. Most general authors such as John Marlowe, L.A. Fabunmi and Zayid² see the change into British attitude to Egypt, taking place only in 1936,^{an} being a result of either growing Egyptian nationalism or the pressures from Italian intervention in Ethiopia. But this work argues that significant changes in British policy had already occurred in 1930, when Labour came to power and Arthur Henderson became British Foreign Secretary. The British accepted all the earlier Egyptian conditions for an Anglo-Egyptian treaty including limitation of their military position in Egypt, balking only at agreeing to

2. John Marlowe, A History of Modern Egypt and Anglo-Egyptian Relations: 1800-1956 (Archon Books, Connecticut, 1965), PP. 294-296. L.A. Fabunmi, The Sudan in Anglo-Egyptian Relations (Greenwood Press, Connecticut, 1973), PP. 103-105. See also Mahmud Yusuf Zayid, The Anglo-Egyptian Treaty of 1936: An Historical Study of politics and International Diplomacy (a Ph.D. thesis, Yale University, 1960).

raised Egyptian demands concerning the Sudan. The final 1936 Anglo-Egyptian Treaty follows in all respects, except the Sudan, the 1930 British draft treaty, which was rejected by the Egyptians because their demands on the Sudan were excluded. Historians, including Zayid, have been slow to investigate why the British Conservatives opposed the draft treaty of 1929 but signed a similar treaty with Egypt in 1936. General authors have pointed out that Mussolini's Ethiopian campaign of 1935-1936 compelled the British to change their Egyptian policy and to sign a treaty in 1936. They have failed however to show the link between Britain's Italian and Egyptian policies. This thesis argues that the change in British policy towards Italy in December 1935 compelled them at the same time to reorient their Egyptian policy. Egyptian fears of Italy and their promise to grant large military privileges to the British were further reasons, which convinced British imperial-minded politicians to sign the Treaty of 1936. Again, Zayid has claimed that Britain legalized its position in Egypt in 1936 whereas one might argue that according to the Constantinople Convention of 1888 internationalizing the Suez Canal, the 1936 Anglo-Egyptian Treaty was not legal. Britain appropriated unlawfully to itself the right to man militarily the Canal Zone.

INTRODUCTION

The history of Anglo-Egyptian relations from the period 1920-1936, is a story of six abortive negotiations between the two countries, in an attempt to legalise the undefined and anomalous British position in Egypt and also to complete Egyptian independence. To understand the history of this problem one needs to go back before this period. Anglo-Egyptian relations may be conveniently dated from 1879, when France and England established dual control over Egypt for the purpose of protecting European creditors.¹ Three years later in 1882 an insurrection took place in Egypt, under the leadership of Col. Ahmed Arabi Pasha against foreign exploitation of the Khedive.² During the revolt some European were massacred in Alexandria.³ Taking advantage of riots in Alexandria, the British landed troops on the soil of Egypt,⁴ and by crushing Arabi they became the absolute and undisputed masters of Egypt.⁵

1. The Earl of Cromer, Modern Egypt (MacMillan London, 1909), vol. 1, pp. 164-174.

2. Ibid., pp. 323-330.

3. Sir Valentine Chirol, The Egyptian Problem (MacMillan, London), 1921, p. 41.

4. Wilfrid Scawen Blunt, Secret History of the English Occupation of Egypt (Howard Fertig, New York, 1922) pp. 302-307.

5. L.A. Fabunmi, Op. Cit., p. 29.

When British soldiers entered Egypt, the Liberal government of Gladstone announced that its sole purpose was to restore the power of the Khedive and that Britain would withdraw her troops as soon as order and the maintenance of the Khedive's authority were restored.⁶ It remained Gladstone's policy to withdraw British troops from Egypt as soon as the situation allowed it.⁷ When in 1895, the Conservatives assumed power under the leadership of Lord Salisbury, Gladstone's policy of early withdrawal was dropped and replaced by a policy of delay. One of Salisbury's aims was to bring the rebellious Sudan under the domination of the British Empire, which he successfully accomplished following the Kitchener campaign of 1898. The Sudan's status as an Anglo-Egyptian Condominium was fixed by the Anglo-Egyptian Convention of 1899, which laid down that Great Britain was "by right of conquest" entitled to share the administration of the Sudan with Egypt.⁸ But the Condominium Agreement was never put into action and Britain denied Egypt's due claim in the administration of the Sudan because of the strategical importance of the Sudan to the British Empire. The Sudan was so important to the

6. Great Britain, House of Commons, Parliamentary Debates (Hansard), 3rd Series, 1883, vol. 282, col. 2196-2203. (Hereafter cited as parliamentary Debates).

7. Ibid., 1882, vol. 273, 3rd Series, col. 1384.

8. Earl of Cromer, Op. Cit., vol. 11, p. 116.

British Empire an English writer argued: "If we settle at the headwater of the Nile, we command Egypt."⁹ The Milnerite imperialist journal The Round Table, too, emphasized:

Whoever holds the upper Nile has Egypt in the hollow of his hand. When the British flag was hoisted in the Sudan we not only secured our position in Egypt but we also undertook responsibility for the civilization and good government of those vast regions on which we cannot turn our backs. While we hold the Sudan, and we must hold it, we cannot get out of Egypt, even if Egypt ceased to be the stepping stone to India. 10

And so, the British military occupation of Egypt and the Sudan over the years assumed the shape of a veiled protectorate.¹¹ Without legal international status as neither Turkey, nominally the sovereign power in Egypt, nor other countries recognized the British occupation of Egypt. This British occupation continued unchanged and unchallenged until the First World War. When the war broke out in July 1914, Egypt's political status underwent a significant change. Britain's declaration of war against Germany on 4 August 1914, placed Egypt in an extremely awkward legal position.

9. Quoted by William L. Langer, The Diplomacy of Imperialism: 1890-1902 (Alfred A. Knopf, New York, 1935), p. 127.

10. "Egypt" in the Round Table, Nos. 1 - 4, vol. 1, August 1911, p. 457.

11. Valentine Chirol, Op. Cit., p. 46.

Egypt was still part of the Turkish Empire, which joined the war in favour of Germany.¹² As a result, all the Sultan's subjects, including the Egyptians, were in theory to be regarded as at war with Britain. All the hostile acts of Egyptians during the war were to find legal justification in this fact.

This situation in Egypt, according to the British Cabinet, made it imperative to legitimize legally Britain's anomalous position in Egypt. The British Foreign Secretary, Edward Grey, informed Mr. Cheetham, Acting-Consul General in Egypt, that the Cabinet was seriously thinking of outright annexation of Egypt to the British Empire.¹³ But Cheetham pressed the government to decide instead in favour of the declaration of a protectorate. He argued that a protectorate "would be the natural sequence, unassailable logical, of Cromer's policy. That policy had always aimed at maintaining Egyptian hands... with British brains in the background to advise, encourage, or restrain."¹⁴ Egypt, juridically a belligerent, was viewed as occupied enemy (i.e. Turkish) territory. Under the Hague Convention Britain

12. The Times, London, November, 7, 1914, p. 6.

13. Lord Lloyd, Egypt Since Cromer, (Howard Fertig, New York, 1970 edition), vol. 1, p. 196. See also Sir Ronald Storrs, The Memoirs of Sir Ronald Storrs, (G.P. Putman's Sons, New York, 1937), p. 150.

14. Lord Lloyd, Op. Cit., vol. 1, p. 194.

was forbidden to annex such territory while hostilities continued.¹⁵ Thus, on December 18, 1914, the British government declared a protectorate over Egypt and not annexation.¹⁶ On December 19, Khedive Abbas II, who was at that time in Constantinople was deposed by the British government because "since the outbreak of the war with Germany His Highness...had definitely thrown in his lot with his Majesty's enemies."¹⁷ Prince Hussein Kamel Pasha, eldest living prince of the family of Mohammed Ali Pasha was placed in Abbas Hilmi's place with the title of Sultan of Egypt.¹⁸

In a note to the Sultan of Egypt, the British Foreign Office enumerated the reasons for proclaiming the protectorate, and declared that the British government would henceforth regard itself as trustee for the Egyptian people. It promised to defend Egyptian territory against all aggression "Whencesoever coming" and to protect Egyptian subjects "wherever they may be." All relations between the Egyptian

15. Section 11, Article 23, Hague Convention of 1907, the full text is in Sir Thomas Barclay, The Turco-Italian War and Its Problems (Constable, London, 1912), pp. 214-225.

16. The Times, London, December 18, 1914, p. 8.

17. Ibid., December 19, 1914, p. 8. See also Beaman, "The Political Situation in Egypt", The Contemporary Review (London, 1927), Vol. 132, pp. 15-16.

18. Storrs, Op. Cit., pp. 151-152.

government and foreign countries would be conducted through the British representative at Cairo, the High Commissioner. The Capitulations* were condemned as "no longer in harmony with the development of the country", but their modification was to be postponed until the termination of the war.¹⁹

Thus, the veiled protectorate which Britain had exercised infact for over thirty years, became an open protectorate. Her questionable legal position in Egypt was unilaterally regularized, but at the cost of violating the reciprocal agreement between the Entente powers that no territorial changes would be made before the end of the war, and then

19. The full text is in The Times, London, December 19, 1914, p. 8.

*"Capitulations" is the name given by European to those concessions which secured from the early Sultans of Turkey extra territorial rights to foreigners residing there. Primarily they were intended to make it possible for Christians to trade and reside in the territories of the Ottoman Empire by safeguarding them against any forms of injustice of abuse to which as foreigners of a different religion, they might otherwise have been subjected. Since Egypt has been a part of the Turkish Empire Capitulations existed there. The powers which enjoyed Capitulations in Egypt were - Britain, U.S.A., France, Italy, Spain, Holland, Belgium, Norway, Sweden, Denmark, Greece, Portugal, Russia, Germany and Austria - Hungary. The privileges of the two latter were terminated in the treaties of Versailles and St. Germain. In Egypt the rights conferred on foreigners by the Capitulations, apart from certain commercial concessions, included: - immunity from personal taxation without the assent of their governments; inviolability of domicile and protection from arbitrary arrest; and exemption from the jurisdiction of the local courts. For the detail of Capitulations in Egypt, see Jasper Y. Brinton, The Mixed Courts of Egypt (Yale University Press, New Haven, 1930).

only by common agreement.²⁰ Such action was also questionable, in international law, as it was accepted practice that protectorates, over all but quite uncivilized countries, had to have as their basis a joint agreement between the protector and the protected.²¹ In this case Egypt was not asked its views. The Egyptian remained unreconciled to becoming a British protectorate.²² However, they had little choice but to accept the fact and hope that it would turn out to be a temporary war measure on the part of the British government.

No sooner was the Armistice signed in November 1918 than the Egyptian began to demand termination of the protectorate and complete independence for Egypt.²³ On November 13, 1918, Zaghlul Pasha, leader of the Egyptian Nationalist party, decided to ask permission of the British government to proceed to England to place the Egyptian case before the British government. At the same time Rushdi Pasha, the Egyptian Prime Minister, requested that the British govern-

20. Harry T. Carman, "England and Egyptian Problem", in The Political Science Quarterly (New York, 1921) vol. 36, p. 66.

21. Lord Lloyd, Op. Cit., vol. 1, p. 207.

22. Amine Youssef Bey, Independent Egypt (John Murray, London, 1940), p. 58.

23. Parliamentary Debates. (House of Lords), 1919, 5th Series, vol. 33, col. 711. See also Chirol, Op. Cit., pp. 142-143.

ment receive an official Egyptian mission in London to discuss the future status of Egypt.²⁴ But the British Foreign Office flatly refused both requests. And so, Rushdi Pasha resigned as Egyptian Prime Minister.²⁵ Early in March 1919, Nationalist Party leader Zaghlul Pasha announced that he would go on his own to Paris to lay Egyptian demands before the Peace Conference. But before he could leave he and three colleagues were arrested by the Acting High Commissioner and deported to Malta.²⁶

Following the deportation of the nationalist leader, a serious outbreak of violence followed in Egypt, which involved frequent attacks on British soldiers.²⁷ This incipient Egyptian rebellion seriously disturbed British Prime Minister Lloyd George, who was in Paris at the time. Without consulting his Foreign Secretary Lord Balfour, he removed the British High Commissioner in Egypt, Sir Francis Wingate, in March 1919 and appointed in his place as special High Commissioner, General Allenby, "The victor of Megiddo."²⁸

24. Ibid. (House of Commons) 1919, 5th Series, vol. 115, col. 1832.

25. Ibid.,

26. Ibid., col. 1833.

27. Chirol, Op. Cit., pp. 149-150.

28. Harold Nicolson, Curzon: The Last Phase 1919-1925 (Constable London, 1934), p. 173.

Allenby was directed to exercise supreme military and civil authority and to take all measures necessary for maintaining the British protectorate over Egypt on a secure and equitable basis.²⁹

On March 25, 1919, Lord Allenby arrived in Cairo. He decided to try to deal with the Egyptian problems by conciliation rather than by force. He released Zaghlul and his associates and allowed them to go to Paris to represent their cause before the Peace Conference.³⁰ Zaghlul was not well received in Paris, and shortly after his arrival, President Wilson recognized the British protectorate over Egypt.³¹ This American Recognition of the British protectorate led to further disorders in Egypt and Allenby now found himself forced to exercise his authority under the provision of Martial Law, which had existed in Egypt since 1914.³²

However, Allenby's strict enforcement of Martial Law did nothing to alter the situation in Egypt. Disorders continued and finally in May 1919, the British government announced

29. Great Britain Paper by Command, Egypt NO 1 (1921), Cmd. 1617, Correspondence Respecting Affairs in Egypt (His Majesty's Stationary Office, London, 1921) pp. 14-15. (Hereafter cited as Cmd. with appropriate number and date.)

30. Parliamentary Debates (House of Lords), 5th Series, vol. 34, col. 675-676.

31. Nicolson, Op. Cit., p. 173.

32. Ibid.

the appointment of a mission to Egypt headed by the British Secretary for the Colonies, Lord Milner.³³ Milner, who had served in Egypt during the time of Lord Cromer, had always been sympathetic towards the Egyptians.³⁴ Before proceeding to Egypt, Milner announced the aims and objectives of his mission:

To enquire into the causes of the late disorder in Egypt, and to report on the existing situation in the country, and the form of constitution which, under the protectorate, will be best calculated to promote its peace and prosperity, the progressive development of self governing institutions, and the protection of foreign interests. 35

In other words, the mission was to function on the assumption that the protectorate was to continue and that Great Britain would not abandon her right to protect foreign interests in Egypt. This was reiterated by Lord Balfour, a leading Conservative imperialist, in the House of Common on November 12, 1919:

Let me, therefore say that... in our view, the question of Egypt, the question of the Sudan, and the question of the Canal, form an organic and individual whole, and that neither in Egypt nor in the Sudan, nor in con-

33. Parliamentary Debates, (House of Commons), 1919, 5th Series, vol. 115, col. 1888-1889.

34. For detail account of Milner attitude towards Egypt see Alfred Milner, England in Egypt (MacMillan, London, 1892

35. Parliamentary Debates (House of Commons), 1919, 5th Series, vol. 115, col. 1888-1889.

nection with Egypt, is England going to give up any of her responsibilities. British supremacy exists, British supremacy is going to be maintained and let nobody either in Egypt or out of Egypt make any mistake upon that cardinal principle of His Majesty's Government. 36

Balfour further stated that if certain "unrealizable expectations" were fulfilled, they would "damage Great Britain, would damage most of all the Egyptian population itself." In referring to Britain's responsibilities in Egypt, Balfour was blandly begging the question for it was Britain that had unilaterally over the years taken these responsibilities upon itself.³⁷

It was clear to the Egyptians that the main intention of the British was to maintain Egypt under British control. When the mission's terms of reference became known, Zaghlul Pasha, the leader of the Egyptian nationalists, ordered his countrymen to boycott the mission completely.³⁸

When the mission arrived in Egypt on December 7, 1919, Egypt was in turmoil. Strikes, demonstrations, telegrams of protest, bitter articles in the press, followed one another

36. Ibid., 1919-1920, vol. 121, col. 771.

37. Ibid.

38. Chirol, Op. Cit., p. 246.

in an unending stream against the mission. Even the Sultan and his more moderate ministers adopted an attitude of marked reserve and they refused to express their opinion to the mission.³⁹ The agitation against the mission continued until March, 1920. Schools and colleges closed, and there were threats of an impending railway strike as well as strikes amongst government officials. Large crowds appeared in the streets of Cairo and of Alexandria, among whom were teachers and students of the Muslim El Azhar University.⁴⁰ By the end of December 1919, the situation took a more serious turn. A mob attacked and set fire to a police station in Cairo close to the palace.⁴¹ On December 26, 1919, two British soldiers were attacked in Cairo and severely wounded.⁴²

This uncompromising attitude on the part of the Egyptian compelled Milner, now in Egypt, to change his mind and he made a conciliatory gesture of great significance. He issued a declaration on December 29, 1919, which stated:

The British mission has been struck,
by the existence of a widespread belief
that the object of its coming is to
deprive Egypt of rights which it has

39. Lord Lloyd, Op. Cit., vol. II, pp. 12-13.

40. Chirol, Op. Cit., p. 248.

41. Ibid.,

42. Lloyd, Op. Cit., vol. II, pp. 15-16.

hitherto possessed. There is no foundation whatever in this belief. The mission has been sent out by the British Government, with the approval of parliament, to reconcile the aspirations of the Egyptian people with the special interest which Great Britain has in Egypt and with the maintenance of the legitimate rights of all foreign residents in the country. 43.

This was undoubtedly a reinterpretation of the mission's earlier announced terms of reference. But Milner's pacificatory declaration still failed to convince Egyptians to enter into any formal contact with the mission.⁴⁴ As a result, the mission left for England at the beginning of March 1920 without being able to discuss with either non-official or official Egyptian groups.⁴⁵

After their arrival in London, the members of the mission met in April 1920 to draft their report. They had come to certain unanimous conclusion, the most important appearing in Section II of the report itself.⁴⁶ Dealing first with the causes of the unrest in Egypt, this section of the report pointed out that the position which England occupied in Egypt had never been really legalized. The report further stated that the British had never honest-

43. Egypt NO 1 (1921), Cmd., 1131, p. 5.

44. Lloyd, Op. Cit., vol. II, p. 15.

45. Ibid.,

46. Egypt NO 1 (1919), Cmd. 1131, p. 6.

ly faced the Egyptian problem and that British neglect to do so was in a measure responsible for the unrest in Egypt.⁴⁷ The history of the status of the British in Egypt was generally misunderstood in Britain. The mission wrote:

It appears to be frequently assumed in current talk and writing in this country (Britain) that Egypt is a part of the British Empire. This is not and never has been the case. 48

In other words, the mission maintained correctly that Egypt was not part of the British Empire. But in practice, there was little validity of this assertion. Although it was never formalized, Britain treated Egypt as if she had been part of the Empire since 1882.⁴⁹ As Lord Lloyd, the British High Commissioner to Egypt (1925-1929) later admitted:

From 1884...it had been perfectly clear that in practice we controlled the administration of Egypt, just to the extent as if she were part of the Empire. But we would not admit this to the world. 50

Because of this contradiction between law and practice, and in order to achieve a legal basis for the long

Empire in Egypt 1882-1922

47. Ibid., p. 8.

48. Ibid., p. 6.

49. Peter Mansfield, The British in Egypt (Weidenfeld and Nicolson, London, 1971), p. 234.

50. Lloyd, Op. Cit., vol. 1, p. 339. See also Ibid., vol. 11, p. 18.

British occupation of Egypt, the members of the Milner mission came to the conclusion that a legal settlement between Great Britain and Egypt was essential for both countries. That settlement should not be dictated by the British to the Egyptians.⁵¹ The mission suggested a bilateral agreement - a treaty - between the two countries,

...by which Egypt, in return for Great Britain's undertaking to defend her integrity and independence, would agree to be guided by Great Britain in her foreign relations, and would at the same time confer on Great Britain certain definite rights in Egyptian territory. ⁵²

The rights the mission contemplated were of a two-fold character. Firstly, in order to protect her special interests in Egypt - the safety of her Imperial communications - Britain was to have the right to maintain a military force in the valley of the Nile. Secondly, to replace the Capitulations, Britain was to retain a certain measure of control over Egyptian legislation and administration, as far as they affected foreigners.⁵³

Before submitting these proposals to the British

51. Egypt No 1 (1921), Cmd. 1131, p. 19.

52. Ibid.

53. Ibid.

government in a final report, members of the mission desired to know the attitude of the Egyptian nationalists towards these proposals. And so, they decided to invite Zaghlul Pasha, the leader of the Egyptian nationalists who was at that time in Paris, to exchange views with the mission regarding its recommendation.⁵⁴ Accordingly, the Milner mission sent its judicial adviser, Sir Cecil Hurst to Paris to invite Zaghlul Pasha to come to London.⁵⁵ Zaghlul accepted the invitation and came to London in June 1920 and immediately after his arrival entered into negotiations with Milner. Thus began the long era of Anglo-Egyptian negotiations, which continued until the final conclusion of a treaty in the year 1936.

54. Ibid., pp. 21-22.

55. Amine Youssef Bey, Op. Cit., pp. 85-86.

CHAPTER I

THE SIX FRUITLESS NEGOTIATIONS

1920-1930

The period between 1920-1930 witnessed a series of negotiations between the Egyptians and the British. But each set of negotiations failed. The issues which created deadlock in the way of a settlement during this period were the Capitulations, the British military position in Egypt, the defence of Egypt and the Sudan question. The British moderates included Alfred Milner, who despite his imperialistic views on India and the South African question considered himself a moderate on the Egyptian problem, Lord Curzon and Arthur Henderson and the London Times also took the side of the moderates. They favoured some changes in this issue. The imperialists - Arthur James Balfour, Lord Salisbury, Winston Churchill, Lord Parmoor, Ramsay MacDonald, Austen Chamberlain and Lord Lloyd - were adamant in their rigid maintenance of British supremacy. Similarly in Egypt, a group of moderates, such as Sarwat Pasha and Mahmud Pasha also wanted some compromise over the issues. However, the Wafd Party,¹ which represented the leading

1. Wafd is the Arabic word for delegation. Zaghlul political party came to be known as the Wafd.

Egyptian sentiment of the day, was not ready to make any compromise on the question of Egyptian independence. And so, consequently relations between Egypt and England during this period were characterized by futile attempts to reconcile conflicting aims.

The first real negotiations for a treaty of alliance between Great Britain and Egypt took place in the unofficial conversations between Zaghlul Pasha, the leader of the Wafd party, and the Milner mission in June 1920.² These conversations were important because they delineated the problems for the subsequent course of Anglo-Egyptian relations.

Discussion between Lord Milner and Zaghlul Pasha opened on June 7, 1920. Both men were sincerely anxious to find a favourable solution for the Anglo-Egyptian crisis.³ Both readily accepted the idea of a treaty of alliance between Great Britain and Egypt.⁴ The discussions continued for several weeks and resulted in a memorandum known as the Milner-Zaghlul Agreement. This memorandum stated that the relations between the two countries must be clearly defined. The Capitulatory privileges of the powers were to be modified. Egypt was to be recognized as an independent state with representative institutions and the right of diplomatic

2. Egypt No. 1 (1921), Cmd., 1131, pp. 21-37.

3. Ibid., p. 22.

4. "Egypt A Nation", in The Round Table (December 1920, London), Nos. 41-44, Vol. 11, p. 44.

representatives abroad. In foreign countries Egypt would not adopt an attitude inconsistent with the alliance or injurious to British interests. At the same time, Egypt's independence would be qualified in a number of respects by its special relationship with Britain. An Anglo-Egyptian alliance was to be concluded by which Britain would defend the integrity of Egypt's territory, and Egypt in return would render Britain all assistance in case of war, even if its integrity was not affected. Britain would have the right to maintain a military force on Egyptian soil for the protection of her Imperial Communications. Britain would also have the right to maintain a financial adviser to the Egyptian government and a permanent official in the Ministry of Justice, who would have the privilege of access to the Minister and would be kept informed concerning the administration of law regarding foreigners. The British representative would be accorded an exceptional position in Egypt, and entitled to precedence over all other representatives. He would enjoy the right to intervene in the application of law to foreigners, which would require the consent of the Capitulatory powers. Finally, the treaty was to be submitted to an Egyptian Constituent Assembly for approval.⁵

It is to be noted that the memorandum tactfully excluded the reference to the Sudan, one of the vital issues

5. Egypt No. 1 (1921), Cmd., 1131, pp. 24-26.

in Anglo-Egyptian disputes. Milner wrote to Adly Pasha, a moderate Egyptian politician, on 18 August 1920, confirming a joint discussion the previous day concerning the Sudan. The letter was "once more to respect" the view of the mission that the Sudan question lay outside the proposed agreement with Egypt. It stated that there was a wide difference between the two countries on this issue and that it must be dealt with along different lines. On the other hand, the letter conceded one point to Egypt, namely, the Egyptian interest in the waters of the Nile: "We fully realize the vital interest of Egypt in the supply of water reaching her through the Sudan".⁶

From the mission's point of view, immense concessions had been made to Egyptian nationalism. But Zaghlul Pasha was not ready to give final consent to the memorandum. He feared that the memorandum might be rejected by Egyptians and that he would be regarded in Egypt as having betrayed the national cause.⁷ Hence, Zaghlul informed Milner that he was unable finally to agree to any proposals without consulting public opinion in Egypt.⁸ Accordingly, the negotiations were postponed and four members of the Zaghlul delegation were sent to Egypt for the purpose of testing public opinion

6. Ibid., p. 32.

7. Ibid., p. 22.

8. Ibid., p. 23.

in regard to the suggestions made in the memorandum.⁹

The Milner-Zaghlul memorandum accepted the independence of Egypt, but succeeded as well in maintaining British interests in Egypt. The proposals stripped the British government of responsibility for the Egyptian people in their internal affairs and this was given to the Egyptian government. But the proposals discretely retained the power of British officials to direct and to enforce adequate conduct of relations with external powers and people . The memorandum was important in the sense that it was to form the starting point for all subsequent Anglo-Egyptian negotiations for a treaty. The memorandum offered another forward step to the Egyptians - that the Egyptian government would have direct diplomatic relations with foreign powers, a concession which Ismail Pasha had sought from the Ottoman Empire nearly forty years earlier.¹⁰ But by no stretch of the imagination could it be said that the Milner mission offered Egypt real independence.

In September 1920, the four Egyptian emissaries arrived in Egypt. They received the reactions from the four different political forces in Egypt. First, the national party which represented the extreme nationalists, expressed violent disapproval of the proposals and protested that they

9. Lloyd, op.cit., Vol. 11, p. 26.

10. Tom Little, Egypt (Ernest Benn Limited, London, 1958), p. 135.

were not compatible with true Egyptian independence.¹¹

Second, a group of Egyptian notables, connected with the palace, also expressed an opinion against the memorandum because they did not want an agreement between the nationalists and the British government as this would decrease the authority of the Sultan. Third, a group of moderates, mainly the supporters of Adly Pasha, supported the agreement because of their pro-British attitude. Fourth, the majority of public opinion was in favour of the memorandum, but wanted to see Egypt exercise sovereignty over the Sudan.¹²

The emissaries returned to London at the end of September 1920. Zaghlul Pasha asked the mission to modify certain points. The immediate abolition of the protectorate, a strict limitation to the number of British forces in Egypt and their confinement to a region adjoining the Suez Canal, and an end to Britain's claim to responsibility for foreigners when the Capitulations came to an end. He also requested an equal share with Britain in the administration of the Sudan.¹³

Lord Milner agreed to discuss these issues. Accordingly, the conference was resumed on October 1, 1920.¹⁴ But the progress of the negotiations was hindered by a debate

11. Lord Lloyd, op.cit., Vol. 11, p. 27.

12. Zayid, op.cit., pp. 137-138.

13. Egypt No. 2 (1921), Cmd., 1484, pp. 9-10.

14. Egypt No. 1 (1921), Cmd., 1131, p. 35.

in the House of Lords, where the imperialist leader of the Conservative Party, the Marquis of Salisbury, attacked Milner for his conciliatory attitude towards the Egyptians. Salisbury vehemently opposed discussion of Zaghlul's new proposals and warned the British government against the surrender of vital British interests in Egypt. The imperialist leader argued that the magnificent work of Great Britain in Egypt and the Sudan had left her with very great responsibilities to the people of Egypt, which could not be bartered away in return for a "phrase like self determination". In order to undermine Zaghlul's new proposals, the Marquis suggested four counter proposals. Firstly, that whatever power Great Britain retained in Egypt should be real, owing to the need to protect the peasants and also British relations with foreign countries. Secondly, that the foreign relations of Egypt must always be controlled by the British. Thirdly, that the government of the Sudan ought to remain in the hands of Great Britain. Fourthly, regarding the military position of Great Britain in Egypt, before the Milner proposals were presented to parliament for approval they ought to be submitted to the High Commissioner.¹⁵ In fact, Salisbury was not ready to allow the British Coalition government to grant any concessions to the Egyptians, and his counter proposals completely conflicted with the new suggestions of

15. Parliamentary Debates (House of Lords), 1920, 5th Series, Vol. 42, Col. 182-189.

Zaghlul to Milner.

In reply to Salisbury's proposals, Lord Curzon, who succeeded Lord Balfour on October 23, 1919 as British Foreign Secretary, informed the House that the Cabinet was in the process of carefully considering the proposals of the Milner mission. He emphasized however, that the proposals were not the government's proposals, that they had not been submitted to the Egyptian government, and that they were open to the consideration both of the British and Egyptian governments, each of whom retained equality in negotiations. Curzon further added that when the discussions in London reached a more advanced stage, it was contemplated that the Sultan of Egypt would appoint properly accredited representatives to meet "His Majesty's Government and proceed with a further solution of these matters". Regarding the four proposals of Salisbury, the Foreign Secretary said that the solution of each one of the proposals would raise difficulties of a formidable character. He hoped the negotiations would proceed more quickly with Zaghlul Pasha. At the same time, he warned that nobody "would press us [the government] to do so at the risk of a possible breakdown".¹⁶ Curzon was not ready to give any assurance that Salisbury's proposals would be accepted. He was hopeful about the success of the negotiations, and expressed his complete confidence in Lord Milner.¹⁷

16. Ibid., Col. 197-198.

17. Ibid.

Lord Milner, in informing the House of the progress of his negotiations with Zaghlul Pasha, emphasised that the mission saw no reason to suppose that Egyptian nationalists were generally hostile to Britain, or that the attainment of their aspirations was necessarily inconsistent with the safeguarding of British interests in Egypt. He had not the slightest doubt that Britain could maintain her position in Egypt by her own strength. However, the British might find themselves maintaining their presence against the wishes of the Egyptian people, and dealing with a constant spirit of discontent and revolt against what the Egyptians might regard as an alien joke. He expressed the belief that a course of action was possible which would enable the British to ensure all that was needed in Egypt, including the maintenance of order and progress, without involving the permanent hostility of the Egyptian nation.¹⁸

On November 9, 1920, the final meeting was held between the Milner mission and Zaghlul Pasha, at which the situation was reviewed. The report brought back to London by the four emissaries from Egypt appeared to indicate that there was a great body of opinion favourable to a settlement on the basis outlined in the memorandum, if it could be modified and several fresh conditions added. In these circumstances, the mission was unanimously of the opinion that no good purpose would be served by further discussion

18. Ibid., Col. 209-213.

in anticipation of the formal negotiations between duly accredited representatives of the British and Egyptian governments. What they considered of far more importance, than any further discussion at the moment, was to influence the climate of opinion in both England and Egypt favourable to settlement, and to cultivate and strengthen the spirit of friendship and confidence, which had been engendered by the conversations in London.¹⁹ Thus the non-official conversations were suspended and on November 11, 1920, the Egyptian delegations left London.

