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File of printed papers marked 'Egyptian negotiation' between Curzon and Adly Pasha and the Egyptian delegation

Holding Institution	British Library: India Office Records and Private Papers
Reference	Mss Eur F112/261
Date(s)	13 Jul 1921-4 Jan 1923 (CE, Gregorian)
Written in	English in Latin
Extent and Format	1 file (87 folios)
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About this record

The file contains correspondence, minutes, and memoranda relating to negotiations between the British and Egyptian governments over Egyptian independence. Most of the file consists of minutes of conferences that took place at the Foreign Office during July and August 1921. These conferences involved an Egyptian delegation, led by Sir Adly Yeghen [Yakan] Pasha, and the British, led by the Secretary of State for Foreign Affairs, Lord George Nathaniel Curzon. Matters covered in these meetings included: the termination of the British Protectorate, Britain's military presence, foreign relations, legislation, employment of foreign officials, financial and judicial control, Soudan [Sudan], the Suez Canal, communication rights, protection of minorities, retirement and compensation of British officials, and diplomatic relations between the two countries.

Also contained within the file are minutes by Ronald Charles Lindsay and John Murray, both Foreign Office officials, and correspondence between Curzon, Lindsay, Adly Pasha, and Field Marshal Edmund Henry Hynman Allenby, High Commissioner for Egypt and Sudan. These papers all concern matters covered by the negotiations.

Documents of note include a copy of the Report of the Special Mission to Egypt, dated 9 December 1920 (folios 4-23), and a memorandum on the political situation in Egypt by John Murray, dated 4 January 1923 (folios 74-87).

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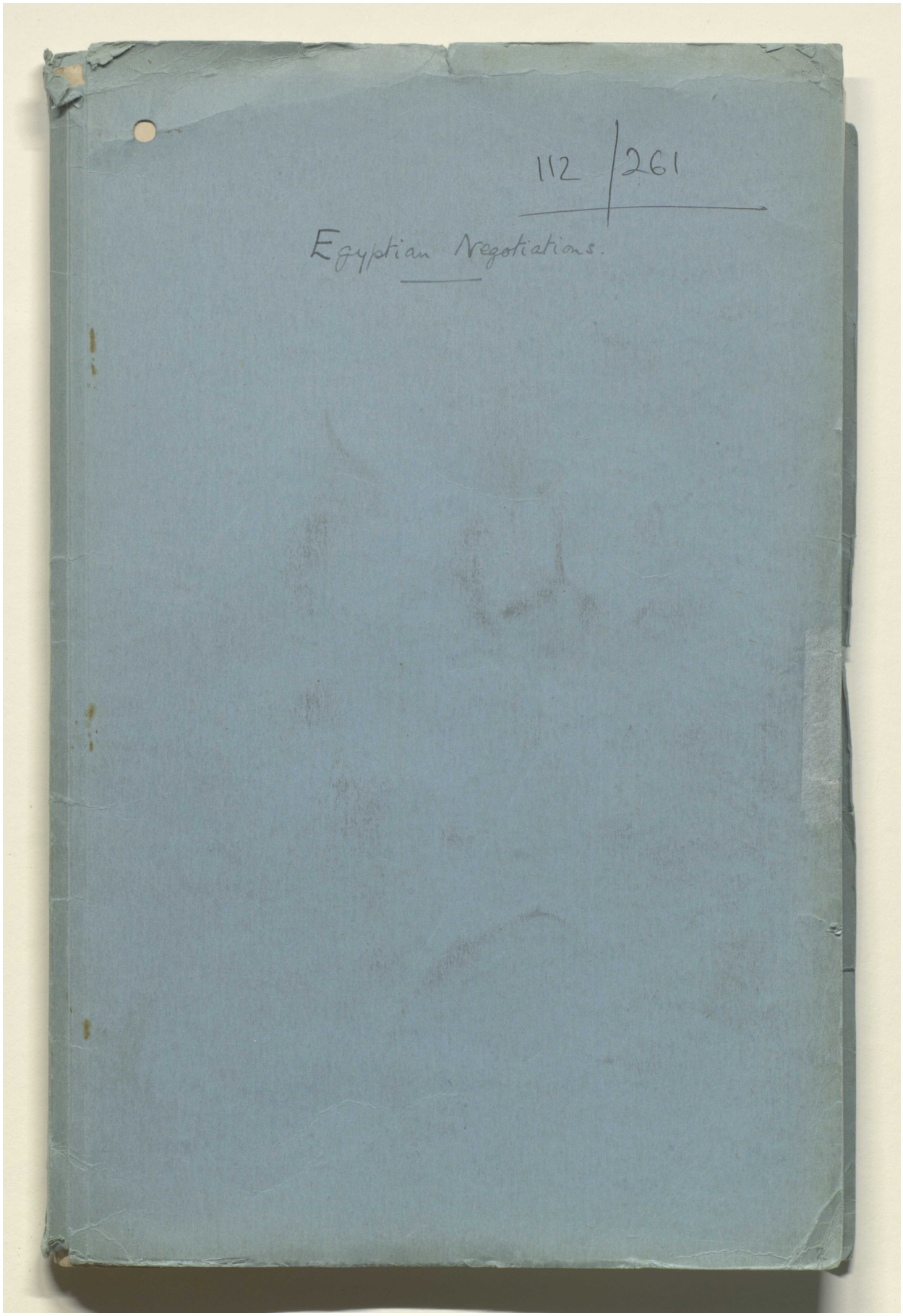
File of printed papers marked 'Egyptian negotiation' between Curzon and Adly Pasha and the Egyptian delegation [front] (1/178)



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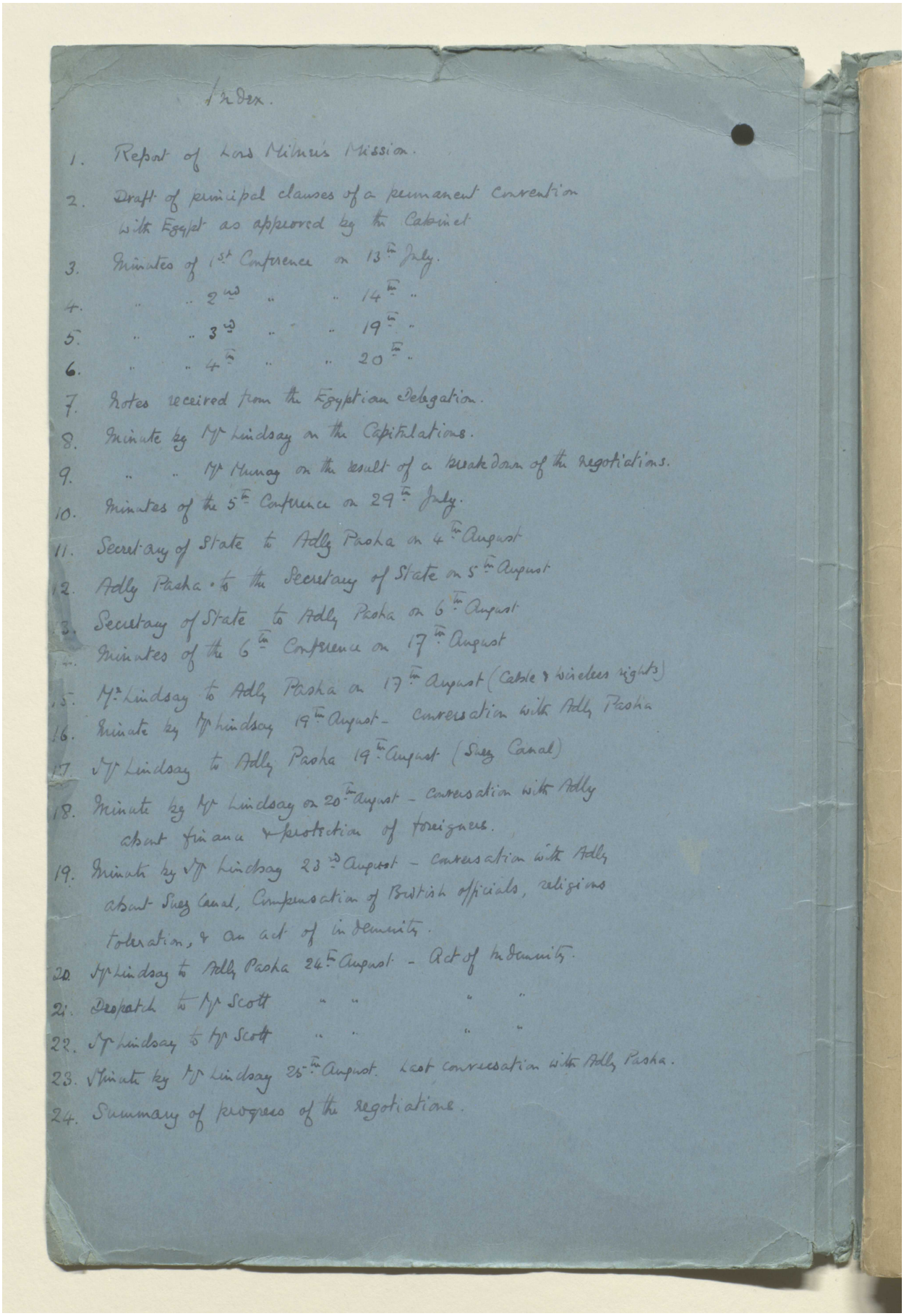

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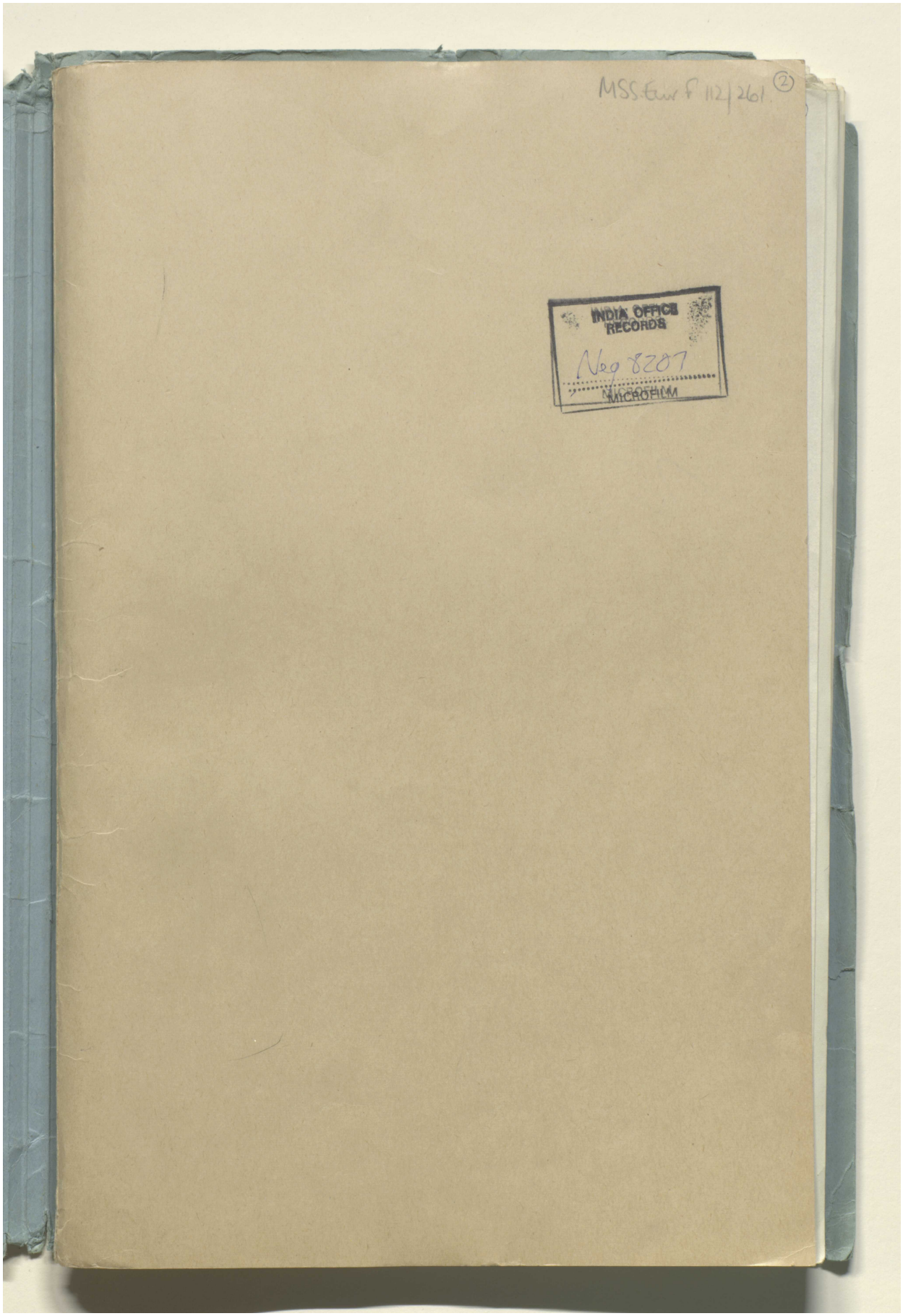

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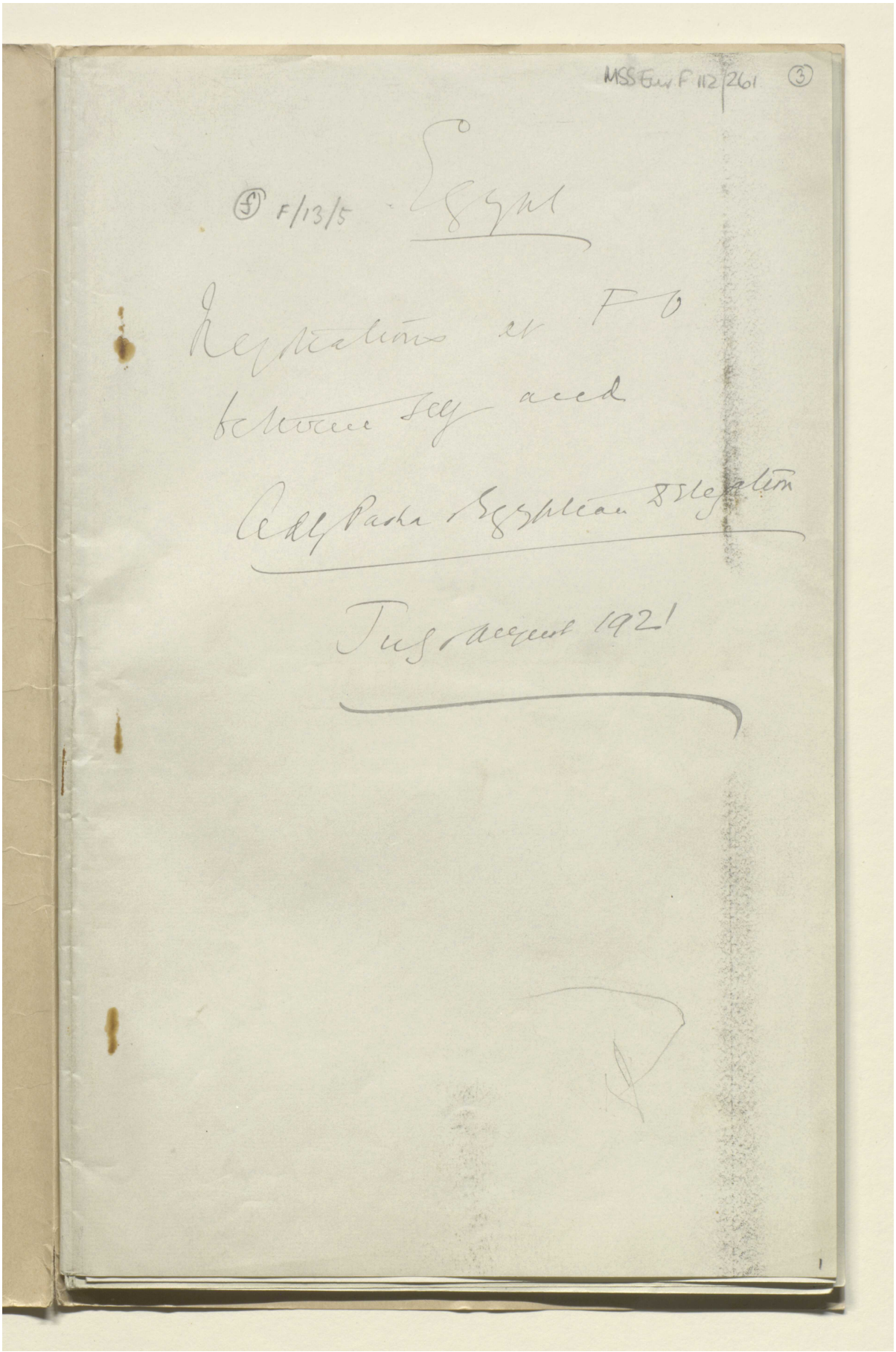

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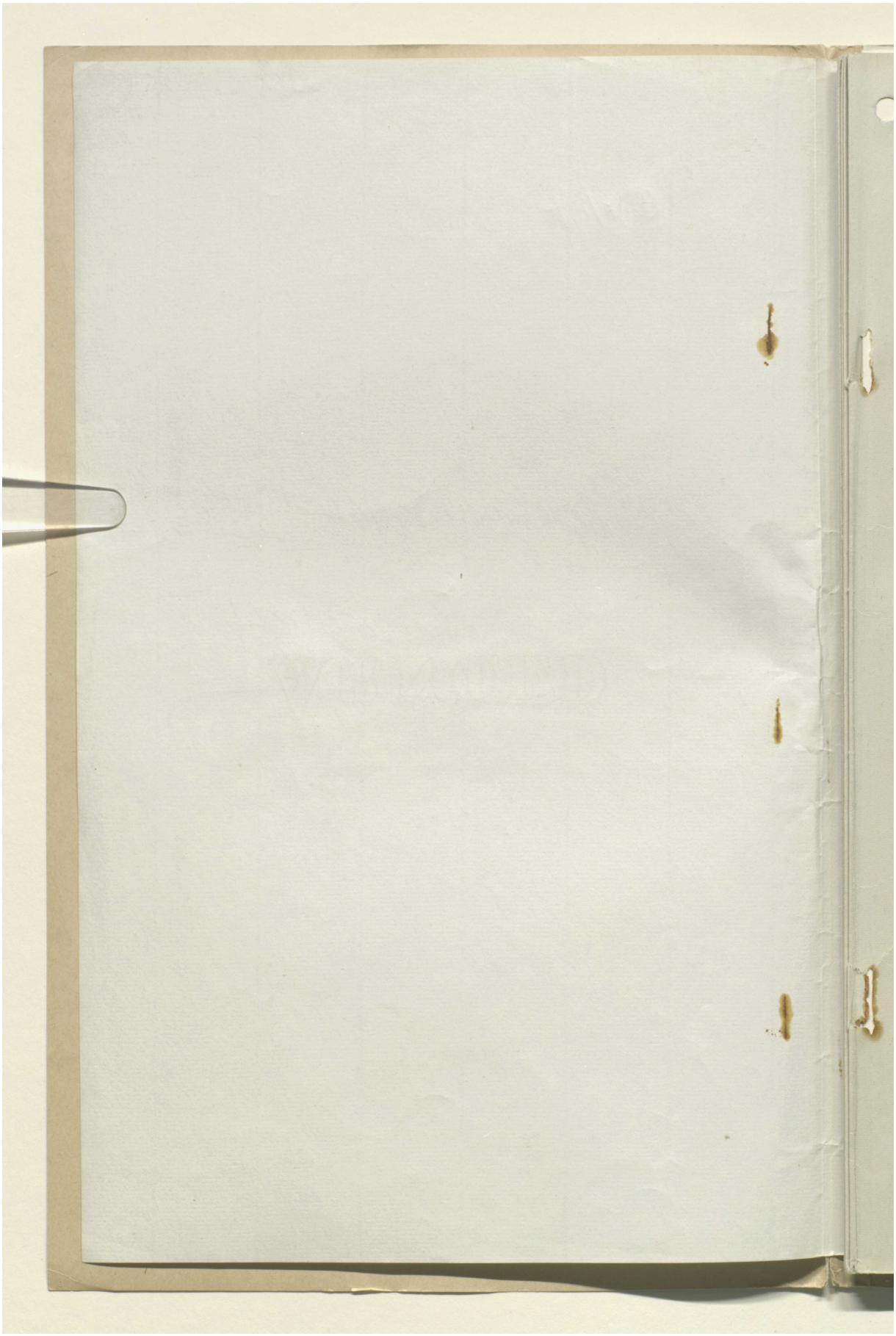

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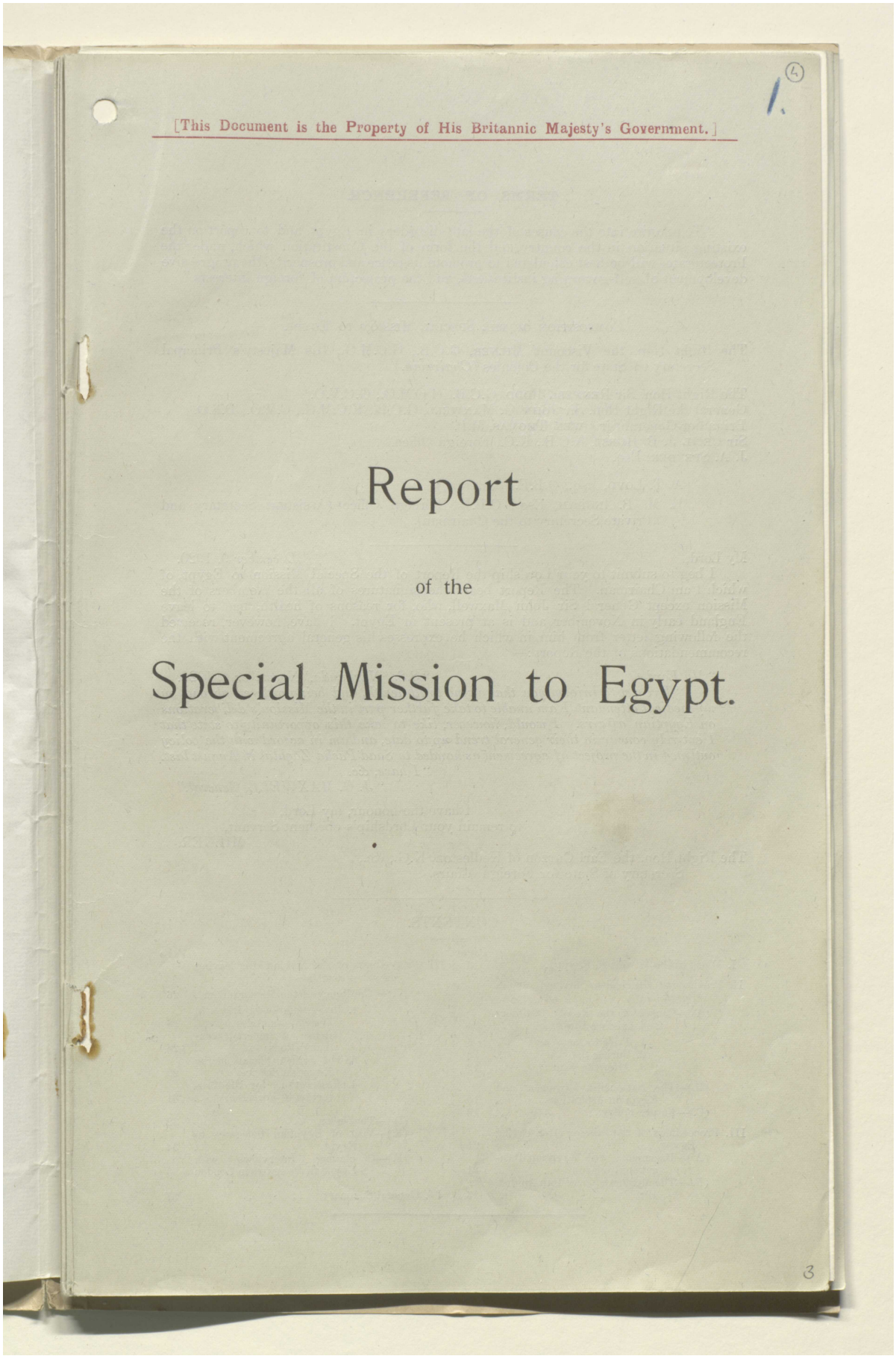

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Report

of the

Special Mission to Egypt.

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TERMS OF REFERENCE.

"To enquire into the causes of the late disorders in Egypt, and to report on the existing situation in the country and the form of the 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."

COMPOSITION OF THE SPECIAL MISSION TO EGYPT.

The Right Hon. the Viscount MILNER, G.C.B., G.C.M.G., His Majesty's Principal Secretary of State for the Colonies (*Chairman.*)

The Right Hon. Sir RENNELL RODD, G.C.B., G.C.M.G., G.C.V.O.
General the Right Hon. Sir JOHN G. MAXWELL, G.C.B., K.C.M.G., C.V.O., D.S.O.
Brigadier-General Sir OWEN THOMAS, M.P.
Sir CECIL J. B. HURST, K.C.B., K.C., Foreign Office.
J. A. SPENDER, Esq.

A. T. LOYD, Esq., O.B.E. (*Secretary*).
E. M. B. INGRAM, Esq., O.B.E., Foreign Office (Assistant Secretary and Private Secretary to the Chairman).

My Lord, *December* 9, 1920.

I beg to submit to your Lordship the Report of the Special Mission to Egypt, of which I am Chairman. The Report bears the signatures of all the members of the Mission except General Sir John Maxwell, who, for reasons of health, had to leave England early in November and is at present in Egypt. I have, however, received the following letter from him in which he expresses his general agreement with the recommendations of the Report:—

"*My Lord,* "*S.S. 'Narkunda,' November* 4, 1920.

"*I regret to inform you that owing to ill-health, and being ordered abroad by my medical attendant, I am unable to take further part in the Mission's deliberations on Egyptian affairs. I would, however, like to take this opportunity to state that I entirely concur in their general trend up to date, and am in accord with the policy outlined in the project of agreement as handed to Saad Pasha Zaghlul in August last.*

"*I have, &c.*
"*J. G. MAXWELL, General.*"

I have the honour, my Lord,
to remain your Lordship's obedient Servant,
MILNER.

The Right Hon. the Earl Curzon of Kedleston, K.G., &c.,
Secretary of State for Foreign Affairs.

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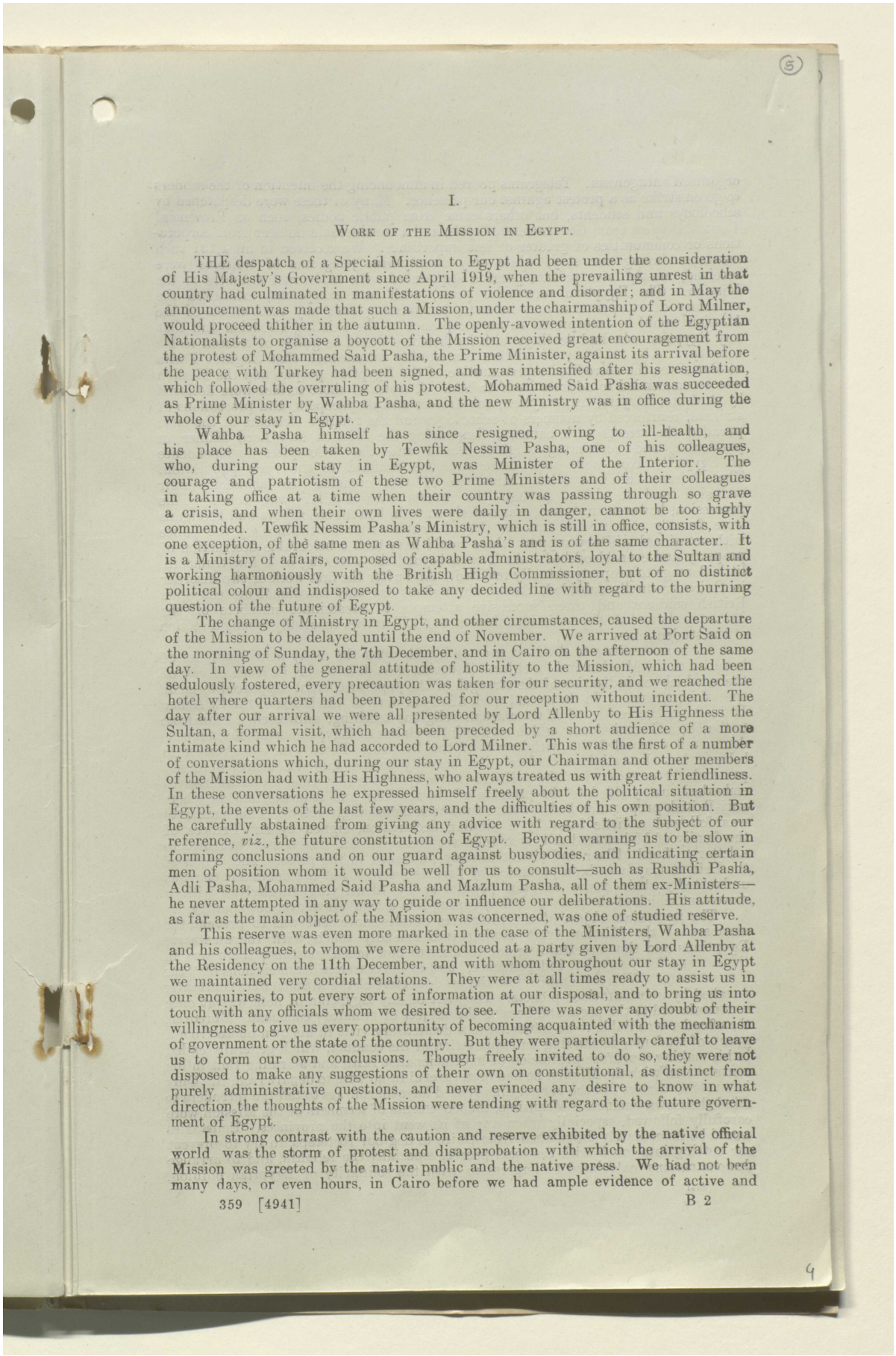

I.

WORK OF THE MISSION IN EGYPT.

THE despatch of a Special Mission to Egypt had been under the consideration of His Majesty's Government since April 1919, when the prevailing unrest in that country had culminated in manifestations of violence and disorder; and in May the announcement was made that such a Mission, under the chairmanship of Lord Milner, would proceed thither in the autumn. The openly-avowed intention of the Egyptian Nationalists to organise a boycott of the Mission received great encouragement from the protest of Mohammed Said Pasha, the Prime Minister, against its arrival before the peace with Turkey had been signed, and was intensified after his resignation, which followed the overruling of his protest. Mohammed Said Pasha was succeeded as Prime Minister by Wahba Pasha, and the new Ministry was in office during the whole of our stay in Egypt.

Wahba Pasha himself has since resigned, owing to ill-health, and his place has been taken by Tewfik Nessim Pasha, one of his colleagues, who, during our stay in Egypt, was Minister of the Interior. The courage and patriotism of these two Prime Ministers and of their colleagues in taking office at a time when their country was passing through so grave a crisis, and when their own lives were daily in danger, cannot be too highly commended. Tewfik Nessim Pasha's Ministry, which is still in office, consists, with one exception, of the same men as Wahba Pasha's and is of the same character. It is a Ministry of affairs, composed of capable administrators, loyal to the Sultan and working harmoniously with the British High Commissioner, but of no distinct political colour and indisposed to take any decided line with regard to the burning question of the future of Egypt.

The change of Ministry in Egypt, and other circumstances, caused the departure of the Mission to be delayed until the end of November. We arrived at Port Said on the morning of Sunday, the 7th December, and in Cairo on the afternoon of the same day. In view of the general attitude of hostility to the Mission, which had been sedulously fostered, every precaution was taken for our security, and we reached the hotel where quarters had been prepared for our reception without incident. The day after our arrival we were all presented by Lord Allenby to His Highness the Sultan, a formal visit, which had been preceded by a short audience of a more intimate kind which he had accorded to Lord Milner. This was the first of a number of conversations which, during our stay in Egypt, our Chairman and other members of the Mission had with His Highness, who always treated us with great friendliness. In these conversations he expressed himself freely about the political situation in Egypt, the events of the last few years, and the difficulties of his own position. But he carefully abstained from giving any advice with regard to the subject of our reference, *viz.*, the future constitution of Egypt. Beyond warning us to be slow in forming conclusions and on our guard against busybodies, and indicating certain men of position whom it would be well for us to consult—such as Rushdi Pasha, Adli Pasha, Mohammed Said Pasha and Mazlum Pasha, all of them ex-Ministers—he never attempted in any way to guide or influence our deliberations. His attitude, as far as the main object of the Mission was concerned, was one of studied reserve.

This reserve was even more marked in the case of the Ministers, Wahba Pasha and his colleagues, to whom we were introduced at a party given by Lord Allenby at the Residency on the 11th December, and with whom throughout our stay in Egypt we maintained very cordial relations. They were at all times ready to assist us in our enquiries, to put every sort of information at our disposal, and to bring us into touch with any officials whom we desired to see. There was never any doubt of their willingness to give us every opportunity of becoming acquainted with the mechanism of government or the state of the country. But they were particularly careful to leave us to form our own conclusions. Though freely invited to do so, they were not disposed to make any suggestions of their own on constitutional, as distinct from purely administrative questions, and never evinced any desire to know in what direction the thoughts of the Mission were tending with regard to the future government of Egypt.

In strong contrast with the caution and reserve exhibited by the native official world was the storm of protest and disapprobation with which the arrival of the Mission was greeted by the native public and the native press. We had not been many days, or even hours, in Cairo before we had ample evidence of active and

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organised antagonism. Telegrams poured in announcing the intention of the senders to go on strike as a protest against our presence. Many of these were despatched by schoolboys and students, but others came from public bodies, such as Provincial Councils, a few from Government officials, and a considerable number from corporations or communities of greater or less importance. We received in all 1,131 such messages during our stay, while only twenty-nine telegrams of welcome were received, mostly from private persons acquainted with individual members of the Mission. The Egyptian vernacular press, with rare exceptions, exhausted the repertory of vituperation and inuendo, proclaiming that any recognition of the Mission would be interpreted as an acceptance of the existing situation and that any Egyptian who had dealings with its members would be guilty of treason to his country. The majority of writers consistently maintained that Zaghlul Pasha at Paris was the accredited representative of the Egyptian people, and the Mission was recommended to address itself to him. A series of short strikes were declared by students, lawyers, tramwaymen, cab drivers and shopkeepers, and processions of strikers, reinforced by numbers of schoolboys and the rougher elements of the city, paraded the streets with banners, denouncing the Mission and Lord Milner in particular, and acclaiming Zaghlul Pasha and the "Complete Independence of Egypt." Nor were such demonstrations confined to the male population. The Cairene ladies availed themselves of this occasion to abandon their seclusion and to drive through the streets with similar war cries. This procession, however unwonted, was orderly enough, but the schoolboys and hooligans were frankly riotous, and but for the admirable order maintained by the police with occasional military support there would have been considerable destruction of property and even bloodshed. As it was, beyond the wrecking of a few tramcars, little damage to property actually resulted. And after the first week or two disorder in Cairo gradually subsided, though throughout our stay occasional attacks upon British soldiers and three successive attempts to assassinate members of the Ministry showed that the criminal element was still active, especially among a section of the student class.