Milner submitted his final report to the Foreign Secretary towards the end of December 1920.²⁰ In his final recommendation, Milner suggested immediate recognition of the independence of Egypt, the abolition of Capitulations with British help and the maintenance of a small British force within Egyptian territory for the protection of Imperial Communication.²¹ Finally, Milner wrote:

The moment is favourable for placing the relations of Great Britain and Egypt on the satisfactory and enduring basis of a treaty, which will at one and at the same time establish the independence of Egypt and secure essential interests of Great Britain.... We therefore strongly advise His Majesty's Government to enter without undue delay into

19. Egypt No. 1 (1921), Cmd. 1131.P.36.

20. The Times, London, December 23, 1920, p. 9.

21. Egypt No. 1 (1921), Cmd., 1131, p. 38.

negotiations with the Egyptian Government for the conclusion of a Treaty on the lines which we have ventured to recommend. It would, in our opinion, be a great misfortune if the present opportunity were lost.²²

Lord Curzon was in favour of accepting Milner's proposals and while recognizing that the proposals would not merely solve a difficult problem but create a precedent, he urged his opponents (the imperialists) in the Cabinet that no solution would ever be attained by a policy of half measures. "If we are to advance", he argued in the Cabinet, "it must be a large advance in the direction, not merely of co-operation, but of trust".²³

But the imperialists - Churchill, Austen Chamberlain and Balfour - who dominated the Cabinet were not ready to accept the views of Milner and Curzon. They considered that Lord Milner had far exceeded his terms of reference.²⁴ Churchill went so far as to suggest that Egypt be included in the list of the "Dominions of the Empire".²⁵ Curzon's conciliatory Egyptian policy brought him into conflict with

22. Ibid., p. 39.

23. Nicolson, op.cit., pp. 176-177.

24. Ibid., p. 177.

25. Robert Rhodes James, Churchill: A Study in Failure 1900-1939 (Weidenfeld and Nicolson, London, 1970), p. 133. See also Lord Lloyd, op.cit., Vol. 11, p. 38. See also George Young, Egypt (Charles Scribner's & Sons, New York, 1927), pp. 253-254.

the expansionist concepts of men like Churchill. As a result, the Cabinet decided that the Milner conversations should be regarded as unofficial only. Curzon was obliged to accept the decision of the Cabinet.²⁶ Thus the Milner-Zaghlul agreement was shelved. Had the Milner memorandum been accepted by the Cabinet as the basis of a final treaty with Egypt, the Anglo-Egyptian crisis might have been solved. In effect, when agreement was finally reached in 1936, it was largely on the basis of this Milner-Zaghlul memorandum of 1920.

The Egyptians expected an official declaration on the part of the British government abolishing the protectorate and inviting an official Egyptian delegation to conclude the proposed agreement with the British government. However, the British government informed that it desired to consult with an official Egyptian delegation but wished to see that "both parties will enter the discussion with free hand".²⁷ This meant the repudiation of Milner-Zaghlul agreement. But Allenby was not ready to accept the proposals of his government. He informed the British Foreign Office:

Egypt expects, a declaration of policy by His Majesty's Government based upon Lord Milner's conversation, and then to be called upon to produce a delegation to

26. Nicolson, op.cit., p. 177.

27. Lord Lloyd, op.cit., Vol. 11, p. 35.

discuss details of settlement.²⁸

But the Foreign Office was reluctant to take any action on Allenby's proposal. The nationalists took advantage of British hesitation and they resumed their agitation against the British. The agitations and Allenby's insistence compelled Lord Curzon to instruct Allenby on February 22, 1921 to inform the Sultan of Egypt that the British government had now arrived at the conclusion, after again carefully studying the proposals of Lord Milner and in view of the internal situation of Egypt, that the status of protectorate was not a satisfactory relation between the two countries and that the British desired to "confer", regarding Milner's recommendations, with a delegation nominated by the Sultan.²⁹

Allenby conveyed this message from Curzon to the Sultan of Egypt. But a problem arose regarding the formation of an official Egyptian delegation to negotiate a treaty with the British government. The Sultan desired that Mazloun Pasha, a prominent minister in the Egyptian royal Cabinet, should be the head of the delegation. Allenby wanted Adly Pasha, a moderate pro British politician, to lead the delegation. Under pressure from Allenby, the Sultan

28. F.O. Despatch: Lord Allenby to Lord Curzon, January 12, 1921, cited in Ibid., Vol. 11, p. 36.

29. Ibid., Vol. 11, p. 37.

dissolved the cabinet and asked Adly to form a new Ministry in order to lead the official delegation to London.³⁰

When Adly Pasha formed his Ministry, Zaghlul Pasha welcomed it. The new Prime Minister invited Zaghlul to participate in the proposed treaty negotiations with the British government. But Zaghlul laid down certain conditions for his participation in treaty discussions, these were to be the complete abolition of the protectorate, and an end to martial law and press censorship before the resumption of negotiations. In addition, he demanded a Wafdist majority in the official delegation, which was to be under his chairmanship.³¹ Adly Pasha, however, was not ready to make any compromise on the leadership of the delegation. The conflict between Adly and Zaghlul created a split in the Wafd. Five prominent members of the Wafd party declared their confidence in Adly.³² As Zaghlul saw his influence waning, he became more violent in his campaign against Adly. He began to mobilize public opinion through angry speeches against Adly. It was probable that if Adly's delegation arrived at an agreement with the British it would have little hope of finding approval from Zaghlul and the inflamed Egyptian public opinion.³³

30. Ibid., Vol. 11, pp. 38-39.

31. Viscount Wavell, Allenby in Egypt (George G. Harrap and Co. Ltd., London, 1943), p. 64.

32. Ibid.

33. Lord Lloyd, op.cit., Vol. 11, pp. 42-43.

By May 10, 1921, Adly had formed his delegation from his own associates.³⁴ The delegation left for London on July 1, 1921 to begin the second abortive Anglo-Egyptian negotiation for a proposed treaty of alliance. Lord Curzon, as Foreign Secretary, represented the British government. Both parties expressed their sincere desire to come to a definite settlement of the Egyptian and the Sudan questions. A draft treaty based largely on the Milner Zaghlul memorandum was prepared by Curzon and handed to Adly on November 10, 1921 for his consideration.³⁵

Curzon's memorandum envisaged termination of the protectorate upon signature of the proposed treaty of alliance. But Egyptian independence under this treaty was to be more restricted than in Milner's report of 1920. Whereas Milner had emphasized the maintenance of the British forces only in certain areas of Egypt (see Egypt No. 1, Cmd., 1131, p. 38), Curzon's draft gave Britain the right to maintain military forces in any part of Egyptian territory, and placed at her disposal all the means of communication in the country. With regard to the question of the foreign relations of the Egyptian government, Lord Milner had not suggested any close contact between an Egyptian Ministry of External Affairs and the British High Commissioner in Egypt

34. Ibid.

35. Egypt No. 4 (1921), Cmd., 1555, p. 3.

(Cmd., 1131, p. 24). Curzon, however, expected the closest relations between them. In fact, conduct of Egyptian Foreign Affairs would be submitted to the British High Commissioner's direct control. While the Milner proposals deliberately left the Sudan question out of the considerations (Cmd., 1131, pp. 32-35), the Curzon draft tacitly preserved the status quo of the Condominium, while foreseeing the probability that Egypt would claim an Egyptian commander-in-chief to command the Egyptian army in the Sudan. The Curzon draft treaty, therefore, laid down that all Egyptian forces in the Sudan should be under the orders of the Governor General of the Sudan. Thus the Sudan clause of the Curzon draft treaty was ambiguous.³⁶

Adly Pasha carefully examined the Curzon draft treaty. He realised that the maintenance of the British garrisons throughout Egypt, and British control of Egyptian foreign affairs conflicted with his views on Egyptian independence. Hence, he refused to accept the draft treaty and the negotiations came to an end.³⁷ Adly and his colleagues returned to Cairo and collectively resigned because of their failure to make any settlement with the British.³⁸ After Adly's resignation no one could be found in Egypt to form a ministry. The under-secretaries of

36. Ibid., pp. 3-5.

37. Ibid., pp. 8-10.

38. Lord Lloyd, op.cit., Vol. 11, p. 53.

state, who were all British, carried on the administration in the absence of a government. Meanwhile, Zaghlul and his associates continued to agitate against the British, which led to disturbances in several parts of the country. Allenby ordered Zaghlul to refrain from taking part in politics, and on his refusal had him arrested and deported to Aden.³⁹ But Zaghlul's deportation did not alter the political situation in Egypt. The anti British campaign continued. Lord Allenby fully realized that repressive measures alone afforded no solution to the problem. In a telegram to Lord Curzon, Allenby urged him to abolish the protectorate without waiting for the conclusion of a treaty, and advised him to recognize Egyptian sovereign independence, while guarding the right to freedom of action on certain reserved subjects until a final agreement between the two countries.⁴⁰

The Foreign Secretary recommended Allenby's proposals to his colleagues.⁴¹ But the imperialists - Churchill and Austen Chamberlain - in the cabinet were reluctant to accept them. They felt that the protectorate could only be abolished within the framework of a comprehensive bilateral treaty guaranteeing British vital interests in Egypt.⁴² Hence,

39. Ibid., pp. 53-55.

40. Egypt No. 1 (1922), Cmd., 1592, pp. 21-22.

41. Wavell, op.cit., p. 71.

42. Peter Mansfield, op.cit., p. 240.

Curzon was forced to send a telegram on January 18, 1922 to Allenby saying that the cabinet was unable to accede to his proposals as they stood, and he suggested that Allenby should send home two of his advisers, Sir Gilbert Clayton and Sir Maurice Amos to explain his proposals further.⁴³

The High Commissioner replied that his advisers fully agreed with his proposals and that they needed no further explanation. He further requested that the government accept his proposals without delay. He added that rejection of his proposals was bound to greatly increase British difficulties in Egypt.⁴⁴ But Curzon was unable to take any quick decision as Allenby proposed, because of the opposition from his colleagues in the cabinet. His hesitation incited Allenby to send him an ultimatum. The ultimatum stated that if his advice was not accepted he would tender his resignation.⁴⁵ The reaction of the majority of the British Cabinet to Allenby's ultimatum was that the High Commissioner's resignation should be accepted.⁴⁶ However, as a first step a cable was sent to Allenby asking him to come home at once to acquaint them with his views.⁴⁷

Lord Allenby arrived in London on February 10, 1922, with his two advisers. Simultaneously, his policies were

43. Egypt No. 1 (1922), Cmd., 1592, p. 23.

44. Ibid., pp. 23-24.

45. Lord Lloyd, op.cit., Vol. 11, p. 58.

46. Wavell, op.cit., p. 72.

47. Egypt No. 1 (1922), Cmd., 1592, P.26.

bitterly attacked in cabinet by the imperialists headed by Churchill.⁴⁸ However, the leading press opinion was on his side. The London Times, in a series of articles, justified Allenby's proposals as the only solution to the Egyptian crisis.⁴⁹ Lord Northcliffe, proprietor of the Times, argued that there was great solidarity of Egyptian opinion "behind the efforts of the High Commissioner to arrive at a modus vivendi".⁵⁰ But the imperialists in the cabinet were determined to destroy Allenby's Egyptian formula. Due to strong opposition from this faction headed by Churchill, who became British Colonial Secretary on February 13, 1921, after the resignation of Lord Milner, the cabinet again failed to take any decision on Allenby's proposals.⁵¹ Curzon tried to persuade Allenby to withdraw his ultimatum, but failed. Finally, Cabinet decided that the Prime Minister, Lloyd George, should deal personally with Allenby.⁵²

Accordingly, Allenby and his two advisers met Lloyd George on February 15, 1922. Although the Prime Minister intended to accept Allenby's proposals, he began by raising the strongest objections, stating that Allenby was asking the

48. The Times, London, February 18, 1922, p. 11.

49. Ibid., February 8, 1922, p. 11, February 10, 1922, p. 11, February 11, 1922, p. 11.

50. Ibid., February 8, 1922, p. 11.

51. Peter Mansfield, op.cit., p. 241.

52. Wavell, op.cit., pp. 75-76.

government "to abandon our [British] entire position in Egypt without guarantee". Allenby's reply was that he believed further argument between them to be futile. He had given his advice to the government, which could accept or reject it. "I have waited five weeks for a decision, and I can't wait any longer". To this the prime minister replied, "You have waited five weeks, Lord Allenby, wait five more minutes". As Allenby stuck to his position, Lloyd George capitulated by accepting his Egyptian proposals completely.⁵³

As a result, Cabinet now approved the Allenby proposals. Allenby arrived triumphantly in Cairo on February 28, 1922 with the declaration of Egyptian independence in his pocket. The unilateral declaration was made public on the same day. It announced termination of the protectorate, independence for Egypt, and an end to martial law, which had existed ever since 2 November 1914. The declaration reserved to Britain: (I) the security of Imperial Communications; (II) the defence of Egypt against foreign aggression; (III) the protection of foreign interests and minorities in Egypt; and (IV) the Sudan. It envisaged a subsequent, separate agreement to cover these four vital points.⁵⁴

53. Ibid., p. 77.

54. For full text of the declaration of independence see Egypt No. 1 (1922), Cmd. 1592, pp. 29-30.

On the same day Lord Allenby conveyed an explanatory note to the Sultan of Egypt, which stated that Great Britain desired to see "an Egypt enjoying the national prerogatives and the international position of a sovereign state". There was now no obstacle to the establishment of an Egyptian Ministry for External Affairs. The note also admitted the Sultan's right to set up a parliament and to promulgate a new constitution for Egypt.⁵⁵ On March 15, 1922 Lord Curzon sent a circular to other states explaining the rights granted to Egypt. In this note he established a "Monro doctrine" for Egypt. He informed the other powers that the abolition of the British protectorate would involve no change as regards the position of other powers in Egypt. The British government would "always maintain as an essential British interest the special relations between itself and Egypt long recognized by other governments". The Foreign Secretary warned the foreign powers:

His Majesty's Government ... will not admit them / the four reserved points of the declaration of Independence / to be questioned or discussed by any other power. In pursuance of this principle, they will regard as an unfriendly act any attempt at interference in the affairs of Egypt by another power, and they will consider any aggression against the territory of Egypt as an act to be repelled with all the means at their command.⁵⁶

55. Ibid., pp. 28-29.

56. The full text is in Egypt No. 2 (1922), Cmd., 1617, pp. 2-3.

The reservations in the declaration of independence and Curzon's explanation to foreign powers undoubtedly deprived Egypt of real independence. In the name of these reserved points the British would be able to interfere in the internal affairs of Egypt whenever they so desired. Egypt's right to diplomatic representation was restricted by the necessity to take advice from the British High Commissioner. The declaration also did not give permission for Egypt's entry into the League of Nations. Even Lord Lloyd, who later became British High Commissioner to Egypt, pointed out that this act gave Egypt only qualified independence subject to definite reservations, and that those reservations were an absolutely vital part of that independence.⁵⁷ Thus, although the protectorate was abolished, Curzon's note to the foreign powers clearly indicated that Britain intended to keep Egypt under her protection. From the strict view of international law, Egypt could not become an independent state in any case because Turkey had not yet abandoned her sovereignty over Egypt.⁵⁸ This situation was to continue until the conclusion of the

57. As quoted in Tom Little, op.cit., p. 136.

58. Arnold J. Toynbee, Survey of International Affairs, 1925 (Oxford University Press, London, 1927), Vol. 1, pp. 197-198. Hereafter cited as Survey. Contrast with Vernon A., O'Rourke, The Juristic Status of Egypt and the Sudan, (Baltimore, 1935), pp. 28-55. O'Rourke claimed that until the declaration of 1922, Britain was the de jure as well as de facto sovereign ruler of Egypt.

Treaty of Lausanne in July 1923, at which time Turkey formally relinquished her sovereignty over Egypt and the Sudan.⁵⁹

In Egypt, the Wafd party refused to accept the limitations on national independence involved in the reserved points.⁶⁰ However, Sarwat Pasha, a moderate politician and an ex deputy prime minister under Adly's cabinet, agreed to form a new ministry on March 1, 1922. Two weeks later Sultan Faud assumed the title of "His Majesty the King of Egypt". The British High Commissioner abandoned control of Egyptian Foreign Affairs, which was assumed by the Prime Minister of Egypt.⁶¹ An Egyptian Commission was appointed for the purposes of framing a constitution and it quickly drew up a draft constitution for Egypt. But the inclusion of the Sudan in King Faud's new royal title in the draft constitution became the subject of questions in the British House of Commons. On 15 May, the Prime Minister's attention was drawn to the Egyptian draft Constitution, which declared the Sudan to be an inseparable part of Egypt. The Prime Minister was asked to state what attitude the British Government would adopt in

59. Article 17 of the Treaty of Lausanne, the full text is in J.C. Hurewitz, (ed.) Diplomacy in the Near and Middle East: A documentary record 1914-1956 (Octagon Books, New York, 1972), Vol. 11, p. 120.

60. Lord Lloyd, op.cit., Vol. 11, p. 64.

61. Ibid., p. 66.

respect to the matter?⁶² In reply, Sir Austen Chamberlain on behalf of the Prime Minister, informed the House that the British High Commissioner had taken effective measures against the incorporation of the Sudan in the draft Constitution of Egypt.⁶³ Lord Allenby, as British High Commissioner demanded that the King withdraw his claim over the Sudan within twenty four hours, which he did.⁶⁴ On April 20, 1923, the first Egyptian Constitution was promulgated without making any reference to the Sudan.⁶⁵ On July 5, martial law was abolished and Zaghlul was allowed to return to Egypt. In October 1923, an Egyptian law was passed embodying the agreement which had been reached with the British regarding the future status of the European officials in the Egyptian army.⁶⁶ Then the King ordered a general election under the new Constitution, which took place in January 1924. Zaghlul's nationalist party won a landslide victory and so the King asked Zaghlul Pasha to form the government. Upon Zaghlul's acceptance of the task, the first Egyptian Parliament opened on March 15, 1924.⁶⁷

62. Parliamentary Debates (House of Commons), 1922, 5th Series, Vol. 154, Col. 14.

63. Ibid., Col. 15.

64. Lord Lloyd, op.cit., pp. 72-73.

65. Ibid., p. 75.

66. John Marlowe, op.cit., pp. 262-263.

67. Lord Lloyd, op.cit., Vol. 11, pp. 79-81.

At the same time, in England, the first Labour government came into power. Zaghlul, the new Egyptian Prime Minister, had known the previous Lloyd George Coalition government and its imperialist forces and also the Conservative government of 1922-1924,⁶⁸ which had been reluctant to accept Egyptian demands. He now felt that the new Labour government under MacDonald might lend a more sympathetic ear to Egyptian demands. While in opposition, MacDonald had criticized Britain's repressive policies in Egypt⁶⁹ and had advocated a policy of conciliation.⁷⁰ Now the new British Prime Minister Ramsay MacDonald, sent a cordial telegram to Zaghlul Pasha, for the opening session of the Egyptian Chamber of Deputies, which conveyed his good wishes for the new Egyptian government and his earnest desire to negotiate a suitable treaty for the settlement of the reserved points of the 1922 Declaration.⁷¹

68. In October 1922, after the rejection of Coalition by the majority of the Conservatives, Lloyd George resigned, and a pure Conservative government under the premiership of A. Bonar Law was formed. See Robert Blacke, The Conservative Party from Peel to Churchill (Eyre and Spottiswoode, London, 1970), pp. 204-205.

69. Parliamentary Debates (House of Commons), 1922, 5th Series, Vol. 150, Col. 86-93.

70. Amin Youssef Bey, op.cit., pp. 113-116.

71. Lord Lloyd, op.cit., Vol. 11, p. 83.

In response to MacDonald's cordial message, the Egyptian government expressed its readiness to enter into negotiations free of "all restrictions, with the British Government", in order to realise their national aspirations with regard to Egypt and the Sudan.⁷² The Egyptian reply to MacDonald's message revealed the fact that they wanted a final settlement free from all the limitations left by the four reservations. The new Egyptian Prime Minister, Zaghlul Pasha, had not accepted the Declaration of Independence of 1922, and had not changed his views on the proper basis for an Anglo-Egyptian treaty. Zaghlul thought that if he retreated from his position of opposition this might act as a boomerang against his political career. On the other hand, MacDonald would probably not be able to substantially modify Curzon's policy due to lack of support for such a course of action in the House of Commons. To make a permanent treaty of alliance with Egypt acceptable to Egyptian nationalists in 1924, the Labour government would have to be prepared to withdraw the British armies from Egypt completely, allow Egyptians to share in the administration of the Sudan, and abandon the guardianship of foreigners in Egypt. There appeared little prospect of a treaty of alliance between Zaghlul and MacDonald.

The British High Commissioner in Egypt, Lord Allenby, fully realized that Zaghlul would not make any compromise in

72. Amine Youssef Bey, op.cit., p. 118.

the coming meeting with MacDonald, on the question of the Sudan, the British garrison in Egypt and the British rights to protect the foreigners and minorities in Egypt. And so, he proposed to MacDonald that he, as British High Commissioner, should be authorized to tell Zaghlul that if he agreed to an offensive and defensive alliance with Britain, the British government would agree to discuss the three stumbling blocks of the military occupation, protection of foreigners and the Sudan together with the possible abolition of the offices of the British Judicial and Financial Advisers to the Egyptian government.⁷³ As MacDonald was under pressures from the imperialists in his party to maintain the Declaration of Independence of 1922 and its reservations,⁷⁴ he flatly refused to accept Allenby's proposals.⁷⁵ Meanwhile, Zaghlul on June 23, 1924 struck the annual stipend for the maintenance of the occupying forces in Egypt from the Egyptian budget.⁷⁶ He also announced that he disapproved of every act which was likely to keep the Sudan apart from Egypt.⁷⁷

This declaration of Zaghlul produced great anxiety in Britain. The day after Zaghlul's declaration, Lord Parmoor,

73. Viscount Allenby to Mr. MacDonald, April 15, 1924, cited in Lord Lloyd, op.cit., Vol. 11, p. 86.

74. George Young, Egypt (Charles Scribner's Sons, New York, 1927), p. 272. See also L.A. Fabunmi, op.cit., p. 82.

75. Lloyd, op.cit., Vol. 11, p. 87.

76. Ibid., p. 91.

77. George Young, op.cit., pp. 273-274.

Labour leader in the House of Lords declared that Great Britain was "not going to abandon the Sudan in any sense whatever",⁷⁸ and this was confirmed by the Prime Minister in a despatch to his High Commissioner in Egypt. In this despatch MacDonald warned that there "can be no question" of the British government "abandoning the Sudan".⁷⁹ These statements led to a violent outcry among the Egyptian nationalists. On June 26, 1924, the Egyptian Senate passed a Resolution protesting against the Sudan policy of the British government. On June 29, Zaghlul tendered his resignation in protest against the British statement. But the King refused to accept his resignation.⁸⁰ The British invitation to Zaghlul Pasha, which had been sent on March 15, 1924, requesting him to meet MacDonald in London now "seemed to have become a dead letter".⁸¹ But when his government was charged by the opposition in the Egyptian Parliament for favouritism in the appointment of administrative services and for the high cost of living,⁸² Zaghlul, perhaps in order

78. Parliamentary Debates (House of Lords), 1925, 5th Series, Vol. 52, Col. 978-986.

79. Egypt No. 1 (1922), Cmd., 2269, p. 4.

80. Lord Lloyd, op.cit., Vol. 11, pp. 91-92. See also Young, op.cit., p. 274.

81. George Glasgow, MacDonald as Diplomatist: The Foreign Policy of the First Labour Government in Great Britain (Janathan Cape Ltd., London, 1924), p. 215.

82. Lloyd, op.cit., Vol. 11, p. 92.

to divert the attention of the oppositions decided to accept the invitation to discuss the treaty negotiations with MacDonald. In September 1924, he sent a message to MacDonald that he was prepared to come to London to meet him. He duly arrived in London on 23 September 1924.⁸³

On September 25, the MacDonald-Zaghlul negotiations began. The first meeting was confined to discussion of the Suez Canal and the security of British Communications, which was the first of the reserved points. MacDonald argued:

... the security of the communications of the British Empire in Egypt remains a vital British interest and that absolute certainty that the Suez Canal will remain open in peace as well as in war for the free passage of British ships is the foundation on which the entire defense strategy of the British Empire rests.⁸⁴

Zaghlul explained that he did not find any justification to keep British troops to protect the Suez Canal. He reiterated his position that British troops could protect the canal from Palestine.⁸⁵ Further, he suggested that as the canal had been recognized as an international route by the Constantinople Convention of 1888, after the withdrawal of the British troops the protection of the canal should be entrusted to the League of Nations.⁸⁶ Until his last meeting

83. Ibid., p. 216.

84. Egypt No. 1 (1924), Cmd., 2269, p. 3.

85. Lloyd, op.cit., Vol. 11, p. 93.

86. The Times, London, October 21, 1924, p. 13.

with MacDonald, Zaghlul kept insisting that the British Army must be withdrawn from Egypt to make Egyptian independence a reality. He also insisted that the financial and judicial advisers to the Egyptian government must go, and that the British government was to withdraw any claim to protect foreigners or minorities in Egypt.⁸⁷ Zaghlul further claimed that the unity of Egypt and the Sudan should be recognized. MacDonald categorically refused to withdraw British troops from Egypt and to accept Zaghlul's demands about the Sudan. Consequently the 1924 negotiations broke down.⁸⁸

This set of negotiations collapsed on the old issues of the military and Sudanese questions. The failure of the 1924 negotiations revealed the fact that the Labour Party's Egyptian policy did not differ materially from the Conservatives. Labour was as zealous in safeguarding British vital interests as were the Conservatives. Zaghlul had gone to London in the hope that the Labour government might show more sympathy for the Egyptian's problems, but he soon discovered there was no real change. "Indeed", writes George Glasgow, "Mr. MacDonald offered a tougher front on such issues than ever did Lord Curzon".⁸⁹

87. Egypt No. 1 (1924), Cmd., 2269, p. 1.

88. Amine Youssef Bey, op.cit., p. 121.

89. George Glasgow, op.cit., p. 224.

MacDonald's Labour government fell as a result of the general election of October 1924 and the Conservatives again assumed power under the premiership of Baldwin.⁹⁰ As soon as the Conservatives took over government, they took a step on the international scene which confirmed Egyptian anxieties. The League of Nations adopted the Geneva protocol for the pacific settlement of international disputes. Signature of this protocol was open not only to members of the League of Nations but to all other states, including Egypt.⁹¹ The preamble to the protocol declared that the League was inspired by the firm desire to ensure the maintenance of peace and the security of Nations "whose existence, independence, or territories may be threatened".⁹² The British government realised that the Egyptians might use this protocol as a weapon to push their demands. Hence, the new Conservative Foreign Secretary, Austen Chamberlain, on November 19, 1924 sent a note to the Secretary General of the League of Nations, stating that the terms of the League's resolution might suggest the forwarding of the protocol to the government of Egypt for signature. If so, Britain intended to maintain her reserved rights outlined in

90. Lord Lloyd, op.cit., Vol. 11, p. 93.

91. Great Britain papers by Command, Miscellaneous No. 18 (1924), Cmd., 2273, League of Nations, Fifth Assembly, Arbitration, Security and Reduction of Armaments (His Majesty's Stationery Office, London, 1924), pp. 1-27.

92. Ibid., p. 83.

the 1922 Declaration of Egyptian Independence. The note warned that the British government "would consider as an unfriendly act any attempt at interference in the affairs of Egypt by another power".⁹³

Egypt did not sign the declaration of the League and any hopes the Egyptians might have had to settle their problem through the League of Nations were thus frustrated by the British note to the League. In any case, by some curious coincidence, on the same day that the British note was sent to the Secretary General of the League, Sir Lee Stack, British Governor General of the Sudan and the Commander-in-Chief of the Egyptian Army was shot.⁹⁴ Although the Egyptians expressed their deep sorrow and regret for the assassination of Sir Lee,⁹⁵ the British government was determined to take stern measures against Egypt, and to take advantage of the assassination to solve some of the problems of Britain's reserved rights in Egypt and the Sudan. On behalf of the British government Lord Allenby delivered a crushing ultimatum to the Egyptian Prime Minister demanding an official apology, an inquiry into the crime and punishment of the criminals. He also demanded the banning of all political demonstrations, payment of a fine of £500,000, the

93. The full text is in The Times, London, December 5, 1924, p. 13.

94. Lord Lloyd, op.cit., p. 94.

95. The Times, London, 20 November, 1924, p. 14.

withdrawal of all Egyptian Officers and Egyptian units in the Sudan Army from the Sudan within twenty four hours, acceptance of an increase in the irrigated area of the Sudan from 300,000 feddans to an unlimited figure and the end of all opposition to the British government's protection of foreign interests in Egypt.⁹⁶ This ultimatum was followed by another on the same day, the main points of which touched the Sudan. Sudanese military units in the Egyptian Army were to be turned into a Sudan Defence Force owing allegiance to the Sudan government. The ultimatum also demanded that the conditions of retirement of European officials in the Egyptian Civil Services be revised according to British wishes and that the British financial and judicial advisers to Egypt be retained.⁹⁷

Allenby's ultimatums were harsh and humiliating. The British government justified the ultimatums in terms of national prestige. Lord Chancellor Plymouth declared in the House of Lords that both the ultimatums were necessary in the interests of Britain; "of its prestige abroad, of Egypt itself and especially in the interests of the security of that vitally important part of the world". He argued that the action of the British government in Egypt was "in no

96. Lord Lloyd, op.cit., Vol. 11, pp. 95-97. See also Mohammed Neguib, Egypt's Destiny: A Personal Statement (Doubleday, New York, 1955), p. 59.

97. Lord Lloyd, op.cit., Vol. 11, pp. 98-99.

way a breach of faith with the Egyptian people or an encroachment upon their independence".⁹⁸

However, the Egyptians had no intention of bowing to the ultimatums in full. After conferring with his cabinet and with King Faud, Zaghlul laid the Allenby Ultimatums before the chamber. The Chamber under Zaghlul's direction decided to accept only those terms of the ultimatums concerning the apology, punishment of the criminals, the banning of all political demonstrations, and the indemnity, but rejected those related to the Sudan.⁹⁹ When Allenby received the Egyptian reply to his ultimatums, he became furious and ordered the British troops to occupy the Alexandrian Custom Post.¹⁰⁰ The British naval fleet was ordered to commence a display of naval force in Egyptian waters.¹⁰¹ Egyptian officers and units were compelled to withdraw from the Sudan, and the area of the Nile to be irrigated at Gazira was unilaterally increased. Allenby further threatened to cut off diplomatic relations with Egypt and stated that hostages would be taken and shot in

98. Parliamentary Debates (House of Lords), 1924-1925, 5th Series, Vol. 60, Col. 12-15.

99. Lord Lloyd, op.cit., Vol. 11, p. 101. See also Lieut. Colonel P.G. Elgood, The Transit of Egypt (Russell & Russell, New York, 1928), p. 295. Contrast with Peter Mansfield, op.cit., p. 251. Peter Mansfield claims that the Egyptian's Chamber accepted the indemnity only but rejected the rest of the ultimatums.