It seems needless to dwell at greater length upon the many manifestations of hostility to the Mission and its object. Mention should, however, be made of two of them, which as indicative of the strength of the popular current appeared to be of special importance. In the second week after our arrival the heads of the El Azhar University, the centre of Mahommedan religious teaching, addressed a manifesto to the High Commissioner, which set forth the claims of Egypt to complete independence and demanded the withdrawal of the British. There was some reason to believe that the religious leaders who actually signed this document were not particularly enamoured of the political course on which they thus found themselves embarked, but yielded to the pressure of the teachers and students, among whom anti-British propaganda had for some time been increasingly active. This manifesto was followed a little later by a similar declaration, signed by six Princes of the family of Mohammed Ali, near relatives of the Sultan, which was contained in a letter to Lord Milner and simultaneously published in the press. The action of the Princes may have been prompted by various motives, but the dominant one was undoubtedly their desire to gain popularity by identifying themselves with a movement which at the moment was sweeping like a tidal wave over the country.

The immediate object of the promoters of this movement was to prevent the members of the Mission from coming into friendly touch with representative Egyptians and thus ascertaining for themselves how much substance there was in the demand for "complete independence," and in the ceaseless denunciations of "the Protectorate." With this end in view the headquarters of the Mission were constantly watched by unostentatious pickets. The visit of any Egyptian of note was at once communicated to the press and became the subject of minatory comment. Moreover, the offender was liable to be subjected to a domiciliary visit in his own house from a group of students, demanding an explanation of his conduct, which generally ended in his making a profuse profession of his Nationalist faith and affirming that in his conversation with the Mission he had been careful in no wise to depart from it. Only in one or two cases did the person thus visited have the courage to tell the intruders to mind their own business. Meantime, the movements of members of the Mission were carefully followed, especially when any of us went into the provinces. Emissaries would be immediately despatched from Cairo to dog our footsteps, to try to prevent our getting into touch with the local people, especially the fellahin, and to arrange demonstrations calculated to impress us with the solidarity of Egyptian opinion.

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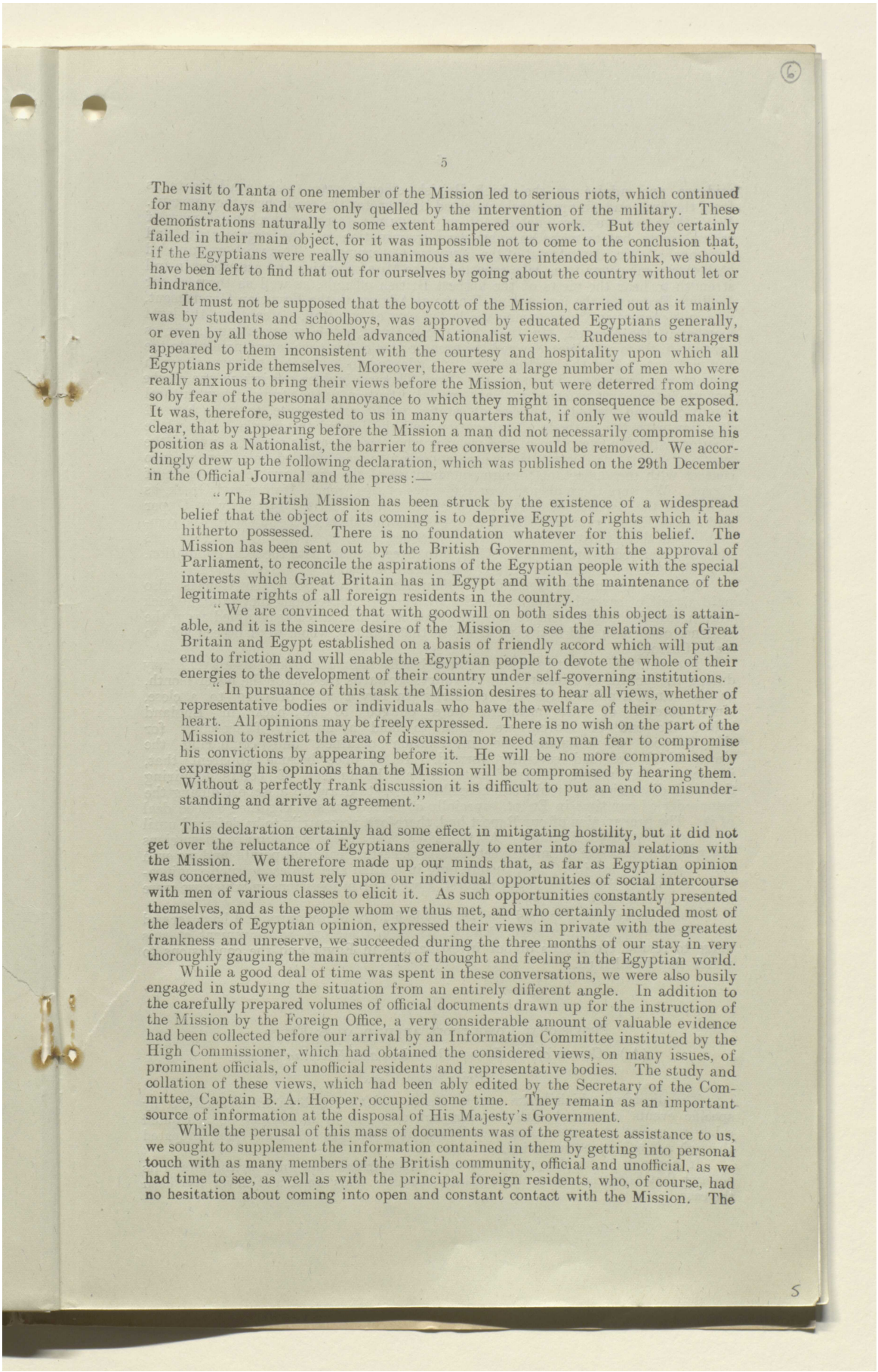

The visit to Tanta of one member of the Mission led to serious riots, which continued for many days and were only quelled by the intervention of the military. These demonstrations naturally to some extent hampered our work. But they certainly failed in their main object, for it was impossible not to come to the conclusion that, if the Egyptians were really so unanimous as we were intended to think, we should have been left to find that out for ourselves by going about the country without let or hindrance.

It must not be supposed that the boycott of the Mission, carried out as it mainly was by students and schoolboys, was approved by educated Egyptians generally, or even by all those who held advanced Nationalist views. Rudeness to strangers appeared to them inconsistent with the courtesy and hospitality upon which all Egyptians pride themselves. Moreover, there were a large number of men who were really anxious to bring their views before the Mission, but were deterred from doing so by fear of the personal annoyance to which they might in consequence be exposed. It was, therefore, suggested to us in many quarters that, if only we would make it clear, that by appearing before the Mission a man did not necessarily compromise his position as a Nationalist, the barrier to free converse would be removed. We accordingly drew up the following declaration, which was published on the 29th December in the Official Journal and the press :—

"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 hitherto possessed. There is no foundation whatever for 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 interests which Great Britain has in Egypt and with the maintenance of the legitimate rights of all foreign residents in the country.

"We are convinced that with goodwill on both sides this object is attainable, and it is the sincere desire of the Mission to see the relations of Great Britain and Egypt established on a basis of friendly accord which will put an end to friction and will enable the Egyptian people to devote the whole of their energies to the development of their country under self-governing institutions.

"In pursuance of this task the Mission desires to hear all views, whether of representative bodies or individuals who have the welfare of their country at heart. All opinions may be freely expressed. There is no wish on the part of the Mission to restrict the area of discussion nor need any man fear to compromise his convictions by appearing before it. He will be no more compromised by expressing his opinions than the Mission will be compromised by hearing them. Without a perfectly frank discussion it is difficult to put an end to misunderstanding and arrive at agreement."

This declaration certainly had some effect in mitigating hostility, but it did not get over the reluctance of Egyptians generally to enter into formal relations with the Mission. We therefore made up our minds that, as far as Egyptian opinion was concerned, we must rely upon our individual opportunities of social intercourse with men of various classes to elicit it. As such opportunities constantly presented themselves, and as the people whom we thus met, and who certainly included most of the leaders of Egyptian opinion, expressed their views in private with the greatest frankness and unreserve, we succeeded during the three months of our stay in very thoroughly gauging the main currents of thought and feeling in the Egyptian world.

While a good deal of time was spent in these conversations, we were also busily engaged in studying the situation from an entirely different angle. In addition to the carefully prepared volumes of official documents drawn up for the instruction of the Mission by the Foreign Office, a very considerable amount of valuable evidence had been collected before our arrival by an Information Committee instituted by the High Commissioner, which had obtained the considered views, on many issues, of prominent officials, of unofficial residents and representative bodies. The study and collation of these views, which had been ably edited by the Secretary of the Committee, Captain B. A. Hooper, occupied some time. They remain as an important source of information at the disposal of His Majesty's Government.

While the perusal of this mass of documents was of the greatest assistance to us, we sought to supplement the information contained in them by getting into personal touch with as many members of the British community, official and unofficial, as we had time to see, as well as with the principal foreign residents, who, of course, had no hesitation about coming into open and constant contact with the Mission. The

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evidence and advice of the chief British officials was freely available to us from the first, and we are greatly indebted to them for the ready help they gave us. With their aid we were enabled not only to gain a fairly comprehensive view of recent events, but to make an exhaustive examination of the organisation and personnel of every department of the Egyptian Government. This work was divided up between sub-committees, who reported to the Mission, which also assembled in full strength to hear the views of the highest British officials, as well as those of Sir William Brunyate, the late Acting Financial Adviser to the Egyptian Government, who was present in Cairo during the latter part of our stay. Meantime, the legal member of the Mission, Mr. (now Sir Cecil) Hurst, while co-operating as far as possible in these activities, devoted the greater part of his time to enquiring into the judicial system and the modifications best adapted to bring it into harmony with present requirements. Similarly Sir Owen Thomas, besides serving on one of the sub-committees just referred to, paid special attention to the study of agricultural conditions, and visited a number of estates, public and private, to make himself familiar with the methods of cultivation and the life of the people. The whole Mission, with the exception of one member who was otherwise engaged, passed the inside of a week at Alexandria, where opportunity was afforded us of coming into contact with the important foreign communities of the great commercial centre of Egypt. We were there able to hear the views of the French, Italian and Greek, as well as of the British Chamber of Commerce. Many centres of activity in Upper and Lower Egypt were also visited by individual members of the Mission, who communicated their impressions to their colleagues, and, in spite of the endeavours already described to prevent our getting into direct contact with the local population, valuable experience was thus gained and placed on record.

Two of our number, General Sir John Maxwell and Sir Owen Thomas, also paid a visit of several weeks to the Sudan, and the impressions they brought back were a valuable supplement to the information we had already obtained from the evidence of British and native residents in that country, whom we had been able to see in Cairo.

The manifold activities which we have briefly summarised kept us all very busy during the months of January and February. Towards the end of the latter month, as the time available for our enquiries in Egypt was drawing to a close, since several of our members were obliged to be back in England before the end of March, we began to hold a number of meetings for the purpose of collating the information obtained and comparing the views which we had severally formed. It at once became apparent that, in view of the immense mass of material and the number of points requiring thorough discussion, it would be impossible for us to draw up a Report during the remainder of our time in Egypt, especially as interviews still occupied a good deal of it. The preparation of our Report had, therefore, necessarily to be deferred until after our return to England. At the same time these preliminary discussions revealed a remarkable unanimity between us on certain cardinal points, and we even drew up, before leaving Cairo, though only in outline and subject to such modifications as further discussion might suggest, a series of propositions in which we were all able provisionally to agree.

These propositions ranged over the whole field of our enquiry and have formed the groundwork of the present Report. It may, therefore, be convenient at this stage to review the results of our investigations in Egypt and the conclusions to which they had led us.

II.

Provisional Conclusions arrived at in Egypt.

(A.)—*Causes of the Recent Disorders and Existing Unrest.*

1. *Prior to the War.*

The disorders which broke out in March 1919 were brought to a climax by specific events connected with the war, but they can by no means be attributed solely to recent or contemporary conditions and the ground had been prepared through a long antecedent period.

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

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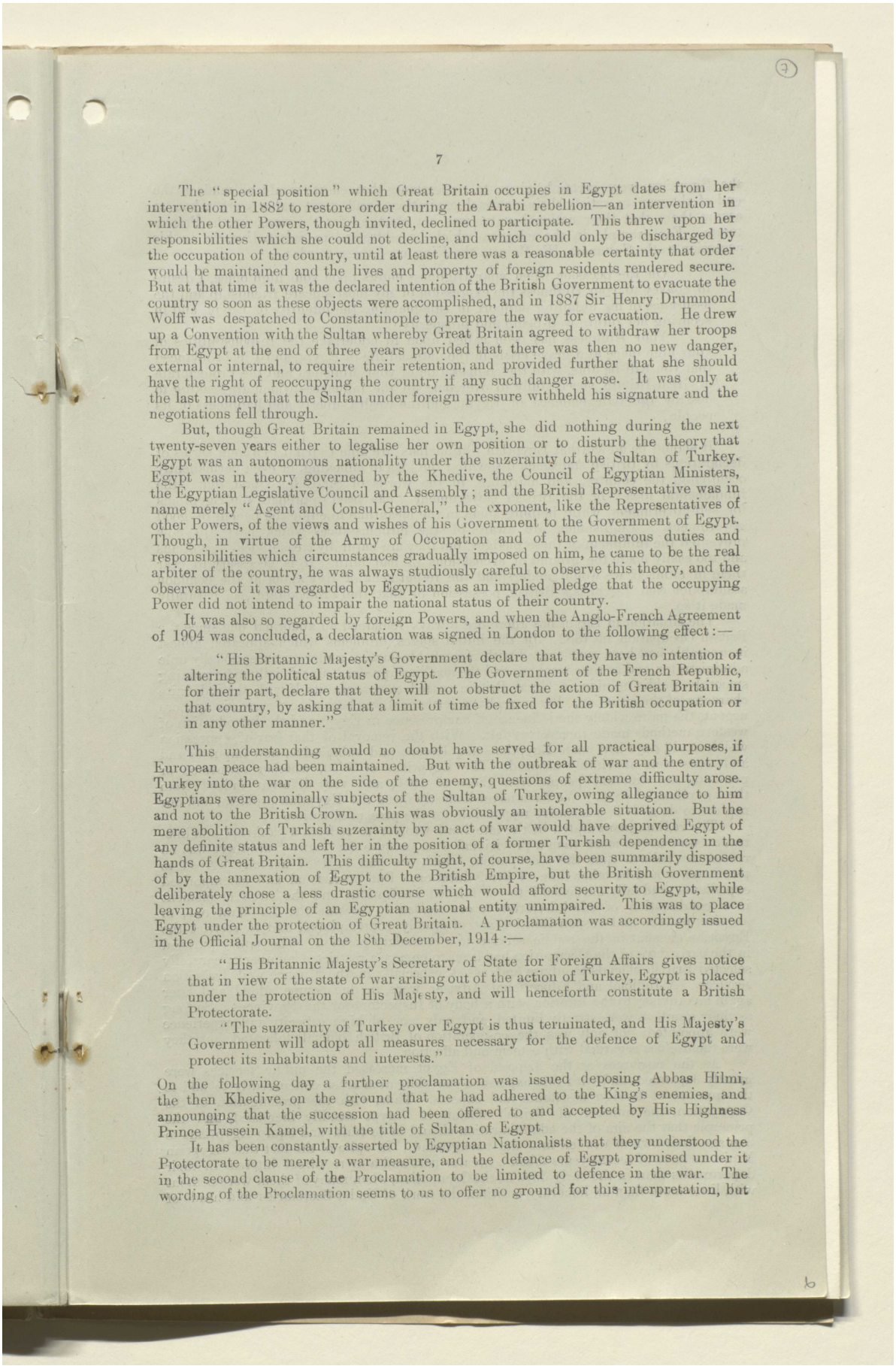

The "special position" which Great Britain occupies in Egypt dates from her intervention in 1882 to restore order during the Arabi rebellion—an intervention in which the other Powers, though invited, declined to participate. This threw upon her responsibilities which she could not decline, and which could only be discharged by the occupation of the country, until at least there was a reasonable certainty that order would be maintained and the lives and property of foreign residents rendered secure. But at that time it was the declared intention of the British Government to evacuate the country so soon as these objects were accomplished, and in 1887 Sir Henry Drummond Wolff was despatched to Constantinople to prepare the way for evacuation. He drew up a Convention with the Sultan whereby Great Britain agreed to withdraw her troops from Egypt at the end of three years provided that there was then no new danger, external or internal, to require their retention, and provided further that she should have the right of reoccupying the country if any such danger arose. It was only at the last moment that the Sultan under foreign pressure withheld his signature and the negotiations fell through.

But, though Great Britain remained in Egypt, she did nothing during the next twenty-seven years either to legalise her own position or to disturb the theory that Egypt was an autonomous nationality under the suzerainty of the Sultan of Turkey. Egypt was in theory governed by the Khedive, the Council of Egyptian Ministers, the Egyptian Legislative Council and Assembly; and the British Representative was in name merely "Agent and Consul-General," the exponent, like the Representatives of other Powers, of the views and wishes of his Government to the Government of Egypt. Though, in virtue of the Army of Occupation and of the numerous duties and responsibilities which circumstances gradually imposed on him, he came to be the real arbiter of the country, he was always studiously careful to observe this theory, and the observance of it was regarded by Egyptians as an implied pledge that the occupying Power did not intend to impair the national status of their country.