100. The Times, London, November 25, 1924, p. 12.

101. Ibid.

the case of any further murder, if all conditions of the two ultimatums were not immediately accepted.¹⁰²

This intransigent attitude of Allenby towards the Egyptian government created panic in Egypt.¹⁰³ In an interview with a correspondent of the London Times, Zaghlul Pasha tried to calm British opinion by commenting that "the assassination painfully affected him, not only because of Sir Lee Stack's fine qualities but especially because of the horror it inspired".¹⁰⁴ The London Times, which had backed Allenby in his Egyptian scheme of 1922, now justified his harsh ultimatums by arguing that the terms of the ultimatums were in no way inconsistent with the reserved points of the Declaration of 1922.¹⁰⁵ In an editorial the Times maintained:

There can be no reasonable doubt of the necessity of the course which the Government have adopted. It is not only in our interests, but it is in the interests of all civilized nations, and especially of the powers who are represented in North Africa, that the incipient anarchy which the efficiency or the complaisance of the Egyptian Government has fostered should be stayed before it is too late.¹⁰⁶

Finally, to avoid worse, Zaghlul resigned and a pro British

102. Youssef Amine Bey, op.cit., p. 128. See also Lloyd, op.cit., Vol. 11, p. 102.

103. Lloyd, op.cit., p. 102.

104. The Times, London, November 20, 1924, p. 14.

105. Ibid., November 24, 1924, p. 13.

106. Ibid.

politician Ziwar Pasha his successor accepted all Allenby's demands.¹⁰⁷ For some time after this incident, which increased British control again over Egypt and the Sudan, Anglo-Egyptian relations became calm. Allenby resigned several months later in 1925 and was succeeded by a more imperialist minded man, Lord Lloyd. A friend of Winston Churchill's, whose outlook on Egypt he shared, "Lloyd was a British imperialist who refused to accept that the Empire was in decline".¹⁰⁸ Compton MacKenzie, who was with him in 1915 at the Dardenell's British Headquarters later remarked about Lloyd, "I began for the first time to appreciate that Imperialism could touch a man's soul as deeply as religion".¹⁰⁹ Lloyd arrived in Egypt on October 21, 1925 to take over his new responsibility. The new High Commissioner, immediately after his arrival, decided that the 1922 declaration of Egyptian independence with its reserved British rights must be maintained with the strictest firmness.¹¹⁰ Lloyd first intervened in the internal affairs of Egypt when the election of 1926 brought Zaghlul back into power. He prevented Zaghlul from becoming Premier, by suggesting to the British government that they despatch a

107. Lord Lloyd, op.cit., Vol. 11, p. 103.

108. Peter Mansfield, op.cit., p. 252.

109. Gurdon Forbes Adam Colin, Life of Lord Lloyd (Macmillan, London, 1948), p. 94.

110. Ibid., p. 196.

battleship to Alexandria.¹¹¹ Because of this action Zaghlul decided not to become Premier and instead nominated Adly Pasha for the premiership.¹¹²

Adly's government did not last long due to Lloyd's constant interference in the administration of the country. In April 1927 Adly resigned and was succeeded by Sarwat Pasha.¹¹³ When Sarwat's government attempted to increase the size of the Egyptian army, Lloyd entered into a quarrel with him and demanded that a British Inspector General be put in charge of the Egyptian Army and the frontier administration. Once more in order to put pressure upon the Egyptian government, a British warship was despatched to Alexandria at Lloyd's request. Sarwat was forced to accept Lloyd's demands.¹¹⁴

Despite this army crisis of 1927, King Faud paid a state visit to London accompanied by his Prime Minister, Sarwat Pasha. Upon the request of the British Foreign Secretary, Austen Chamberlain, Sarwat entered in July 1927, into the fourth of the fruitless negotiations during this period for the conclusion of an Anglo-Egyptian treaty.¹¹⁵ When the negotiations between Sarwat Pasha and Austen Chamberlain opened, Chamberlain made it clear to Sarwat that

111. Lloyd, op.cit., Vol. 11, p. 165.

112. Ibid., p. 168.

113. Ibid., p. 199.

114. Ibid., pp. 199-222.

115. Ibid., pp. 223-227.

Britain had not changed her previous stand and that the reserved British rights were still vital to her. "No British Government could afford to ignore them".

They were in fact, so essential to the existence of the British Empire that every British Government in the future as in the past, whatever its complexion, would be obliged to insist upon them.¹¹⁶

Sarwat Pasha, for his part, asked from the beginning that there be friendly collaboration between Great Britain and Egypt, and stated that the aid of the former was necessary to the latter.¹¹⁷ After prolonged discussions, a draft treaty was agreed upon by both Chamberlain and Sarwat. The draft treaty provided for an offensive and defensive alliance between the two countries. Egypt was neither to adopt an attitude towards foreign countries which was incompatible with the alliance nor one that was liable to create difficulties for Britain, and she was not to conclude any agreement with a foreign power which might be prejudicial to the interests of Britain. Relocation of the British military forces in Egypt would be reconsidered after 10 years, with the right of appeal to the League in the event of disagreement. Appointment of a British Adviser to the Egyptian government was agreed to, as well as the retention of all British officials serving in the Egyptian public

116. Egypt No. 1 (1928), Cmd., 3050, p. 3.

117. Ibid., pp. 4-5.

security and police services. Great Britain was to use her good office to secure a modification of the Capitulations and to ensure Egypt's entry into the League of Nations.¹¹⁸

This draft treaty did not involve any important retreat on Britain's part from the reserved points, except that it was agreed that the question of the location of British forces in Egypt should be reviewed ten years after the ratification of the treaty, and that in the event of disagreement the matter should be referred to the League of Nations. The Sudan question, the vital point in the Anglo-Egyptian dispute was completely left outside the scope of the discussion.

After obtaining approval from the British cabinet, the treaty was despatched by Chamberlain late in November 1927 to Lord Lloyd in Cairo to obtain approval from the Egyptian cabinet.¹¹⁹ The treaty was formally presented to Sarwat Pasha on December 3, 1927. Sarwat at first expressed himself optimistic as to the treaty's prospects, but soon began to experience a growing opposition from the Wafd, the strongest party in the Coalition government, which he headed. Consequently, he became increasingly unwilling to submit the treaty to his Cabinet or to Nahas Pasha, who had succeeded Zaghlul Pasha as head of the Wafd Party upon Zaghlul's death in

118. Ibid., pp. 35-40.

119. Lord Lloyd, op.cit., Vol. 11, pp. 238-239.

August 1927.¹²⁰

Finally, the treaty was first submitted by Lloyd to Nahas Pasha and then to the Cabinet. Nahas refused, as expected, to accept the treaty, as the treaty did not satisfy the aspirations of the Egyptian people. In an interview with Lloyd, Nahas adamantly refused to discuss the treaty, because it did not provide for the complete evacuation of Egyptian territory by the British Army.¹²¹ After weeks of aimless political manoeuvring, the Egyptian Parliament finally rejected the proposed treaty on March 4, 1928. The British government was angered by the rejection of the treaty by the Egyptian Parliament, and warned the Egyptian government against passing the proposed bill, which aimed at limiting Egyptian government power to suppress or control public meetings and demonstrations.¹²²

Consideration of this bill was postponed when Sarwat Pasha resigned following the British warning and was succeeded by Nahas Pasha on March 15, 1928. On May 1, 1928, the new Prime Minister sent a conciliatory note to the British government, which stated that the Egyptian government would postpone further examination of the bill to limit government "in

120. Royal Institute of International Affairs, Great Britain and Egypt: 1914-1951 (Oxford University Press, London, 1952), pp. 18-19.

121. Lloyd, op.cit., Vol. 11, p. 258.

122. Ibid., pp. 267-271.

question till next session". At the same time it categorically denied the British government's right to intervene in Egyptian legislation, and denounced the Declaration of 1922 as a unilateral act which had never been accepted by the Egyptian government.¹²³ However, the British were satisfied with the Egyptian reply, and preferred not to press the matter further. They were satisfied that the Egyptians had been sufficiently humiliated and feared that further demands might revive Nahas popularity.¹²⁴

Nahas soon lost his premiership due to the personal animosity of the Egyptian King. On June 27, 1928, Mahmud Pasha Mahmud, a Liberal constitutionalist leader, formed a new cabinet. But the new Prime Minister met strong opposition from the Wafd, who were the majority in parliament. Seeing that he could not co-operate with parliament, the King dissolved Parliament on July 19, 1928 for three years.¹²⁵

Mahmud's government, unhindered by Wafdist influence proceeded to make progress towards better relations between Egypt and Britain. Mahmud negotiated an agreement with Lloyd for the distribution of the Nile waters. By the Allenby Ultimatum of 1924 Egypt was compelled to allow the Sudanese Government to increase the area to be irrigated at Gezira

123. Ibid., pp. 272-273.

124. Ibid., p. 273.

125. Ibid., p. 276.

from 300,000 feddans to an unlimited figure. As a result of this increased irrigation at Gezira Egypt lost her due share of the Nile's waters and thereby seriously harmed her agricultural production. Mahmud succeeded in convincing the British to drop this harsh term of the Allenby Ultimatums of 1924 and to adopt the Nile Waters Agreement of May 7, 1929. This recognized that more Nile waters could be used by the Sudan for development on the condition that this measure should "not infringe Egypt's natural and historical rights in the Waters of the Nile, and its requirements in respect of agricultural extension".¹²⁶

However the desire for a treaty of alliance with Britain remained paramount, and the opportunity for such negotiations came in June 1927. On this date the British Conservative government fell from office as a result of a general election, and the Labour Party took power under Ramsay MacDonald.¹²⁷ Arthur Henderson became the new Foreign Secretary and in one of his first approaches towards Egypt he recalled Lord Lloyd and appointed Percy Loraine as the new High Commissioner of Egypt. On Lloyd's return to London he angrily submitted his resignation from government service to the Foreign Secretary.¹²⁸ The Conservative Party was also deeply angered at Lloyd's recall. The new Foreign Secretary

126. Ibid., p. 289.

127. Ibid., p. 302.

128. Ibid., p. 309.

was attacked bitterly by the Conservative Party in the House of Commons for recalling Lloyd from Egypt. Churchill, Samuel Hoare and Baldwin defended Lloyd's actions in Egypt. The Conservative Leader, Stanley Baldwin, argued that Lord Lloyd had successfully represented British interests in Egypt and that he had "played his part in attempting to secure, under the directions of the late Government, a liberal settlement of our difficulties".¹²⁹ Baldwin was clearly afraid of Labour initiative in Egyptian affairs and so he warned the Labour government that any negotiations for a treaty of alliance with Egypt must not exceed the very minor concessions, which Austen Chamberlain, in the year 1927, had agreed to grant and which had been rejected by the Egyptians. Finally, he concluded that "if they [Labour Government] were making any changes in that regard", they "must take the responsibility" for what they were doing.¹³⁰

Defending his recall of Lloyd, Henderson informed the House:

.... An examination of the papers clearly demonstrated that the policy of my predecessor was a minimum of interference in the internal affairs of Egypt. I want to say ... so far as my predecessor was concerned - a minimum degree of intervention in purely internal affairs in Egypt and a liberal interpretation of the declaration of 1922. What was Lord

129. Parliamentary Debates (House of Commons), 1929-1930, 5th Series, Vol. 230, Col. 1635.

130. Ibid., Col. 1636.

Lloyd's attitude to this ? In numerous instances he is clearly out of sympathy with both these objects which I have stated.¹³¹

Meanwhile, Mahmud Pasha, the Egyptian Prime Minister, came to London to spend his holidays. As the Conservatives feared, the Labour government took the opportunity to discuss a treaty with him. Negotiations opened between Henderson and Mahmud, and progressed satisfactorily. The text of a new draft was published on August 6, 1929. The draft provided for an offensive and defensive alliance for twenty-five years. The British promised to support for the admission of Egypt into the League of Nations and support in the negotiations with other nations for the abolition of the Capitulations. Britain also agreed to transfer her troops from Cairo and Alexandria to the vicinity of the Suez Canal, to the east of longitude 32°E. The Egyptian government, for its part, agreed to provide all necessary facilities to the British military aircraft in Egypt. Both the parties agreed that the status of the Sudan should rest on the Condominium Agreement of 1899. Of course, the British were not in fact really willing to give the Egyptians due share in the Sudanese administration due to the British desire to retain control of Egypt. Finally, the draft treaty insisted that the proposed treaty must be ratified by a freely elected Egyptian Parliament.¹³²

Undoubtedly the new draft treaty seemed an advance upon the formula embodied in the Sarwat-Chamberlain draft treaty of

131. Ibid., Col. 1643. My underlining indicates the two objectives of Henderson's predecessor (Austen Chamberlain).

132. For detail of the Mahmud Henderson draft treaty see Egypt No. 1 (1930), Cmd., 3575, pp. 2-18.

1927. This had left the British government free to keep their troops at Cairo or Alexandria or any other point of Egyptian territory for 10 years, at which time the question of their location was to be reconsidered. The Mahmud-Henderson draft provided that the British troops were to be stationed only in the Suez Canal Zone (Article 9). While the Sarwat-Chamberlain draft had kept the Sudan question outside the scope of discussion (see page 54), the Henderson-Mahmud draft recognized that the status of the Sudan was to be similar to that prevailing before the Allenby Ultimatums of 1924 (Article 13). The earlier Chamberlain-Sarwat draft treaty had provided for the modification of foreigner's extra-territorial rights or Capitulations (see page 55), whereas Mahmud and Henderson agreed to abolish them completely from Egypt (Article 11).

The significant differences between the Chamberlain-Sarwat and the Henderson-Mahmud drafts were pointed out in the House of Commons by Sir Austen Chamberlain, the Conservative's Egyptian critic. Sir Austen Chamberlain bitterly criticized the Labour government's undertaking to consider sympathetically a proposal for the return to the Sudan of an Egyptian battalion simultaneously with the withdrawal of the British forces from Cairo and Alexandria. Chamberlain argued that the continued stay of British forces in Cairo, Alexandria and elsewhere in Egypt was essential to protect British vital interests. The return of an Egyptian battalion into the Sudan, in his view, was "a dangerous and a retrograde

step".¹³³ Henderson defended his position in the House. He stated that "viewing the position from the point of view of the interest of the Sudan, Sir John Maffey, the Governor General of the Sudan", had expressed himself strongly in favour of an Anglo-Egyptian Agreement and had "said that, so far as he was concerned, he was willing in order to facilitate such an agreement, to agree to the return of an Egyptian battalion to the Sudan".¹³⁴

Sir Austen Chamberlain further attacked the draft alliance by stating that the obligation in the Henderson-Mahmud draft not to adopt in foreign countries an attitude inconsistent with an Anglo-Egyptian alliance and to enter into consultation, should any dispute with a third state produce a situation which involved a rupture with that state, was now to be reciprocally binding on both parties. In his earlier Chamberlain-Sarwat draft, those obligations had bound only the Egyptian government. Sir Austen declared that there was "something fantastic in making a clause" of that kind and that it was "really ridiculous to say that the foreign policy of the British Government and the British Empire" was to be governed "by the interests and circumstances of the Kingdom of Egypt". Employing a heavy metaphor, he said that "the elephant undertakes to protect the mouse, and thereafter the

133. Parliamentary Debates (House of Commons), 1929-1930, 5th Series, Vol. 233, Col. 1953-1957.

134. Ibid., Col. 1975.

elephant's march is to be conditioned by the mouse's trot". Further, he criticized the omission in the new draft concerning obligatory consultation on matters likely to threaten the lives or property of foreigners in Egypt. It was not adequate, in his view, to leave the responsibility for the lives and property of foreigners in Egypt in the hands of the Egyptian government alone. In other words, Chamberlain argued against any change in the Capitulations.¹³⁵

The Labour draft treaty met similar vehement criticism in the House of Lords, from the Conservatives led by Lord Salisbury. In a long speech to the Lords, Salisbury alleged that the Labour government was about to abandon the British essential interest in Egypt. Salisbury pointed out that Egypt was important to Britain's Far Eastern Dominions, New Zealand and Australia as well as to the other countries.¹³⁶

The Marquis continued:

It is agreed that the interest of this country in the Suez Canal and in its security is fundamental, and that it follows that the security of Egypt, upon which the defence of the canal and its security depends, is also a vital British interest.... In the same way the maintenance of our /British/ position in the Sudan ... is a vital British interest.¹³⁷

135. Ibid., Col. 1959-1962.

136. Parliamentary Debates (House of Lords), 1929-1930, 5th Series, Vol. 75, Col. 1124.

137. Ibid., Col. 1126.

The Conservative leader charged Labour with undue haste. "In about three weeks" after the Labour party had acceded to office, Salisbury accused the government that it had reversed the policy of the previous Conservative government and had shown a complete ignorance of the importance of British interests in Egypt. Finally, he suggested that the Labour government "will agree so far - that the necessity of the declaration of 1922 is a continuing security" to be reasserted by the government, "as it was by their predecessor".¹³⁸

The attack on the draft soon found a new ally in the ex High Commissioner in Egypt, Lord Lloyd. Following his resignation, Lloyd entered the House of Lords as a diehard imperialist. Obviously he found no justification for the removal of British troops from Cairo and Alexandria to the Canal Zone. He felt that such a military shift would definitely deprive Britain of the effective control of Egypt.¹³⁹

I venture to hold that this proposed withdrawal is, apart from its aspects as a military blunder, as detrimental to the welfare of Egypt and the Egyptians themselves as it is dangerous to our Imperial Communications.¹⁴⁰

Lloyd particularly raised objections to Article 6 of the draft treaty regarding foreigners in Egypt. He said that protection of foreigner's lives and property, was the main justification for the British presence in Egypt - or as he

138. Ibid., Col. 1126-1132.

139. Ibid., Col. 1134-1139.

140. Ibid., Col. 1140.

put it, the keystone of the "arch of British policy in Egypt ever since the Morocco agreement and before". The 1904 Morocco agreement between France and Britain contained a secret clause by which Britain secretly agreed not to change the Capitulations in Egypt in return for France's protection of foreigners' rights in Morocco. He believed that the Labour government was now trying to change that policy and so to undermine Britain's position. Lloyd demanded that no more concessions be granted to the Egyptians beyond those in the Declaration of 1922. The 1922 Declaration stated that it was Britain's responsibility to protect foreigners.¹⁴¹

These debates demonstrated that significant changes had taken place in the views of the British Labour government concerning Egypt, but none in those of the Conservative Party. The Conservatives were not ready to see an independent Egypt but were determined to keep Egypt under British control. Thus the Labour government's hopes and aspirations for settlement of the Egyptian problem would certainly face strong opposition from the Conservatives, when the proposed treaty was presented to Parliament for ratification. This eventuality never took place, as the draft was finally turned down by the Egyptians. In Egypt, most political parties, except for the Wafd, accepted the draft treaty.¹⁴² The Wafd refused to express its opinion until full parliamentary privileges were restored in Egypt. The Wafd refused to comment on the draft treaty because it had no intention of accepting a treaty negotiated "by their adversary [Mahmud Pasha], and it certainly

141. ibid., Col. 1140-1147.

142. Arnold J. Toynbee, Survey 1930, P. 204.

cherished the hope of winning more concessions" from the British.¹⁴³ Faud, faced with Wafd opposition as well as the British insistence on new elections, accepted the resignation of Premier Mahmud.¹⁴⁴ The King ordered new elections, which were held on December 21, 1929. The Wafd won a sweeping victory. A new government was formed by Nahas Pasha on January 1, 1930, and the new parliament gave the Prime Minister a mandate to once again open new negotiations with Britain for a proposed treaty of alliance.¹⁴⁵

The Egyptian delegation, led by Nahas, reached London and began talks with Arthur Henderson. The meetings were also attended by Sir Percy Lorraine British High Commissioner to Cairo, as well as representatives from Australia, New Zealand and India. A lengthy discussion took place in regard to the defense of the Suez Canal. The Egyptian negotiators insisted that British troops be confined to the east bank of the Canal at either port Faud or Kantara. These areas were turned down by the British, and it was finally agreed that the troops be stationed on the west bank in the vicinity of Ismailia. A British draft treaty containing this agreement was drawn up on April 17, 1930 and submitted to the Egyptians, who were disappointed in that the draft contained the statement that the future of the 1899 Condominium of the Sudan would

143. Mahmud, Y. Zayid, op.cit., p. 186.

144. John Marlowe, op.cit., pp. 284-285.

145. Royal Institute of International Affairs, op.cit., p. 24.

be the subject of future talks.¹⁴⁶ As a result of this clause Nahas refused to accept the treaty. He submitted a counter draft which stated that Britain would recognize Egypt's sovereignty over the Sudan and would agree to joint Anglo-Egyptian administration in the Sudan as set out in the Condominium Agreement of 1899, which had never been carried out in practice. The British negotiators turned down these counter proposals of Nahas Pasha. And so Nahas based his further discussions on two points - a new one dealing with unrestricted immigration of Egyptians into the Sudan, and a compromise position on the Sudan which foresaw negotiations, with regard to the status of the Sudan, within one year from the ratification of this treaty.¹⁴⁷ Even the generally pro-Egyptian London Times at once reacted negatively to these new proposals of the Egyptian delegation. The Times, in an editorial, warned the Labour government that there "can be no question of compromise" on the Sudan issue.¹⁴⁸ Certainly, the British negotiators realized that further concessions would bring them into direct conflict with the opposition in Parliament. As a result, they informed the Egyptian delegation that they were unable to accept the new proposals regarding the Sudan. This communication led to the termination of the negotiations on May 8, 1930.¹⁴⁹

146. Egypt No. 1 (1930), Cmd., 3575, pp. 19-21.

147. Ibid., pp. 27-34.

148. The Times, London, May 7, 1930, p. 17.

149. Ibid., May 9, 1930, p. 16.

Thus came to an end the sixth attempt, since 1920, to reach an agreement as to the basis on which the relations between Great Britain and Egypt were to be established. The margin of failure in 1930, was narrower than it had been in 1927 or in any previous negotiations. It appeared quite likely that a settlement of outstanding questions could be arrived at before long, especially when one considers the mutual good will which characterized the sixth (1930) negotiations in contrast with the mutual suspicion and hostility of earlier attempts. In the Anglo-Egyptian negotiations of 1930, the Sudanese question was the rock on which the hoped for treaty of alliance and friendship between the two countries floundered. But the negotiations produced one very tangible result - the lessening of tension between the Egyptians and the British. Prior to his departure for Cairo, the Egyptian Prime Minister Nahas Pasha declared: "We have lost a treaty of friendship with Great Britain, but we have won her actual friendship which is all important".¹⁵⁰ These cordial relations between the two countries were partly due to the economic depression of 1929, which created for both sides many domestic economic problems. In this way, the world slump was a factor bringing about the following peaceful period in Anglo-Egyptian relations. In spite of these cordial relations, the position of England in Egypt and in the Sudan remained unchanged.

150. As quoted in Ibid., May 9, 1930, p. 12.

The four reserved points of the 1922 declaration of independence dealing with Egyptian defense, foreigner's rights, imperial communications and the Sudan which the Egyptians wanted changed, remained in force. However, three of these had been virtually agreed to as a result of these long negotiations, and represented softening of the British attitude to Egypt. It remained to be seen if the British could revise their position on the Sudan at a future date, resulting in a definite agreement and alliance.

CHAPTER II

THE ITALO-ABYSSINIAN WAR AND THE RESUMPTION OF NEGOTIATIONS

No change took place in Anglo-Egyptian Relations between 1930 and 1934 because the British turned their energies inward to meet the challenges created by the world depression, while externally the threats from Japan in the Far East increased. When it became apparent in 1935-1936 that Mussolini harboured expansionist designs in North Africa, both Egypt and Great Britain were forced to take a new look at their mutual relationship. Mussolini's plans to move into Libya and Abyssinia and to create an Italian empire on the continent of Africa created a new menace to the security of both Egypt and the British Empire in the valley of the Nile, and indeed in Africa. This Italian threat compelled Britain and Egypt to begin serious negotiations, which were to result in a treaty of friendship and alliance in 1936. It was the Italian threat, which forced both sides to put aside those few points, including especially the Sudan, which still blocked the path of a final agreement between the two countries.

It would be difficult to give an account of Anglo-Egyptian relations after 1930 without briefly mentioning the

internal affairs of Egypt. After the breakdown of the 1930 negotiations Nahas Pasha returned to Egypt and set about achieving his party's aims in domestic politics. This meant bringing the Egyptian administration into what he considered "proper relations" with the Wafd and its policy. This road led inevitably to a conflict with the King. In June 1930, Nahas submitted two bills aimed at checking royal infringements of the constitution. These drafts were couched in such a form as to frustrate any future suspension of Parliament or violation by the Crown and its Minister of certain articles of the Constitution.¹ Since the principal object of the bills was to curtail the influence of the palace, the King refused to give his consent. On the King's refusal to approve the bills, Nahas resigned on June 17, 1930.²

Nahas' resignation gave the King an opportunity to appoint a subservient Minister. He asked a pro royalist politician Sidky Pasha to form the Cabinet on June 19, 1930. Sidky formed the Cabinet on June 20, 1930. He soon suspended the Constitution and the Parliament because of the Wafdist majority in the House. The Wafds were furious. At a meeting of Wafdist Senators, Deputies and Provincial Councillors, held on June 26, 1930, Nahas Pasha declared himself prepared to defend the Constitution and to carry on a campaign of

1. The Times, London, June 17, 1930, p. 13.

2. Ibid., June 18, 1930, p. 14.

non-co-operation against the new dictatorial regime of Sidky Pasha.³ The Wafds launched a mass movement against Sidky's government and asked the people to fight for the defense of the Constitution of 1923. Anti Sidky meetings and demonstrations took place in various parts of Egypt. On July 15, 1930 there was a serious outbreak of violence at Alexandria, in which twenty one persons, including one Italian national, lost their lives. More than 180 were seriously injured.⁴

Meanwhile the attention of the British Prime Minister had been drawn to this constitutional crisis in Egypt. Prime Minister MacDonald, in his anxiety to dissociate the British government from the struggle which was going on between Sidky Pasha and the Wafd, made a statement in the House of Commons on July 16, 1930. He was careful to emphasize that the British government's policy was one of neutrality "in what appeared to them to be a purely internal issue for the Egyptians themselves to decide", but he went on to say:

In view of yesterday's events, Sir Percy Lorraine has been instructed to inform Sidky Pasha that we must hold him responsible for the protection of foreign lives and property in Egypt. Sir Percy Lorraine has also been told to inform Nahas Pasha that ... we shall hold him equally responsible with the Government if foreign lives and interests are endangered.

In the meantime, in view of the menace to foreign life and property in Alexandria,

3. Ibid., June 27, 1930, p. 13.

4. Toynbee, Survey 1930, p. 216.

His Majesty's Government have ordered two ships to proceed towards that port.⁵

The despatch of British ships to Alexandria crushed the Wafd's anti Sidky movement. On July 18, 1930 Sidky Pasha handed to the British High Commissioner in Egypt a reply to MacDonald's statement of July 16, 1930. He assured the British government of his ability and intention to protect the lives and property of foreigners in Egypt and he requested that the British warships be withdrawn from Egypt.⁶ In the reply of Nahas Pasha to MacDonald's statement, the same concerns as Sidky Pasha's were expressed for the protection of foreigners in Egypt but Nahas Pasha held Sidky responsible for the disturbances.⁷ On July 28, 1930, the British Under Secretary of State for Foreign Affairs, Hugh Dalton, announced in the House of Commons that the British government was satisfied that foreign nationals in Egypt were receiving all the protections that was called for in the circumstances, and that the government had considered it unnecessary to call upon the British troops in Egypt.⁸

When the Wafd opposition was crushed, Sidky Pasha felt himself strong enough to implement his dictatorial administration. But the conclusion of a treaty with Britain was his

5. Parliamentary Debates (House of Commons), 1929-1930, 5th Series, Vol. 241, Col. 1284-1285.

6. The Times, London, July 19, 1930, p. 11.

7. The Manchester Guardian, Manchester, July 21, 1930, p. 13.

8. Parliamentary Debates (House of Commons) 1929-1930, 5th Series, Vol. 242, Col. 16.

utmost desire. He realized that no agreement negotiated with the British would come into effect unless it were ratified by a genuinely representative Egyptian Parliament. The necessity for securing the approval of the Egyptian Parliament for the results of the negotiations conducted in Britain had been the stumbling block over which Sarwat Pasha had fallen in 1928 and Mahmud Pasha in 1929. If Sidky Pasha was to avoid the fate of his predecessors, he should be assured, before he proceeded to England, of having on his return to Cairo a Parliament which would be satisfied with his regime and which would at the same time ratify the treaty if one was negotiated with the British Government. Sidky Pasha, and King Faud, sought to solve this problem by promulgating a new constitution and a new Electoral Law by a royal decree of October 22, 1930. The new constitution which gave to the King many legislative and executive powers, declared the constitution of 1923 null and void. It dissolved the existing Chambers, and declared that the new Constitution would come into effect when Parliament met; and that "in the meantime the legislative powers and all the other powers reserved to Parliament by the new Constitution" would be exercised by the Crown through the royal decrees. According to the new electoral law, elections to parliament would be held in two stages.⁹

Great Britain remained unconcerned by this new Constitution of King Faud. But in Egypt this constitution was

9. Toynbee, Survey 1930, pp. 219-220.

denounced not only by the Wafd but by the Liberal Constitutional Party under the leadership of Mahmud Pasha on the grounds that the Constitution was imposed by the King "on the people by force of arms and promulgated it by royal decree".¹⁰ Both the Wafd and Liberal Constitutional Parties decided to boycott any general election which the Sidky government might hold on this new basis.¹¹ Meanwhile Sidky Pasha founded a new party under the title of the Sha'b, or peoples party. When the elections were held in June 1931, a parliament dominated by Sidky's peoples party emerged. The anti Sidky forces - the Wafd and the Liberal Constitutionalists - commenced agitation against Sidky's government. But the Prime Minister, ignoring the agitation carried on by his opponents, concentrated on dealing with the economic depression, and made good progress in his task of restoring the economic position of the country.¹² Sidky had repeatedly declared that he was ready to enter into negotiations with Britain for the completion of Egyptian independence.¹³ But the MacDonald-Baldwin national government which replaced Labour in August 1931, was reluctant to break the deadlock between the two countries, despite repeated demands from Sidky Pasha to resume negotiations. The British refusal to enter into formal negotiations with the Egyptians was due to their preoccupation with the domestic

10. Albert Howe Lybyer, "The Near and Middle East", in The Current History (New York, January 1931), Vol. 33, p. 630.

11. Ibid.

12. Royal Institute of International Affairs, op.cit., pp. 30-31.

13. The Times, London, July 8, 1932, p. 13.

economic crisis and their Far Eastern affairs. Japan, taking advantage of the internal disorder of China had attacked Manchuria in September 1931.¹⁴ In the meantime Sidky became unpopular with all sections of the people in Egypt because of his dictatorship and in September 1933 he resigned on the grounds of poor health. He was succeeded by another loyal monarchist, Yahya Pasha. Soon Yahya's government faced growing criticism from large sections of the Egyptian public for his royalist and pro-British policies. Yahya resigned on November 6, 1934. The King then invited Nasim Pasha, another royalist and pro-British politician, to form a Ministry.¹⁵ Nasim accepted the offer on condition that the Constitution of 1930 be abrogated. The King unwillingly accepted his demand. On November 30, 1934, Nasim declared invalid the Constitution of 1930 and dissolved the Parliament.¹⁶ As soon as Nasim consolidated his position in the government a new factor developed in Egypt and international politics, which was to bring about a significant change in Anglo-Egyptian relations, namely increased Italian pressure on Abyssinia.

Mussolini was determined to conquer Abyssinia in order to establish Italy's dominant position in Africa. The acquisition of Abyssinia, he at first thought, would be possible without bringing him into direct conflict with any

14. Hugh Borton, Japan's Modern Century (Ronald, New York, 1970), pp. 371-373.

15. Toynbee, Survey 1936, pp. 667-668.

16. Ibid., p. 668.

other European power.¹⁷ An armed incident took place between Abyssinia and Italy on December 5, 1934 near the village of Walwal, in which 30 Italian soldiers were killed and 100 wounded, while Abyssinian losses were comparatively higher.¹⁸ The Italians used the Walwal incident of December 1934 to put forward unilateral demands on Abyssinia and they refused to submit the dispute to international arbitration. On their side, the Abyssinians drew the attention of the League of Nations to the gravity of the situation,¹⁹ and asked the League to take effective measures under Article XI of the Covenant.²⁰ However the imperialistic ambitions of Italy were not checked by the Abyssinian complaint to the League. As far as the League was concerned, Mussolini informed the world that this dispute would be settled by bilateral negotiations, between Italy and Abyssinia without the use of force.²¹ However, by the middle of February 1935, Mussolini mobilized two division troops along the borders of Abyssinia.²² This mobilization of Italian forces finally alarmed the British. They felt that a "long drawn frontier quarrel"

17. G.M. Gathorne-Hardy, A Short History of International Affairs, 1920-1939 (Oxford University Press, London, 1958), p. 40.

18. Toynbee, Survey 1935, Vol. 11, p. 136.

19. The Times, London, December 15, 1934, p. 12.

20. Ibid., January 12, 1935, p. 13.

21. League of Nations, Official Journal, 16th year, No. 1 (Geneva, February 1935), p. 162.

22. The Times, London, February 14, 1935, p. 7.

might lead to internal disturbances in Abyssinia, which might involve the borders of the Anglo-Egyptian Sudan, and of British Kenya and Uganda.²³ But they were not yet ready to enter into any negotiations with the Egyptians due to their belief, shared by others as well, that the Italo-Abyssinian dispute could still be solved through direct Italo-Abyssinian negotiations or through the League of Nations.²⁴ At a special meeting of the League Council at Geneva as late as April 15, 1935, British Foreign Secretary John Simon still called for amicable settlement of the problem.²⁵ Anthony Eden, British Secretary for League of Nations Affairs, also expressed British support for continued negotiations outside the League at the League's Council meeting of May 25, 1935:

I venture to hope ... that the action which it is proposed to take to-day will lead to a friendly and equitable settlement of the question...²⁶

But the British support for the bilateral Italo-Abyssinian negotiations seemed to be an utter failure when Mussolini declared on May 25, 1935:

... we have agreed to take part in conciliation and arbitration proceedings,

23. Ibid., p. 13.

24. Parliamentary Debates (House of Commons), 1935, 5th Series, Vol. 297, Col. 1904-1905. Ibid., 1935, Vol. 298, Col. 9. See also Ibid., 1935, Vol. 300, Col. 335.

25. League of Nations, Official Journal, 16th year, No. 1 (Geneva, May 1935), p. 547.

26. Ibid., p. 642.

so long, of course, as these are confined to the Walwal incident ... but no one especially in Italy, should harbour unnecessary illusions as to their success.²⁷

This declaration of Mussolini became the subject matter of a debate in the British House of Commons on June 7, 1935. Clement Attlee of the Labour Party asked the British Government to stand firm against Italy in the League of Nations.²⁸ Attlee also pressed the government to exclude Italian ships from the Suez Canal:

The vital point in this matter is the question of the control of the Suez Canal. If Italy were to count on the fact that the League would not act if she intended to use force, she ought to be told frankly that in that event she would not have the use of the Suez Canal.²⁹

This debate in the British Parliament angered Mussolini. On June 8, 1935, he made a speech in Sardinia, which was a retort to Attlee. The Duce declared:

We pay no attention to what may be said across the frontier because, it is we, only we, who are judges of our interest, responsible for our future ... we will imitate to the letter those who wish to give us a lesson. They have shown that when it was a question of creating an empire or defending it, they never took any notice of world opinion.³⁰

27. Address in Chamber of Deputies, May 25, 1935, quoted in Documents on International Affairs 1935, edited by J. Wheeler-Bennett and S. Heald (Oxford University Press, London, 1936), Vol. 11, p. 24.

28. Parliamentary Debates (House of Commons), 1935, 5th Series, Vol. 302, Col. 2194.

29. Ibid., Col. 2195.

30. Quoted in The Economist, "Italy, Abyssinia and Great Britain" (London, June 15, 1935), Vol. 120, p. 1356.

This statement of Mussolini aroused anxiety in Egypt, where the development of Italo-Abyssinian relations had been carefully watched since the beginning of the crisis in December 1934.³¹ The Egyptians were determined to safeguard the territorial integrity of Abyssinia, because of their friendly relations with the Abyssinians. The Young Men's Moslem Association called a mass meeting of Muslims and Copts on July 29, 1935 to form a committee to defend the cause of Abyssinian independence. Retired Egyptian officers in large numbers expressed their willingness to join the Abyssinian Army.³²

In the meantime, Italy became more aggressive in its attitude towards Ethiopia. The Italians began to transport large numbers of troops to Libya³³ and East Africa through the Suez Canal.³⁴ This heavy concentration of Italian troops in Libya and East Africa became a clearly increasing threat to the security of Egypt and the Sudan as the Blue Nile, which carried water and fertile sediment to the soil of the Sudan and Egypt, originated in Lake Tana in Abyssinia.³⁵ In the event of war between Britain and Italy, without

31. The Times, London, June 11, 1935, p. 11.

32. Ibid., July 30, 1935, p. 14.

33. George Martelli, Whose Sea? A Mediterranean Journey (Chatto and Windus, London, 1938), p. 175.

34. The Times, London, August 23, 1935, p. 10.

35. Ibid., September 6, 1935, p. 13.

effective Egyptian co-operation, Britain would not be able to defend her interests in Africa and the Mediterranean. The Egyptians were determined to exploit the situation and felt that this would be the right time to realise their national hopes. Although out of office, Wafd leader Nahas Pasha declared that there should be no active co-operation between Cairo and London "unless the people of Egypt so willed". Nahas also claimed that the Egyptians would not take part in any war between Italy and Britain unless they "can do so on the basis of co-operation between equals. Whether this suited the British depended on themselves".³⁶

This straight forward public declaration of Wafd leader Nahas Pasha drew the attention of the British government once again to Egypt. Accordingly, Sir Samuel Hoare, who had succeeded John Simon as British Foreign Secretary in June 1935, instructed the acting British High Commissioner to Egypt, Mr. Kelly, to hold discussions in September, 1935 with the Egyptian Prime Minister Nasim Pasha, about the effect "which the development of the international situation may have on Egypt".³⁷ In the course of the discussion Kelly assured the Egyptian Prime Minister that the British Government was fully alive to the interests of Egypt and the anxieties felt there at the present moment".³⁸ The High Commissioner continued:

36. Ibid., September 9, 1935, p. 9.

37. Ibid., September 17, 1935, p. 14.

38. Ibid.

The Prime Minister may rest assured that if the occasion arises His Majesty's Government will keep the Egyptian Government informed and enter into consultations with them regarding any developments of the international situation which may closely concern Egypt.³⁹

But the Wafds - the dominant political force in Egypt - were not satisfied with these reassurances. They pressed Nasim's government not to extend any co-operation to the British without extracting from them more definite undertakings with regard to Egyptian national independence.⁴⁰ For years past, Wafd leaders had made no secret of their aims. "We are powerless", they said:

to force Great Britain to accept our claims until some other more powerful factor than our agitation brings influence to bear on the British Government. But once let Great Britain become involved in a European situation that will make security for British communications in Egypt a paramount consideration, and we will use that situation to exact compliance with our demands.⁴¹

However, at that particular point in time the British government was not yet ready to meet Egyptian demands,⁴² because they were still expecting a peaceful settlement of the Italo-Abyssinian dispute.⁴³ A few weeks later it became

39. Ibid.

40. Ibid., September 21, 1935, p. 10.

41. As quoted in Round Table, "The Background of Negotiations", (London, 1935-1936, Vol. 26), p. 275.

42. Ibid., pp. 275-276.

43. In the League's Council meeting of September 4, 1935, Eden said that "we shall not fail to achieve that peaceful settlement which we so earnestly desire". See League of Nations, Official Journal, No. 7, (Geneva, November, 1935), p. 1355.

obvious that the British hopes for a peaceful solution were in vain. On October 3, 1935 large scale fighting broke out between Italy and Abyssinia. Without much resistance Italian forces entered Abyssinian territory and captured Adowa. Now the British could envisage a possible dispute between Britain and Italy and a consequently real threat to the security of Egypt and the Sudan. Hence as a first step, they ordered the fleet in the Eastern Mediterranean to remain alert.⁴⁴

At the same time, the new British High Commissioner to Egypt, Sir Miles Lampson, held a series of conferences with the compliant, pro-British, Egyptian Prime Minister in order to review the situation. During his conversations with the British High Commissioner, Nasim Pasha assured the High Commissioner that his government would co-operate with Britain in case of need.⁴⁵ A joint Anglo-Egyptian military parade through Alexandria was also arranged.⁴⁶ But during the week following the review at Alexandria, there were fresh protests in Cairo against Egypt's co-operation with Britain. At the insistence of the Wafd and under pressure from public opinion, Nasim Pasha saw himself forced to present a note to the British government on October 18, 1935, in which he declared that the "grave world situation demanded a return to

44. Hugh J. Schonfield, The Suez Canal (Penguin Books Limited, London, date of publication is not known), p. 136.

45. The Times, London, October 7, 1935, p. 11.

46. Ibid., October 19, 1935, p. 12.

a parliamentary regime in Egypt", but "the Egyptian Government was responsible for the defence of its own territory", and that "the present moment was most opportune for the conclusion of a treaty". He also requested a solution of the question of the capitulations, and the entry of Egypt into the League of Nations.⁴⁷

On the same day, Walter Runciman, President of the British Board of Trade, announced in an election speech at Penzance that the main base of the British Mediterranean fleet was to be transferred from Malta to Alexandria.⁴⁸ At the same time, Baldwin's new government⁴⁹ announced its decision to strengthen its military garrison in Egypt.⁵⁰ The Egyptians were angered at this news and accused the British Government of seizing the opportunity to strengthen permanently its naval and military establishments in Egypt without consulting the Egyptian people directly or indirectly. To the Egyptian's great frustration, the London Times warned in a leading article that the "present moment is very far from suitable for the inauguration of formal negotiations".⁵¹

47. H.A.R. Gibb, "The Situation in Egypt", International Affairs, (London, 1936), Vol. 25, p. 357.

48. Toynbee, Survey 1936, p. 672.

49. MacDonald resigned in June 1935 to become the Lord President and a new government under the premiership of Baldwin was formed. See John Raymond (ed.), The Baldwin Age (Eyre and Spottiswoode, London, 1960), p. 59.

50. The Times, London, October 18, 1935, p. 14.

51. Ibid., October 30, 1935, p. 15.

The Egyptians were understandably dissatisfied with the reaction of the British to their demands. On November 1, 1935, the ex Premier and the leader of the People's Party, Sidky Pasha, directed a fresh attack in a public speech on the British Egyptian policy, and he issued a call for united action by all Egyptian parties with a view to obtaining a final settlement of the Anglo-Egyptian problem.⁵² On November 7, 1935, Liberal Leader, Mahmud Pasha, attacked the Ministry of Nasim Pasha in a public meeting, for allowing increased British interference in the internal affairs of Egypt and he declared:

If British statesmen imagined that they would strengthen the British position in Egypt by these means, they are profoundly mistaken. The only possible basis for agreement between the two countries is a clear understanding founded on respect for Egypt's rights and sovereignty. British and Egyptian interests were in perfect harmony. That was why Egypt had wholeheartedly taken Great Britain's side in the present international situation.⁵³

The Egyptian leader went on to say that Egypt was ready to support Great Britain and the League of Nations in the interests of peace and security. In the event of war, Egypt would also give Britain all the facilities and assistance in her power, as envisaged in any proposed Anglo-Egyptian treaty. But Mahmud Pasha wanted an early reply to his

52. H.A.R. Gibb, op.cit., p. 358.

53. As quoted in The Times, London, November 8, 1935, p. 14.

demands and he warned:

If the reply was over long delayed or unconvincing, Egyptians would feel that they were not getting a fair deal, and the consequent disillusionment could not fail to have regrettable results.⁵⁴

In reply to Egyptian calls for negotiations, the British dug in their heels. On November 8, 1935 the British government issued an official communique on Egyptian affairs. Sir Robert Vansittart, Permanent Under Secretary of State at the Foreign Office, informed the Egyptian Minister in London that the British Government had no intention of altering the status quo in Egypt. The fleet would be withdrawn from Alexandria as soon as the existing tension had passed.⁵⁵ Next day the British High Commissioner, Miles Lampson, presented a note to the Egyptian Prime Minister, expressing the British Government's appreciation of the present Anglo-Egyptian collaboration and stating its intention at "a favourable moment" to stabilize relations between the two countries on a mutually satisfactory basis.⁵⁶ The British Foreign Secretary, Sir Samuel Hoare, the same evening in a speech at the Guildhall, denied that the British Government was opposed to the return to a constitutional regime suited to Egypt's special requirements. However, the Foreign Secretary added, that when the British Government had been

54. Ibid.

55. Ibid., November 8, 1935, p. 14.

56. H.A.R. Gibb, op.cit., p. 358.

consulted, they had advised against return to the constitutions of 1923 and 1930, since one had proved unworkable and the other universally unpopular.⁵⁷

Sir Samuel's speech produced a wave of anti British feeling in Egypt. Anti British riots broke out in different parts of the country. Three days later, the Wafdist parliamentary group convened to discuss the situation. In a series of resolutions, the group asserted that Britain was seriously interfering with the rights of Egypt, and they asked the Egyptians to refuse to co-operate with Britain. They also declared that it was the duty of the Egyptian Government to resign in view of the British attitude. If it did not do so, the Cabinet would be regarded as being in rebellion against the country.⁵⁸ Meanwhile, the Egyptian Prime Minister, Nasim Pasha, issued an official statement, which further emphasized British interference in the internal affairs of Egypt. It appeared that the British advice against restoration of the Constitution of 1923 had been conveyed to him from London through the British High Commissioner, Lampson, after he (Nasim Pasha) had obtained King Faud's consent to the re-establishment of the Constitution. Nasim went on to record that he had raised the constitutional issue again with Lampson on October 18, 1935 in the context of the Italo-Abyssinian dispute. At that time, Nasim Pasha

57. The Times, London, November 11, 1935, p. 17.

58. Ibid., November 14, 1935, p. 14.

had informed Lampson that the Egyptian people were now more ready than ever to take over the responsibility of defending their own mother land and they hoped to arrive at a favourable solution of the Anglo-Egyptian problem. The Prime Minister said that his second request for further negotiations had been replied to on November 7, 1935, in a note from the British High Commissioner, who declared that the British Government "looked forward to arriving at a permanent settlement at an opportune moment". In regard to the constitutional question, Nasim added, "the only reply so far had been the relevant passage in Sir Samuel Hoare's speech in the city of London".⁵⁹ Nasim Pasha's statement further inflamed public resentment in Egypt. During the next week, fresh anti British demonstrations broke out in Cairo. This time Egyptian students took a leading part in the anti-British campaign. Seven students were killed in a clash with the police, and several hundred were wounded.⁶⁰

Although the demands of the Egyptians appeared to be moderate and were supported by most of the population, the British Government was still reluctant to move on their demands. They viewed the times as not propitious for settling the Egyptian problem.⁶¹ But the continued anti

59. Toynbee, Survey 1936, pp. 674-675.

60. Gibb, op.cit., p. 359.

61. "The Egyptian Treaty and After", The Round Table (London, No. 105, December 1936), Vol. 27, pp. 116-117.

British demonstrations of the Egyptians forced the conservative London Times to change its views on the Egyptian question. In a leading article the Times argued:

... British diplomacy might give immediate assistance to legitimate Egyptian claims, and it should not be impossible to convince enlightened Egyptian opinion that, whatever the Wafd's policy may be, this country does not desire to adopt a policy of drift towards the full and frank discussion of Anglo-Egyptian relations. No doubt Sir Samuel Hoare's references to Egypt have been misunderstood there, but there is no reason why steps should not be taken at once to remove that misunderstanding.⁶²

In the House of Commons the opposition party (Labour) charged the government for its unwarranted reluctance in entering into negotiations with the Egyptians. Hugh Dalton, the Labour leader, attacked the Foreign Secretary in the House for his inability to settle the Egyptian question. He expressed deep regret that Sir Samuel had not worked towards a settlement with Egypt.⁶³

In reply to Dalton, Samuel Hoare, declared that his government had never imposed a veto on Egypt's return to constitutional government, nor had they tried to dictate the form of the Egyptian Constitution. Sir Samuel further stated that he was looking forward, at a future date, to normalizing relations with Egypt on a permanent footing satisfactory to both countries, but it was impossible, in the

62. The Times, London, November 30, 1935, p. 13.

63. Parliamentary Debates (House of Commons) 1935-1936, 5th Series, Vol. 307, Col. 321-322.

midst of the government's preoccupations with the war in Abyssinia, to simultaneously engage in negotiations "in a matter of such importance". And so, he informed the Egyptians that they should not expect a definite date for the resumption of negotiations.⁶⁴

Hoare's statement in the House of Commons added fuel to the fires of discontent in Egypt. Riots and anti British demonstrations broke out again in Cairo.⁶⁵ The demonstrators forced the Wafd to give up their party policy of unconditional acceptance by all Egyptians of the Wafd terms before negotiation. The Wafd was also forced to join up with Sidky Pasha and Mahmud Pasha to form a National Front in order to realise national demands.⁶⁶ This National Front was formed on December 10, 1935 with a programme based on the 1930 draft treaty and the restoration of the Constitution of 1923.⁶⁷ Two days later, the National Front submitted a note to the King calling for restoration of the Constitution of 1923, to which he agreed.

Three days later the National Front leader submitted a note to the British High Commissioner enumerating the obstacles which lay in the way of friendly Anglo-Egyptian relations; (1) the Capitulations; (2) European direction in the Department of Public Security; (3) the refusal to allow

64. Ibid., Col. 338-341.

65. The Times, London, December 9, 1935, p. 14.

66. Gibb, op.cit., p. 360.

67. The Times, London, December 11, 1935, p. 16.

Egypt to maintain adequate military forces for the defence of the country; and (4) the exclusion of Egypt from the League of Nations. The note also pointed out that the present co-operation between Britain and Egypt during the Abyssinian crisis provided an excellent opportunity for the conclusion of a treaty. The Egyptians showed themselves to be ready to conclude a treaty on the same terms as those negotiated in 1930 and to be willing to "settle questions on which agreement is not reached in the same friendly spirit".⁶⁸

In the meantime, Samuel Hoare was forced to resign as Foreign Secretary because of the abortive Hoare Laval pact, which tried secretly to come to an agreement with Italy on the Abyssinian question by permitting Mussolini to keep large portions of Abyssinian territories. When this became public, Hoare was forced to resign as Foreign Secretary by an enraged British public. He was succeeded by Anthony Eden, a Conservative with more flexible views on the Egyptian issue. The British Government began to re-orient its policy towards Italy after the Hoare Laval pact became public, and at the same time the government was forced to take a new look at their Egyptian policy. The new Foreign Secretary quickly instructed the British High Commissioner in Egypt to inform the National Front, in reply to their note, that due to his (Eden's) preoccupation with the Italo-Abyssinian dispute, he was unable immediately to enter into negotiations with them.

68. Ibid., December 14, 1935, p. 12.

However, he hoped sincerely to be able to deal with the Egyptian matter at an early date.⁶⁹ Eden's message produced a favourable impression on the Egyptian public and created a feeling of optimism.⁷⁰ Most Egyptians now thought that a treaty was within "the realm of reality" and they looked forward to the negotiations.⁷¹

On January 15, 1936, Eden discussed the Anglo-Egyptian question with his colleagues in the Cabinet. He expressed the opinion that because of the new and firmer British policy towards Italy the time was now opportune for a resumption of negotiations with the Egyptians.⁷² In a further reply to the Egyptian National Front's request for talks, the Foreign Secretary stated a few days later that the British Government was ready to enter into conversations with the Egyptians with the object of arriving at a settlement on the reserved points of the Declaration of 1922. But he emphasized that it was desirable to begin the talks with the military and the Sudan issues, which had given most difficulty in 1930. Eden also felt that if these difficulties were overcome then "the prospects of reaching a settlement would be clearly favourable".⁷³ Eden's note made it clear that the radically changed situation in East Africa rendered

69. Ibid., January 1, 1936, p. 12.

70. Ibid., January 3, 1936, p. 12.

71. Ibid., January 10, 1936, p. 11.

72. Ibid., January 16, 1936, p. 12.

73. Parliamentary Debates (House of Commons), 1935-1936, 5th Series, Vol. 308, Col. 56.

impracticable at present the fulfillment of the military undertakings given in the draft treaty of 1930. This intransigent position shocked Egyptian public opinion. The Egyptians had believed that the British Government was in some way bound by the pledges given by Arthur Henderson in May 1930, that his government would not regard the agreements, which had been reached during previous negotiations on the majority of the questions at issue, as having been voided, and that the draft treaty of 1930 was "still available" if the Egyptians agreed to accept it later.⁷⁴

The second point stressed in Eden's reply dealt with the Sudan. He stated that if one hoped to reach agreement on a treaty, it would be desirable to arrive at a preliminary agreement on the status of the Sudan. It was the question of degree of Egyptian control in the Sudan which had proven to be the stumbling block in all past negotiations. Recent events in East Africa had given the problem a new significance because the Sudan had a common 800 mile frontier with Abyssinia. Further, the sources of three important rivers contributing to Egypt's water supply - the Blue Nile, the Atbara, and the Sobat - were in Abyssinian territory. And even more significant in convincing the Egyptians to come to the negotiation table, was an ominous statement made by the British High Commissioner, Lampson, upon handing over the British Government's note, to the effect that if the

74. Egypt No. 1 (1930), Cmd., 3575, p. 8.

negotiations failed on the military and the Sudan questions, the British Government would have to review its position in Egypt and redefine its relations with that country.⁷⁵

It appeared that this time the British Government was determined to avoid any possible breakdown of negotiations. Before resumption of the talks, the British Government wanted to be sure that Egypt would make even more concessions regarding the British military privileges than the ones she had been prepared to make in the draft treaty of 1930. In return for such Egyptian military concessions, the British Government contemplated the granting of concessions to the Egyptians in the administration of the Sudan. However, the Egyptians did not find any justification to re-open negotiations on the military question. They thought that since agreement had been reached in 1930 on this and all other vital issues except the Sudan, conversations should deal only with the latter issue. The Egyptians were determined to include in the pre-negotiation exchange of notes a confirmation of the validity of the draft treaty of 1930, and a declaration that if the forthcoming negotiations failed to produce any result, at least "the status quo ante" should remain intact.⁷⁶

To the great disappointment of the Egyptians, British Foreign Secretary Eden declared that his government was not

75. The Times, London, January 22, 1936, p. 9.

76. Toynbee, Survey 1936, pp. 684-685.

bound to respect the provisions "of an inconclusive negotiation".⁷⁷ Though the Egyptians became downhearted after receiving Eden's answer, the King took domestic measures to ensure the resumption of Anglo-Egyptian negotiations. He forced the resignation of his Prime Minister, Nasim Pasha, who had been governing the country without a parliament for over a year.⁷⁸ On January 30, 1936, Aly Maher Pasha, Chief of the Royal Cabinet, formed a neutral Cabinet with the agreement of the Wafd. It was part of the agreement with the Wafd that the head of the Wafd, Nahas, should lead an all party delegation to the treaty talks.⁷⁹ On February 10, 1936 a pre negotiation formula was finally agreed upon between Sir Miles Lampson and Aly Maher Pasha, which reflected Egyptian concerns. If the coming negotiations again failed to produce any result, the status quo in Anglo-Egyptian relations would be maintained.⁸⁰ As a result the Egyptians then informed the British Government that they were prepared to begin treaty talks. On February 13, 1936 a royal Egyptian decree was issued, which nominated the Egyptian

77. Ibid., p. 685.

78. The Times, London, January 27, 1936, p. 11.

79. The Killearn Diaries 1934-1946: The Diplomatic and Personal Record of Lord Killearn (Sir Miles Lampson), High Commissioner and Ambassador Egypt, edited by Trefer E. Evers (Sidwick & Jackson, London, 1972), p. 61.

80. The Times, London, February 11, 1936, p. 14. See also Ibid., February 14, 1936, p. 14.

delegation for the coming negotiations. It was to consist of 13 members including Nahas Pasha as Chairman of the delegation.⁸¹ The British delegation was to be headed by the British High Commissioner in Egypt, Miles Lampson, assisted by the local British military chiefs, Sir George Weir, General Officer Commanding the troops in Egypt, Air Chief Marshal Sir Robert Brooke-Poplam, and Admiral Sir William Fisher, Commander in Chief of the Mediterranean Fleet.⁸²

On February 24, 1936, Eden informed the House of Commons that formal negotiations would begin on 2nd March 1936. He expressed the hope that discussion would this time prove a prelude to a successful treaty.⁸³ Formal talks between the British and Egyptian delegations opened on March 2, 1936 at Zafaran Palace in Cairo. Apart from the members of the two delegations, about 150 others were present, mainly Egyptian notables and high foreign officials, but also a good number of representatives of the international press.⁸⁴ In welcoming the British delegation, Nahas Pasha said that the Abyssinian crisis, now threatening to disturb the peace of the world, cried for an agreement between Egypt and Britain. Their agreement would bind the two countries "in all eventualities, whether good or evil". Nahas looked

81. Ibid., February 14, 1936, p. 14.

82. Ibid.

83. Parliamentary Debates (House of Commons), 1935-1936, 5th Series, Vol. 309, Col. 83.

84. The Killearn Diaries, p. 63.

back to the negotiations in 1930, stating that they had deeply probed "the problem of mutual relations" and therefore, with these negotiations a final settlement would certainly be reached.⁸⁵ In his opening speech Sir Miles Lampson also expressed British determination to settle these outstanding questions, which had previously created obstacles in the way of a final Anglo-Egyptian settlement. The High Commissioner added that his government believed and hoped that by the exercise of patience and understanding and by a display of determined good will on both sides, a satisfactory agreement would be reached. Following the opening of the inaugural session, the meeting was adjourned after both the parties had agreed on the confidential character of future conversations.⁸⁶

On March 9, 1936, the first business session of the British and Egyptian delegations was held. Sir Miles Lampson presented a tough memorandum on defence to the Egyptian delegation. This memorandum stated that the British army would remain in the areas of the Suez Canal Zone, Alexandria and the western frontiers with a base in Cairo; that the British should be given a recognized naval base in Egypt; and that British air force should be allowed to fly freely over any part of Egypt. This first meeting ended

85. The Times, London, March 3, 1936, p. 15.

86. Ibid.

without any discussion on the memorandum.⁸⁷ The British memorandum attempted to widen the British military rights beyond those contained in the military clause of the 1929 and the 1930 draft treaties. The British press, including the London Times, supported this stand. In a leading article, the Times argued that since 1930 there had been a rapid change of geopolitical forces in the Near East and East Africa. Due to Mussolini's aggression there, the military clause of the 1930 draft treaty should be revised.⁸⁸ Because of these geopolitical changes, the Times now took the same position as those imperialist Conservative leaders, who in 1929 had opposed the military clause of that draft treaty.

The Egyptians of course, were not ready to accept this position. When the next meeting was held, the Egyptian delegation turned down the British proposals on the ground that they went beyond the Nahas Henderson draft agreement of 1930.⁸⁹ In order to avoid an impasse, both parties agreed to issue very general statements of principle and then to move on to a review. The meeting was then adjourned and it was agreed that the delegation would meet daily from the following week on in order to study these military questions.⁹⁰ Private discussions between the two heads of the delegations, Sir Miles Lampson and Nahas Pasha, were held on March 17, 1936,⁹¹

87. Zayid, op.cit., p. 234. See also The Times, London, March 10, 1936, p. 15.

88. The Times, London, March 19, 1936, p. 15.

89. Zayid, op.cit., p. 235.

90. The Times, London, March 17, 1936, p. 15.

91. Ibid., March 18, 1936, p. 13.

and week later Lieutenant General Sir George Weir and Air Chief Marshall Sir Robert Brooke Popham joined the meeting.⁹² The conversations concentrated on the location of British troops in Egypt and the period of their stay. The British delegation suggested that because of Egypt's old fashioned system of communications British troops should not be confined only to the Canal Zone. Instead Nahas proposed a compromise formula; that Egypt allow Britain an increased number of troops in the Canal Zone and also provide important improvements in Egyptian roads and rail communication so that in the case of a crisis the British troops could move quickly to any part of Egypt. He added that facilities for the Royal Air Force, including a large training ground, be permitted near the Canal south of Ismailiyah.⁹³ But no preliminary agreement could be reached on these military questions⁹⁴ although negotiations continued for four more weeks, with some interruptions, until the meetings were adjourned on April 20, 1936.⁹⁵ At the beginning of May, conversations between the two heads of the delegations were resumed. But owing to the pre-occupation of Nahas Pasha - who had defeated the Prime Minister, Aly Maher Pasha, in the election of May 2, 1936 - in preparing the legislative programme of the new Parliament, the

92. Ibid., March 20, 1936, p. 13.

93. Anthony Eden, Memoirs: Facing the Dictators, (Cassell, London, 1962) p. 441.

94. The Times, London, April 1, 1936, p. 15.

95. Ibid., April 21, 1936, p. 13.

negotiations were adjourned until May 25, 1936.⁹⁶

The slow progress of the talks was bitterly criticized by the opposition in the British House of Commons. Opposition leader, Hugh Dalton, pressed the government to promote and accelerate a friendly settlement by prompt negotiation with the Egyptians. Dalton argued that a settlement had become more urgent in view of the fact that Italian forces had approached and were spread out along the frontier of the Sudan. The opposition leader warned the government that if they failed to make any agreement with Egypt on a friendly and co-operative basis, the British position in Africa would be gravely menaced.⁹⁷ However the government failed to give any satisfactory information about the progress of the negotiations.

Conversations on the military question were resumed on May 25, 1936.⁹⁸ Due to differences between the more liberal views of Lampson, his tougher local advisers and the British Cabinet, no progress was achieved regarding military proposals.⁹⁹ However, finally Lampson was successful in persuading his local advisers to accept Nahas military proposals. So, he cabled Eden:

Broadly, we [British negotiators] all feel that a special opportunity is offered which should be grasped in a bold and

96. Ibid., May 13, 1936, p. 15.

97. Parliamentary Debates (House of Commons), 1935-1936, 5th Series, Vol. 311, Col. 1716.

98. The Times, London, May 26, 1936, p. 15.

99. Ibid., June 1, 1936, p. 10.

constructive spirit. Whereas in previous negotiations the Egyptian side were thinking only in terms of nationalism... they now themselves sincerely (at least so we believe) desire alliance, and at present, at any rate, really seem to intend to work it whole-heartedly, provided always it is an alliance and not camouflage perpetuating existing regime.¹⁰⁰

Eden was prepared to accept this opinion of Lampson, but it was rejected by his Cabinet colleagues. They argued that if "after twenty years the treaty were revised, it should be understood now that our [British] right to defend the Canal would be provided for in the revision".¹⁰¹ Eden tried to persuade his colleagues by saying that in the light of Nahas' compromising formula dealing with better Egyptian communication and granting unlimited freedom of movement to British troops in Egypt in case of a crisis, "we [British] should do without a base in or near Cairo".¹⁰² Eden failed to convince the opposing ministers in Cabinet, and so he called Lampson home for personal consultations with the Cabinet.¹⁰³

The High Commissioner arrived in London on June 4, 1936. The next day, he held a long discussion with Eden and the British Cabinet regarding the Cairo negotiations. Divergent views appeared among the Cabinet members. Lord Chancellor Hailsham and Secretary of State for Home Affairs,

100. As quoted in Anthony Eden, op.cit., p. 442.

101. Ibid.

102. Ibid.

103. Ibid.

Simon, raised the point that if the British forces were removed from Cairo and Alexandria to the Canal Zone, 20 years in the future the League of Nations might ask the British to also clear out from the Canal.¹⁰⁴ With the active support of Eden and Vansittart, the Permanent Under Secretary of State at the Foreign Office, the High Commissioner contested this view:

... if at the end of 20 years the British Empire was still in a position (as we must naturally assume that we should be) to wish to keep troops on the Canal, surely it followed that we [British] must be in a position to ensure that at least one dissentient voice on the Council of the League would prevent a judgment laying down that we must clear out?¹⁰⁵

Finally, Lampson warned the Cabinet that one thing "Egypt would never accept", was both "permanent occupation of the Canal and independence of action in Egypt".¹⁰⁶ The Cabinet adjourned without taking any decision on the military question.