It was also so regarded by foreign Powers, and when the Anglo-French Agreement of 1904 was concluded, a declaration was signed in London to the following effect:—

> "His Britannic Majesty's Government declare that they have no intention of altering the political status of Egypt. The Government of the French Republic, for their part, declare that they will not obstruct the action of Great Britain in that country, by asking that a limit of time be fixed for the British occupation or in any other manner."

This understanding would no doubt have served for all practical purposes, if European peace had been maintained. But with the outbreak of war and the entry of Turkey into the war on the side of the enemy, questions of extreme difficulty arose. Egyptians were nominally subjects of the Sultan of Turkey, owing allegiance to him and not to the British Crown. This was obviously an intolerable situation. But the mere abolition of Turkish suzerainty by an act of war would have deprived Egypt of any definite status and left her in the position of a former Turkish dependency in the hands of Great Britain. This difficulty might, of course, have been summarily disposed of by the annexation of Egypt to the British Empire, but the British Government deliberately chose a less drastic course which would afford security to Egypt, while leaving the principle of an Egyptian national entity unimpaired. This was to place Egypt under the protection of Great Britain. A proclamation was accordingly issued in the Official Journal on the 18th December, 1914:—

> "His Britannic Majesty's Secretary of State for Foreign Affairs gives notice that in view of the state of war arising out of the action of Turkey, Egypt is placed under the protection of His Majesty, and will henceforth constitute a British Protectorate.
>
> "The suzerainty of Turkey over Egypt is thus terminated, and His Majesty's Government will adopt all measures necessary for the defence of Egypt and protect its inhabitants and interests."

On the following day a further proclamation was issued deposing Abbas Hilmi, the then Khedive, on the ground that he had adhered to the King's enemies, and announcing that the succession had been offered to and accepted by His Highness Prince Hussein Kamel, with the title of Sultan of Egypt.

It has been constantly asserted by Egyptian Nationalists that they understood the Protectorate to be merely a war measure, and the defence of Egypt promised under it in the second clause of the Proclamation to be limited to defence in the war. The wording of the Proclamation seems to us to offer no ground for this interpretation, but

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the Egyptians were certainly given to understand that efforts would be made at the end of the war to satisfy their national aspirations, and great pains were taken to assure them that their national status was not changed for the worse by the Protectorate. For example, in the telegram which he addressed to Sultan Hussein on his accession to the Sultanate, His Majesty the King used these words :—

> "On the occasion when your Highness enters upon your high office, I desire to convey to your Highness the expression of my most sincere friendship and the assurance of my unfailing support in safeguarding the integrity of Egypt, and in securing her future well-being and prosperity.
>
> "Your Highness has been called upon to undertake the responsibilities of your high office at a grave crisis in the national life of Egypt, and I feel convinced that you will be able, with the co-operation of your Ministers and the Protectorate of Great Britain, successfully to overcome all the influences which are seeking to destroy the independence of Egypt, and the wealth, liberty and happiness of its people."

It should be added that Egyptian Nationalists are able to point to a long series of declarations by British statesmen disowning the idea of annexing, or even permanently occupying, the country, and affirming, in the words of Sir Eldon Gorst, that "the fundamental idea" of the British Government "has been to prepare the Egyptians for self-government, while helping them in the meantime to enjoy the benefit of good government." Englishmen are aware of the circumstances which have till now prevented the fulfilment of these pledges, but they are naturally treasured by Egyptians and too easily made the ground of accusations of bad faith. It is necessary to bear them in mind, if we would understand the resentment of Egyptians at the common assumption that Egypt is a British possession or that the Protectorate has naturally made it so.

The situation in Egypt has therefore always remained an abnormal one since the British Occupation in 1882. In the initial stages, problems which appeared almost insuperable had been surmounted with remarkable success under an exceptionally able administrator, and as time went on, and the machine appeared superficially to be running smoothly, public opinion in Great Britain ceased to concern itself with the indefinite character of the situation. But in reality a settlement was becoming progressively more urgent, the more widely the influence of our presence in Egypt and the introduction of western methods made themselves felt. With the removal of that fear of oppression which in old days had made Egyptians acquiescent and submissive, new impulses and ambitions were inevitably aroused. The Egyptians of 1920, whether townsmen or peasants, are different people from those of 1910, and very different indeed from the Egyptians of 1890. We have never honestly faced the Egyptian problem, and our neglect to do so is in a measure responsible for the present situation.

The régime inaugurated by the late Lord Cromer to redeem a bankrupt administration was never more than a provisional one, because for many years there was no reason to believe that the Occupation, which we had in 1887 actually agreed to terminate, would be other than of brief duration. But provisional and extemporised expedients gradually hardened into established institutions and the stronger element in a combination of administrative forces tended to become the dominant one, to acquire powers and responsibilities not originally contemplated, and to restrict the Egyptian element in the public service to a secondary position. The policy pursued in the early days of the Occupation had been to engage a restricted number of carefully selected British officials to advise and assist, especially in the Finance and Irrigation services. A Judicial and Educational Adviser were, in due course, added, and later again an Adviser to the Interior, with a body of Inspectors for the Provinces. So long as their numbers were strictly limited, and only men of high capacity and experience were appointed, not only was the co-operation of British officials tolerated, but they were themselves regarded with esteem and affection.

As the resources at the disposal of Egypt increased the public services were greatly expanded, and with this expansion the obligation arose concurrently to add to the number of foreign assistants and experts. Thus, with the prolongation of the Occupation, the number of British officials in Egypt steadily increased, and the principle that the aim of the administration should be to train and equip Egyptians to manage their own affairs fell into the background. In spite of the fact that Egyptian Ministers have of recent years taken a greater part and a more direct interest in their departments than in the early days of the Occupation, when many of them were content with little more than an honorary position, the work of Under-Secretaries and heads of

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departments, for the most part non-Egyptian, has become increasingly independent of the Council of Ministers. A growing resentment at the number of posts monopolised by the British was noticed for a long period antecedent to the war. Egyptian officials of long experience and considerable competence felt that they were definitely excluded from rising to the highest positions in view of the system consecrated by prescription that a post once held by a non-Egyptian was, on its becoming vacant, automatically filled by a non-Egyptian.

Particular resentment was occasioned in Egypt at the time of the arrival of the Mission by a recent increase in the numbers of the British engaged for the public service. This increase, if it was greatly exaggerated by ill-informed rumour, was nevertheless appreciable, and affected also a few very subordinate offices hitherto filled by natives of the country. It may here be mentioned that the number of British officials has risen from a few hundred in the earlier years of the occupation to upwards of sixteen hundred at the present day, with scales of pay different from those enjoyed by the Egyptians. These higher scales, if amply justified by special circumstances, were readily represented as constituting a grievance.

Another feature of Egyptian life has undoubtedly contributed to the unrest. As British officials have increased in number they have more and more lived apart from the Egyptian community, and their chief residential quarter on the Island of Ghezireh has come to be a self-contained community, furnished, like an Indian cantonment, with a complete equipment for social intercourse, sport and physical exercise. This has added to the amenities of life for the official class, but it has withdrawn them from society with Egyptians and tended to create a British *enclave* from which Egyptians are excluded. We are aware of the difficulties on both sides which stand in the way of free and unembarrassed relations between men and women of different races and customs, but when the necessary allowance has been made it must, we think, be said that the increasing segregation of the British community, which has been a feature of recent years, has been a cause of estrangement between British and Egyptians and made the fact of an alien occupation more obtrusive than it need have been.

We have noticed with pleasure the cordial and intimate relations which many old residents in Egypt, and not a few senior officials and their wives, have established with their Egyptian neighbours, and we have seen much evidence of the value and influence of these friendships in the recent times of stress and difficulty. We are convinced that it would greatly help if more efforts were made to cultivate these neighbourly relations. The forms and conventions of conduct should be studied and carefully respected by British residents in Egypt and visitors to Egypt. It should be realised, especially by the latter, that altogether disproportionate harm may be done by offences against good taste which, though trivial in themselves, cause comment and scandal. It should, in general, be the aim of the British residents and visitors to break down the barriers that exist rather than to create new ones, to enter as far as possible into the life of the Egyptian people, to learn enough of their language to make social contact possible and agreeable, and to avoid the minor causes of offence which in the aggregate become mischievous.

On the other hand, a criticism not infrequently heard that the quality of the British officials has deteriorated does not seem to us to be justified. There are many officials of high capacity in Egypt to-day, as there were in former times men of exceptional and others of only moderate calibre. But the critical sense of the Egyptians has been greatly developed by progress and contact with other countries, and they have become more exacting than the older generation with regard to standards of efficiency.

Again, since the retirement in 1907 of Lord Cromer, there have been no less than five British Agents or High Commissioners, and Egypt has felt herself to some extent a field for successive experiments. The result of these repeated changes, due to the accident of circumstances, tended to increase the independence of the permanent British officials, who were more concerned with departmental efficiency than with questions of policy, while to Egyptian observers they conveyed an impression of uncertainty and instability.

Another contributory cause of the general discontent was the manifest insuccess of educational policy resulting in the production of an unnecessarily large and ever-increasing number of candidates for official posts, provided with examination certificates, but destitute of any real educational culture. It was necessary in the initial stage to train a number of young men to such a standard of efficiency as would enable them to undertake clerical duties in State departments which had hitherto been largely performed by non-Egyptians, and to prepare pupils for the higher colleges of medicine, law and engineering. But here again there seems, until quite recently, to have been

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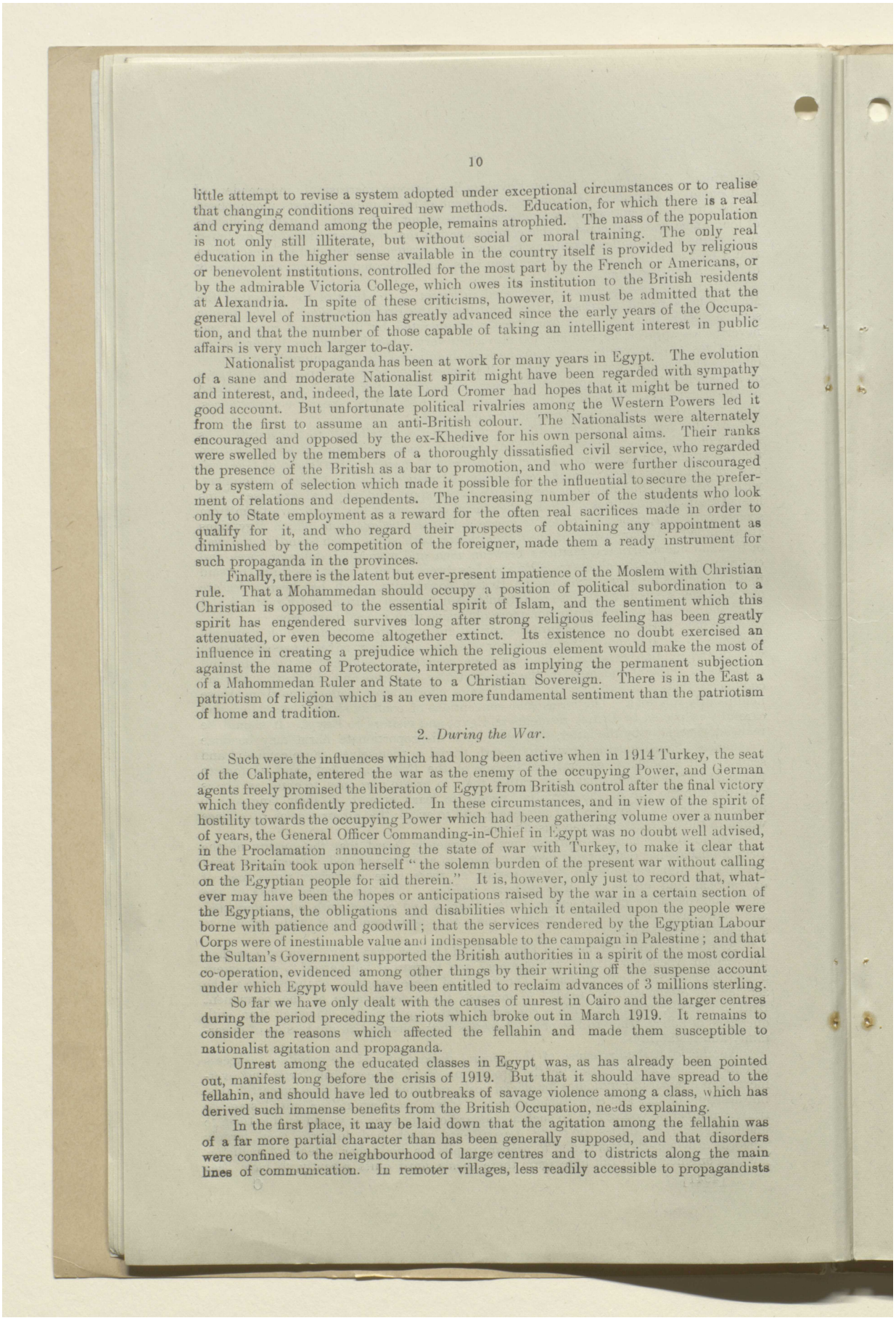

little attempt to revise a system adopted under exceptional circumstances or to realise that changing conditions required new methods. Education, for which there is a real and crying demand among the people, remains atrophied. The mass of the population is not only still illiterate, but without social or moral training. The only real education in the higher sense available in the country itself is provided by religious or benevolent institutions, controlled for the most part by the French or Americans, or by the admirable Victoria College, which owes its institution to the British residents at Alexandria. In spite of these criticisms, however, it must be admitted that the general level of instruction has greatly advanced since the early years of the Occupation, and that the number of those capable of taking an intelligent interest in public affairs is very much larger to-day.

Nationalist propaganda has been at work for many years in Egypt. The evolution of a sane and moderate Nationalist spirit might have been regarded with sympathy and interest, and, indeed, the late Lord Cromer had hopes that it might be turned to good account. But unfortunate political rivalries among the Western Powers led it from the first to assume an anti-British colour. The Nationalists were alternately encouraged and opposed by the ex-Khedive for his own personal aims. Their ranks were swelled by the members of a thoroughly dissatisfied civil service, who regarded the presence of the British as a bar to promotion, and who were further discouraged by a system of selection which made it possible for the influential to secure the preferment of relations and dependents. The increasing number of the students who look only to State employment as a reward for the often real sacrifices made in order to qualify for it, and who regard their prospects of obtaining any appointment as diminished by the competition of the foreigner, made them a ready instrument for such propaganda in the provinces.

Finally, there is the latent but ever-present impatience of the Moslem with Christian rule. That a Mohammedan should occupy a position of political subordination to a Christian is opposed to the essential spirit of Islam, and the sentiment which this spirit has engendered survives long after strong religious feeling has been greatly attenuated, or even become altogether extinct. Its existence no doubt exercised an influence in creating a prejudice which the religious element would make the most of against the name of Protectorate, interpreted as implying the permanent subjection of a Mahommedan Ruler and State to a Christian Sovereign. There is in the East a patriotism of religion which is an even more fundamental sentiment than the patriotism of home and tradition.

2. *During the War.*

Such were the influences which had long been active when in 1914 Turkey, the seat of the Caliphate, entered the war as the enemy of the occupying Power, and German agents freely promised the liberation of Egypt from British control after the final victory which they confidently predicted. In these circumstances, and in view of the spirit of hostility towards the occupying Power which had been gathering volume over a number of years, the General Officer Commanding-in-Chief in Egypt was no doubt well advised, in the Proclamation announcing the state of war with Turkey, to make it clear that Great Britain took upon herself "the solemn burden of the present war without calling on the Egyptian people for aid therein." It is, however, only just to record that, whatever may have been the hopes or anticipations raised by the war in a certain section of the Egyptians, the obligations and disabilities which it entailed upon the people were borne with patience and goodwill; that the services rendered by the Egyptian Labour Corps were of inestimable value and indispensable to the campaign in Palestine; and that the Sultan's Government supported the British authorities in a spirit of the most cordial co-operation, evidenced among other things by their writing off the suspense account under which Egypt would have been entitled to reclaim advances of 3 millions sterling.

So far we have only dealt with the causes of unrest in Cairo and the larger centres during the period preceding the riots which broke out in March 1919. It remains to consider the reasons which affected the fellahin and made them susceptible to nationalist agitation and propaganda.

Unrest among the educated classes in Egypt was, as has already been pointed out, manifest long before the crisis of 1919. But that it should have spread to the fellahin, and should have led to outbreaks of savage violence among a class, which has derived such immense benefits from the British Occupation, needs explaining.

In the first place, it may be laid down that the agitation among the fellahin was of a far more partial character than has been generally supposed, and that disorders were confined to the neighbourhood of large centres and to districts along the main lines of communication. In remoter villages, less readily accessible to propagandists

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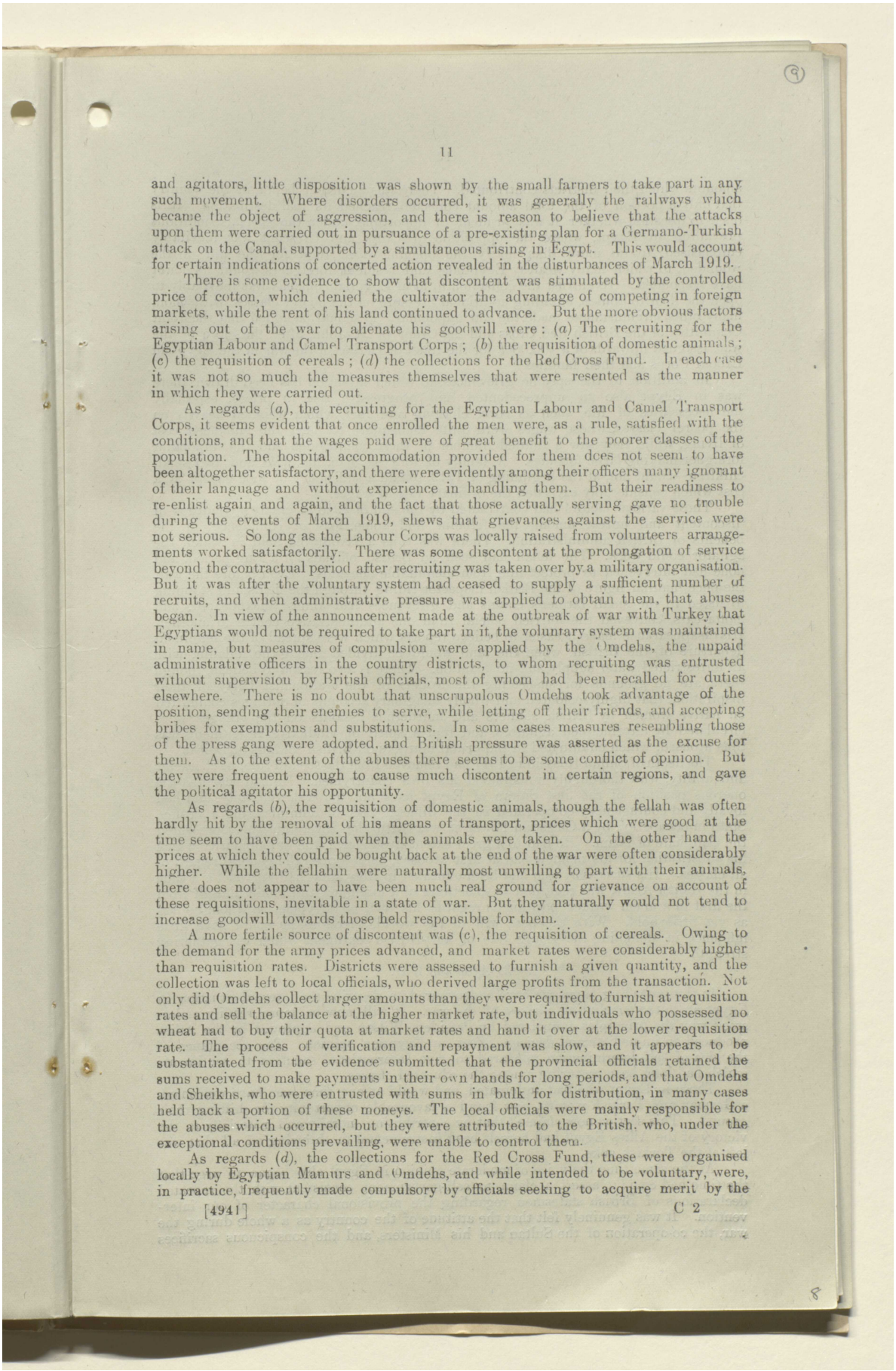

and agitators, little disposition was shown by the small farmers to take part in any such movement. Where disorders occurred, it was generally the railways which became the object of aggression, and there is reason to believe that the attacks upon them were carried out in pursuance of a pre-existing plan for a Germano-Turkish attack on the Canal, supported by a simultaneous rising in Egypt. This would account for certain indications of concerted action revealed in the disturbances of March 1919.

There is some evidence to show that discontent was stimulated by the controlled price of cotton, which denied the cultivator the advantage of competing in foreign markets, while the rent of his land continued to advance. But the more obvious factors arising out of the war to alienate his goodwill were: (*a*) The recruiting for the Egyptian Labour and Camel Transport Corps; (*b*) the requisition of domestic animals; (*c*) the requisition of cereals; (*d*) the collections for the Red Cross Fund. In each case it was not so much the measures themselves that were resented as the manner in which they were carried out.

As regards (*a*), the recruiting for the Egyptian Labour and Camel Transport Corps, it seems evident that once enrolled the men were, as a rule, satisfied with the conditions, and that the wages paid were of great benefit to the poorer classes of the population. The hospital accommodation provided for them does not seem to have been altogether satisfactory, and there were evidently among their officers many ignorant of their language and without experience in handling them. But their readiness to re-enlist again and again, and the fact that those actually serving gave no trouble during the events of March 1919, shews that grievances against the service were not serious. So long as the Labour Corps was locally raised from volunteers arrangements worked satisfactorily. There was some discontent at the prolongation of service beyond the contractual period after recruiting was taken over by a military organisation. But it was after the voluntary system had ceased to supply a sufficient number of recruits, and when administrative pressure was applied to obtain them, that abuses began. In view of the announcement made at the outbreak of war with Turkey that Egyptians would not be required to take part in it, the voluntary system was maintained in name, but measures of compulsion were applied by the Omdehs, the unpaid administrative officers in the country districts, to whom recruiting was entrusted without supervision by British officials, most of whom had been recalled for duties elsewhere. There is no doubt that unscrupulous Omdehs took advantage of the position, sending their enemies to serve, while letting off their friends, and accepting bribes for exemptions and substitutions. In some cases measures resembling those of the press gang were adopted, and British pressure was asserted as the excuse for them. As to the extent of the abuses there seems to be some conflict of opinion. But they were frequent enough to cause much discontent in certain regions, and gave the political agitator his opportunity.

As regards (*b*), the requisition of domestic animals, though the fellah was often hardly hit by the removal of his means of transport, prices which were good at the time seem to have been paid when the animals were taken. On the other hand the prices at which they could be bought back at the end of the war were often considerably higher. While the fellahin were naturally most unwilling to part with their animals, there does not appear to have been much real ground for grievance on account of these requisitions, inevitable in a state of war. But they naturally would not tend to increase goodwill towards those held responsible for them.

A more fertile source of discontent was (*c*), the requisition of cereals. Owing to the demand for the army prices advanced, and market rates were considerably higher than requisition rates. Districts were assessed to furnish a given quantity, and the collection was left to local officials, who derived large profits from the transaction. Not only did Omdehs collect larger amounts than they were required to furnish at requisition rates and sell the balance at the higher market rate, but individuals who possessed no wheat had to buy their quota at market rates and hand it over at the lower requisition rate. The process of verification and repayment was slow, and it appears to be substantiated from the evidence submitted that the provincial officials retained the sums received to make payments in their own hands for long periods, and that Omdehs and Sheikhs, who were entrusted with sums in bulk for distribution, in many cases held back a portion of these moneys. The local officials were mainly responsible for the abuses which occurred, but they were attributed to the British, who, under the exceptional conditions prevailing, were unable to control them.

As regards (*d*), the collections for the Red Cross Fund, these were organised locally by Egyptian Mamurs and Omdehs, and while intended to be voluntary, were, in practice, frequently made compulsory by officials seeking to acquire merit by the

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amounts which their districts contributed. There was a current belief in the country that only a portion of the total amount collected reached its real destination. It is open to question whether it was prudent or opportune, under the special conditions prevailing in Egypt, where the opposition of Cross and Crescent was inevitably emphasised, to do more than notify the opening of a fund for the aid of the wounded, to which many wealthy Egyptians and resident foreigners would no doubt have responded. To entrust the collection to local Egyptian officials was inevitably to open the door to abuses, entailing additional pressure on the poorer classes, with whom many other circumstances made the war unpopular. It should be added that the Joint Committee of the British Red Cross and the Order of St. John, after the close of the war, assigned upwards of a 100,000*l.* for the relief of victims of the war in the Egyptian Labour Corps and their families.

In addition to the specific grievances, to which attention has been drawn, there was in Egypt also an unprecedented and progressive rise in prices, especially the necessaries of life, such as corn, clothing and fuel, which weighed heavily on the poorer classes, whose wages were quite inadequate to meet the enhanced cost of living, while they saw a limited number of their countrymen and the unpopular foreigner making large fortunes. A family of four—a man, his wife and two small children—could not, at the beginning of 1919, obtain a sufficiency of food except at a cost which considerably exceeded the ordinary rate of wages.

These various factors had contributed by the end of 1918 to create a condition of discontent and unrest among the fellahin and some loss of confidence in the benefits of British administration. There was thus a favourable field in which the agitator could work. The fellah had seen no British officials for a long period, and none had intervened to protect him from inequitable demands. Even before the war, the once familiar figure of the British inspector riding through the fields and stopping to listen to the small farmer's claims and grievances had almost disappeared, and motor-cars conveyed the hurried official from one administrative centre to another. His disappearance made it easier to believe reports which were spread of the imminent departure of the British, when the land would be divided among the fellahin, with an unrestricted water supply and no taxation. There is also reason to believe, though there are no grounds for suspecting the leaders of the Nationalist Party of their inspiration, that highly-coloured and wholly imaginary accounts of outrages committed on native women by British soldiers and murderous assaults on the villages were circulated by unprincipled agitators, and that a spirit of vindictive resentment was thus aroused, which culminated in the brutal murders of British soldiers at Deirut.

The death of Sultan Hussein in 1917 had removed from the scene a ruler of character and ability, who thoroughly understood his own countrymen. He had accepted the onerous position of the first Sultan of Egypt as a not too welcome duty, and had loyally and courageously co-operated in the difficult task of administering a Moslem State in occupation by a Christian Power at war with the Sovereign who represented the Caliphate of Islam. He had to a great extent lived down the unpopularity which his substitution for his nephew had at first aroused, and enjoyed the general regard of all classes. His successor, who had been educated in Italy, and had served for a time in the Italian Army, was regarded as something of a foreigner, and found himself from the first in a much weaker position as regards his own countrymen, on whom he had as yet little hold. With the best will in the world, therefore, he could have little influence in stemming the rising tide of anti-British sentiment which was gathering strength.

3. *After the War.*

In the preceding pages we have endeavoured to describe the internal situation in Egypt up to the concluding phases of the war. It will now be more readily understood why the principles enunciated by President Wilson and approved by the Allies produced an immediate and decisive effect on Egyptian opinion. The acceptance of the idea of self-determination appeared to give international sanction to sentiments which had long been maturing among the educated classes.

Those in Egypt who had anticipated, and would at one time even have welcomed, a German and Turkish victory, now found a favourable opportunity for shifting their ground. This section now claimed that by contributing morally and materially to the victory of the Allies Egypt had herself been instrumental in throwing off all that was left of the Turkish yoke.

At the same time the voice of moderate opinion in Egypt also began to urge that the time had come to assert a claim to self-government consistent with the repeated declarations of British statesmen regarding the provisional character of our intervention. It was genuinely felt that the attitude of the country as a whole during the war, the co-operation of the Sultan and his Ministers, and the conspicuous sacrifices

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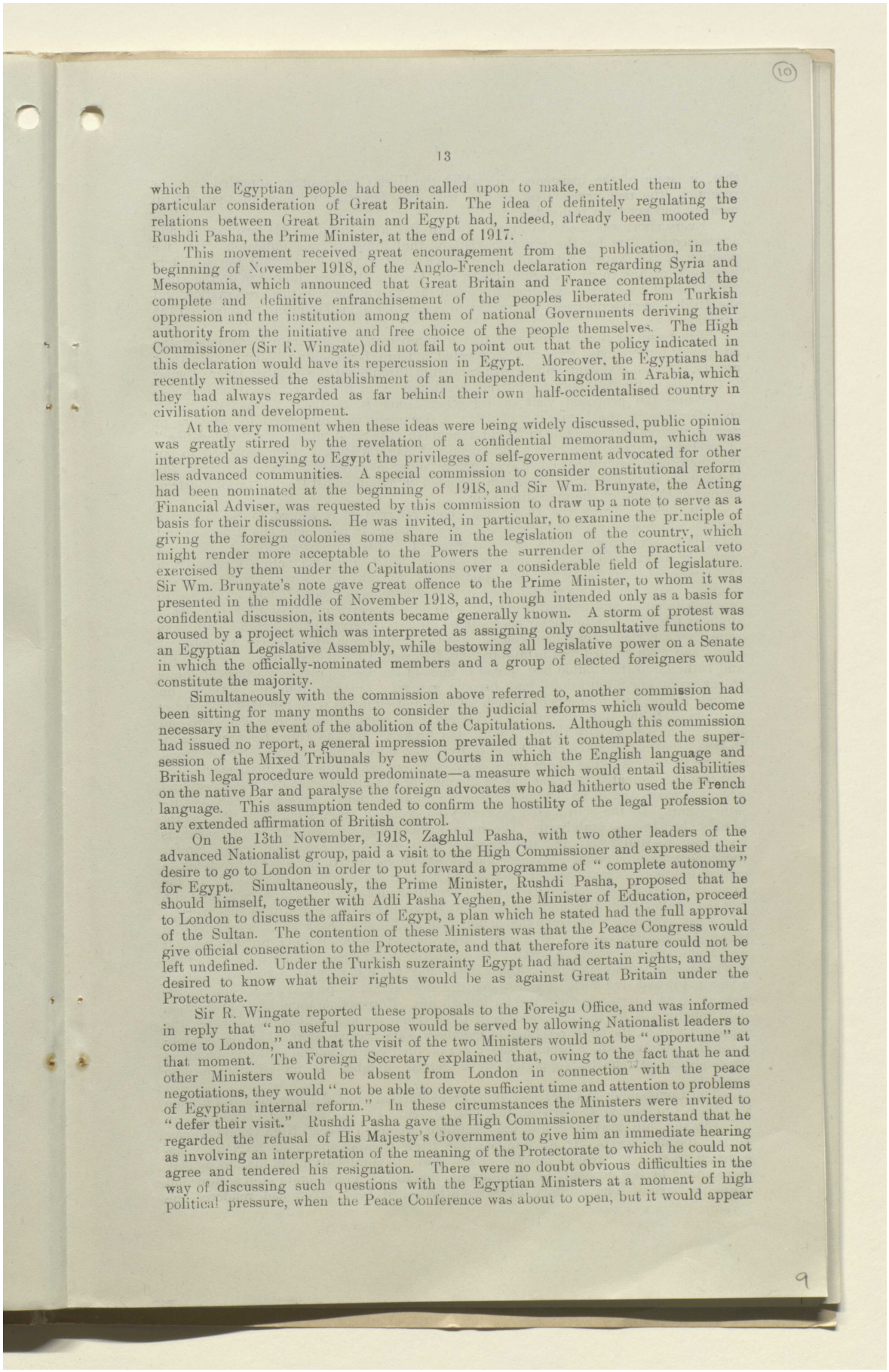

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which the Egyptian people had been called upon to make, entitled them to the particular consideration of Great Britain. The idea of definitely regulating the relations between Great Britain and Egypt had, indeed, already been mooted by Rushdi Pasha, the Prime Minister, at the end of 1917.

This movement received great encouragement from the publication, in the beginning of November 1918, of the Anglo-French declaration regarding Syria and Mesopotamia, which announced that Great Britain and France contemplated the complete and definitive enfranchisement of the peoples liberated from Turkish oppression and the institution among them of national Governments deriving their authority from the initiative and free choice of the people themselves. The High Commissioner (Sir R. Wingate) did not fail to point out that the policy indicated in this declaration would have its repercussion in Egypt. Moreover, the Egyptians had recently witnessed the establishment of an independent kingdom in Arabia, which they had always regarded as far behind their own half-occidentalised country in civilisation and development.

At the very moment when these ideas were being widely discussed, public opinion was greatly stirred by the revelation of a confidential memorandum, which was interpreted as denying to Egypt the privileges of self-government advocated for other less advanced communities. A special commission to consider constitutional reform had been nominated at the beginning of 1918, and Sir Wm. Brunyate, the Acting Financial Adviser, was requested by this commission to draw up a note to serve as a basis for their discussions. He was invited, in particular, to examine the principle of giving the foreign colonies some share in the legislation of the country, which might render more acceptable to the Powers the surrender of the practical veto exercised by them under the Capitulations over a considerable field of legislature. Sir Wm. Brunyate's note gave great offence to the Prime Minister, to whom it was presented in the middle of November 1918, and, though intended only as a basis for confidential discussion, its contents became generally known. A storm of protest was aroused by a project which was interpreted as assigning only consultative functions to an Egyptian Legislative Assembly, while bestowing all legislative power on a Senate in which the officially-nominated members and a group of elected foreigners would constitute the majority.

Simultaneously with the commission above referred to, another commission had been sitting for many months to consider the judicial reforms which would become necessary in the event of the abolition of the Capitulations. Although this commission had issued no report, a general impression prevailed that it contemplated the super-session of the Mixed Tribunals by new Courts in which the English language and British legal procedure would predominate—a measure which would entail disabilities on the native Bar and paralyse the foreign advocates who had hitherto used the French language. This assumption tended to confirm the hostility of the legal profession to any extended affirmation of British control.

On the 13th November, 1918, Zaghlul Pasha, with two other leaders of the advanced Nationalist group, paid a visit to the High Commissioner and expressed their desire to go to London in order to put forward a programme of "complete autonomy" for Egypt. Simultaneously, the Prime Minister, Rushdi Pasha, proposed that he should himself, together with Adli Pasha Yeghen, the Minister of Education, proceed to London to discuss the affairs of Egypt, a plan which he stated had the full approval of the Sultan. The contention of these Ministers was that the Peace Congress would give official consecration to the Protectorate, and that therefore its nature could not be left undefined. Under the Turkish suzerainty Egypt had had certain rights, and they desired to know what their rights would be as against Great Britain under the Protectorate.