While Lampson tried to convince the British Cabinet of the worth of a more compromising attitude, he was helped by the publication of a leading article in the London Times, which supported his view. This article threw into focus the opposition in Cabinet which Lampson was striving to overcome. The central point of the article dealt with how to support the Egyptian position, the cause which Lampson himself

104. The Killearn Diaries, pp. 71-72.

105. Ibid., p. 72.

106. Ibid., p. 73.

had espoused. The article talked at great length about the protection of Egypt. Any alliance between Egypt and the British government

must be based upon respect for Egyptian national feeling; it must be freely negotiated, not dictated; and one of its primary conditions, indeed its chief condition, is that it should be inspired by a spirit of mutual trust.

The Times also pointed out that although the aim of the technical military advisers, was to obtain an ideal, permanent security for Britain, this military ideal took no account of the political side of the Egyptian question. The Egyptian delegates had shown readiness to considerably modify the military clauses of the draft treaty of 1930 by extending British military control around the Suez Canal. It was therefore, the paper argued, the responsibility of the British to understand and to analyse Egyptian sentiments and to take them into consideration. A limit must be set to the British demands. Finally, the paper warned the British government not "to lose a great opportunity which may never recur".¹⁰⁷

As a result of such public pressure, the British Cabinet met on June 23 to make a final decision on the military clause of the negotiations. The High Commissioner again explained the whole question of the treaty and argued in favour of removing British troops from Cairo and Alexandria to the Suez Canal Zone. As soon as he had finished his case, sides were taken between the moderates and the

107. The Times, London, June 10, 1936, p. 17.

imperialists in Cabinet. While Prime Minister Baldwin, Anthony Eden and Duff Cooper, Secretary of State for War, accepted Lampson's argument, Samuel Hoare, who had become the First Lord of the Admiralty after his resignation from the Foreign Ministry, vehemently opposed these proposals. He raised objections to the transference of British troops to the Suez Canal Zone and he held out for Alexandria "because", in his opinion, "until some other base" was fixed in the Eastern Mediterranean, Britain would have to be dependent upon Alexandria in case of any trouble. Because of Hoare's opposition, the Cabinet decided to set up an alternative naval base at Cyprus, and this measure persuaded Hoare to agree to the acceptance of Lampson's proposed military clause.¹⁰⁸

The Cabinet next took up the thorny question of the Sudan. Nahas Pasha's military concessions, beyond those in the draft treaty of 1930, convinced the Cabinet not to raise objections to the Egyptian demands of unrestricted Egyptian immigration into the Sudan and equal partnership in the administration of the country. Though the Egyptians never claimed the right to appoint an Egyptian as the Governor General of the Sudan, Hailsham foresaw that this might become a serious issue later. At the end of 20 years he thought it might be taken to the League, which could very well decide that it was Egypt's turn to appoint the Governor General for the Sudan. On this point the High Commissioner said that according to the

108. The Killearn Diaries, pp. 76-78.

Anglo-Egyptian Condominium Agreement of 1899 regarding administration of the Sudan, the nomination of the Governor General lay with the British government and that "presumably the League would take as their mandate the Condominium Agreement". Eden pointed out that the question raised by Hailsham "was undoubtedly one of prime importance and must be gone into". And so, in order to ensure a final treaty, the issue was set aside for later clarification with the Egyptians and the meeting was adjourned.¹⁰⁹ Thus by the end of June 1936 the High Commissioner had succeeded in convincing the British Cabinet that they must move ahead on both the prickly military and Sudanese problems.

Lampson returned to Egypt at the end of June and negotiations with the Egyptians were resumed on July 1, 1936. As a result of the new British compromise, the treaty soon began to take shape. A week after the negotiations had begun, agreement on the military question was reached and a drafting committee of ten (five British and five Egyptians) was appointed to put the proposals into legal terminology.¹¹⁰ At the end of July Eden was able to inform the House of Commons that the first stage in the treaty negotiations with Egypt had been successfully concluded, and that the articles dealing with military matters were initialled by the heads of both delegations. Eden expressed the hope that the

109. Ibid., p. 78.

110. The Times, London, July 7, 1936, p. 16.

friendly manner, in which the talks on military matters had been finalized, would pave the way "for an early and sound settlement of the important points of a different nature which still remain to be discussed".¹¹¹

On July 26, 1936 the delegations moved from Cairo to Alexandria because of the heat in Cairo and they began negotiations on the long term stumbling block of the Sudan.¹¹² The talks had now reached the crucial stage on which previous negotiations had collapsed. But the Sudanese question was promptly solved when the British agreed to reaffirm the Condominium Agreement of 1899 and further, they accepted unlimited Egyptian immigration into the Sudan,¹¹³ which was the issue over which the 1930 negotiations had aborted. The Egyptians agreed that the defence of Sudanese territory should be in the hands of the Sudan forces, composed of Sudanese, British and Egyptians.¹¹⁴ The draft on the Sudan was initialled by the Heads of the delegations on 1st August, 1936.¹¹⁵

The delegations then discussed the question of the Capitulations,¹¹⁶ the third reserved point of the Declaration

111. Parliamentary Debates (House of Commons), 1935-1936, 5th Series, Vol. 315, Col. 1123.

112. The Times, London, July 28, 1936, p. 14.

113. Egypt, Treaty Series No. 6 (1937), Treaty of Alliance, Cmd. 3360, p. 10.

114. Eden, op.cit., p. 443.

115. The Times, London, August 3, 1936, p. 10.

116. Ibid., August 4, 1936, p. 9.

of 1922. The British agreed to use their influence with other powers, who had special rights in Egypt, to persuade them to remove all restrictions on the application of Egyptian legislation to foreigners.¹¹⁷ Final agreement on this subject and on the rest of the clauses of the long awaited treaty was reached by August 11, 1936 and on 13 August these clauses were initialled by the Heads of the Delegations.¹¹⁸ Both delegations then moved to London for final signature of the treaty. The delegations arrived in London and on August 26th a signing ceremony was held in the Locarno Room at the Foreign Office which ended the sixteen years of negotiations. As soon as the Egyptian delegation entered the hall, under the dynamic leadership of Nahas Pasha, the ceremony started. It was attended by foreign dignitaries, journalists and officials of the British Foreign Office. Sir Anthony Eden first spoke on behalf of his government:

It has afforded me the keenest pleasure to be able ... to welcome this Egyptian Delegation to London and, by the signature of the Anglo-Egyptian Treaty of Alliance, to participate in the successful conclusion of the efforts of the last 16 years to reach a satisfactory solution of the problems inherent in Anglo-Egyptian relations.... In a singularly troubled world it would be of great and general advantage that we should find means of collaborating more closely for the maintenance of good relations and for the protection of our common interests....

117. Eden, op.cit., p. 443.

118. The Times, London, August 27, 1936, p. 12.

The treaty marks the end of an epoch in Anglo-Egyptian relations; I would prefer to regard it as the beginning of a new stage.

As soon as Eden finished his speech, Nahas Pasha, head of the Egyptian delegation, rose and said:

... Today we offer to a world prey to disquieting convulsion, the example of how much balance, reason and hope can be secured by a sincere understanding, achieved in a spirit of peace and for peaceful ends, when a true understanding of rights and of interests safeguards the sovereignty and the independence of peoples, within the framework of international solidarity.... By putting her name to this historic treaty Egypt, cradle of a glorious past civilization, puts her hand into the hand of the great and free England, thus opening a new era in the relations of East and West.¹¹⁹

The speeches ended, the signing began. Anthony Eden, Ramsay MacDonald, John Simon, Lord Halifax and Miles W. Lampson signed on behalf of the British Empire. Thirteen Egyptian representatives led by Nahas Pasha signed on behalf of their country.

119. For the texts of Eden's and Nahas' speeches see Ibid.
See also Manchester Guardian, Manchester, August 27,
1936, p. 8.

CHAPTER III

THE TREATY OF ALLIANCE AND FRIENDSHIP

The text of the Anglo-Egyptian Treaty which was signed in London on 26th August, 1936 was comprised of 17 articles. The terms of the Treaty were announced simultaneously in London and Cairo. They stabilized Anglo-Egyptian relations for the next 20 years, ended the 54 years occupation of Egypt by British forces, and made Egypt a truly sovereign state bound to Britain by a close alliance.¹ This chapter will analyse the major provisions of the Treaty and attempt to show how Britain's military position in Egypt became limited. However Britain retained the right of re-occupation of the country, obtained unlimited privileges for her soldiers in Egypt and remained absolute in the administration of the Sudan. These privileges of the British on Egyptian soil demonstrated the incompleteness of the independence of Egypt. Though the Treaty was unequal in character, it freed Egypt from Capitulations and served as a guarantee in the event of any possible Italian threat to Egypt. Consequently, the Egyptian Parliament ratified the Treaty by a huge majority.

1. The full text of the Treaty of 1936 is in the Appendix, pp:159-191.

In Britain, in spite of criticism from the imperialists, the Treaty received favourable press comment and both the Houses approved it without any division.

The Treaty delineated an independence and equality for Egypt in regard to England as a basis for effective co-operation between both countries and to preserve peace and to ensure the defence of their respective territories. Both countries agreed not to adopt an attitude which was inconsistent with the alliance in relations with foreign countries.² If one of the parties to the Treaty became involved in a dispute with a third state, the contracting parties agreed to consult with each other with a view to the settlement of the dispute by peaceful means.³ Within the Treaty the alliance was seen as a defensive one, which provided that in the event either country became involved in war, the non-combatant nation was pledged to give aid to the other. Egyptian aid to Britain would include the use of Egyptian ports, aerodroms and means of communication. Egypt was also bound to take all administrative and legislative measures, including the establishment of martial law and censorship of the press, "necessary to render these facilities and assistance effective".⁴ In return, Britain undertook to defend Egypt from invasion and to provide equipment and technical assistance for the Egyptian armed

2. See Ibid., Article 5, p.161.

3. Ibid., Article 6, p.161.

4. Ibid., p.162.

forces.⁵

Thus the treaty served as a guarantee of Egypt's security in the face of the Italian threat. In any possible war between Egypt and Italy or with any outside power Britain was bound by virtue of this defensive alliance to safeguard the territorial integrity of Egypt. On the other hand the alliance gave Britain the legal right to utilize Egypt in case of any threat to her vital interests in the Mediterranean or in her African colonies. However the alliance for the first time, gave the Egyptians an opportunity to modernize their army which had been neglected since 1882.

The Constantinople Convention of 1888 had emphasised Egypt's responsibility to defend the Suez Canal,⁶ but the 1936 treaty did nothing to change British control over it. Since 1888, in fact, Britain had taken over defending the Canal in the name of Egypt. In Allenby's unilateral declaration of Egyptian independence of 1922, defense of the Canal had been one of the four vital points reserved to Britain. The Egyptians had continued to claim their rights over the Canal and the British had not paid any attention to these claims. The treaty of 1936, recognized both arguments and stated that the Suez Canal was at the same time an integral part of Egypt and an essential means of communication for the British between the different parts of the Empire.

5. Ibid., p.180.

6. J.C.Hurewitz, op.cit., Vol. 1, p. 204.

Britain was therefore, authorized to station forces on Egyptian territory in the vicinity of the Canal, "with a view to ensuring in co-operation with the Egyptian forces, the defence of the Canal".⁷ It was agreed that if the contracting parties thought, after 20 years, that the Egyptian forces were in a position to defend the Canal, Britain would withdraw her troops. In case of any differences between the two countries regarding this eventual withdrawal of British troops, the dispute would be submitted to the League of Nations for a decision in accordance with its Covenant.⁸ Thus Britain, which had opposed De Lessep's plan for the construction of the Suez Canal,⁹ became legally the guardian of the Canal by virtue of the Treaty of 1936.

Despite bilateral Anglo-Egyptian agreement on the subject in 1936, later Egyptian writers and politicians were to argue that British military occupation of the Suez Canal, as outlined in the Treaty of 1936, was in fact a flagrant violation of the spirit of the International Suez Agreement of 1888 signed at Constantinople. The signatories to this Convention had agreed not to

... endeavour to obtain with respect to the Canal territorial or commercial advantages or privileges in any international arrangements which may be concluded.¹⁰

The Convention was based on two fundamental principles:

7. See Appendix, P. 162.

8. Ibid.

9. Parliamentary Debates (House of Commons), 1858, 3rd Series, Vol. 150, Col. 1360-1401.

10. Article XII of the Convention of 1888 in Hurewitz, op. cit., Vol. 1, p.204.

- (1) That the Canal is an international artery equally open to all nations in time of peace and in time of war.
- (2) That the responsibility for the defense of this vital maritime route falls principally on Egypt.¹¹

These two principals were shaken to their very foundation by the Treaty of 1936. In violation of these principles, Britain had made herself guardian of the Canal. She wrote into the Treaty of 1936 provisions designed to treat the Canal merely as an essential means of communication between the different parts of the British Empire. The Convention of 1888 was still in force, claimed these later Egyptians at the time of the conclusion of the Treaty of 1936, and this was admitted by the British. On March 28, 1928, when Hugh Dalton, a Labour leader, asked the Secretary of State for Foreign Affairs, Austen Chamberlain, in the House of Commons whether the Constantinople Convention of 1888 was still in force. Chamberlain replied: "Yes Sir, the Convention of 1888 is still in force".¹² A similar statement was also made by Sir Arnold Wilson, an imperialist Conservative M. P., during the debate on the Anglo-Egyptian Treaty of 1936, in the House of Commons on November 24, 1936. Arnold Wilson pointed out:

11. Egypt: Ministry of Foreign Affairs (Department of Information), The Egyptian Question, 1882-1951 (Cairo, 1951), pp. 13-14.

12. Parliamentary Debates (House of Commons), 1928, 5th Series, Vol. 215, Col. 1147.

The Canal is free to the shipping of all nations in peace and in war, by virtue of the Treaty which was signed on the 29th October, 1888. That treaty was signed by Great Britain and the great powers of Europe, and also by Turkey on behalf of Egypt.¹³

In fact, President Gamal Abdul Nasser claimed that the Constantinople Convention of 1888 remained valid until the nationalization of the Suez Canal by the Egyptians on July 26, 1956.¹⁴

The 1936 Treaty agreed to by both the Egyptians and the British replaced the old British military occupation of Egypt by one of the Suez and included a general military alliance between the two countries. It was stated that not more than 10,000 British troops or more than 400 R.A.F. pilots could be maintained in the Canal zone. Military forces would be stationed in the Suez Canal area at Moascar and the Geneifa area, while air force stations would be within five miles of Port Said. The Royal Navy was granted the use of Alexandria harbour for a period of eight years, during which the British planned to build a new base at Cyprus. The necessary lands, barracks, and amenities etc. at Suez would be supplied by the Egyptian government, which also would undertake to construct and maintain any Egyptian roads, bridges and railways necessary for military requirements in case of crisis. No other aircraft but British and

13. Ibid., 1936-1937, 5th Series, Vol. 318, Col. 316.

14. A.G. Mezerik, (ed.), The Suez Canal 1956 Crisis- 1967 War (International Review Service, New York, 1969), P.5.

Egyptian could fly within 20 kilometres of the Canal.¹⁵ The Egyptian government was bound to maintain adequate landing fields and sea plane anchorages throughout the country, and was bound to accede to any British request for additional military facilities in time of war. British military officers in civilian dress were permitted to survey the Western desert and draw up any necessary tactical plans. Both army and naval units of the British forces could remain in Alexandria for a period not exceeding eight years.¹⁶

In summary, Britain seemed to have agreed to remove its forces from Cairo and Alexandria to the vicinity of the Suez Canal. But this military clause was in fact one sided. Although the treaty made a number of concessions to Egyptian sensibilities, it permitted the British to maintain unimpaired their dominant military position over the Suez Canal and to intervene in a crisis anywhere in Egypt. It is true that British military personnel were to be displaced from Cairo and Alexandria to the Suez Canal Zone, but only after a period of eight years. During this period, suitable barracks would have to be built for the British military in the Canal area together with new strategic roads at great cost to the Egyptian treasury. Under the Treaty Egypt was not allowed to import arms and equipment from any country except Britain. She was bound to follow the advice of a

15. See Appendix, pp.162-167.

16. Ibid., pp.167-168.

British military mission in the training of her army and air force for an indefinite period.¹⁷ Egypt was still surrounded on three sides by British forces in the Mediterranean, along the Canal and in the Sudan, although Egypt would have a voice in regard to the last named area. From their main Suez base at Ismailiyah, the British commanded a series of strategic Egyptian roads and railways especially built to enable them to reach any part of Egypt at the slightest suspicion of an approaching threat from outside Egypt. Most significant was the fact that Britain reserved the right of re-occupation of the country including the unrestricted use of Egyptian ports, airports, and roads in the event of war.

The Sudan remained one of the British military strongpoints around Egypt. Rule in the Sudan had been one of the reserved British rights in the 1922 Allenby Declaration of Egyptian independence and it had been the greatest stumbling block at the previous negotiations. The Sudan article of the 1936 Treaty confirmed the principle of the Anglo-Egyptian Condominium of 1899, without pronouncing on the question of sovereignty over the country. The actual administration of the country remained with the British Governor General, who "shall continue to exercise on the joint behalf of the High Contracting parties the powers conferred upon him by the said agreement".¹⁸ Thus after

17. Ibid., p.180.

18. Ibid., Article 11, p.169.

12 years, the Egyptians managed to secure the removal of the restrictions imposed upon them by the Allenby Ultimatums of 1924. They also procured increased Egyptian immigration rights into the Sudan. Egyptian immigration into the Sudan, upon which the negotiations of 1930 had broken down, "shall be unrestricted except for reasons of public order and health".¹⁹ Both British and Egyptian nationals were in theory eligible to serve in the Sudanese administrative services, but only where qualified Sudanese were not available. However, all appointments and promotions remained vested in the British Governor General. The treaty also defined the aims of the Joint Anglo-Egyptian administration in the Sudan. Both parties agreed that the "primary aim of their administration in the Sudan must be the welfare of the Sudanese".²⁰ It was further provided that in addition to Sudanese troops, both British and Egyptian troops should be placed at the disposal of the Governor General for the defence of the Sudan.²¹

Thus, Britain reaffirmed the Condominium Agreement of 1899 regarding Sudan, but the problem was not satisfactorily settled. Britain's consent to readmit Egyptians into the Condominium only restored the status quo that had existed before the Allenby Ultimatums of 1924. Nor had the Condominium Agreement of 1899 even before that date ever been

19. Ibid., p.170.

20. Ibid., p.169.

21. Ibid.

put into action. Thus the British promise in 1936 to "reaffirm" the Condominium Agreement of 1899 had doubtful practical value for the Egyptians. Although the Treaty implied a joint administration, under Britain and Egypt, in the Sudan the British Governor General of the Sudan was recognized as the absolute authority in the country, to whom was given the responsibility for all official appointments and promotions. He also remained the Commander-in-Chief of not only the British but also of the Egyptian and Sudanese troops in the Sudan. The powers and functions of the Governor General were clearly defined, but there was no reference to any specific Egyptian participation in the administration of the country. And so, from the Egyptian point of view the Sudan clause remained vague and ambiguous. Who was sovereign in the Sudan? England by right of conquest or Egypt by historical right? Through its actual control of the upper valley of the Nile, Britain thus exerted a powerful control over Egypt.

If Egypt gained nothing in the military and Sudan clauses of the Treaty, it did win some rights in the matter of the Capitulations. The Capitulations, or rights of extraterritoriality enjoyed by foreigners in Egypt, had long been one of the primary reasons for Egypt's eagerness to conclude a treaty of friendship with Britain. She realized that without active British co-operation, abolition of the Capitulations was completely impossible. In previous negotiations, Britain had shown a willingness to abolish them in return for the rights of British guardianship over

foreigners in Egypt. But Egypt had not been ready to grant that concession to Britain as this would only increase Britain's influence. In 1936, Britain abandoned her demand for the right to protect foreigners in return for Egyptian military and Sudanese concessions, and she agreed to help Egypt in removing the Capitulations without conditions from her soil. Britain recognized that the responsibility for the lives and property of foreigners in Egypt "devolves exclusively upon the Egyptian Government". The capitulatory regime "now existing in Egypt", was therefore, "no longer in accordance with the spirit of the times and with the present state of Egypt", and the abolition of this regime was to be undertaken as soon as possible.²²

The application of Egyptian law, including the taxation of foreigners, was a necessary consequence of the abolition of the Capitulations. To effect this, the treaty stipulated that "a transitional regime for a reasonable and not unduly prolonged period" would be fixed, during which the mixed Tribunals would remain, and would, in addition to their judicial jurisdiction, exercise the functions hitherto exercised by the Consular Court.²³ At the end of this transitional period, the Egyptian Government would be free to dispense with the Mixed Tribunals. The Egyptian Government

22. Ibid., Article 12 and Article 13, p.171.

23. Ibid., Annex to Article 13, p.171.

declared that "no Egyptian legislation made applicable to foreigners" would be inconsistent with the principles of modern legislation or, with particular relation to legislation of a fiscal nature, discriminate against foreigners, including foreign corporate bodies.²⁴ At the invitation of the Egyptian Government the Capitulatory Powers met at Montreux on April 12, 1937.²⁵ On May 8, 1937 a Convention was signed once and for all abolishing the Capitulations from Egypt.²⁶ Thus the Convention removed the last restriction on Egypt's domestic legal sovereignty and returned to her complete judicial sovereignty.

The 1936 Treaty, which gave Egypt domestic and external sovereignty, limited by the military and Sudanese stipulations, was to remain in force for twenty years. However it provided that, with the consent of both parties, negotiations for revision could be entered into at any time after ten years. In case of serious differences of opinion between the two parties, concerning terms of a revised treaty, the differences would be submitted to the League of Nations for decision in accordance with the provisions of the Covenant in force at the time of the signature of the Treaty, or to "such other person or body of persons for decision in accordance with such procedure as the High

24. Ibid. p. 172.

25. See Egypt No. 1 (1937), Final Act, Convention and other Documents regarding the Abolition of the Capitulation in Egypt, Cmd. 5491, p. B2.

26. Ibid., p. 24.

Contracting parties may agree". Revision of the treaty would automatically include continuation of the alliance.²⁷ As the Treaty contained no provision for unilateral abrogation of the Treaty, it appeared to be almost eternal.²⁸ Any future demand through treaty revision for a complete withdrawal of the British from the Suez would therefore be ipso facto a breach of the treaty. In any case, the Egyptians would have no legal right to launch even a campaign against the British occupation of the Suez Canal, because the King had bound himself by ratifying the treaty, to always consider the British vital interests.²⁹

Can one then speak of true Egyptian independence after 1936? Egypt had unilaterally been declared an independent and sovereign state by the British in the year 1922. But that independence had been restricted by the four reserved points; the security of the communications of the British Empire in Egypt, the defence of Egypt against all foreign aggression, the protection of foreign and minority interests in Egypt and the Sudan. These four restrictions upon Egypt's sovereignty meant that Egypt's status actually remained that of a British protectorate. This was underlined by the fact that Egypt received no de jure recognition from outside powers as a sovereign and independent state.

27. See Appendix, Article 16, p.173.

28. Sir Anthony Eden, The Memoirs: Full Circle (Cassell, London, 1960), p. 226.

29. Michael Ionides, Divide And Lose (Geoffrey Bles, London, 1960), pp. 27-28.

The 1936 Treaty once again recognized Egyptian independence and this was repeated frequently throughout the entire Treaty. The Treaty was characterized as the Treaty of Alliance and Friendship between the two independent States. The first article, dealing with the military problem, ended the occupation of Egypt, which had begun with the bombardment at Alexandria in the year 1882. Egypt and Britain were to be represented in each other's country by an ambassador and Egypt would be admitted into the League of Nations. Article 8, of the Treaty stated that the presence of British forces in the Suez Canal Zone did not constitute in any manner an occupation. Article 12 gave Egypt responsibility for the lives and property of foreigners in Egypt, and Article 13 looked to Egypt's emancipation from the clutches of the Capitulations. By the terms of a Note of August 26, 1936, British military personnel were to be withdrawn from the Egyptian army and the function of the British Inspector General in the Egyptian army and that of his staff was also to be terminated as soon as the Treaty came into force.³⁰ With respect to the British judicial and financial advisers, who had so efficiently exercised indirect control over the Egyptian Government, the Egyptian Government was released "from any restriction of an international character with regard to the retention or non retention" of those

30. Appendix, Note 3 of August 26, 1936, p.179.

officials.³¹ Finally, Egypt would have the right to appeal to the League of Nations in case of any differences regarding the interpretation of the provisions and eventual revision of the Treaty. These were real benefits, which Egypt derived from the Treaty of 1936, and which truly increased Egyptian independence.

But the Treaty imposed certain restrictions upon Egypt, which severely restricted her independence. The maintenance of a large number of British troops in the Suez Canal Zone and the maintenance of a British naval base at Alexandria for eight years as well as their unrestricted movement in any part of Egypt if Britain identified an external military threat to Egypt or British interest there, definitely spoke against the spirit of real independence. No country can regard its independence as truly assured, while a foreign army is on its territory and within some miles of its capital with unlimited powers of movement. Again Egypt's freedom in foreign affairs was by no means unrestricted, because, she was bound by the Treaty "not to adopt in relation to foreign countries an attitude which is inconsistent with the provisions of the present treaty".³² It is true that the all powerful British High Commissioner in Egypt would disappear to reappear as an Ambassador. He would enjoy perpetual seniority over all other Ambassadors and ministers,³³

31. Ibid., Oral Declaration of August 10, 1936, p.183.

32. Ibid., Article 5, p.161.

33. Ibid., Note 1 of August 6, 1936, p.178.

although in a sovereign and independent state all foreign diplomatic representatives are equal. Retention of such provisions in the Treaty clearly manifested the desire of London to maintain its dominant position in Cairo.

The European Bureau of the Egyptian Public Security Department (British police, in effect) was to be abolished, but certain British personnel in municipal police forces were to be retained for five years under the command of British officers.³⁴ While British personnel would be withdrawn from the Egyptian Army, Great Britain would still maintain an advisory Military Mission to the Egyptian Army. Armaments or equipment for the Egyptian Army "should not differ in type from those of the British Forces". The Egyptian Army, in training as well as equipment, must conform to British standards in order to comply with its obligation as an ally.³⁵

Although the principle of extraterritoriality was to be abolished, no member of the British Forces would be subject to the jurisdiction of Egyptian Courts. At the same time, the British Military Camps in Egypt were to be "inviolable and shall be subject to the exclusive control and authority of the appropriate British Authorities".³⁶ Even more important are the articles that dealt with the eventual revision of the

34. Ibid., Note 2, August 26, 1936, p.179.

35. Ibid., Note 3, August 26, 1936, p.180.

36. Ibid., p.185.

treaty's military clauses of the Alliance. These clauses would remain in force for twenty years, and at the end of that period the question as to whether the Egyptian Army was fit to take over the defense of the Canal was to be submitted to the arbitration of the Council of the League of Nations, of which Egypt was soon to become a member. But the decision of the Council or any revision of the terms of the Alliance would make no difference to the maintenance of British troops in the Canal Zone.

Thus, of the four points, reserved in the Declaration of 1922 which limited Egyptian independence, only one - the protection of foreigners and minorities - was conceded by the British Government. But the other three - Imperial Communications, the Sudan and the defence of Egypt - remained in British hands. One can reasonably argue that the independence which the Egyptians received under the Treaty of 1936 was not independence in the real sense.

In spite of these defects in the Treaty, the Egyptians generally accepted it as a Treaty of "honour and independence".³⁷ Debate on the Treaty took place when the Egyptian Parliament met at the beginning of November 1936. Besides 166 Wafdists out of a total of 232 seats, there were 22 independents, who joined with the Wafds, 20 Liberal Constitutionalists, 10 Shaab's or People's Party, 6 Ittihadists or Unionists,

37. Jacques Berque, Egypt Imperialism and Revolution (Praeger Publishers, New York, 1972), p. 526.

4 Watanists or National Independent Party, and 4 Dissident Wafdists³⁸ who also participated in the debate. Nahas Pasha, speaking for the Wafds as chief architect of the Treaty, defended the Alliance on the grounds that it guaranteed Egyptian security and territorial integrity in the face of Italian threats. The Wafd leader agreed that the Alliance did not put Egypt on a footing of true equality with Britain;

If the military clauses appear over hard
you must remember that they are dictated
by necessity. Our Army is weak: we could
not leave the country defenceless.³⁹

Nahas Pasha also stated that it was in the common interest of Great Britain and Egypt to defend the Suez Canal. Finally, he assured the Parliament that when the Egyptian Army became strong, it would certainly take the place of Britain in the Suez Canal Zone.⁴⁰

Sidky Pasha, the pro British royalist who ruled Egypt in 1930-1933, spoke for his People's Party in the Egyptian Parliament. The People's Party leader agreed with the Wafd and considered the Treaty as a forward step towards complete independence. He expressed the hope that the Treaty would be accepted by a large majority in Parliament. Sidky Pasha admitted that Britain obtained immense guarantees for

38. For the distribution of the Seats in the Egyptian Parliament which emerged after the General Election of May 2, 1936, see The Times, London, May 9, 1936, p. 14.

39. The Times, London, November 16, 1936, p. 11.

40. Ibid.

her Egyptian interests. But he argued that Egyptians must realize that they would not be able to "defend themselves adequately for many years to come, and therefore these British safeguards had their advantage".⁴¹

The Liberal Constitutionalist Party, under the leadership of Mahmud Pasha, the former Prime Minister and one of the signatories of the Treaty of 1936, now took the strongly nationalist stance once held by Wafds. Though Mahmud Pasha did not speak in the Parliament Mohammad Husain Haikal, a prominent Liberal Constitutionalist took up the cause of the Liberals in Parliament. He bitterly criticized the military provisions of the Treaty, declaring that they were incompatible with the independence of Egypt. He especially included those which allowed the British forces to move within Egypt beyond what was stipulated in the draft treaties of 1929 and 1930 and there also which imposed huge charges on Egypt for the construction of roads and railways and permitted the movement of Royal Air Force planes across the entire country.⁴² However, the Liberals announced that they would vote for approval of the Treaty, but as the Treaty, in their opinion, did not grant Egypt real independence, they reserved for themselves the right to continue, after ratification, the struggle for complete independence.⁴³ Liberal criticism of the Treaty

41. The Times, London, November 14, 1936, p. 11.

42. Ibid., November 4, 1936, p. 13.

43. "Egypt: - Devaluation Scare: Transfer of Capital: Criticism of Treaty: Identity of Sphinx", in Great Britain and the East (London, September, 1936), Vol. 47, p. 690.

was a manifestation of party jealousy. Nahas Pasha, after the conclusion of the Treaty, adopted the attitude that the Wafd was solely responsible for the signing of the Treaty although the Delegation had contained members of almost all the Political Parties of Egypt. As the Wafd denied the co-operation of the other parties in the conclusion of the Treaty, the Liberals were trying to discredit them through the weaknesses of the Treaty.⁴⁴

The Ittihadists, though they were pro-British and the pro royalist, followed the Liberals in their attitude to the Treaty perhaps partly to make the Wafd unpopular in the country. The Ittihadists, under the leadership of Ziwari Pasha, an ex Prime Minister of Egypt, were very critical of the military clauses and of those relating to the Sudan. They objected to the proposed British military mission to Egypt on the grounds that it would control the Egyptian army. They attacked the military section of the terms on the Sudan in the Treaty because they allowed the Governor General of the Sudan to command the Egyptian troops in the Sudan. They also raised objections to the fact that the new barracks, roads and highways would be "constructed to British specification".⁴⁵

The Watanists or the National Independent Party, which were more extremist than the Wafdists on the question of Egyptian independence, although they refused to participate

44. Ibid.

45. Ibid., p. 689.

in the Treaty negotiations, took part in the debate. The Watanist leader, Ramdan Pasha, opposed the Treaty on the grounds that the presence of British troops on the soil of Egypt was contrary to Egyptian desires for independence. The Watanist leader condemned especially harmful section Article 7 of the Treaty, because it stipulated that Egypt should render Britain all assistance in her power in the event of an international emergency. Ramdan Pasha complained of this article's regrettable vagueness. He pointed out that "if any trouble were to break out in India, it would be a casus foederis and that if Britain were to make war in Iraq or Hedaz, the Egyptians might find themselves engaged against their co-religionists" in those countries as a result of the Treaty.⁴⁶ However in spite of the reasoned criticism and opposition the Treaty was ratified in the middle of November 1935 by a huge majority in the Egyptian Chamber of Deputies and in the Senate. The Chamber accepted it by a vote of 202 to 11, and the Senate by 109 votes to 7.⁴⁷

The Treaty failed to arouse an equivalent enthusiasm among the intellectuals and wealthy sections of Egyptian society. Some felt general suspicion about the politician's united acceptance of the terms of the Treaty.⁴⁸ The Cairo

46. The Times, London, November 14, 1936, p. 11.

47. Ibid., November 19, 1936, p. 14.

48. "Opinion in Cairo - A Disappointing Response", in Great Britain and the East (London, September 1936), Vol. 47, p. 332.