Sir R. Wingate reported these proposals to the Foreign Office, and was informed in reply that "no useful purpose would be served by allowing Nationalist leaders to come to London," and that the visit of the two Ministers would not be "opportune" at that moment. The Foreign Secretary explained that, owing to the fact that he and other Ministers would be absent from London in connection with the peace negotiations, they would "not be able to devote sufficient time and attention to problems of Egyptian internal reform." In these circumstances the Ministers were invited to "defer their visit." Rushdi Pasha gave the High Commissioner to understand that he regarded the refusal of His Majesty's Government to give him an immediate hearing as involving an interpretation of the meaning of the Protectorate to which he could not agree and tendered his resignation. There were no doubt obvious difficulties in the way of discussing such questions with the Egyptian Ministers at a moment of high political pressure, when the Peace Conference was about to open, but it would appear

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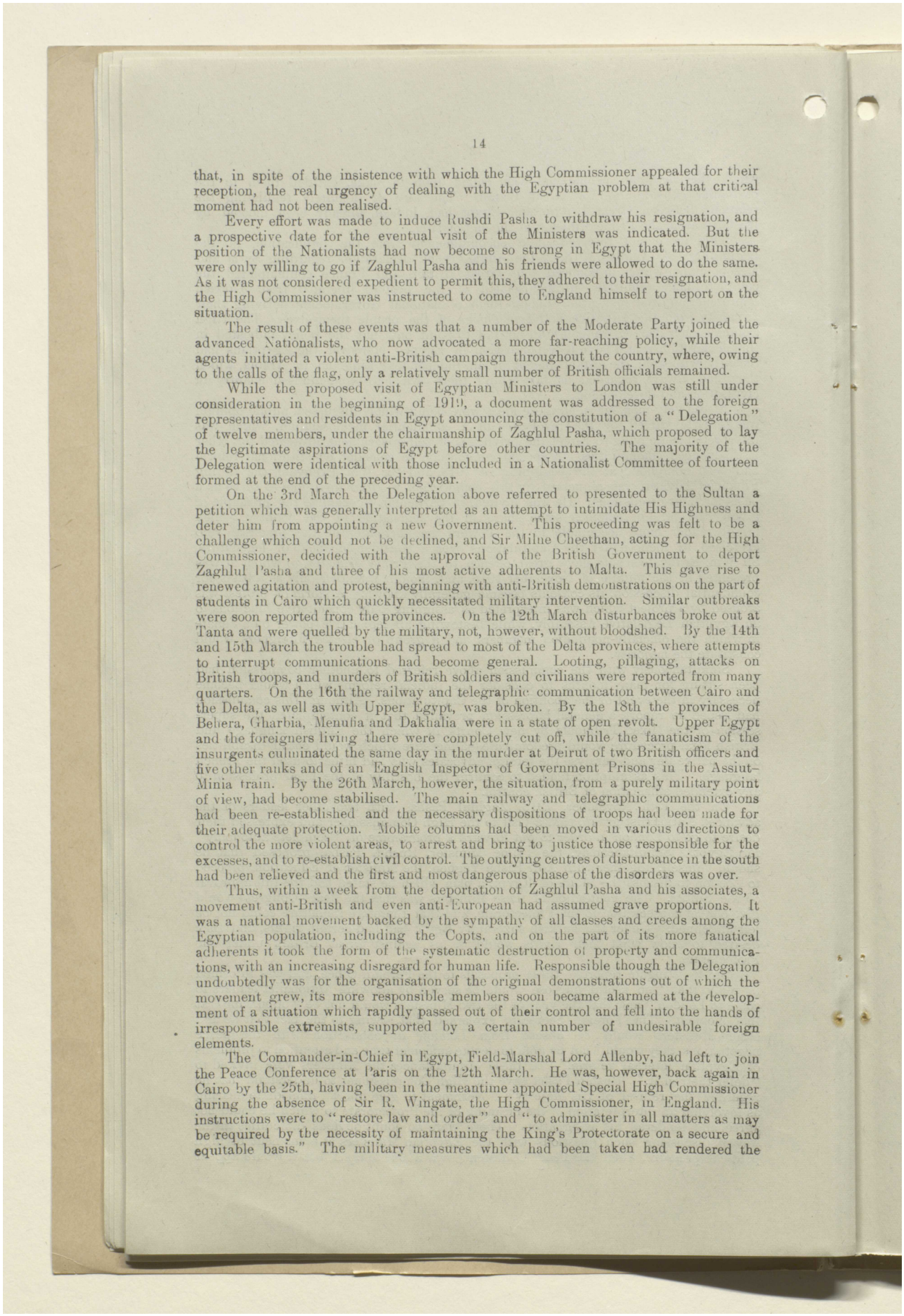

that, in spite of the insistence with which the High Commissioner appealed for their reception, the real urgency of dealing with the Egyptian problem at that critical moment had not been realised.

Every effort was made to induce Rushdi Pasha to withdraw his resignation, and a prospective date for the eventual visit of the Ministers was indicated. But the position of the Nationalists had now become so strong in Egypt that the Ministers were only willing to go if Zaghlul Pasha and his friends were allowed to do the same. As it was not considered expedient to permit this, they adhered to their resignation, and the High Commissioner was instructed to come to England himself to report on the situation.

The result of these events was that a number of the Moderate Party joined the advanced Nationalists, who now advocated a more far-reaching policy, while their agents initiated a violent anti-British campaign throughout the country, where, owing to the calls of the flag, only a relatively small number of British officials remained.

While the proposed visit of Egyptian Ministers to London was still under consideration in the beginning of 1919, a document was addressed to the foreign representatives and residents in Egypt announcing the constitution of a "Delegation" of twelve members, under the chairmanship of Zaghlul Pasha, which proposed to lay the legitimate aspirations of Egypt before other countries. The majority of the Delegation were identical with those included in a Nationalist Committee of fourteen formed at the end of the preceding year.

On the 3rd March the Delegation above referred to presented to the Sultan a petition which was generally interpreted as an attempt to intimidate His Highness and deter him from appointing a new Government. This proceeding was felt to be a challenge which could not be declined, and Sir Milne Cheetham, acting for the High Commissioner, decided with the approval of the British Government to deport Zaghlul Pasha and three of his most active adherents to Malta. This gave rise to renewed agitation and protest, beginning with anti-British demonstrations on the part of students in Cairo which quickly necessitated military intervention. Similar outbreaks were soon reported from the provinces. On the 12th March disturbances broke out at Tanta and were quelled by the military, not, however, without bloodshed. By the 14th and 15th March the trouble had spread to most of the Delta provinces, where attempts to interrupt communications had become general. Looting, pillaging, attacks on British troops, and murders of British soldiers and civilians were reported from many quarters. On the 16th the railway and telegraphic communication between Cairo and the Delta, as well as with Upper Egypt, was broken. By the 18th the provinces of Behera, Gharbia, Menufia and Dakhalia were in a state of open revolt. Upper Egypt and the foreigners living there were completely cut off, while the fanaticism of the insurgents culminated the same day in the murder at Deirut of two British officers and five other ranks and of an English Inspector of Government Prisons in the Assiut–Minia train. By the 26th March, however, the situation, from a purely military point of view, had become stabilised. The main railway and telegraphic communications had been re-established and the necessary dispositions of troops had been made for their adequate protection. Mobile columns had been moved in various directions to control the more violent areas, to arrest and bring to justice those responsible for the excesses, and to re-establish civil control. The outlying centres of disturbance in the south had been relieved and the first and most dangerous phase of the disorders was over.

Thus, within a week from the deportation of Zaghlul Pasha and his associates, a movement anti-British and even anti-European had assumed grave proportions. It was a national movement backed by the sympathy of all classes and creeds among the Egyptian population, including the Copts, and on the part of its more fanatical adherents it took the form of the systematic destruction of property and communications, with an increasing disregard for human life. Responsible though the Delegation undoubtedly was for the organisation of the original demonstrations out of which the movement grew, its more responsible members soon became alarmed at the development of a situation which rapidly passed out of their control and fell into the hands of irresponsible extremists, supported by a certain number of undesirable foreign elements.

The Commander-in-Chief in Egypt, Field-Marshal Lord Allenby, had left to join the Peace Conference at Paris on the 12th March. He was, however, back again in Cairo by the 25th, having been in the meantime appointed Special High Commissioner during the absence of Sir R. Wingate, the High Commissioner, in England. His instructions were to "restore law and order" and "to administer in all matters as may be required by the necessity of maintaining the King's Protectorate on a secure and equitable basis." The military measures which had been taken had rendered the

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situation outwardly calm. But there was little diminution of anti-British sentiment, which was now chiefly manifested against the military element, whose behaviour during the repression of disorder was speciously misrepresented. Lawyers and students continued to strike, and many officials absented themselves from their duties.

The conciliatory disposition adopted by the Special High Commissioner in addressing a group of notables who visited him by invitation did not prevent the outbreak on the 2nd April of a general strike, which had, however, practically subsided by the 6th. Meanwhile, in pursuance of his policy of conciliation, Lord Allenby, with the approval of His Majesty's Government, completely removed the embargo on the departure of Egyptians desiring to travel, a measure which carried with it the release from Malta of Zaghlul Pasha and his three associates. Thus, within a month of their deportation, the policy then adopted was reversed, and the leaders of the movement became free either to return to Egypt or to proceed elsewhere to renew their campaign of agitation.

Such, in brief, was the course of events in the first four months of the year 1919. It is obvious, after the event, that Egyptian Ministers should have been encouraged to come to London when they proposed to do so, and Sir Reginald Wingate, whose advice on this subject was fully justified by the sequel, would have done well, in our opinion, to urge his views with even greater insistency. After this initial mistake events moved more rapidly in Egypt than the Administration appear to have realised. The consequences of deporting the Nationalist leaders were not rightly estimated, and the revoking of that measure, after serious disturbances had taken place, necessarily gave the impression that British policy was wavering and liable to quick changes under the pressure of agitation. In the next stage, punitive measures for the murder of British officers and other outrages committed during the rebellion became a necessity, and though carried out, on the whole, with moderation, they inevitably prolonged the period of exasperation. The Administration endeavoured to conciliate Egyptian sentiment by transferring a large number of the trials, after the most urgent cases had been dealt with by martial law, to the ordinary tribunals, but by this time Nationalist opinion had hardened, and the almost invariable result was that evidence ceased to be forthcoming and that the accused were acquitted. In the meantime, Zaghlul Pasha and his colleagues had, on their release from Malta, proceeded to Paris, in the hope of obtaining a hearing for Egypt's claim to independence from the Peace Conference. On failing to achieve this object, they devoted all their energies to obtaining foreign support for their cause, and an emissary was despatched to America to canvass opinion in the United States. At the same time, their adherents in Egypt worked with the greatest industry to complete their organisation, collecting large sums of money and extending their propaganda to all parts of the country. Their activities in this latter sphere were largely concentrated upon the exploitation of the existing conditions of industrial unrest, resulting in a succession of more or less serious strikes. By this time it had been announced that the British Government intended to send the Special Mission to Egypt, but, having made up their minds that its object would be the extinction of Egyptian nationality, the agitators concentrated their attention on limiting the sphere of its activities by an organised boycott.

(B.)—*The Nationalist Movement and Egyptian Aspirations.*

Enough has been said to explain the rapid growth of the Nationalist movement. It is more difficult to give, within a reasonable compass, a correct and at the same time intelligible analysis of its real nature and objects.

It has been said, that "every Egyptian worth his salt is at heart a Nationalist." This is only true of the educated and semi-educated classes, who constitute less than 10 per cent. of the fourteen million inhabitants of Egypt. It would be meaningless as applied to the 92 per cent. of illiterates and especially to the fellahin, who are two-thirds of the whole people. The turbulent crowds of the great towns may indeed be easily worked up to excitement by political catchwords, which they vociferate without understanding. But the fellahin, as a body, are normally very indifferent to politics. They are a primitive peasantry, living on the land and by the land, to which they are passionately devoted, and from which, though working with rude instruments and with little aid from agricultural science, they raise by their matchless industry and perfect knowledge of the soil those wonderful crops which are the bed-rock of Egyptian prosperity. Their whole interest in life centres in these crops and in the regular supply of Nile water, without which their fields would be barren. But while their outlook remains limited their independence has developed, and they are far more tenacious of their rights than in the old days of despotism.

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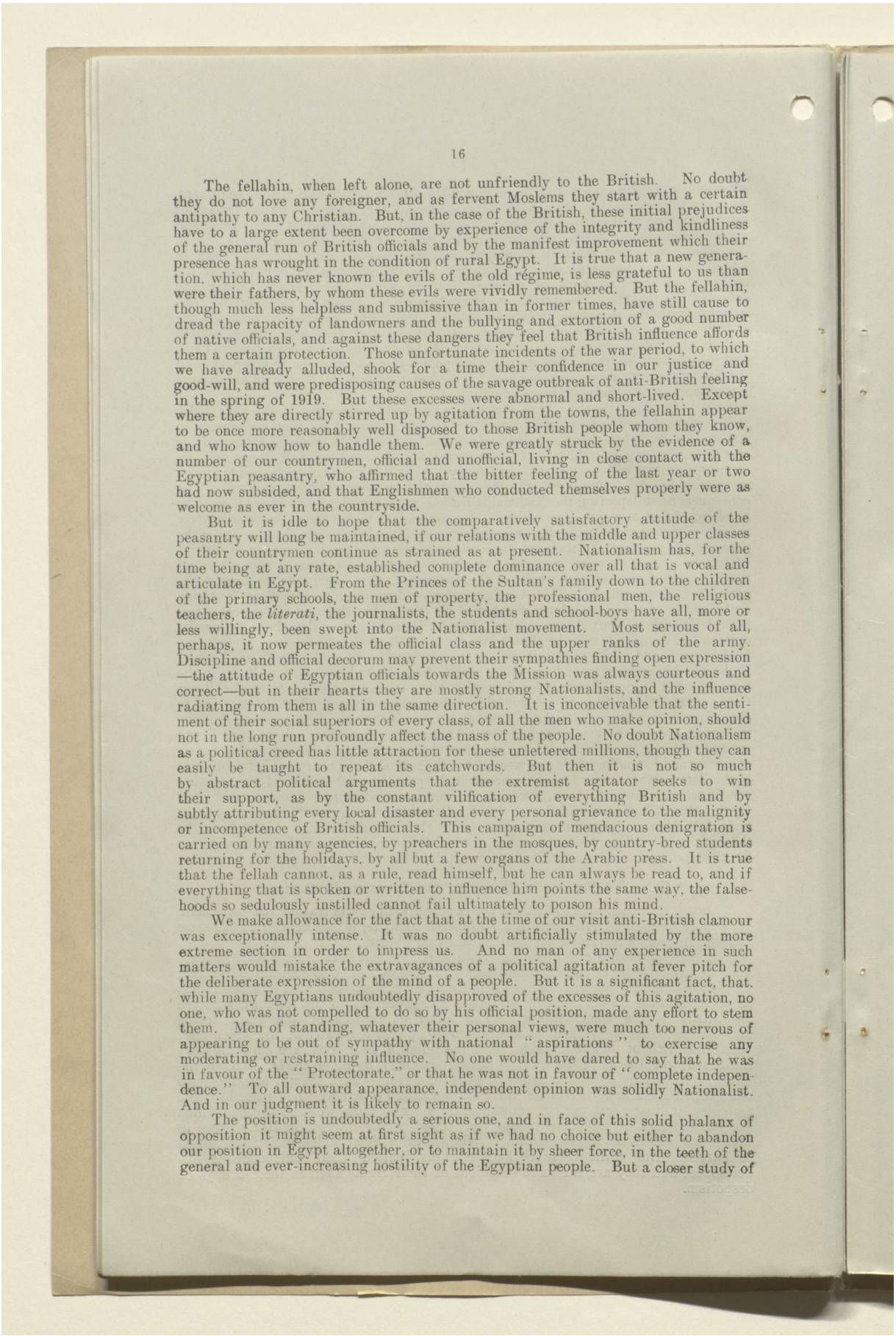

The fellahin, when left alone, are not unfriendly to the British. No doubt they do not love any foreigner, and as fervent Moslems they start with a certain antipathy to any Christian. But, in the case of the British, these initial prejudices have to a large extent been overcome by experience of the integrity and kindliness of the general run of British officials and by the manifest improvement which their presence has wrought in the condition of rural Egypt. It is true that a new generation, which has never known the evils of the old régime, is less grateful to us than were their fathers, by whom these evils were vividly remembered. But the fellahin, though much less helpless and submissive than in former times, have still cause to dread the rapacity of landowners and the bullying and extortion of a good number of native officials, and against these dangers they feel that British influence affords them a certain protection. Those unfortunate incidents of the war period, to which we have already alluded, shook for a time their confidence in our justice and good-will, and were predisposing causes of the savage outbreak of anti-British feeling in the spring of 1919. But these excesses were abnormal and short-lived. Except where they are directly stirred up by agitation from the towns, the fellahin appear to be once more reasonably well disposed to those British people whom they know, and who know how to handle them. We were greatly struck by the evidence of a number of our countrymen, official and unofficial, living in close contact with the Egyptian peasantry, who affirmed that the bitter feeling of the last year or two had now subsided, and that Englishmen who conducted themselves properly were as welcome as ever in the countryside.