Correspondent of Great Britain and the East a semi official weekly journal, wrote:

It is a curious fact that wherever you go in Egyptian circles you are met with the remark that the treaty is entirely in favour of Great Britain and really gives Egypt no advantage.⁴⁹

In fact, the Egyptian public saw clearly that the British occupation of their country was to continue. The wealthy classes were concerned with Egypt's promise to construct roads, bridges and barracks for the British troops. They expected that the government sooner or later would call on them to pay greater taxes to this end.⁵⁰

The foreigners in Egypt, who had enjoyed extra-territoriality and who controlled Egyptian finances and business enterprises, were also bitterly disappointed with the clauses relating to the abolition of the Capitulations. They attacked Britain for her promise to remove the Capitulations from Egypt as they feared that they would be forced by the Egyptian Government to pay heavy taxes, to keep their accounts in Arabic and to employ a larger proportion of Egyptians on their staffs. Their apprehensions led to a sharp fall in the stock market of Alexandria. In spite of repeated assurances by the Egyptian Government that there would not be any discrimination against foreigners, the foreigners nevertheless began to transfer their capital to

49. Ibid.

50. Zayid, op.cit., p. 264.

London and elsewhere.⁵¹

Most of the British press congratulated both the Egyptian and British negotiators for successfully ending the Anglo-Egyptian disputes during a period of real turmoil and under the shadow of Mussolini's Ethiopian adventure. After paying due respect to the two delegations, the London Economist, a conservative paper, commented that "like the Anglo-Iraqi Treaty and the Statute of the Little Entente, this is a Treaty of Alliance as well as of friendship". It terminated British military occupation of Egypt and "once more" recognized Egypt as a sovereign independent state. The paper also wrote that the Treaty carried agreement into all the "nooks and crannies" of Anglo-Egyptian relations and would henceforward be a solid guarantee of cordial relations between the two countries.⁵² In an editorial, the London Times declared that the Treaty undoubtedly recognized British vital interests in the Suez Canal Zone, which were essential for imperial communications. It met the military needs of both the countries. And so, the paper warned those opposed to the Treaty:

The critics in Britain who had been denouncing the alleged surrender of British Imperial interest can scarcely maintain this attitude now that the

51. "Egypt: - Devaluation Scare: Transfer of Capital: Criticism of Treaty: Identity of Sphinx" in Great Britain and the East (London, September 1936), Vol. 47, p. 689.

52. "The Anglo-Egyptian Treaty" in The Economist (London, September 5, 1936), Vol. 124, pp. 422-423.

terms of the Treaty had become matters of common knowledge instead of partisan conjecture.⁵³

The conversion of the uneasy, unequal, and uncertain association between Egypt and Great Britain of the last eighteen years into a friendly alliance between two equally independent and sovereign states was a diplomatic success on which both Egypt and Britain and their representatives were to be "warmly congratulated".⁵⁴ After elaborating the moral and material advantages which both countries derived from the Treaty, the Times maintained that the pact "at once put Anglo-Egyptian relations on a firm and friendly footing". The paper approved of the military clauses of the Treaty and also of the fact that the British Government had obtained full recognition of their right both to station sufficient troops in the Suez Canal to guard against surprise, and to increase those forces in the event of any actual or possible emergency.⁵⁵

The Round Table, journal of the Milnerite imperialists, expressed the opinion that Britain could now rely on a friendly Egypt to help her to carry the burden of the defence of Egypt and of the Sudan. But it warned that the Treaty created a situation in which the best brains of both countries must co-operate for at least the transitional period of 8 years, and hopefully to continue so afterwards. Finally, the

53. The Times, London, August 29, 1936, P.13.

54. Ibid.

55. Ibid., November 27, 1936, p. 15.

imperialist paper expressed delight at the hope that "in spite of the friction and misunderstanding of the last twenty years" the new situation produced by the Treaty was "overwhelmingly in our [British] favour".⁵⁶

Anthony Eden, who had opposed a similar draft treaty⁵⁷ negotiated by the Labour Government in the year 1929, took the credit in the House of Commons for concluding this Treaty with the Egyptians. During the 1929 Henderson-Mahmud negotiations Eden had opposed the removal of British troops from Cairo and Alexandria to the Suez Canal Zone.⁵⁸ He defended Article 8 of the new treaty by which British troops would eventually remain in the Canal Zone only. He explained that the reasons which now made it possible for the British Government to agree to this were good ones. Firstly, British forces were mechanized, and when the Egyptian roads were completed up to standard, it would be possible to move troops quickly to any point in the country to meet external aggression. Secondly, there was no limitation on R.A.F. training flights in Egypt.⁵⁹

During the 1929 Mahmud-Henderson negotiations, Eden had viewed the return of Egyptian battalions to the Sudan with

56. "The Egyptian Treaty and After", in The Round Table (London, December 1936), Vol. 27, pp. 119-123.

57. Parliamentary Debates (House of Commons), 1929-1930, 5th Series, Vol. 233, Col. 2046-2056.

58. Ibid., Col. 2048.

59. Ibid., 1936-1937, Vol. 318, Col. 258-261.

great apprehension.⁶⁰ But seven years later he accepted many more British concessions to the Egyptian military claims in the Sudan than had the Labour Government in 1929. Eden stated that he was very pleased with the Sudan clause of the Treaty, which confirmed the joint Anglo-Egyptian administration of that territory.⁶¹ In the year 1929 Eden had also been greatly troubled concerning the possibility of losing British protection of foreigners and minorities in Egypt.⁶² But in 1936 he supported the removal of the Capitulations as one of the main objects of the Treaty.⁶³ He now felt sure that the capitulatory powers would receive the initiatives of Egypt in this matter in a reasonable and conciliatory manner. Finally, Eden expressed his optimism about the future of Anglo-Egyptian relations because of the Treaty. He declared in the House that the Treaty would end the irritations, "which led to weakness, and establish good feeling, which led to strength. It would replace the possibility of strife by the prospect of concord". The Foreign Secretary confidently predicted that both the countries would benefit by the enforcement of the Treaty.⁶⁴

Speaking for the imperialists among the British

60. Ibid., 1929-1930, 5th Series, Vol. 233, Col. 2054.

61. Ibid., 1936-1937, 5th Series, Vol. 318, Col. 263-264.

62. Ibid., 1929-1930, 5th Series, Vol. 233, Col. 2050-2051.

63. Ibid., 1936-1937, 5th Series, Vol. 318, Col. 265-266.

64. Ibid., Col. 267-268.

Conservatives, Sir John Wardlaw-Milne praised the military clause of the Treaty because in his opinion developments in the air had changed the "whole outlook of the military situation" in the last six years. But he found the Treaty vague in the sense that there was "nothing directly stated" regarding the security of other British and foreign interests in Egypt. He expressed his grave concern about the foreign trading interests in Egypt. He favoured the removal of the Capitulations from Egypt, but with additional guarantees concerning the security of the foreign industrial and commercial groups. He doubted that Egypt would introduce legislation, similar to the Turkish, against the foreigner after the removal of the Capitulations for example, forbidding the employment of foreigners in a foreign concern. This indicated that Sir John Wardlaw-Milne was not ready to give Egyptians any additional places in the present foreign firms and enterprises.⁶⁵

The most critical voice raised in the British House concerning the Treaty was that of Sir Arnold Wilson, another Conservative imperialist M.P. He seemed convinced that the Treaty would not in the long run improve relations between Egypt and the rest of the world. Although Eden had not emphasized British interference in the internal affairs of Egypt, Sir Arnold believed that the British forces could intervene in the internal affairs of Egypt, without "any

65. Ibid., Col. 303-306.

let or hindrance", if invited by the Egyptian Government.⁶⁶

He explained:

.... On the other hand, the Foreign Secretary, in delivering his address, was quite specific in saying that the roads were to be used and the troops were there for the protection of Egypt from foreign aggression, but that does not exclude them from being used at any time for the protection of major Egyptian interests at the invitation of the Egyptian Government. Who can doubt among such interests might be to give assistance to the civil or military power in Egypt in protecting the lives of those who are living under the protection of the Government, which would include foreigners?⁶⁷

Arnold Wilson also raised a question regarding the passage of foreign ships through the Suez Canal in time of both peace or war. According to him, since Egypt had not been a signatory of the Constantinople Convention of 1888 regarding the passage of ships through the Suez Canal and as Turkey had signed on behalf of Egypt, she therefore could close down the Canal in time of war between Britain and any other power; and might well reply:

We [Egyptians] are bound under Article 16 to close our territory - and the Canal is our territory - against the movements of any foreign ships of war".⁶⁸

Sir Arnold considered that this meant that the Egyptian Government should be invited formally to adhere to the Treaty of 1888, in order that there might be no possible doubt in

66. Ibid., Col. 313.

67. Ibid., Col. 313-314.

68. Ibid., Col. 316-317.

the minds of any foreign countries regarding Egypt's objections to keeping the Canal open to the British "in peace or in war as not less binding than before".⁶⁹

Speaking for the Labour Party in the House, Hugh Dalton extended the support of his party to the Treaty. The Labour leader hoped that the Treaty would end for ever an old chapter in Anglo-Egyptian relations, which had been marked by misunderstanding on both sides and by serious conflicts of purpose.⁷⁰ He compared his own joy with the success of Eden's efforts, to the Conservatives' joy in 1929-1930⁷¹ at the Labour Government's failure.⁷² He bitterly criticized the Conservatives for their non-compromising attitude to the Mahmud-Henderson draft treaty of 1929. He was astonished to see the changes in the Conservatives' attitude to the Egyptian question and thought that Mussolini's actions were the main factor in bringing about significant change in their policy:

The critics of Arthur Henderson's policy at that time have with the passing of the years been largely converted to the wisdom of the views for which he then contended. How has that come about? Let us not peer too deeply beneath the surface of affairs.

69. Ibid.

70. Ibid., Col. 268-270.

71. When on May 8, 1930, Arthur Henderson announced in the House of Commons, the breakdown of his negotiations with the Egyptian delegation, the announcement was loudly cheered from the Conservatives: "Hear, Hear!" See Ibid., 1929-1930, 5th Series, Vol. 238, Col. 1120.

72. Ibid., 1936-1937, 5th Series, Vol. 318, Col. 271.

But perhaps Signor Mussolini has not been entirely without influence; perhaps Signor Mussolini has helped to persuade both the British and the Egyptian negotiators of to-day to accept conditions which six years ago they were unwilling to accept.⁷³

In fact, Mussolini's Ethiopian campaign compelled the Conservatives and the Wafds to change their conflicting views and resulted in the signing of the Treaty of 1936. As there was no opposition from the Labour Party and the Independent Liberals the Treaty was approved without a division by the House of Commons on November 24, 1936.⁷⁴

Conservative opinion in the House of Lords was largely in support of Eden's new Treaty. The main criticism against the Treaty came at the same time also from within the Conservative Party and not the Labour Opposition Party. Speaking for the outraged imperialists in the House of Lords, Lord Lloyd declared pessimistically that the Treaty would "ring down" the curtain on the stage of British endeavour in Egypt and henceforth the British would be compelled to watch the future of the Egyptians "with folded arms".⁷⁵ In the year 1929 Lloyd had vehemently opposed the military clause of the Mahmud-Henderson draft treaty. In 1936 he again raised the same objections to the military clause of this Treaty. He viewed the confinement of British troops to the Canal Zone

73. Ibid., Col. 275.

74. Ibid., Col. 339.

75. Ibid., (House of Lords), 1936-1937, 5th Series, Vol. 103, Col. 375.

as a means of making life deplorable for the British soldier in Egypt. Nor was Lloyd satisfied with the number of British pilots permitted in Egypt under the Treaty. He believed that four hundred air pilots were quite clearly insufficient to safeguard the British interests. And he was also not happy with the twenty year duration of the Treaty, which he thought to be too short a period. He further alleged that although it would remain a British responsibility to defend Egypt from any and every aggression even after the lapse of the twenty year period, the Egyptians would not, under any circumstances, allow Britain to garrison any troops in Egypt. If Lloyd had not, during his five years stay in Egypt, said anything in favour of Egyptian fellaheens or peasants, now in the British House of Lords he posed as their liberator. He expressed grave concern that they "will be the worst sufferers by virtue of our [British] withdrawal and of the provisions of the Treaty".⁷⁶ In the name of the Egyptian peasants, Lloyd wanted to retain British troops in Cairo and Alexandria.

Lloyd considered the clauses regarding the Capitulations as pure and abject surrender:

We have abandoned our power to protect not only foreigners, not only minorities, but our own nationals in Egypt as well. We announce in the Treaty our readiness to abandon the whole Capitulatory position and the Mixed Courts also, thus handing over to the Egyptian Government, after a very short period of transition, the

76. Ibid., Col. 381.

complete jurisdiction, legislative, fiscal, judicial, and criminal, over all persons in Egypt.⁷⁷

Lloyd was reluctant to give up British protection of foreign and commercial interests in Egypt. In his opinion abolition of the Capitulations would only create more problems in Egypt. The lives and property of foreigners and minorities would be in real danger if the Capitulations were removed. Though the Egyptians were bound by the Treaty not to pass any legislation which was antagonistic to foreigners, he doubted that they would abide by this. Lloyd was not ready to see Egypt free from the influence of the Capitulatory powers. He encouraged his own and foreign governments to fight for the maintenance of some kind of veto in regard to Egyptian legislation affecting foreigners in Egypt. Egypt had been deprived of any direct taxes from foreigners because of their extraterritoriality. But as Lloyd pointed out, probably speaking of the customs duties from foreigners' industries, the foreigner in Egypt paid the same amount of taxes as an Egyptian national, "and indeed in many cases [the foreigners] derives less advantage". Hence, he campaigned for equal privileges for the foreigner in trade and commerce in Egypt. He suggested that it should be the Court of Appeal in Egypt which should have the power to veto any Egyptian legislation passed by the Egyptian Government against foreigners' interests in Egypt.⁷⁸

77. Ibid., Col. 382.

78. Ibid., Col. 383-384.

But Lord Mottistone, a moderate Conservative, contradicted Lord Lloyd. He vehemently opposed Lloyd's attitude towards the Treaty:

I differ profoundly from my noble friend Lord Lloyd, in his criticism of the absence of safeguards which he said His Majesty's Government did not insist upon having in the Treaty. Had they done so, there would have been no Treaty. As it is, you have a Treaty.⁷⁹

Lord Mottistone expressed his satisfaction with the Treaty. He was quite sure that the British Government had exhibited great statesmanship in agreeing to this Treaty and in trusting the people of Egypt to the utmost. He added that a "miracle" had happened and all "the bitterness of fifty-two years has been swept away in fifty-two days".⁸⁰

Lord Sempill, another Conservative imperialist, differed from Mottistone. He was much disturbed by the Sudan clause of the Treaty. Sempill declared that the British Government should instruct the Governor General of the Sudan to admit only British and Sudanese subjects to the political branch of the administration and to the posts of District Commissioner or Governors of Provinces.⁸¹ He did not want Egyptians to occupy high official positions in the Sudan, although the Sudan clause of the Treaty recognised their equal rights in the administration of the Sudan. He urged

79. Ibid., Col. 388.

80. Ibid., Col. 390.

81. Ibid., Col. 395.

the British Government to see that:

nothing is done which is contrary to the interests and welfare of the Sudanese and set our /British/ faces very rigidly against any action which would favour the interests of Egypt at the expense of those of the Sudan.⁸²

Lord Snell spoke for the Labour Party in the House of Lords. The Labour Lord agreed that the Treaty should begin a long, happy and increasingly cordial relationship between Egypt and Britain. The Labour leader recalled that the late Sir Arthur Henderson had prepared clauses similar to those in the 1936 Treaty. Snell castigated the Conservative Party for its opposition at the time to the Henderson-Mahmud draft treaty of 1929: "It is the habit of the Tory Party", he added, "to stone the prophets and then to disguise themselves in their clothes". He further argued that "if it be true that there is a time lag of two years in the mind of democracy, there appears to be a time lag of at least a decade" in the mind of the British Government.⁸³

Thus the treaty met strong criticism but not from the opposition party in the two Houses but from Conservative colleagues within the British Government itself. However, their opposition was in vain. Finally, the motion for ratification of the Treaty was adopted unanimously in the House of Lords⁸⁴

82. Ibid., Col. 396.

83. Ibid., Col. 371-372.

84. Ibid., Col. 401.

because the Treaty guaranteed British vital interests in Egypt. Britain was the winner with the signing of the 1936 Treaty. Actually she could have signed a similar treaty with Egypt in 1920 on the basis of the Milner-Zaghlul memorandum but this failed due to the opposition of the imperialists. However, after 16 long years of negotiations she finally legalized her questionable position in Egypt by ignoring the Constantinople Convention of 1888. Britain's military position was geographically limited within the country, but she retained almost unlimited freedom of movement and gained new facilities for her troops. Though the joint administration of the Sudan was reaffirmed, the British Governor General could remain absolute in practice, in the administration of the country. At the same time the Treaty gave Egypt an opportunity to become a sovereign member of the international community and freed her from the evils of the Capitulations, which had hindered her economic progress. But Egyptians were to wait another 18 years before they in turn unilaterally sluffed off British domination⁸⁵ and seized real independence.

85. On October 8, 1951, Egypt unilaterally abrogated the Treaty of 1936 and on October 19, 1954 by an Anglo-Egyptian Agreement Britain agreed to withdraw her troops from Suez Canal area. The full text is in Egypt, Ministry of Foreign Affairs (Department of Information), Agreement between the Republic of Egypt and Britain (Suez Agreement), 1954: With agreed Minutes, Exchange of Notes and Annexes (Cairo, 1955).

SUMMARY AND CONCLUSION

From the British occupation of Egypt in 1882 to the conclusion of the Treaty of 1936, relationships between Britain and Egypt ranged from outright hostility to moderate understanding. The British wanted to dominate Egypt and keep her as a protectorate; Egypt continually tried to free herself from British domination and become an independent nation. Although after the occupation British statesmen declared that their stay in Egypt was temporary the occupation soon took the shape of a veiled protectorate, and with the outbreak of World War I this became a reality. The Egyptians were forced to accept the status of a protectorate as at best a temporary war measure.

When the war came to an end in 1918, the leader of the Egyptian nationalists Zaghlul Pasha began to agitate for the liquidation of the protectorate and for the granting of Egyptian independence. The British vehemently opposed Zaghlul's demands. They prevented him from going to London to discuss the status of Egypt with the British government or to Paris to present the Egyptian cause before the Peace Conference. Zaghlul's continued struggle and the Egyptian disorder led to his exile to Malta. Lord Allenby, who came to Egypt in 1919 as British High Commissioner, soon saw the gravity of the situation. He released Zaghlul Pasha and

allowed him to go to Paris to represent the Egyptian cause at the Peace Conference. However Zaghlul's cause was undermined when the American President Wilson, recognized the British protectorate over Egypt.

This American recognition led to violent anti British outbursts in Egypt. And so the British sent a mission in 1919 under the chairmanship of Lord Milner to enquire into the cause of discontent in Egypt and to report its findings to the British Government. Whether official or not, Egyptians boycotted the mission. After its return to London, the mission recommended to the British Government the immediate abolition of the protectorate and the conclusion of an Anglo-Egyptian treaty of alliance, by which Britain would recognize the independence of Egypt and safeguard Egyptian territorial integrity from external aggression. Before submitting its final report to the British Government the mission invited Zaghlul Pasha to hold unofficial discussion on the proposal. Zaghlul and Milner drafted an agreement which contained many of the compromises later found in the 1936 Treaty. However the British Cabinet was dominated by imperialists who refused to accept the Milner-Zaghlul memorandum. Had this agreement been accepted by the British Government as the basis of a final treaty with Egypt, the Anglo-Egyptian problem might have been solved in 1920. However the Milner-Zaghlul discussion became a starting point for all subsequent Anglo-Egyptian negotiations.

On Allenby's insistence, the British Government asked the Sultan of Egypt in February 1921 to send an official

delegation to discuss a treaty. But a problem arose over the formation of the official delegation. The King, under Allenby's direction, appointed his premier, Adly Pasha, to lead the official delegation to London. The Wafd leader Zaghlul insisted that he himself should lead the delegation, a proposal which Adly was not ready to accept. At last Adly formed a delegation excluding the Wafds. His negotiations with Lord Curzon collapsed when the latter insisted on the maintenance of British garrisons in all parts of Egypt, and refused to give to Egypt a larger share in the administration of the Sudan. Curzon showed himself to be reluctant to end British control of Egyptian affairs.

Adly came back to Cairo with empty hands and resigned. No one in Egypt was ready to form a new Cabinet, and Zaghlul continued his anti British campaign. Upon his refusal to desist from politics, he was again deported by Allenby, this time to Aden. But the political situation in Egypt remained unchanged. And so Lord Allenby begged the British Government to terminate the protectorate unconditionally - and to declare Egyptian independence. But his proposal met strong opposition from the imperialists in the coalition Cabinet of Lloyd George. However, Allenby's threat to resign from his post compelled the Lloyd George government to accept his Egyptian scheme. Accordingly, Egyptian independence was declared by the British on February 28, 1922 and the Egyptians agreed to a constitution the next year.

However the declaration reserved four important points to the British. These dealt with the security of

imperial communications, the defence of Egypt, the protection of minorities and foreigners in Egypt, and the Sudan. These limitations on Egyptian sovereignty deprived Egyptians of any real independence. In practice Egypt remained a British protectorate. Egyptian nationalists denounced the unilateral declaration of 1922. However, they participated in the first general election under the new constitution of 1923 and won a victory at the polls. Nationalist leader Zaghlul Pasha formed the first constitutional Cabinet, while at the same time in England the Labour Party under Ramsay MacDonald came into power. In 1924, Zaghlul opened negotiations with MacDonald in order to move towards real Egyptian independence. In his negotiations with MacDonald, Zaghlul demanded the complete withdrawal of British troops from Egypt, recognition of the unity of Egypt and the Sudan and the abandonment of any British claim to protect the foreigners and minorities in Egypt. But MacDonald was not ready to accept Zaghlul's demands, and so the negotiations quickly came to an end.

Following the failure of these talks the British Governor General of the Sudan and Sirdar (Commander-in-Chief) of the Egyptian army was murdered in Cairo. While accepting no responsibility for the assassination, the Egyptian Government expressed official sympathy with the British Government. However, the British turned the incident into an opportunity to take retaliatory and coercive actions against Egypt. By the Ultimatums of 1924, Egypt's military forces were expelled from the Sudan and the British occupied the Alexandria Customs. As a result of the 1924 Ultimatum Britain strengthened

her position in Egypt and the Sudan. Tensions decreased in the Anglo-Egyptian relationship. Lord Allenby, the force behind the strong British reprisals of 1924, resigned in 1925. An imperialist, Lord Lloyd, assumed the position of High Commissioner to Egypt and interfered constantly in her internal affairs.

Until 1927 no steps were taken by the British Government to discuss with the Egyptians the reserved points of the declaration of 1922. When in 1927 the Egyptian premier Sarwat Pasha went to England, the Conservative Foreign Secretary, Austen Chamberlain, took the opportunity of the treaty negotiation to draft an Anglo-Egyptian treaty. But the treaty did not touch on the Sudan issue nor did it define the British military position in Egypt. And so the draft treaty was rejected by the Wafd dominated Egyptian Parliament.

There were no further changes in the attitude of the British Government until the downfall of the Conservatives in 1929. When Labour assumed power and Arthur Henderson became British Foreign Secretary, significant changes occurred in the attitude of the British towards the Egyptian problem. Henderson greatly modified the British Egyptian policy. In spite of strong opposition from the Conservatives, he solved three of the 1922 reserved issues, but not that one dealing with the Sudan. It was on the Sudan question that his negotiations with the Egyptian Prime Minister Nahas Pasha broke down.

A British national government replaced Labour in 1931. It took no initiative to break the deadlock in spite of the

repeated Egyptian demands. But the 1935-1936 Italo-Abyssinian War caused grave concern both in Cairo and London. The Egyptians feared a possible war between Britain and Italy over their territory. At the same time, they thought that it was the right time to realize their demands for without active Egyptian co-operation the British would be unable to defend their interests in the Mediterranean. And so, they pressed the British to recommence negotiations from the base of the draft treaty of 1930. But the British, at that moment, were not ready to resume such negotiations. They expected a peaceful diplomatic resolution of the Italo-Abyssinian dispute. However by late 1935, British diplomatic efforts to lessen the tension had become futile, and Britain saw a possible war between herself and Fascist Italy. Britain then took the necessary steps to conclude a treaty of alliance with Egypt, which would regularize Britain's questionable international legal position in Egypt and keep the Suez Canal, the vital waterway between East and West, under her protection. Fearing both a united boycott by Egypt and continued Italian aggression against Abyssinia, the British realized that the situation was such in which they must work out the conclusion of the treaty of 1936 about which they had been procrastinating for so long. When the Egyptians promised to grant the British Government unlimited military privileges beyond the draft of 1930 the British Government felt encouraged to sign the 1936 Anglo-Egyptian Treaty of Friendship.

This treaty recognized Egypt as a sovereign state, reaffirmed the Condominium Agreement of 1899 regarding the

administration of the Sudan, gave Egypt an opportunity to become a member of the League of Nations and enabled her to remove the Capitulations. Britain became the guardian of the Suez Canal by violating the Constantinople Convention of 1888 and acquired the right of unrestricted movement of British troops in Egypt. Closer examination of the provisions of the Treaty reveal that of the four reserved points of the Allenby declaration of 1922, only one - the protection of foreigners and minorities - was truly conceded to the Egyptians by the British. But the other three dealing with imperial communications, the defence of Egypt, and the Sudan were still left to the British. These limitations showed the incompleteness of Egypt's independence. In fact, even after the 1936 Agreement Egypt remained under indirect British protection and control. As the Treaty served as a guarantee of Egypt's security against the Fascist threat and pointed to a future revision, the Egyptians accepted it as dictated by the circumstances and considered it a forward step towards complete independence. In the end, even those British imperialists, who criticized the 1936 agreement in Parliament, gave their consent because it appeared to safeguard vital British interests in Egypt.

APPENDIX A

1

The Milner-Zaghlul Memorandum of August 18, 1920.

"1. In order to establish the independence of Egypt on a secure and lasting basis, it is necessary that the relations between Great Britain and Egypt should be precisely defined, and the privileges and immunities now enjoyed in Egypt by the capitulatory Powers should be modified and rendered less injurious to the interests of the country.

"2. These ends cannot be achieved without further negotiations between accredited representatives of the British and Egyptian Governments respectively in the one case, and between the British Government and the Governments of the capitulatory Powers in the other case. Such negotiations will be directed to arriving at definite agreements on the following lines :-

"3. - (i) As between Egypt and Great Britain a Treaty will be entered into, under which Great Britain will recognise the independence of Egypt as a constitutional monarchy with representative institutions, and Egypt will confer upon Great Britain such rights as are necessary to safeguard her special interests and to enable her to furnish the guarantees which must be given to foreign Powers to secure the relinquishment of their capitulatory rights.

(ii.) By the same Treaty, an alliance will be concluded between Great Britain and Egypt, by which Great Britain will undertake to support Egypt in defending the integrity of her territory, and Egypt will undertake, in case of war, even when the integrity of Egypt is not affected, to render to Great Britain all the assistance in her power, within her own borders, including the use of her harbours, aerodromes and means of communication for military purposes.

"4. This Treaty will embody stipulations to the following effect :-

(i.) Egypt will enjoy the right to representation in foreign countries. In the absence of any duly-accredited Egyptian representative, the Egyptian Government will confide its interests to the care of the British representative. Egypt will undertake not to adopt in foreign countries an attitude which is inconsistent with the

1. Egypt No.1 (1921) Cmd. 1131, Report of the Special Commission to Egypt, His Majesty's Stationery Office, London, 1921, pp.2 -26.

alliance or will create difficulties for Great Britain, and will also undertake not to enter into any agreement with a foreign Power which is prejudicial to British interests.

- (ii.) Egypt will confer on Great Britain the right to maintain a military force on Egyptian soil for the protection of her Imperial communications. The Treaty will fix the place where the force shall be quartered and will regulate any subsidiary matters which require to be arranged. The presence of this force shall not constitute in any manner a military occupation of the country, or prejudice the rights of the Government of Egypt.
- (iii.) Egypt will appoint, in concurrence with His Majesty's Government, a Financial Adviser, to whom shall be entrusted in due course the powers at present exercised by the Commissioners of Debt, and who will be at the disposal of the Egyptian Government for all other matters on which they may desire to consult him.
- (iv.) Egypt will appoint, in concurrence with His Majesty's Government, an official in the Ministry of Justice, who shall enjoy the right of access to the Minister. He shall be kept fully informed on all matters connected with the administration of the law as affecting foreigners, and will also be at the disposal of the Egyptian Government for consultation on any matter connected with the efficient maintenance of law and order.
- (v.) In view of the contemplated transfer to His Majesty's Government of the rights hitherto exercised under the regime of the Capitulations by the various foreign Governments, Egypt recognises the right of Great Britain to intervene, through her representative in Egypt, to prevent the application to foreigners of any Egyptian law now requiring foreign consent, and Great Britain on her side undertakes not to exercise this right except in the case of laws operating inequitably against foreigners.

"Alternative:-

In view of the contemplated transfer to His Majesty's Government of the rights hitherto exercised under the regime of the Capitulations by the various foreign Governments, Egypt recognises the right of Great Britain to intervene, through her representative in Egypt, to prevent the application to foreigners of any Egyptian law now requiring foreign consent, and Great Britain on her side undertakes not to exercise this right except in the matter of taxation, or inconsistent with the principles of legislation in common to all the capitulatory Powers.

- (vi.) On account of the special relations between Great Britain and Egypt created by the Alliance, the British representative will be

accorded an exceptional position in Egypt and will be entitled to precedence over all other representatives.

- (vii.) The engagements of British and other foreign officers and administrative officials who entered into the service of the Egyptian Government before the coming into force of the Treaty may be terminated, at the instance of either the officials themselves or the Egyptian Government, at any time within two years after the coming into force of the Treaty. The pension or compensation to be accorded to officials retiring under this provision, in addition to that provided by the existing law, shall be determined by the Treaty. In cases where no advantage is taken of this arrangement existing terms of service will remain unaffected.

"5. This Treaty will be submitted to the approval of a Constituent Assembly, but it will not come into force until after the agreements with foreign Powers for the closing of their Consular Courts and the decrees for the reorganisation of the Mixed Tribunals have come into operation.

"6. This Constituent Assembly will also be charged with the duty of framing a new Organic Statute, in accordance with the provisions for the Ministers being responsible to the Legislature. It will also provide religious toleration for all persons and for the due protection of the rights of foreigners.