But it is idle to hope that the comparatively satisfactory attitude of the peasantry will long be maintained, if our relations with the middle and upper classes of their countrymen continue as strained as at present. Nationalism has, for the time being at any rate, established complete dominance over all that is vocal and articulate in Egypt. From the Princes of the Sultan's family down to the children of the primary schools, the men of property, the professional men, the religious teachers, the *literati*, the journalists, the students and school-boys have all, more or less willingly, been swept into the Nationalist movement. Most serious of all, perhaps, it now permeates the official class and the upper ranks of the army. Discipline and official decorum may prevent their sympathies finding open expression —the attitude of Egyptian officials towards the Mission was always courteous and correct—but in their hearts they are mostly strong Nationalists, and the influence radiating from them is all in the same direction. It is inconceivable that the sentiment of their social superiors of every class, of all the men who make opinion, should not in the long run profoundly affect the mass of the people. No doubt Nationalism as a political creed has little attraction for these unlettered millions, though they can easily be taught to repeat its catchwords. But then it is not so much by abstract political arguments that the extremist agitator seeks to win their support, as by the constant vilification of everything British and by subtly attributing every local disaster and every personal grievance to the malignity or incompetence of British officials. This campaign of mendacious denigration is carried on by many agencies, by preachers in the mosques, by country-bred students returning for the holidays, by all but a few organs of the Arabic press. It is true that the fellah cannot, as a rule, read himself, but he can always be read to, and if everything that is spoken or written to influence him points the same way, the falsehoods so sedulously instilled cannot fail ultimately to poison his mind.

We make allowance for the fact that at the time of our visit anti-British clamour was exceptionally intense. It was no doubt artificially stimulated by the more extreme section in order to impress us. And no man of any experience in such matters would mistake the extravagances of a political agitation at fever pitch for the deliberate expression of the mind of a people. But it is a significant fact, that, while many Egyptians undoubtedly disapproved of the excesses of this agitation, no one, who was not compelled to do so by his official position, made any effort to stem them. Men of standing, whatever their personal views, were much too nervous of appearing to be out of sympathy with national "aspirations" to exercise any moderating or restraining influence. No one would have dared to say that he was in favour of the "Protectorate," or that he was not in favour of "complete independence." To all outward appearance, independent opinion was solidly Nationalist. And in our judgment it is likely to remain so.

The position is undoubtedly a serious one, and in face of this solid phalanx of opposition it might seem at first sight as if we had no choice but either to abandon our position in Egypt altogether, or to maintain it by sheer force, in the teeth of the general and ever-increasing hostility of the Egyptian people. But a closer study of

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the problem led us to take a more hopeful view. From many and intimate conversations with representative Egyptians, including some who were commonly regarded as extreme Nationalists, the conviction was borne in upon us, that they were not so intransigeant, and certainly not so anti-British, as the frantic diatribes of the press might have led us to suppose. The broad banner of Nationalism was seen to cover many shades of opinion, and, above all, most notable differences of temper and of aim. Undoubtedly there are a number of Nationalists whose fundamental hatred of all foreign, and especially all British, control leads them to commit, or at any rate sympathise with, acts of lawlessness and crime. Not only are their aims wholly incompatible with any sort of understanding between British and Egyptians, but they are prepared to pursue them by methods which nothing could justify and which no Government could do otherwise than strive to repress. They are deliberately encouraging a system of terrorism, which is intended to render any co-operation between British and Egyptians impossible in the future.

The untoward events of the last few years in Egypt itself and the restless and revolutionary spirit throughout the whole world, which has had a strong repercussion in that country, have undoubtedly been grist to the mill of this extreme section and have given a more sinister character to the Nationalist movement. No wonder that, under these circumstances, Nationalism has appeared to many British people on the spot, and perhaps to even more at home, to be synonymous with violent Anglophobia and to be aiming at the complete subversion of the existing system of government in Egypt.

But we were satisfied, even before leaving Cairo, that it would be a profound mistake to take this sweeping view. It would be wrong to allow the impressions of a period of turbulence, like the preceding twelve months, to blind us to what is reasonable and legitimate in the aspirations of Egyptian Nationalism. Such an indiscriminating attitude could only tend to drive moderate men more and more into the camp of the Extremists and to convert the present deplorable friction between British and Egyptians, which is not incapable of being remedied, into bitter and enduring hostility. Violence and disorder must, of course, be suppressed, and here let us say that the measures taken to that end during our stay in Egypt were as temperate as they were effective. The necessity of continuing to maintain Martial Law in Egypt is regrettable, but under Lord Allenby Martial Law was being administered with the minimum of severity or of disturbance to the normal course of justice and the everyday life of the people. The duty of promptly suppressing violence and disorder must not, however, lead us to confound all those who are in a greater or less degree opposed to the existing system of government with the pronounced revolutionaries, or simple criminals, who were responsible for the outbreak of the spring of 1919 and the sporadic acts of violence which have been perpetrated since. In talking to many men who professed Nationalist opinions—and indeed it was difficult to find anyone who repudiated all sympathy with them—we encountered a very different spirit from that which found expression in such detestable outrages. These men denounced the resort to violence, or open rebellion, as not only criminal, but useless. Great Britain—such was the general view—was more than strong enough to keep Egypt in permanent subjection, if she preferred unwilling subjects to friendly and grateful allies. For they all recognised, with more or less warmth and spontaneity, the great benefits which Great Britain had conferred upon Egypt, while most of them also recognised that Egypt still stood in need of British assistance, not only in the work of internal reconstruction, but for her defence against foreign interference, and the danger of once more becoming the arena of international rivalry and intrigue. They all, without exception, admitted that Great Britain had a very special interest in Egypt, as the central link in her communications with her Eastern Empire and the Australasian Dominions, and a perfect right to safeguard these communications from any danger of interruption. But was it necessary for the fulfilment of these objects to deprive Egypt of her independence, to try to convert her into an integral part of the British Empire, and to run counter to the ineradicable desire of the Egyptians to take their place, as a distinct people, among the nations of the world? Would not an orderly and friendly Egypt, in intimate association with Great Britain, serve British purposes as well, or even better, while removing all sense of grievance and all spirit of revolt on the Egyptian side? Moreover, was not such a consummation the only one consistent with the avowed policy of Great Britain, with her reiterated declarations, that it was not her intention to appropriate Egypt, or to incorporate her in the British Empire, but to make her capable of standing on her own feet? In the sincerity of these declarations they had long believed, but were now ceasing to believe. After nearly forty years of British occupation, they seemed

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to be not nearer to, but distinctly further from, the goal at which Great Britain had professed to be aiming. With our continued insistence on the Protectorate, which they all regarded as implying the permanent subjection of their country, Great Britain had definitely departed from her original policy, and, in fact, broken her word. They had accepted the Protectorate, when it was first declared, as a necessity of the moment. Great Britain, being at war with Turkey, had not unreasonably severed the remaining links between Turkey and Egypt, and something had immediately to be substituted for the former Turkish suzerainty. The Protectorate was thus justified as a temporary expedient, but at the end of the war they had always expected that Great Britain would proceed to regulate her relations with Egypt in a manner more consistent with her declarations, with her real interests, and with her honour. Instead of that, they now saw nothing before them but the permanent loss of their nationality, of their existence as a people. They were to become a "British Colony," to be British subjects. Against that they appealed, and would continue to appeal, to the British sense of justice and in the last resort to the sympathy of the whole civilised world.

(C.)—*Future Policy.*

Such, we believe, is a fair statement of the average opinion of Egyptian Nationalists. The violence, unfairness and unreason of the more extreme and noisy section have given to the whole movement an appearance of intransigeance which, in our opinion, is not essential or necessarily enduring. The remarkable organisation known as the *Wafd* ("Delegation") which, under the leadership of Zaghlul Pasha, has established, for the time being at least, so complete an ascendancy over the Egyptian public, and claims, not without many credentials, to speak in the name of "the nation," does not consist mainly of extreme men. Its members were drawn largely from the ranks of the old *Hisb el Umma*, which, in contrast to the *Hisb el Watani*, the real revolutionary and anti-British party, stood for gradual and constitutional progress. It is true that in face of an attitude on our part which seemed to them to present a blank negative to all their hopes, Zaghlul and his associates have, until quite recently, been drifting steadily to the left. But in our experience, it only needed some effort to understand their point of view and to remove their suspicions of the intentions of Great Britain, in order to get many of the Zaghlulists to discuss the situation in a perfectly reasonable spirit. And the same is naturally true of men of even more moderate views, like the ex-Ministers Rushdi, Adli and Sarwat Pashas, who, while sympathising with the ideals of Nationalism, had never actually joined the *Wafd*. In such discussions, when once we had got away from phrases and formulæ and come to grips with the practical difficulties of the problem, it soon became apparent that there were many shades and varieties of opinion among Egyptians. The one thing common to them all was the desire to preserve their nationality, their distinctive character as a people.

It is evident from what has been said that any effort at reconciliation between British and Egyptians, any policy which seriously attempts to bring the more moderate and friendly elements of Egyptian Nationalism once more on to our side, must take account of this deeply-rooted feeling. No grant to Egypt of a greater or less measure of "self-government," even if it went the length of what is known as "Dominion Home Rule," would meet the case, because Egyptians do not regard their country as a British Dominion or themselves as British subjects. This wholly differentiates the problem of constitutional development in Egypt from the same problem in countries which have for years indubitably formed part of the British Empire, as, for instance, British India. We talk of such countries gradually attaining the status of nationhood. The Egyptians claim that they already have this status. No settlement of the future of Egypt which does not recognise this claim is ever likely to be accepted by—it can only be imposed on—the Egyptian people.

As against these considerations, we have the patent fact that Egypt, though not actually a part of the British Empire, is of vital importance to our whole Imperial system, and that that country under British guidance has attained a new level of civilisation, from which it would be disastrous to allow it to relapse. To reconcile the defence of these interests—Egyptian as well as British—with the recognition of the national status of Egypt is no easy matter. And the problem seems, at first sight, to be further complicated, though on a closer study it may turn out to be really simplified, by the exceptionally strong position which the foreign Colonies, other than the British, occupy in Egypt. In no other Eastern country are there so many resident Europeans, enjoying such special privileges or filling so many important posts in commerce, in education, in the professions, in society and even in the Govern-

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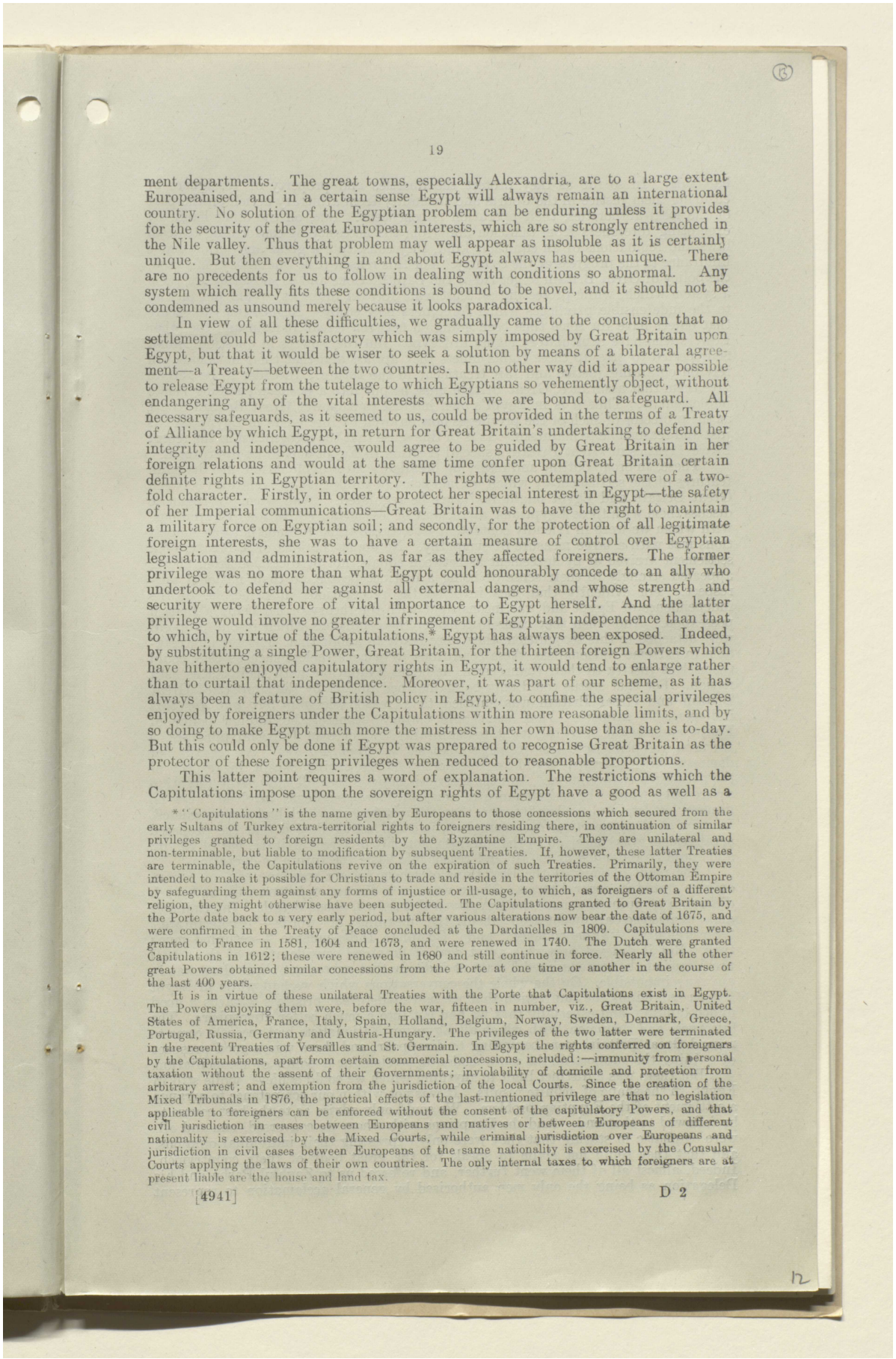

ment departments. The great towns, especially Alexandria, are to a large extent Europeanised, and in a certain sense Egypt will always remain an international country. No solution of the Egyptian problem can be enduring unless it provides for the security of the great European interests, which are so strongly entrenched in the Nile valley. Thus that problem may well appear as insoluble as it is certainly unique. But then everything in and about Egypt always has been unique. There are no precedents for us to follow in dealing with conditions so abnormal. Any system which really fits these conditions is bound to be novel, and it should not be condemned as unsound merely because it looks paradoxical.

In view of all these difficulties, we gradually came to the conclusion that no settlement could be satisfactory which was simply imposed by Great Britain upon Egypt, but that it would be wiser to seek a solution by means of a bilateral agreement—a Treaty—between the two countries. In no other way did it appear possible to release Egypt from the tutelage to which Egyptians so vehemently object, without endangering any of the vital interests which we are bound to safeguard. All necessary safeguards, as it seemed to us, could be provided in the terms of a Treaty of Alliance 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 upon Great Britain certain definite rights in Egyptian territory. The rights we contemplated were of a two-fold character. Firstly, in order to protect her special interest in Egypt—the safety of her Imperial communications—Great Britain was to have the right to maintain a military force on Egyptian soil; and secondly, for the protection of all legitimate foreign interests, she was to have a certain measure of control over Egyptian legislation and administration, as far as they affected foreigners. The former privilege was no more than what Egypt could honourably concede to an ally who undertook to defend her against all external dangers, and whose strength and security were therefore of vital importance to Egypt herself. And the latter privilege would involve no greater infringement of Egyptian independence than that to which, by virtue of the Capitulations,* Egypt has always been exposed. Indeed, by substituting a single Power, Great Britain, for the thirteen foreign Powers which have hitherto enjoyed capitulatory rights in Egypt, it would tend to enlarge rather than to curtail that independence. Moreover, it was part of our scheme, as it has always been a feature of British policy in Egypt, to confine the special privileges enjoyed by foreigners under the Capitulations within more reasonable limits, and by so doing to make Egypt much more the mistress in her own house than she is to-day. But this could only be done if Egypt was prepared to recognise Great Britain as the protector of these foreign privileges when reduced to reasonable proportions.

This latter point requires a word of explanation. The restrictions which the Capitulations impose upon the sovereign rights of Egypt have a good as well as a

* "Capitulations" is the name given by Europeans to those concessions which secured from the early Sultans of Turkey extra-territorial rights to foreigners residing there, in continuation of similar privileges granted to foreign residents by the Byzantine Empire. They are unilateral and non-terminable, but liable to modification by subsequent Treaties. If, however, these latter Treaties are terminable, the Capitulations revive on the expiration of such Treaties. 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 or ill-usage, to which, as foreigners of a different religion, they might otherwise have been subjected. The Capitulations granted to Great Britain by the Porte date back to a very early period, but after various alterations now bear the date of 1675, and were confirmed in the Treaty of Peace concluded at the Dardanelles in 1809. Capitulations were granted to France in 1581, 1604 and 1673, and were renewed in 1740. The Dutch were granted Capitulations in 1612; these were renewed in 1680 and still continue in force. Nearly all the other great Powers obtained similar concessions from the Porte at one time or another in the course of the last 400 years.

It is in virtue of these unilateral Treaties with the Porte that Capitulations exist in Egypt. The Powers enjoying them were, before the war, fifteen in number, viz., Great Britain, United States of America, 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 recent 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. Since the creation of the Mixed Tribunals in 1876, the practical effects of the last-mentioned privilege are that no legislation applicable to foreigners can be enforced without the consent of the capitulatory Powers, and that civil jurisdiction in cases between Europeans and natives or between Europeans of different nationality is exercised by the Mixed Courts, while criminal jurisdiction over Europeans and jurisdiction in civil cases between Europeans of the same nationality is exercised by the Consular Courts applying the laws of their own countries. The only internal taxes to which foreigners are at present liable are the house and land tax.