"7. The necessary modifications in the regime of the Capitulations will be secured by agreements to be concluded by Great Britain with the various capitulatory Powers. These agreements will provide for the closing of the foreign Consular Courts, so as to render possible the reorganisation and extension of the jurisdiction of the Mixed Tribunals and the application to all foreigners in Egypt of the legislation (including legislation imposing taxation) enacted by the Egyptian Legislature.

"8. These agreements will provide for the transfer to His Majesty's Government of the rights previously exercised under the regime of the Capitulations by the various foreign Governments. They will also contain stipulations to the following effect :-

- (a.) No attempt will be made to discriminate against the nationals of a Power which agrees to close its Consular Courts, and such nationals shall enjoy in Egypt the same treatment as British subjects.
- (b.) The Egyptian Nationality Law will be founded on the *jus sanguinis*, so that the children born in Egypt of a foreigner will enjoy the nationality of their father, and will not be claimed as Egyptian subjects.
- (c.) Consular officers of the foreign Powers shall be accorded by Egypt the same status as foreign Consuls enjoy in England.

- (d.) Existing Treaties and Conventions to which Egypt is a party on matters of commerce and navigation, including postal and telegraphic Conventions, will remain in force. Pending the conclusion of special agreements to which she is a party, Egypt will apply the Treaties in force between Great Britain and the foreign Power concerned on questions affected by the closing of the Consular Courts, such as extradition Treaties, Treaties for the surrender of seamen deserters, and c., as also Treaties of a political nature, whether multilateral or bilateral, e.g., arbitration Conventions and the various Conventions relating to the conduct of hostilities.
- (e.) The liberty to maintain schools and to teach the language of the foreign country concerned will be guaranteed, provided that such schools are subject in all respects to the laws applicable generally to European schools in Egypt.
- (f.) The liberty to maintain or organise religious and charitable foundations, such as hospitals, and c., will also be guaranteed.

"The Treaties will also provide for the necessary changes in the Commission of the Debt and the elimination of the international element in the Alexandria Board of Health.

"9. The legislation rendered necessary by the aforesaid agreements between Great Britain and the foreign Powers, will be effected by decrees to be issued by the Egyptian Government.

"A decree shall be enacted at the same time validating all measures, legislative, administrative or judicial, taken under Martial Law.

"10. The decrees for the reorganisation of the Mixed Tribunals will provide for conferring upon these Tribunals all jurisdiction hitherto exercised by the foreign Consular Courts, while leaving the jurisdiction of the Native Courts untouched.

"11. After the coming into force of the Treaty referred to in Article 3, Great Britain will communicate its terms to foreign Powers and will support an application by Egypt for admission as a member of the League of Nations.

"August 18, 1920."

APPENDIX BThe declaration of Egyptian independence, February 28, 1922.

Whereas His Majesty's government, in accordance with their declared intentions, desire forthwith to recognize Egypt as an independent sovereign State; and

Whereas the relations between His Majesty's government and Egypt are of vital interest to the British Empire;

The following principles are hereby declared:

1. The British protectorate over Egypt is terminated, and Egypt is declared to be an independent sovereign State.
2. So soon as the government of His Highness shall pass an Act of Indemnity with application to all inhabitants of Egypt, martial law, as proclaimed 2 November 1914, shall be withdrawn.
3. The following matters are absolutely reserved to the discretion of His Majesty's government until such time as it may be possible by free discussion and friendly accommodation on both sides to conclude agreements in regard thereto between His Majesty's government and the government of Egypt:
 - (a) The security of the communications of the British Empire in Egypt.
 - (b) The defence of Egypt against all foreign aggression or interference, direct or indirect.
 - (c) The protection of foreign interests in Egypt and the protection of minorities.
 - (d) The Sudan.

Pending the conclusion of such agreements, the status quo in all these matters shall remain intact.

2. Egypt No.1 (1922), Cmd.1592, Correspondence Respecting Affairs in Egypt, His Majesty's Stationery Office, London, 1922, pp.29-30.

APPENDIX C

British Note to the Secretary-General of the League of Nations,
November 19, 1924, on the adoption of the Geneva protocol for the
Pacific settlement of International Disputes. 3

(1) The attention of his Britannic Majesty's Government has been called to the resolution adopted by the Assembly of the League of Nations on October 2, 1924, for opening the Protocol on the pacific settlement of international disputes for signature by those representatives of members of the League who were already in a position to sign it, and to hold it open for signature by all other States.

(2) The terms of this resolution might suggest the communication of the Protocol to the Government of Egypt. I am directed by his Britannic Majesty's Principal Secretary of State for Foreign Affairs to remind you that the British protectorate over Egypt came to an end in virtue of the declaration made by the Government of his Britannic Majesty on February 28, 1922, and approved by Parliament on March 13 of that year. Under the terms of that instrument certain questions were absolutely reserved to the discretion of his Britannic Majesty's Government until such time as an agreement might be come to regarding them with the Egyptian Government.

(3) The Governments of other countries were informed by his Britannic Majesty's Government of the termination of the British Protectorate over Egypt in a notification which contained the following passage :-
"The welfare and integrity of Egypt are necessary to the peace and safety of the British Empire, which will therefore always maintain as an essential British interest the special relations between itself and Egypt long recognized by other countries. These special relations are defined in the declaration recognizing Egypt as an independent Sovereign State. His Majesty's Government have laid them down as matters in which the rights and interests of the British Empire are vitally involved, and will not admit them to be questioned or discussed by any other Power. In pursuance of this principle they will regard as an unfriendly act any attempt at interference in the affairs of Egypt by another Power, and they will consider any aggression against the territory of Egypt as an act to be repelled with all the means at their command."

3. "Egypt And Geneva Protocol: British Note to the League,"
the Text is in The Times 5 December 1924, London, p.13, co.E.

(4) In these circumstances his Britannic Majesty's Government are unable to admit that the Protocol, if signed by Egypt, will enable the Egyptian Government to invoke the intervention of the League of Nations in the settlement of matters absolutely reserved by the declaration to the discretion of his Britannic Majesty's Government.

This Note is dated November 19, On its receipt the Secretary-General inquired whether the intention of the British Government in sending the Note was that it should be circulated to the States to which the Protocol had been sent. A reply was received on December 3 stating that this was the British Government's desire, and the Note has accordingly been so circulated.

It is a remarkable coincidence that the Note was dispatched on the very day that the late Sirdar was shot, and was obviously drawn up before the Egyptian crisis occurred.

APPENDIX DTREATY OF ALLIANCE

between His Majesty, in respect of the United Kingdom, and His Majesty
the King of Egypt, signed on August 26, 1936. 4.

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4. Treaty Series No.6 (1937), Cmd., 5360, His Majesty's
Stationery Office, London, 1937 pp.3-29.

TREATY OF ALLIANCE BETWEEN HIS MAJESTY, IN RESPECT OF
THE UNITED KINGDOM, AND HIS MAJESTY THE KING OF EGYPT.

London, August 26, 1936.

[Ratifications exchanged at Cairo on December 22, 1936.]

His Majesty The King of Great Britain, Ireland and the British
Dominions beyond the Seas, Emperor of India, and His Majesty the
King of Egypt ;

Being anxious to consolidate the friendship and the relations of good
understanding between them and to co-operate in the execution of their
international obligations in preserving the peace of the world ;

And considering that these objects will best be achieved by the
conclusion of a treaty of friendship and alliance, which in their common
interest will provide for effective co-operation in preserving peace and
ensuring the defence of their respective territories, and shall govern
their mutual relations in the future ;

Have agreed to conclude a treaty for this purpose, and have appointed
as their plenipotentiaries :-

His Majesty The King of Great Britain, Ireland and the British
Dominions beyond the Seas, Emperor of India (hereinafter referred to as
His Majesty The King Emperor) :

For Great Britain and Northern Ireland :

The Rt. Hon. Anthony Eden, M.C., M.P., His Principal Secretary
of State for Foreign Affairs.

The Rt. Hon. James Ramsay MacDonald, M.P., Lord President
of the Council.

The Rt. Hon. Sir John Simon, G.C.S.I., K.C.V.O., O.B.E.,
K.C., M.P., His Principal Secretary of State for the Home
Department.

The Rt. Hon. Viscount Halifax, K.G., G.C.S.I., G.C.I.E.,
Lord Privy Seal.

Sir Miles Wedderburn Lampson, K.C.M.G., C.B., M.V.O.,
His High Commissioner for Egypt and Sudan.

His Majesty the King of Egypt :

Moustapha El Nahas Pacha, President of the Council of Ministers.

Dr. Ahmed Maher, President of the Chamber of Deputies.

Mohamed Mahmoud Pacha, former President of the Council
of Ministers.

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B 2

Ismail Sedky Pacha, former President of the Council of Ministers.

Abdel Fattah Yehia Pacha, former President of the Council of
Ministers.

Wacyf Boutros Ghali Pacha, Minister of Foreign Affairs.

Osman Moharram Pacha, Minister of Public Works.

Makram Ebeid Pacha, Minister of Finance.

Mahmoud Fahmy El-Nokrachi Pacha, Minister of Communications.

Ahmed Hamdi Seif El Nasr Pacha, Minister of Agriculture.

Aly El Chamsi Pacha, former Minister.

Mohamed Helmi Issa Pacha, former Minister.

Hafez Afifi Pacha, former Minister.

Who, having communicated their full powers, found in good and due
form, have agreed as follows :-

Article 1.

The military occupation of Egypt by the forces of His Majesty The
King and Emperor is terminated.

Article 2.

His Majesty The King and Emperor will henceforth be represented at the Court of His Majesty the King of Egypt and His Majesty the King of Egypt will be represented at the Court of St. James's by Ambassadors duly accredited.

Article 3.

Egypt intends to apply for membership to the League of Nations. His Majesty's Government in the United Kingdom, recognising Egypt as a sovereign independent State, will support any request for admission which the Egyptian Government may present in the conditions prescribed by Article 1 of the Covenant.

Article 4.

An alliance is established between the High Contracting Parties with a view to consolidating their friendship, their cordial understanding and their good relations.

Article 5.

Each of the High Contracting Parties undertakes not to adopt in relation to foreign countries an attitude which is inconsistent with the alliance, nor to conclude political treaties inconsistent with the provisions of the present treaty.

Article 6.

Should any dispute with a third State produce a situation which involves a risk of a rupture with that State, the High Contracting Parties will consult each other with a view to the settlement of the said dispute by peaceful means, in accordance with the provisions of the Covenant of the League of Nations and of any other international obligations which may be applicable to the case.

Article 7.

Should, notwithstanding the provisions of Article 6 above, either of the High Contracting Parties become engaged in war, the other High Contracting Party will, subject always to the provisions of Article 10 below, immediately come to his aid in the capacity of an ally.

The aid of His Majesty the King of Egypt in the event of war, imminent menace of war or apprehended international emergency will consist in furnishing to His Majesty The King Emperor on Egyptian

territory, in accordance with the Egyptian system of administration and legislation, all the facilities and assistance in his power, including the use of his ports, aerodromes and means of communication. It will accordingly be for the Egyptian Government to take all the administrative and legislative measures, including the establishment of martial law and an effective censorship, necessary to render these facilities and assistance effective.

Article 8.

In view of the fact that the Suez Canal, whilst being an integral part of Egypt, is a universal means of communication as also an essential means of communication between the different parts of the British Empire, His Majesty the King of Egypt, until such time as the High Contracting Parties agree that the Egyptian Army is in a position to ensure by its own resources the liberty and entire security of navigation of the Canal, authorises His Majesty the King and Emperor to station forces in Egyptian territory in the vicinity of the Canal, in the zone specified in the Annex to this Article, with a view to ensuring in co-operation with the Egyptian forces the defence of the Canal. The detailed arrangements for the carrying into effect of this Article are contained in the Annex hereto. The presence of these forces shall not constitute in any manner an occupation and will in no way prejudice the sovereign rights of Egypt.

It is understood that at the end of the period of twenty years specified in Article 16 the question whether the presence of British forces is no longer necessary owing to the fact that the Egyptian Army is in a position to ensure by its own resources the liberty and entire security of navigation of the Canal may, if the High Contracting Parties do not agree thereon, be submitted to the Council of the League of Nations for decision in accordance with the provisions of the Covenant in force at the time of signature of the present treaty or to such other person or body of persons for decision in accordance with such other procedure as the High Contracting Parties may agree.

Annex to Article 8.

1. Without prejudice to the provisions of Article 7, the numbers of the forces of His Majesty The King and Emperor to be maintained in the vicinity of the Canal shall not exceed, of the land forces, 10,000, and of the air forces, 400 pilots, together with the necessary ancillary personnel for administrative and technical duties. These numbers do not include civilian personnel, e.g., clerks, artisans and labourers.

2. The British forces to be maintained in the vicinity of the Canal will be distributed (a) as regards the land forces, in Moascar and the Geneifa area on the south-west side of the Great Bitter Lake, and (b) as regards the air forces, within 5 miles of the Port Said-Suez railway from Kantara in the north, to the junction of the railway Suez-Cairo and Suez-Ismailia in the south, together with an extension along the Ismailia-Cairo railway to include the Royal Air Force Station at Abu Sueir and its satellite landing grounds; together with areas suitable for air firing and bombing ranges, which may have to be placed east of the Canal.

3. In the localities specified above there shall be provided for the British land and air forces of the numbers specified in paragraph 1 above, including 4,000 civilian personnel (but less 2,000 of the land forces, 700 of the air forces and 450 civilian personnel for whom accommodation already exists), the necessary lands and durable barrack and technical accommodation, including an emergency water supply. The lands, accommodation and water supply shall be suitable according to modern standards. In addition, amenities such as are reasonable, having regard to the character of these localities, will be provided by the planting of trees and the provision of gardens, playing fields, and c., for the troops, and a site for the erection of a convalescent camp on the Mediterranean coast.

4. The Egyptian Government will make available the lands and construct the accommodation, water supplies, amenities and convalescent camp, referred to in the preceding paragraph as being necessary over and above the accommodation already existing in these localities, at its own expense, but His Majesty's Government in the United Kingdom will contribute (1) the actual sum spent by the Egyptian Government before 1914 on the construction of new barracks as alternative accommodation to the Kasr-el-Nil Barracks in Cairo, and (2) the cost of one-fourth of the barrack and technical accommodation for the land forces. The first of these sums shall be paid at the time specified in paragraph 8 below for the withdrawal of the British forces from Cairo and the second at the time for the withdrawal of the British forces from Alexandria under paragraph 18 below. The Egyptian Government may charge a fair rental for the residential accommodation provided for the civilian personnel. The amount of the rent will be agreed between His Majesty's Government in the United Kingdom and the Egyptian Government.

5. The two Governments will each appoint, immediately the present treaty comes into force, two or more persons who shall together form a committee to whom all questions relating to the execution of these works

from the time of their commencement to the time of their completion shall be entrusted. Proposals for, or outlines of, plans and specifications put forward by the representatives of His Majesty's Government in the United Kingdom will be accepted, provided they are reasonable and do not fall outside the scope of the obligations of the Egyptian Government under paragraph 4. The plans and specifications of each of the works to be undertaken by the Egyptian Government shall be approved by the representatives of both Governments on this committee before the work is begun. Any member of this committee, as well as the Commanders of the British forces or their representatives, shall have the right to examine the works at all stages of their construction, and the United Kingdom members of the committee may make suggestions as regards the manner in which the work is carried out. The United Kingdom members shall also have the right to make at any time, while the work is in progress, proposals for modifications or alterations in the plans and specifications. Effect shall be given to suggestions and proposals by the United Kingdom members, subject to the conditions that they are reasonable and do not fall outside the scope of the obligations of the Egyptian Government under paragraph 4. In the case of machinery and other stores, where standardization of type is important, it is agreed that stores of the standard type in general use by the British forces will be obtained and installed. It is, of course, understood that His Majesty's Government in the United Kingdom may, when the barracks and accommodation are being used by the British forces, make at their own expense improvements or alterations thereto and construct new buildings in the areas specified in paragraph 2 above.

6. In pursuance of their programme for the development of road and railway communications in Egypt, and in order to bring the means of communications in Egypt up to modern strategic requirements, the Egyptian Government will construct and maintain the following roads, bridges and railways :-

(A) - Roads.

(i) Ismailia-Alexandria, via Tel-el-Kebir, Zagazig, Zifta, Tanta, Kafr-el-Zayat, Damanhour.

(ii) Ismailia-Cairo, via Tel-el-Kebir and thence continuing along the Sweet Water Canal to Heliopolis.

(iii) Port Said-Ismailia-Suez.

(iv) A link between the south end of the Great Bitter Lake and the Cairo-Suez road about 15 miles west of Suez.

In order to bring them up to the general standard of good-class roads for general traffic, these roads will be 20 feet wide, have by-passes round vilages, and c., and be made of such material as to be permanently utilisable for milirary purposes, and will be constructed in the above order of importance. They will comply with the technical specifications set out below which are the ordinary specifications for a good-class road for general traffic.

Bridges and roads shall be capable of carrying a double line of continuous columns of either heavy four-wheeled mechanical transport, six-wheeled mechanical transport or medium tanks. With regard to four-wheeled vehicles, the distance between the front axle of one vehicle and the rear axle of the vehicle next ahead shall be calculated at 20 feet, the load on each rear axle to be 14 tons, on each front axle to be 6 tons and the distance between axles 18 feet. With regard to six-wheeled vehicles, the distance between the front axle of one vehicle and the rear axle of that next ahead shall be calculated to be 20 feet, between rear axle and middle axle to be 4 feet and between middle axle and front axle 13 feet; the load on each rear and middle axle to be 8.1 tons and on each front axle to be 4 tons. Tanks shall be calculated for as weighing 19.25 tons, to be 25 feet over all in length and to have a distance of 3 feet between the front of one tank and the rear of the next ahead; the load of 19.25 tons to be carried by tracks which have a bearing of 13 feet upon the road or bridge.

(B) - Railways.

(i) (1) Railway facilities in the Canal Zone will be increased and improved to meet the needs of the increased garrison in the zone and to provide facilities for rapid entrainment of personnel, guns, vehicles and stores according to the requirements of a modern army. His Majesty's Government in the United Kingdom are hereby authorised to make at their own expense such subsequent additions and modifications to these railway facilities as the future requirements of the British forces may demand. Where such additions or modifications affect railway lines used for general traffic, the permission of the Egyptian Government must be obtained.

(ii) The line between Zagazig and Tanta will be doubled.

(iii) The Alexandria-Mersa Matruh line will be improved and made permanent.

7. In addition to the roads specified in paragraph 6 (A) above, and for the same purposes, the Egyptian Government will construct and maintain the following roads :-

(1) See Note No.1 on page 180.

- (i) Cairo south along the Nile to Kena and Kus;
- (ii) Kus to Kosseir;
- (iii) Kena to Hurghada.

These roads and the bridges thereon will be constructed to satisfy the same standards as those specified in paragraph 6 above.

It may not be possible for the construction of the roads referred to in this paragraph to be undertaken at the same time as the roads referred to in paragraph 6, but they will be constructed as soon as possible.

8. When, to the satisfaction of both the High Contracting Parties, the accommodation referred to in paragraph 4 is ready (accommodation for the forces retained temporarily at Alexandria in accordance with paragraph 18 below not being included) and the works referred to in paragraph 6 above (other than the railways referred to in (ii) and (iii) of part (B) of that paragraph) have been completed, then the British forces in parts of Egypt other than the areas in the Canal Zone specified in paragraph 2 above and except for those maintained temporarily at Alexandria, will withdraw and the lands, barracks, aircraft landing grounds, seaplane anchorages and accommodation occupied by them will be vacated and, save in so far as they may belong to private persons, be handed over to the Egyptian Government.

9. Any difference of opinion between the two Governments relating to the execution of paragraphs 3, 4, 5, 6, 7 and 8 above will be submitted to the decision of an Arbitral Board, composed of three members, the two Governments nominating each a member and the third being nominated by the two Governments in common agreement. The decision of the Board shall be final.

10. In order to ensure the proper training of British troops, it is agreed that the area defined below will be available for the training of British forces : (a) and (b) at all times of the year, and (c) during February and March for annual manoeuvres :-

- (a) West of the Canal : From Kantara in the north to the Suez-Cairo railway (inclusive) in the south and as far as longitude 31 30 minutes east, exclusive of all cultivation;
- (b) East of the Canal as required;
- (c) A continuation of (a) as far south as latitude 29 degrees 52 minutes north, thence south-east to the junction of latitude 29 degrees 30 minutes north and longitude 31 degrees 44 minutes east and

from that point eastwards along latitude 29 degrees 30 minutes north.

The areas of the localities referred to above are included in the map (scale 1 : 500,000) which is annexed to the present Treaty. (2)

11. Unless the two Governments agree to the contrary, the Egyptian Government will prohibit the passage of aircraft over the territories situated on either side of the Suez Canal and within 20 kilometres of it, except for the purpose of passage from east to west or vice versa by means of a corridor 10 kilometres wide at Kantara. This prohibition will not, however, apply to the forces of the High Contracting Parties or to genuinely Egyptian air organisations or to air organisations genuinely belonging to any part of the British Commonwealth of Nations operating under the authority of the Egyptian Government.

12. The Egyptian Government will provide when necessary reasonable means of communication and access to and from the localities where the British forces are situated and will also accord facilities at Port Said and Suez for the landing and storage of material and supplies for the British forces, including the maintenance of a small detachment of the British forces in these ports to handle and guard this material and these supplies in transit.

13. In view of the fact that the speed and range of modern aircraft necessitate the use of wide areas for the efficient training of air forces, the Egyptian Government will accord permission to the British air forces to fly wherever they consider it necessary for the purpose of training. Reciprocal treatment will be accorded to Egyptian air forces in British territories.

14. In view of the fact that the safety of flying is dependent upon provision of a large number of places where aircraft can alight, the Egyptian Government will secure the maintenance and constant availability of adequate landing grounds and seaplane anchorages in Egyptian territory and waters. The Egyptian Government will accede to any request from the British air forces for such additional landing grounds and seaplane anchorages as experience may show to be necessary to make the number adequate for allied requirements.

15. The Egyptian Government will accord permission for the British air forces to use the said landing grounds and seaplane anchorages, and in the case of certain of them to send stocks of fuel and stores thereto, to be kept in sheds to be erected thereon for this purpose, and in case of urgency to undertake such work as may be necessary for the safety of aircraft.

(2) A map (scale 1 : 1,000,000) to illustrate the Treaty is annexed.

16. The Egyptian Government will give all necessary facilities for the passage of the personnel of the British forces, aircraft and stores to and from the said landing grounds and seaplane anchorages. Similar facilities will be afforded to the personnel, aircraft and stores of the Egyptian forces at the air bases of the British forces.

17. The British military authorities shall be at liberty to request permission from the Egyptian Government to send parties of officers in civilian clothes to the Western Desert to study the grounds and draw up tactical schemes. This permission shall not be unreasonably withheld.

18. His Majesty the King of Egypt authorises His Majesty The King and Emperor to maintain units of his forces at or near Alexandria for a period not exceeding eight years from the date of the coming into force of the present treaty, this being the approximate period considered necessary by the two High Contracting Parties -

(a) For the final completion of the barrack accommodation in the Canal zone;

(b)(3) For the improvement of the roads -

- (i) Cairo-Suez;
- (ii) Cairo-Alexandria via Giza and the desert;
- (iii) Alexandria-Mersa Matruh;

so as to bring them up to the standard specified in part (A) of paragraph 6;

(c) The improvement of the railway facilities between Ismailia and Alexandria, and Alexandria and Mersa Matruh referred to in (ii) and (iii) of part (B) of paragraph 6.

The Egyptian Government will complete the work specified in (a), (b) and (c) above before the expiry of the period of eight years aforesaid. The roads and railway facilities mentioned above will, of course, be maintained by the Egyptian Government.

19. The British forces in or near Cairo shall, until the time for withdrawal under paragraph 8 above, and the British forces in or near Alexandria until the expiry of the time specified in paragraph 18 above, continue to enjoy the same facilities as at present.

(3) See note No. 2 on page 182.

Article 9.

The immunities and privileges in jurisdictional and fiscal matters to be enjoyed by the forces of His Majesty The King and Emperor who are in Egypt in accordance with the provisions of the present treaty will be determined in a separate convention (4) to be concluded between the Egyptian Government and His Majesty's Government in the United Kingdom.

Article 10.

Nothing in the present treaty is intended to or shall in any way prejudice the rights and obligations which devolve, or may devolve, upon either of the High Contracting Parties under the Covenant of the League of Nations or the Treaty for the Renunciation of War signed at Paris on the 27th August, 1928. (5)

Article 11.

1. While reserving liberty to conclude new conventions in future, modifying the agreements of the 19th January and the 10th July, 1899, the High Contracting Parties agree that the administration of the Sudan shall continue to be that resulting from the said agreements. The Governor-General shall continue to exercise on the joint behalf of the High Contracting Parties the powers conferred upon him by the said agreements.

The High Contracting Parties agree that the primary aim of their administration in the Sudan must be the welfare of the Sudanese.

Nothing in this article prejudices the question of sovereignty over the Sudan.

2. (6) Appointments and promotions of officials in the Sudan will in consequence remain vested in the Governor-General, who, in making new appointments to posts for which qualified Sudanese are not available will select suitable candidates of British and Egyptian nationality.

3. In addition to Sudanese troops, both British and Egyptian troops shall be placed at the disposal of the Governor-General for the defence of the Sudan.

(4) For convention see page 184.

(5) Treaty Series No. 29 (1929) (Cmd. 3410).

(6) See note No. 3 on page 182.

4. Egyptian immigration into the Sudan shall be unrestricted except for reasons of public order and health.

5. There shall be no discrimination in the Sudan between British subjects and Egyptian nationals in matters of commerce, immigration or the possession of property.

6. The High Contracting Parties are agreed on the provisions set out in the Annex to this Article as regards the method by which international conventions are to be made applicable to the Sudan.

Annex to Article 11.

1. Unless and until the High Contracting Parties agree to the contrary in application of paragraph 1 of this Article, the general principle for the future shall be that international conventions shall only become applicable to the Sudan by the joint action of the Governments of the United Kingdom and of Egypt, and that such joint action shall similarly also be required if it is desired to terminate the participation of the Sudan in an international convention which already applies to this territory.

2. Conventions to which it will be desired that the Sudan should be a party will generally be conventions of a technical or humanitarian character. Such conventions almost invariably contain a provision for subsequent accession, and in such cases this method of making the convention applicable to the Sudan will be adopted. Accession will be effected by a joint instrument, signed on behalf of Egypt and the United Kingdom respectively by two persons duly authorised for the purpose. The method of depositing the instruments of accession will be the subject of agreement in each case between the two Governments. In the event of its being desired to apply to the Sudan a convention which does not contain an accession clause, the method by which this should be effected will be the subject of consultation and agreement between the two Governments.

3. If the Sudan is already a party to a convention, and it is desired to terminate the participation of the Sudan therein, the necessary notice of termination will be given jointly by the United Kingdom and by Egypt.

4. It is understood that the participation of the Sudan in a convention and the termination of such participation can only be effected by joint action specifically taken in respect of the Sudan, and does not follow merely from the fact that the United Kingdom and Egypt are both parties to a convention or have both denounced a convention.

5. At international conferences where such conventions are negotiated, the Egyptian and the United Kingdom delegates would naturally keep in touch with a view to any action which they may agree to be desirable in the interests of the Sudan.

Article 12.

His Majesty The King and Emperor recognises that the responsibility for the lives and property of foreigners in Egypt devolves exclusively upon the Egyptian Government, who will ensure the fulfilment of their obligations in this respect.

Article 13.

His Majesty The King and Emperor recognises that the capitulatory regime now existing in Egypt is no longer in accordance with the spirit of the times and with the present state of Egypt.

His Majesty the King of Egypt desires the abolition of this regime without delay.

Both High Contracting Parties are agreed upon the arrangements with regard to this matter as set forth in the Annex to this Article.

Annex to Article 13.

1. It is the object of the arrangements set out in this Annex :-

- (i) To bring about speedily the abolition of the Capitulations in Egypt with the disappearance of the existing restrictions on Egyptian sovereignty in the matter of the application of Egyptian legislations (including financial legislation) to foreigners as its necessary consequence;
- (ii) To institute a transitional regime for a reasonable and not unduly prolonged period to be fixed, during which the Mixed Tribunals will remain and will, in addition to their present judicial jurisdiction, exercise the jurisdiction at present vested in the Consular Courts.

At the end of this transitional period the Egyptian Government will be free to dispense with the Mixed Tribunals.

2. As a first step, the Egyptian Government will approach the Capitulatory Powers as soon as possible with a view to (a) the removal of all restrictions on the application of Egyptian legislation to foreigners, and (b) the institution of a transitional regime for the Mixed Tribunals as provided in paragraph 1 (ii) above.

3. His Majesty's Government in the United Kingdom, as the Government of a Capitulatory Power and as an ally of Egypt, are in no way opposed to the arrangements referred to in the preceding paragraph and will collaborate actively with the Egyptian Government in giving effect to them by using all their influence with the Powers exercising capitulatory rights in Egypt.

4. It is understood that in the event of its being found impossible to bring into effect the arrangements referred to in paragraph 2, the Egyptian Government retains its full rights unimpaired with regard to the capitulatory regime, including the Mixed Tribunals.

5. It is understood that paragraph 2 (a) involves not merely that the assent of the Capitulatory Powers will be no longer necessary for the application of any Egyptian legislation to their nationals, but also that the present legislative functions of the Mixed Tribunals as regards the application of Egyptian legislation to foreigners will terminate. It would follow from this that the Mixed Tribunals in their judicial capacity would no longer have to pronounce upon the validity of the application to foreigners of an Egyptian law or decree which has been applied to foreigners by the Egyptian Parliament or Government, as the case may be.

6. His Majesty the King of Egypt hereby declares that no Egyptian legislation made applicable to foreigners will be inconsistent with the principles generally adopted in modern legislation or, with particular relation to legislation of a fiscal nature, discriminate against foreigners, including foreign corporate bodies.

7. In view of the fact that it is the practice in most countries to apply to foreigners the law of their nationality in matters of "statut personnel," consideration will be given to the desirability of excepting from the transfer of jurisdiction, at any rate in the first place, matters relating to "statut personnel" affecting nationals of those Capitulatory Powers who wish that their Consular authorities should continue to exercise such jurisdiction.

8. The transitional regime for the Mixed Tribunals and the transfer to them of the jurisdiction at present exercised by the Consular Courts (which regime and transfer will, of course, be subjects to the provisions of the special convention referred to in Article 9) will necessitate the revision of existing laws relating to the organisation and jurisdiction of the Mixed Tribunals, including the preparation and promulgation of a new Code of Criminal Procedure. It is understood that this revision will include amongst other matters :-

- (i) The definition of the word "foreigner" for the purpose of the future jurisdiction of the Mixed Tribunals;
- (ii) The increase of the personnel of the Mixed Tribunals and the Mixed Parquet, which will be necessitated by the proposed extension of their jurisdiction;
- (iii) The procedure in the case of pardons or remissions of sentences imposed on foreigners and also in connection with execution of capital sentences passed on foreigners.

Article 14.

The present treaty abrogates any existing agreements or other instruments whose continued existence is inconsistent with its provisions. Should either High Contracting Party so request, a list of the agreements and instruments thus abrogated shall be drawn up in agreement between them within six months of the coming into force of the present treaty.

Article 15.

The High Contracting Parties agree that any difference on the subject of the application or interpretation of the provisions of the present treaty which they are unable to settle by direct negotiation shall be dealt with in accordance with the provisions of the Covenant of the League of Nations.

Article 16.

At any time after the expiration of a period of twenty years from the coming into force of the treaty, the High Contracting Parties will, at the request of either of them, enter into negotiations with a view to such revision of its terms by agreement between them as may be appropriate in the circumstances as they then exist. In case of the High Contracting Parties being unable to agree upon the terms of the revised treaty, the difference will be submitted to the Council of the League of Nations for decision in accordance with the provisions of the Covenant in force at the time of signature of the present treaty or to such other person or body of persons for decision in accordance with such procedure as the High Contracting Parties may agree. It is agreed that any revision of this treaty will provide for the continuation of the Alliance between the High Contracting Parties in accordance with the principles contained in Articles 4, 5, 6 and 7. Nevertheless, with the consent of both High Contracting Parties, negotiations may be entered into at any time after the expiration of a period of ten years after the coming into force of the treaty, with a view to such revision as aforesaid.

Article 17.

The present treaty is subject to ratification. Ratifications shall be exchanged in Cairo as soon as possible. The treaty shall come into force on the date of the exchange of ratifications, and shall thereupon be registered with the Secretary-General of the League of Nations.

In witness thereof the above-named plenipotentiaries have signed the present treaty and affixed thereto their seals.

Done at London in duplicate this 26th day of August, 1936.

(L.S.) ANTHONY EDEN.

(L.S.) J. RAMSAY MacDONALD.

(L.S.) JOHN SIMON.

(L.S.) HALIFAX.

(L.S.) MILES W. LAMPSON.

(L.S.) MOUSTAPHA EL-NAHAS.

(L.S.) AHMAD MAHER.

(L.S.) M. MAHMOUD.

(L.S.) I. SEDKI.

(L.S.) A. YEHA.

(L.S.) WACYF BOUTROS GHALI.

(L.S.) O. MOHARRAM.

(L.S.) MAKRAM EBEID.

(L.S.) MAHMOUD FAHMY EL-NOKRACHY.

(L.S.) A. HAMDY SEIF EL NASR.

(L.S.) ALY EL CHAMSI.

(L.S.) M. H. ISSA.

(L.S.) HAFEZ AFIFI.

AGREED MINUTE.

The United Kingdom and Egyptian Delegation desire at the moment of signature to record in a minute certain points of interpretation of the provisions of the Treaty of Alliance upon which they are agreed.

These points are as follows:-

(i) It is of course understood that the facilities provided for in Article 7 to be furnished to His Majesty The King and Emperor include the sending of British forces or reinforcements in the eventualities specified in that Article.

(ii) With reference to Article 7, it is understood that as a result of the provisions of Article 6, there will have been mutual consultation between the two Governments in the case of a risk of a rupture. In the case of an apprehended international emergency, the same principle of mutual consultation applies.

(iii) The "means of communication" referred to in the second sentence of Article 7 include telecommunications (cables, telegraphs, telephones and wireless).

(iv) Amongst the military, administrative and legislative measures referred to in the third sentence of Article 7 are included measures under which the Egyptian Government, in the exercise of their powers as regards radio-electric communications, will take into account the requirements of the W/T stations of the British forces in Egypt, and will continue to co-operate with the British authorities to prevent any mutual interference between British and Egyptian W/T stations, and measures providing for the effective control of all means of communications referred to in that Article.

(v) The words "Geneifa area" in paragraph 2 (a) of the Annex to Article 8 mean: along the shore of the Great Bitter Lake from a point 3 kilometres North of Geneifa Station to a point 3 kilometres South-East of Fayid Station to a depth of 3 kilometres from the shore of the lake.

(vi) With reference to paragraph 2 (b) of the Annex to Article 8, it is understood that the exact sites in the area therein referred to where the air forces will be located will be defined as soon as possible.

The Royal Air Force Depot at present situated at Aboukir will also be transferred to this area not later than the date of the withdrawal of the British forces from Cairo under paragraph 8.

(vii) With reference to paragraph 3 of the Annex to Article 8, it is understood (a) that British barrack accommodation includes married quarters for officers and for a proportion of the other ranks, (b) that though the site of the convalescent camp cannot be definitely fixed at the moment, El Arish might possibly prove suitable, and (c) that the Egyptian Government, in pursuance of the policy which it has already taken in hand for the benefit of the inhabitants of those areas, will take all reasonable sanitary measures for the combating of malaria in the areas adjacent to those where the British forces are situated.

(viii) With reference to paragraph 6 of the Annex to Article 8, it is understood that, with regard to road No. (iii), the Egyptian Government will, unless they are able to make arrangements with the Suez Canal Company for the use of this road by the British and Egyptian forces and for the improvement of those sections which are not already up to this standard so as to satisfy the conditions laid down in paragraph 6, construct an entirely new road connecting these places.

(ix) With reference to paragraph 12 of the Annex to Article 8, it is understood that the number of the detachment referred to shall be limited to the minimum strictly necessary to handle and guard this material.

(x) With reference to paragraph 13 of the Annex to Article 8, it is understood that flying will take place for training purposes mostly over desert areas, and that populated areas will only be flown over where necessity so demands.

(xi) With reference to paragraph 2 of the Egyptian Note relating to military matters, it is of course understood that the cost of the Military Mission will be defrayed by the Egyptian Government, and that the words "proper training" in this paragraph include training in British military colleges and academies.

(xii) Paragraph 2 of the Egyptian Note relating to military matters only applies to persons who are already at the time members of the Egyptian armed forces.

(xiii) The word "equipment" in paragraph e of the Egyptian Note relating to military matters, means all such stores as it is desirable for forces acting together to have as a common pattern. It does not include articles of clothing or articles of local production.

(xiv) With reference to paragraph 1 of Article 11, it is agreed that the Governor-General shall furnish to His Majesty's Government in the United Kingdom and the Egyptian Government an annual report on the administration of the Sudan. Sudan legislation will be notified directly to the President of the Egyptian Council of Ministers.

(xv) With reference to paragraph 2 of Article 11, it is understood that, while the appointment of Egyptian nationals to official posts in the Sudan must necessarily be governed by the number of suitable vacancies, the time of their occurrence and the qualifications of the candidates forthcoming, the provisions of this paragraph will take effect forthwith on the coming into force of the Treaty. The promotion and advancement of members of the Sudan Service shall be irrespective of nationality up to any rank by selection in accordance with individual merits.

It is also understood that these provisions will not prevent the Governor-General occasionally appointing to special posts persons of another nationality when no qualified British subjects, Egyptian nationals or Sudanese are available.

(xvi) With reference to paragraph 3 of Article 11, it is understood that, as the Egyptian Government are willing to send troops to the Sudan, the Governor-General will give immediate consideration to the question of the number of Egyptian troops required for service in the Sudan, the precise places where they will be stationed and the accommodation necessary for them, and that the Egyptian Government will send forthwith, on the coming into force of the Treaty, an Egyptian military officer of high rank whom the Governor-General can consult with regard to these matters.

(xvii) With reference to Article 11, as it has been arranged between the Egyptian Government and His Majesty's Government in the United Kingdom that the question of the indebtedness of the Sudan to Egypt and other financial questions affecting the Sudan shall be discussed between the Egyptian Ministry of Finance and the Treasury of the United Kingdom, and as such discussions have already commenced, it has been considered unnecessary to insert in the Treaty any provision in regard to this question.

(xviii) With regard to paragraph 6 of the Annex to Article 13, it is understood that questions relating to this declaration are not subjects for the appreciation of any Courts in Egypt.

Signed in duplicate at London this 26th day of August, 1936.

ANTHONY EDEN,

His Majesty's Principal Secretary of
State for Foreign Affairs.

MOUSTAPHA EL-NAHAS,

President of the Egyptian Council of
Ministers.

NOTES. -- LONDON, AUGUST 26, 1936.

No. 1.

Moustapha El-Nahas Pacha to Mr. Eden.

London, August 26, 1936.

Sir,

With reference to Article 2 of the treaty signed this day, I have the honour to inform Your Excellency that, as His Majesty The King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, will be the first foreign sovereign to be represented in Egypt by an Ambassador, British Ambassador will be considered senior to the other diplomatic representatives accredited to the Court of His Majesty the King of Egypt.

The provisions of this note are subject to revision at the time and in the conditions provided for in Article 16 of the treaty.

I avail, and c.

MOUSTAPHA EL-NAHAS.

President of the Council of Ministers.

No. 2.

Moustapha El-Nahas Pacha to Mr. Eden.

London, August 26, 1936.

Sir,

With reference to Article 12 of the treaty signed this day, I have the honour to inform Your Excellency that the Egyptian Government intend to abolish forthwith the European Bureau of the Public Security Department, but will retain, for five years from the coming into force of the treaty, a certain European element in their city police. The said police will remain for the same period under the command of British officers.

With a view to facilitating the gradual substitution of Egyptian officials for the said European element and thereby securing the harmonious working of the police organisation, the Egyptian Government propose to dispense annually with the services of one-fifth of the number of European police officials.

The Egyptian Government, in view of the treaty of friendship and alliance signed to-day, will, when engaging the services of foreign experts, generally prefer British subjects possessing the necessary qualifications.

I avail, and c.

MOUSTAPHA EL-NAHAS,

President of the Council of Ministers.

No. 3.

Moustapha El-Nahas Pacha to Mr. Eden.

London, August 26, 1936.

Sir,

I WISH to place on record certain further understandings in regard to military matters which have been reached between us in connexion with the Treaty of Alliance signed this day.

(1) British personnel shall be withdrawn from the Egyptian Army and the functions of the Inspector-General and his staff shall terminate.

(2) The Egyptian Government, desiring to perfect the training of the Egyptian Army including the Air Force, and intending, in the interests of the alliance which has been established, that such foreign instructors as they may deem necessary shall be chosen from amongst British subjects only will avail themselves of the advice of a British Military Mission for such time as they may deem necessary for the purposes aforesaid. His Majesty's Government in the United Kingdom will furnish the Military Mission which the Egyptian Government desire, and will also undertake to receive and provide proper training in the United Kingdom for any personnel of the Egyptian forces which the Egyptian Government may desire to send for the purpose of being trained. In the circumstances created by this treaty the Egyptian Government will naturally not desire to send any personnel of their armed forces to undergo a course in any training establishment or unit abroad elsewhere than the United Kingdom, provided that this shall not prevent it from sending to any other country such personnel as cannot be received in training establishments and units in the United Kingdom.

(3) In the interests of the Alliance, and in view of the possible necessity of co-operative action between the British and Egyptian forces, the armament and equipment, land and air, of the Egyptian forces shall not differ in type from those of the British forces. His Majesty's Government in the United Kingdom undertake to use their good offices to facilitate the supply of such armament and equipment from the United Kingdom, at prices similar to those which would be paid by His Majesty's Government, whenever the Egyptian Government so desire.

I avail, and c.

MOUSTAPHA EL-NAHAS,

President of the Council of Ministers.

NOTES EXCHANGED IN EGYPT. -- AUGUST 12, 1936.

No. 1.

Sir Miles Lampson to Moustapha El-Nahas Pacha.

The Residency, Ramleh,
August 12, 1936.

Sir,

WITH reference to paragraph 6 (B) (i) of the Annex to Article H (9(7)), your Excellency asked me on behalf of the Egyptian Delegation to

(7) Article 8 in the Treaty as signed.

communicate information as regards the work which would be required to be done under this paragraph. I have the honour to enclose a statement which gives these details so far as they can be stated at the present moment. This statement is, however, only approximate and further details might have to be added to it.

I avail, and c.

MILES W. LAMPSON,

High Commissioner.

Enclosure in No. 1.

Approximate Railway Requirements in Canal Zone.

Moascar.

THE existing siding with troop entrainment platform and one siding with end loading ramp, each to hold "60" unit trains, with facilities to enable a train to be despatched every three hours, will be maintained.

Geneifa Area.

(a) Entrainment Station.-- Two sidings with loop entrainment platforms and two sidings with end loading ramps, each to hold "60" unit trains.

(b) Depot Area, facilities as given below together with the necessary shunting loops and c.

Supply Depot: One spur with two loading sidings (each 20 units).

Petrol Depot: One loading (10 units).

M.T. Vehicle Reception Depot: One end loading siding (30 Flats).

Ordnance Depot: One spur with one loading and one end loading siding (each 20 units).

Camp Equipment Depot: One loading siding (40 units).

Ammunition Depot: One spur with two loading sidings (each 20 units).

Hospital Area: One siding and one off-loading platform for one Hospital train.

R.E. Stores Depot: One loading siding (20 units).

N.A.A.F.I. Depot: One loading siding (10 units).

(c) Marshalling and Locomotive Yards to enable one personnel train, or one M.T. train, being despatched every three hours throughout the twenty-four.

(d) Wharves and other unloading as required.

NOTE. -- All loading sidings to have platforms corresponding with the length of the train.

No. 2.

Moustapha El-Nahas Pacha to Sir Miles Lampson.

Antoniades Palace, Alexandria,
August 12, 1936.

Sir,

WITH reference to paragraph 18 (b) of the draft Annex to Article H (9)(8) initialled the 24th July last, I have the honour to inform Your Excellency that the work which is at present being done on the roads Cairo-Alexandria, via Giza and the desert, and Cairo-Suez will be pushed forward and will be completed by the end of 1936.

I avail, and c.

MOUSTAPHA EL-NAHAS,

President of the Council of Ministers.

No. 3.

Sir Miles Lampson to Moustapha El-Nahas Pacha.

The Residency, Ramleh,
August 12, 1936.

Sir,

IN the course of discussions on questions of detail, arising out of paragraph 2 of Article K,(9) the suggestion for the secondment of an

(8) Article 8 in the Treaty as signed (see page 167)

(9) Article 11 in the Treaty as signed (see page 169).

Egyptian economic expert for service at Khartum, and the Governor-General's wish to appoint an Egyptian officer to his personal staff as military secretary, were noted and considered acceptable in principle. It was also considered desirable and acceptable that the Inspector-General of the Egyptian Irrigation Service in the Sudan should be invited to attend the Governor-General's Council when matters relating to his departmental interests were before the Council.

I avail, and c.

MILES W. LAMPSON,

High Commissioner.

ORAL DECLARATION.

Minute of a Meeting held at the Antoniades Palace, Alexandria, on
August 10, 1936.

AT a meeting at the Antoniades Palace on the morning of the 10th August, at which the provisions of the draft treaty relating to the Capitulations and other non-military clauses were under discussion, the following oral declaration was made:-

His Excellency Nahas Pacha, on behalf of the Egyptian Delegation, stated that the absence in the treaty documents of any mention of the Judicial and Financial Advisers meant that the Egyptian Government were free from any restriction of an international character with regard to the retention or non-retention of these officials.

His Excellency the High Commissioner expressed his agreement with the declaration of Nahas Pacha.

CONVENTION BETWEEN HIS MAJESTY'S GOVERNMENT IN THE
UNITED KINGDOM AND THE EGYPTIAN GOVERNMENT
CONCERNING THE IMMUNITIES AND PRIVILEGES TO BE
ENJOYED BY THE BRITISH FORCES IN EGYPT.

London, August 26, 1936.

THE Government of the United Kingdom of Great Britain and Northern Ireland and the Egyptian Government desiring, in accordance with Article 9 of the Treaty of Alliance signed this day, to settle the position as regards jurisdictional and fiscal matters of the Forces in Egypt of His Majesty The King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India (hereinafter referred to as His Majesty), have agreed as follows:-

1. In this Convention the expression "British Forces" includes—

(a) every person subject to the Naval Discipline Act, the Army Act and the Air Force Act of the United Kingdom (or the corresponding Acts of other parts of His Majesty's dominions) who is stationed with, or attached to, the forces of His Majesty, who are present in Egypt in accordance with the provisions of the Treaty of Alliance;

(b) every civilian official of British nationality accompanying or serving with the said forces in Egypt or the Navy, Army and Air Force Institutes, who is either granted relative status, as an officer, or holds a pass designating his status, issued by the Appropriate British Authority as hereinafter defined, and who is paid from the funds of any part of the dominions of His Majesty, or the Navy, Army and Air Force Institutes;

(c) wives, and children under 21 years of age, of the persons mentioned in paragraphs (a) and (b) hereof.

2. — (a) The expression "Appropriate British Authority" means—

(i) in the case of members of His Majesty's Naval Forces, the Senior Naval Officer for the time being within the territorial waters of Egypt; or in cases where the matter is not within his cognizance, the Commander-in-Chief or other officer for the time being commanding the Mediterranean Station;

- (ii) in the case of members of His Majesty's Land Forces, the General or other Officer for the time being commanding the British Troops in Egypt;
- (iii) in the case of members of His Majesty's Air Forces, the Air or other Officer for the time being commanding the Royal Air Force in Egypt.

(b) Any authority given to, or any act or thing to be done by, to or for, any Appropriate British Authority may be exercised by, or done by, to or for, any other person for the time being authorised in that behalf according to the custom of the particular service of His Majesty concerned.

3. —(a) The expression "British Camps" means—

the areas or places which, by virtue of Article 8 of the Treaty and the Annex thereto, have been allocated to the Forces of His Majesty and such other areas as may be so allocated by agreement of both Governments either in addition to or in substitution for the aforesaid areas, and including the temporary camps and bivouacs in the training and manoeuvre areas authorised by the Treaty when being used as such.

(b) the expression "service aircraft" means any aircraft of His Majesty's Forces.

4. No member of the British Forces shall be subject to the criminal jurisdiction of the Courts of Egypt, nor to the civil jurisdiction of those Courts in any matter arising out of his official duties. If any civil proceeding is instituted against a member of the British Forces before any Egyptian Court, notification of the proceedings shall be given to His Majesty's Ambassador, and no further steps shall be taken until twenty-one days have elapsed from the date of notification. This period shall be extended if His Majesty's Ambassador states that it has not been possible to conclude the necessary investigations in the above time. A statement to the Court by His Majesty's Ambassador that the proceedings arise out of official duties will be considered as conclusive evidence of that fact.

5. Without prejudice to the fact that British camps are Egyptian territory, the said camps shall be inviolable and shall be subject to the exclusive control and authority of the Appropriate British Authorities.

6. In pursuance of the provisions of the Treaty of Alliance, the Egyptian Government hereby consents to the enjoyment by the British Forces of --

(a) freedom of movement between British camps, and to or from the ordinary points of access to Egyptian territory by water, land or air; there would of course be consultation with the Egyptian Authorities as regards movements of large bodies of men, stores or vehicles on railways and roads used for general traffic;

(b) unrestricted communication by radio or other telegraphy, telephony or any other means howsoever; and the necessary facilities for maintaining such communications whether inside or outside of British camps, including the laying of cables and land lines; it is understood that the telegraph and telephone cables and lines herein referred to will be situated in the areas where the British Forces are stationed, and that any connection with the Egyptian system of telegraphs and telephones will be subject to arrangement with the Egyptian Authorities;

(c) the right within British camps to generate light and power for use in British camps, and to transmit and distribute such light and power between the place of generation and any other British camp by means of cables, pipes or in any other way whatsoever;

(d) transmission, subject to the payment of the usual charges, of telegrams and messages over the Egyptian State Telegraphs and Telephones, in clear, in code or in cypher;

(e) use of the Egyptian State Railways upon the terms and subject to the conditions now in force;

(f) the supply, maintenance and use of telephones as required, as part of and connected with the Egyptian State Telephones service and system, at the rates and upon the conditions now in force;

(g) entry into and departure from Egypt of members of His Majesty's Forces at all times without let or hindrance, subject only to the production of a certificate showing membership of the British Forces in cases when such members do not arrive or leave by a British Man of War, Troopship, Freightship, or service aircraft, Service Transport or as a formed body under command of an Officer, Warrant Officer, Non-Commissioned Officer or Petty Officer;

(h) the use of roads, bridges, canals, streams, lakes, waterways and other bodies of water without the payment of dues, tolls or charges either by way of registration or otherwise for vehicles or water-borne craft used on His Majesty's Service;

(i) port facilities free of payment for His Majesty's Men of War, Troopships, Freightships and Service Aircraft of an amphibian or seaplane character;

(j) the same immunity regarding the official correspondence of the British Forces and their couriers as is enjoyed in International Law by the Diplomatic representatives of foreign States.

7.--(a) Members of the British Forces who are owners of real property shall pay the same taxes, registration and transfer fees in respect of such property and its produce as civilians of British nationality;

(b) members of the British Forces shall pay in respect of any privately owned radio receiving or transmitting apparatus the tax or licence fee for the time being in force and applicable to such apparatus;

(c) members of the British Forces shall pay the fee for the time being in force for the registration of a private water-borne craft and (subject to the provisions of Article 6 (h) hereof) also all dues, charges and tolls leviable in consequence of the user of such craft;

(d) members of the British Forces shall pay tax or registration fee for the time being in force for a private motor vehicle used on any public road maintained by the Egyptian Government or for any privately owned aircraft;

(e) the Agreement between the Egyptian Government and the British Military Authorities dealing with imports and exports by the British Naval, Military and Air Force Authorities as well as with imports by individual members of His Majesty's forces and by the Navy, Army and Air Force Institutes, dated the 14th July, 1921, as amended up to the date hereof, shall remain in full force and effect; provided, however, that, in the event of a change in the tariff, either party to the said Agreement shall have a right to demand a revision of the ad valorem rates which have been accepted by mutual consent as equivalent to the actual duties and dues chargeable under the tariff now in force. The principle of an ad valorem equivalent shall be maintained;

Save as above provided, British camps, the British Forces and the members thereof shall be immune from taxation, other than Municipal rates for services enjoyed, and from all registration fees or charges unless there has been an agreement between the two Governments to the contrary.

8. The Egyptian Government freely offers every assistance to British aircraft in distress, and will accord full facilities to His Majesty's personnel and stores to proceed to and from the salvage of any aircraft in distress that may have made a forced landing in Egyptian territory.

9. The Appropriate British Authority will surrender, on receipt of an application signed by the appropriate official of the Egyptian Ministry of Justice, persons not being members of His Majesty's Forces and who are within any British camp, and

(a) against whom a warrant of arrest has been issued in respect of any offence triable by a court in Egypt; or

(b) against whom an order of imprisonment has been made by any court in Egypt; or

(c) against whom an order has been issued by an appropriate Egyptian military authority for desertion or absence without leave from the Egyptian army; and

(d) who are not immediately ejected therefrom as would ordinarily be done in the case of such persons who take refuge therein from the Police.

Every application for the surrender of an offender, under these provisions shall be accompanied by a certified true copy of the warrant of arrest or order of imprisonment as the case may be, and by such information as is available as to the identity and whereabouts of the person whose surrender is desired.

10. The Egyptian Government will ensure :-

(a) the searching for, apprehending and handing over of any members of the British Forces who are claimed as deserters or absentees without leave, upon request made in writing by the Appropriate British Authority;

(b) the prosecution of persons accused of acts in relation to the British Forces which, if committed in relation to the Egyptian Forces, would have rendered them liable to prosecution.

11. -- (1) Subject to the provisions of sub-paragraph (a) of the preceding Article, members of the British Forces shall be liable to arrest by the Egyptian Authorities only in such circumstances as would justify the

arrest of civilians of British nationality. Should any member of the British Forces be arrested the following procedure will be adopted :-

(a) Notification of the arrest giving the name and other particulars of the person arrested together with information as to the nature of the offences for which the said person was arrested, will be sent forthwith to the Appropriate British Authority;

(b) A similar notification will also immediately be sent to the office of the nearest British Consular Officer;

(c) The alleged offender will be handed over on demand to the Appropriate British Authority;

(d) Full particulars of the charges against the alleged offender together with the names, addresses and statements of the relevant witnesses will be delivered or sent by registered post to the Appropriate British Authority within 48 hours of the arrest;

(2) When it is alleged that a member of the British Forces has committed an offence for which he has not been arrested, particulars of such alleged offence together with the proces-verbal will be sent with all convenient speed to the Appropriate British Authority.

12. The British Forces will send an armed escort into any part of Egypt for the purpose of taking over and escorting to a British camp, any member of the British Forces arrested under the provisions of Articles 10 and 11 hereof.

13.--(a) The Egyptian Government undertakes at the request of the appropriate British authority to take all reasonable steps to secure the attendance of persons amenable to its jurisdiction as witnesses before His Majesty's military tribunals in Egypt (courts-martial, courts of inquiry, committees of adjustment, and boards of officers of other service tribunals) convened and assembled by the Appropriate British Authority.

(b) The Government of the United Kingdom undertakes to take all reasonable steps to secure the attendance of any member of the British forces as a witness at any proceedings before the Egyptian Courts, including the Mixed Courts, courts-martial, disciplinary tribunals or courts of enquiry, upon application being made to the Appropriate British Authority signed by the appropriate officials of the Ministry of Justice or the President of the Tribunal concerned.

14. The Egyptian Government and the Government of the United Kingdom agree that it is desirable that any person, ordered to attend a British military tribunal under Article 13 (a) above and who is accused of any of the following offences, should be amenable to prosecution before the appropriate Egyptian Court, that is to say :-

- (i) being duly summoned makes default in attending; or
- (ii) refuses to take oath or make a solemn declaration legally required to be taken or made; or
- (iii) refuses to produce any document in his power or control legally required to be produced by him; or
- (iv) refuses when a witness to answer any question to which the tribunal may legally require an answer; or
- (v) is guilty of contempt of the tribunal by using insulting or threatening language or by causing interruption or disturbance in the proceedings of such tribunal; or
- (vii) when examined on oath or solemn declaration before the tribunal wilfully gives false evidence.

Similarly it is desirable that a person ordered to attend an Egyptian tribunal under Article 13 (b) above who commits any of the offences specified above, shall be amenable to prosecution before the appropriate British military tribunal.

The exact manner and the extent, however, to which effect can be given to the two preceding paragraphs of this article depends upon the laws of the United Kingdom and of Egypt respectively, and the two Governments agree that there shall be further discussion at a later date in regard to this matter.

15. Each Government shall pay to the other on demand all reasonable expenses incurred in execution of the provisions of Articles 8, 9, 10 (a), 13 (a) and 13 (b) hereof.

16. The privileges and immunities provided for in the present Convention only apply to persons stationed with or attached to those forces of His Majesty who are present in Egypt in accordance with the provisions of the Treaty of Alliance and as further defined in Article 1 above.

As regards military and air force personnel, the limitations as to numbers provided for in the said Treaty (without prejudice to the provisions of Article 7 thereof) apply.

In witness whereof the undersigned Plenipotentiaries being duly authorised to this effect by their respective Governments have signed the present agreement and affixed thereto their seals.

Done at London in duplicate this 26th day of August, 1936.

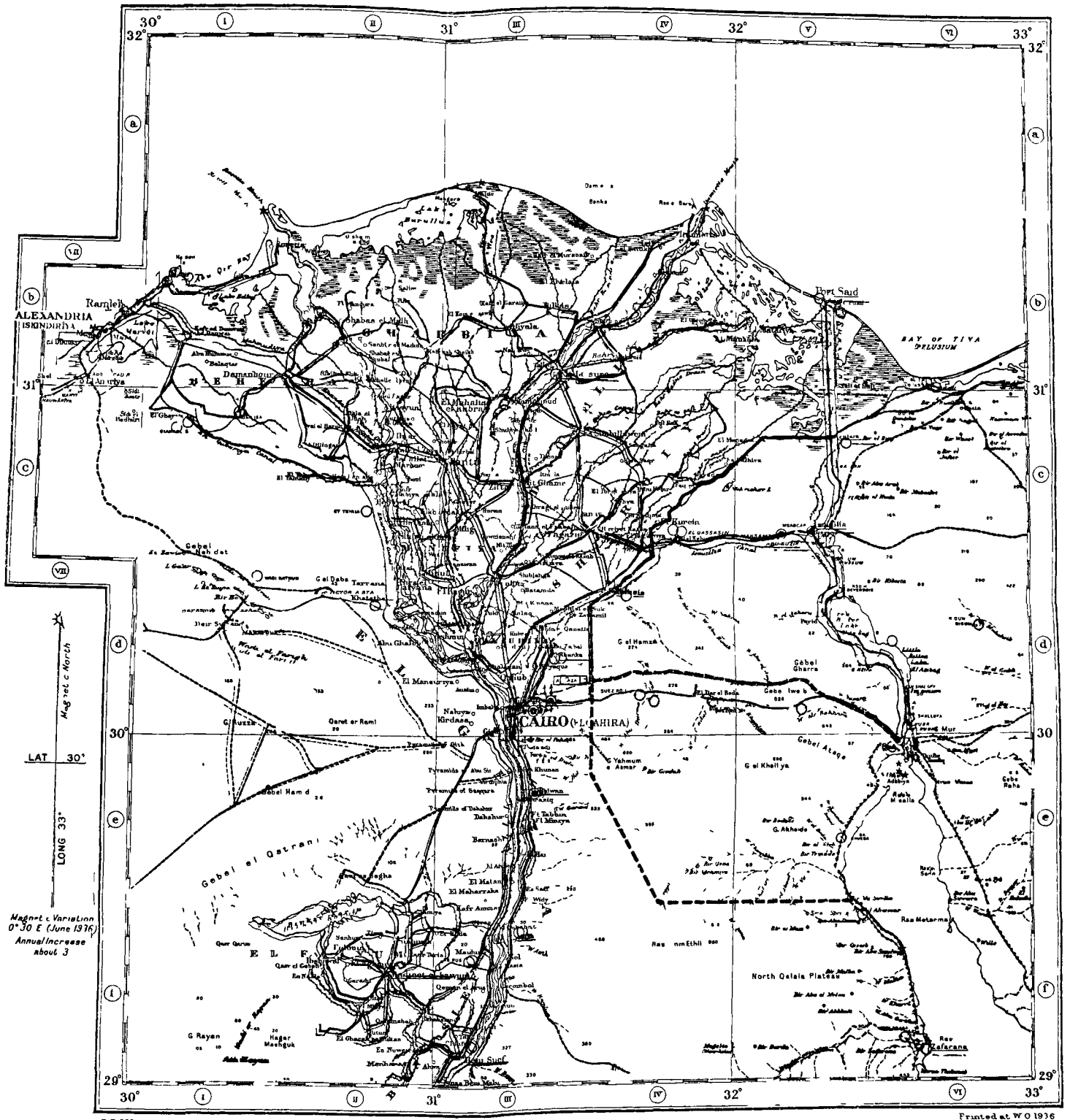
For the Government of the United Kingdom of Great Britain and Northern Ireland:

(L.S.) ANTHONY EDEN.

For the Egyptian Government:

(L.S.) MOUSTAPHA EL-NAHAS.

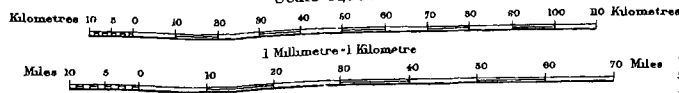
Map to illustrate
TREATY OF ALLIANCE WITH EGYPT. AUGUST 26TH 1936



O R 863

Printed at W O 1936

Scale 1:10,000,000



Reference

Railways double
single
light
under construction
Boundaries previous
Names of provinces
Mountains in Hill Ranges
Desert Tracts Localities
Wireless Telegraph Stations
Ruins in ruins
Ruins
Shrines Tombs Mosques

EL HAMAD Amedy
Bot Dagh
Main Roads
Other Roads and Tracks
Telegraphs

Rivers perennial
Wadis
Canals
Area liable to flood
Well or Spring perennial
nonperennial
Main Roads
Other Roads and Tracks
Telegraphs
Train areas available at all times of the year
during February and March

REFERENCE TO AIR INFORMATION

of one
Le d'ing ground
Se p n s t e
Sapsire and n g n s t e r anchorage
Me n e l g h t o r l g h t buoy (with characteristic when over 10000 ft)
A r l g h t
A r e u c a l W T c o m m u n c a t i o n s t a t i o n
A e r o n a u t a l W T D F o r b e a r o n s t a t i o n
O b s t r u c t i o n o v e r 60 m e t r e s (200 f t) above ground
A r p o t (with systems for it s)
A n o b s t r u c t i o n s t a t i o n f o r b e a r o n s t a t i o n a u c a l W T
c o m m u n c a t i o n s t a t i o n f o r b e a r o n s t a t i o n
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