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bad side. In so far as they protect the liberties and property of foreigners by ensuring them justice in the Courts and immunity from arbitrary action on the part of the local authorities, their operation is beneficent. But, on the other hand, by exempting foreigners from taxation and from the necessity of conforming to local laws and regulations of an equitable kind, they constitute a great and unjustifiable hindrance to the progress of the country. For this reason it is, and always has been, the policy of Great Britain to get rid of the Capitulations and to substitute for them a system which, while protecting all legitimate foreign interests, would put an end to the indefensible privileges which foreigners now enjoy. Negotiations to secure that object have for some time been going on between Great Britain and the other Powers who have capitulatory rights in Egypt. But the Powers in question cannot be expected to give up these rights unless they are assured that their nationals can rely on obtaining justice and fair treatment in the future. In order to be able to give them that assurance, Great Britain must be put into a position enabling her to implement it. Thus it is in Egypt's own interest to empower Great Britain to act as the protector of such of the privileges now enjoyed by foreigners in Egypt as it is just and reasonable to maintain. It is in this sense that the recognition in the recent Peace Treaties of Great Britain's special position in Egypt should be interpreted.

These, in broad outline and reserving details for later explanation, are the main features of the settlement by which we had come to think that the relations between Great Britain and Egypt might in future be regulated. And when we began to discuss them with those Egyptians, all of more or less advanced Nationalist opinions, with whom we were in friendly contact, it was encouraging to find that our suggestions met with a large measure of sympathy. No doubt the idea of a Treaty, of a settlement arrived at by agreement as between equals, not by dictation from above, appealed strongly to their sense of being a distinct people, to their national self-respect. For evidently that idea involved the recognition, in principle, of the independence of Egypt and was inconsistent with the theory of her being a British possession. And when they came to consider the conditions which in our proposal were attached to this recognition, they were ready to admit that, however unacceptable to extreme Nationalists, these conditions were nevertheless such as they could themselves justify to their countrymen, as being compatible with their status as a nation. For that status could only be maintained in fact by the support of Great Britain and Great Britain was entitled to a reasonable *quid pro quo* for this indispensable support. That she should claim to control the foreign policy of Egypt and should have the right to maintain, for her own Imperial purposes, a force on Egyptian soil, was no more than such a *quid pro quo*. As regards her domestic affairs, Egypt would be completely self-governing except in respect of the privileges of foreigners. And the restrictions upon the full exercise of Egyptian sovereignty which the maintenance of some of these privileges involved were no greater but less, and far less irksome, than the restrictions which had always existed. In view of these practical considerations, it could not be denied that the proposed arrangement was conceived in the interests, not only of Great Britain, but of Egypt, and could be defended as a fair and reasonable basis for future co-operation.

The point of view of the Egyptians of whom we are speaking can, of course, only be stated in general terms. There was much discussion between us, and much difference of opinion among the Egyptians themselves, about details. Interminable and wearisome argumentation about the meaning of words—"Protectorate," "Sovereignty," "Independence," and "Complete Independence"—occupied much time. But it did not prevent a great deal of practical consideration of the actual provisions of the contemplated Treaty or indicate that agreement about them was in any way impossible. On the whole the conversations which we had while in Egypt left on our minds the impression that we had made great progress towards a good understanding, and especially that we had got into a much better atmosphere. The bitterness and suspicion, with which all Egyptian Nationalists had recently come to regard Great Britain, were beginning to disappear, and there was a good prospect of gaining the support of the more moderate section for a policy of reconciliation.

But there was a distinct limit to anything which we could achieve, while still in Egypt, in the shape of definite results. It was not within our competence to arrange a settlement of the Egyptian problem. We could only advise as to the best course to be followed to that end. And the Egyptians with whom we conversed, one and all, were emphatic in stating that they were only expressing their individual opinions, and that they could not claim to speak for the great body of their countrymen. Indeed, almost all of them went further, and referred us to Zaghlul Pasha and his Delegation as being the only men authorised by general acclamation to represent

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the Egyptian people. We ourselves, of course, could not admit that Zaghlul Pasha and his associates possessed the full measure of authority thus claimed for them, but neither could we blind ourselves to the fact that they were for the time being the most powerful leaders of Egyptian opinion, and that no scheme to which they were definitely hostile stood any chance of favourable consideration, much less of general acceptance. But it was essential, from our point of view, as we had explained to the Egyptians from the first, that the Treaty which we contemplated, if it was to have any real value, must be concluded in such a manner as to make it not only technically but morally binding upon Egypt. As a matter of form, it would be a Treaty between the British and Egyptian Governments. But an agreement merely between Governments would not be sufficient. It might always be said afterwards that the Egyptian Government was not a free agent, but was bound to accept any terms that Great Britain chose to impose, and that in any case it was an autocratic Government, not really representing the Egyptian people. For these reasons it had always been a fundamental point in our plan that the Treaty should not be allowed to come into force unless it had been approved by a genuinely representative Egyptian Assembly. This might be the existing Legislative Assembly, the sittings of which have been suspended since the outbreak of war, or preferably it might be a new body elected *ad hoc*. It was rather for the Egyptians than for us to say what kind of Assembly would be in the truest sense representative. But it must in any case be a popularly elected body, deliberating with perfect freedom and taking its decision without official or other pressure of any kind.

In any such Assembly, we were assured on all hands, Zaghlul Pasha and his associates would command a substantial, if not an overwhelming, majority. In these circumstances it appeared to us absurd to let any question of etiquette stand in the way of our engaging in discussion with him, if he was willing to confer with us. Had we not from the outset invited representative Egyptians to lay their views before us, without prejudice on either side? And, as a matter of fact, it seemed likely at one time that Zaghlul Pasha, who was still in Paris, would return to Egypt in order to meet the Mission. Great efforts to induce him to do so were made by the Egyptians, who had been conferring with us, and some of whom were among his strongest adherents. Adli Pasha also, who, though himself occupying an independent position, was in friendly relations with Zaghlul, and was most anxious to effect a meeting between him and us, lent his powerful influence to second these efforts. But Zaghlul Pasha did not as yet see his way to respond to these appeals and, though numerous communications passed between him and his friends in Egypt during the latter portion of our stay, he remained for the time being in Paris.

The position, therefore, at the time when we left Egypt was as follows: We had obtained, from British and Egyptian sources, a vast amount of information about existing conditions; we had had ample opportunities of making ourselves acquainted with the state of public feeling; and we had formed our own opinion as to the policy best calculated to reconcile British and Egyptian interests. But we were not yet in a position to say whether the scheme which we had in our minds, even if it commended itself to British opinion, was likely to command sufficient support in Egypt to make it worth while to attempt a settlement on our lines. All we could do, therefore, was to report on the situation as we had found it, to indicate the conclusions to which our enquiries had led us, and to express the hope that the better understanding between British and Egyptians, of which we saw some promising signs, would ultimately make it possible to determine the future status of Egypt by mutual agreement.

III.

Proceedings of the Mission after leaving Egypt.

A.—*Discussions with Egyptian Delegates in London.*

We left Egypt at the end of the first week of March, travelling by different routes, and met again in London about the middle of April, with the view of drawing up our Report. But soon after we had begun to do so, a new and not wholly unexpected development of the situation caused us to interrupt our work, in the hope of being able to obtain fuller information with regard to the capital point on which, when leaving Egypt, we had still remained in doubt. That point, as already explained, was the attitude likely to be adopted by the chief exponents of Nationalist opinion towards the policy which we were ourselves disposed to advise the British Government to adopt. A prospect, however, now presented itself of clearing up this point of doubt by the Mission coming into direct contact with Zaghlul Pasha.

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At the end of April Adli Pasha, who commands the universal respect of his countrymen and whose advice had been of the greatest value to us in Egypt, paid a visit to Paris, and at once put himself into communication with Zaghlul Pasha with the object of bringing about a meeting between him and the Mission. Early in May we became aware that, largely owing to Adli Pasha's good offices, Zaghlul Pasha and the Delegation were now disposed to abandon their former attitude and enter into direct relations with the Mission. Accordingly, during the third week in May, Mr. (now Sir Cecil) Hurst, who happened to be in Paris, conveyed to them an invitation to meet the Mission in London. Zaghlul Pasha, having satisfied himself that by so doing he would not compromise his position as the advocate of Egyptian independence, arrived in London on the 7th June. He was accompanied by seven members of the Delegation, who were subsequently joined by one or two of their colleagues.

Then followed a series of conversations which, with frequent interruptions, due to the fact that several of the members of the Mission were now busily engaged in other work, lasted till the middle of August.

These prolonged discussions took a variety of forms. There were a number of meetings at which the Mission, as a body, met Zaghlul Pasha and his companions, Adli Pasha being also present. From time to time, points which it was found difficult to discuss in so large a body were referred to committees consisting of a few members of either party, and these to some extent cleared the ground. Moreover, there was, in the interval between formal meetings, a great deal of useful private discussion between individual members of the Mission and one or more of the Egyptians. It would serve no useful purpose to try and give an account of the many changing phases of this lengthy debate, but it is necessary to indicate its general character.

In the first place, we record with pleasure that very friendly relations were maintained from first to last, and that, even when differences of opinion were sharpest, the controversy was always conducted in an amicable spirit. There was never any doubt in our minds that our visitors were as sincerely anxious as we were ourselves to find a way out of the difficulties of the situation. But they were to some extent hampered—and this is specially true of Zaghlul Pasha himself—by the uncompromising line which they had taken in the recent past, when they believed that there was an unbridgeable gulf between Egyptian aspirations and the policy of Great Britain. They had no doubt come to recognise by this time that they had misunderstood that policy, but it was not easy for them to readjust their position to suit their altered view of British intentions. Over and over again they declared that it was impossible for them to accept some proposal or other made by us, the fairness of which they did not directly dispute, because it was inconsistent with the "mandate" which they had received from the Egyptian people. It was useless to point out to them that the alleged "mandate" was really their own programme, which the Egyptian public had simply accepted from them, and that there was nothing to prevent their modifying a policy of their own creation. The reply always was, that they had no authority to depart from claims which, even if originally put forward by themselves, had been enthusiastically endorsed by a great majority of their countrymen. The war-cries of the past eighteen months were, indeed, a perpetual stumbling-block, and, while in the course of our discussions we were often very near agreement on points of substance, it was always difficult to clothe such agreement in words which did not conflict with formulæ to which the Egyptians felt themselves committed.

The idea of a Treaty between Great Britain and Egypt was readily accepted. That was our starting-point, and without it we should have made little progress. But when it came to discussing those terms of the Treaty which embodied the few, but essential, safeguards for British and foreign interests, the Egyptians were always extremely apprehensive of agreeing to something which might conflict with their ideal of independence. As a matter of fact, our proposals did not conflict with that ideal—reasonably interpreted—as the Egyptians themselves, or at any rate some of them, were ready to admit. But there was always the fear in their minds that their countrymen would not take the same view, and that they would be regarded in Egypt as having betrayed the national cause.

In spite of these difficulties, one obstacle after another was gradually surmounted, and we finally succeeded in drafting the outlines of a settlement with which both parties were more or less satisfied. This result was only achieved by considerable concessions on the part of the Mission. On one point in particular, to

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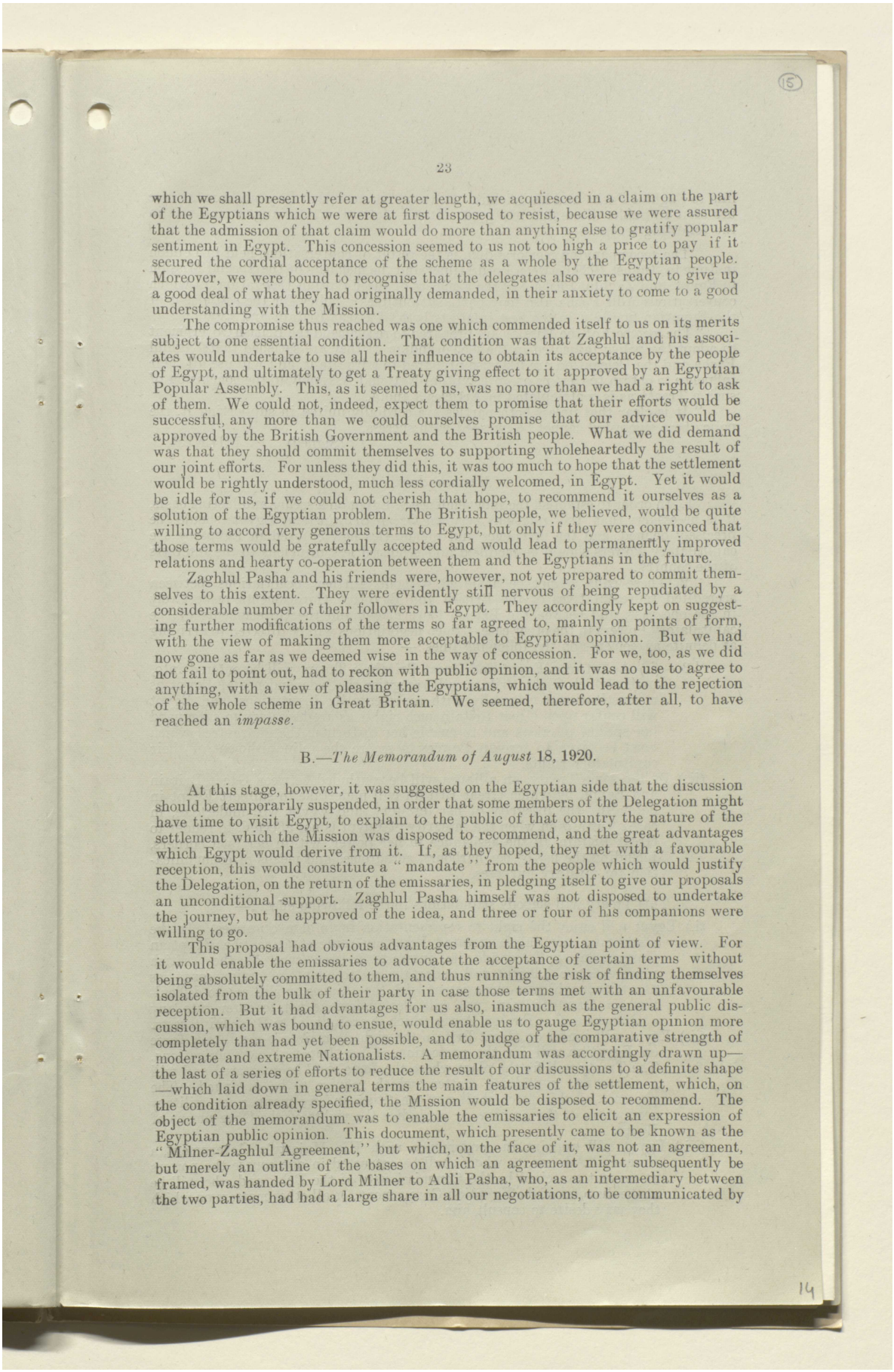

which we shall presently refer at greater length, we acquiesced in a claim on the part of the Egyptians which we were at first disposed to resist, because we were assured that the admission of that claim would do more than anything else to gratify popular sentiment in Egypt. This concession seemed to us not too high a price to pay if it secured the cordial acceptance of the scheme as a whole by the Egyptian people. Moreover, we were bound to recognise that the delegates also were ready to give up a good deal of what they had originally demanded, in their anxiety to come to a good understanding with the Mission.

The compromise thus reached was one which commended itself to us on its merits subject to one essential condition. That condition was that Zaghlul and his associates would undertake to use all their influence to obtain its acceptance by the people of Egypt, and ultimately to get a Treaty giving effect to it approved by an Egyptian Popular Assembly. This, as it seemed to us, was no more than we had a right to ask of them. We could not, indeed, expect them to promise that their efforts would be successful, any more than we could ourselves promise that our advice would be approved by the British Government and the British people. What we did demand was that they should commit themselves to supporting wholeheartedly the result of our joint efforts. For unless they did this, it was too much to hope that the settlement would be rightly understood, much less cordially welcomed, in Egypt. Yet it would be idle for us, if we could not cherish that hope, to recommend it ourselves as a solution of the Egyptian problem. The British people, we believed, would be quite willing to accord very generous terms to Egypt, but only if they were convinced that those terms would be gratefully accepted and would lead to permanently improved relations and hearty co-operation between them and the Egyptians in the future.

Zaghlul Pasha and his friends were, however, not yet prepared to commit themselves to this extent. They were evidently still nervous of being repudiated by a considerable number of their followers in Egypt. They accordingly kept on suggesting further modifications of the terms so far agreed to, mainly on points of form, with the view of making them more acceptable to Egyptian opinion. But we had now gone as far as we deemed wise in the way of concession. For we, too, as we did not fail to point out, had to reckon with public opinion, and it was no use to agree to anything, with a view of pleasing the Egyptians, which would lead to the rejection of the whole scheme in Great Britain. We seemed, therefore, after all, to have reached an *impasse*.

B.—*The Memorandum of August* 18, 1920.

At this stage, however, it was suggested on the Egyptian side that the discussion should be temporarily suspended, in order that some members of the Delegation might have time to visit Egypt, to explain to the public of that country the nature of the settlement which the Mission was disposed to recommend, and the great advantages which Egypt would derive from it. If, as they hoped, they met with a favourable reception, this would constitute a "mandate" from the people which would justify the Delegation, on the return of the emissaries, in pledging itself to give our proposals an unconditional support. Zaghlul Pasha himself was not disposed to undertake the journey, but he approved of the idea, and three or four of his companions were willing to go.

This proposal had obvious advantages from the Egyptian point of view. For it would enable the emissaries to advocate the acceptance of certain terms without being absolutely committed to them, and thus running the risk of finding themselves isolated from the bulk of their party in case those terms met with an unfavourable reception. But it had advantages for us also, inasmuch as the general public discussion, which was bound to ensue, would enable us to gauge Egyptian opinion more completely than had yet been possible, and to judge of the comparative strength of moderate and extreme Nationalists. A memorandum was accordingly drawn up—the last of a series of efforts to reduce the result of our discussions to a definite shape—which laid down in general terms the main features of the settlement, which, on the condition already specified, the Mission would be disposed to recommend. The object of the memorandum was to enable the emissaries to elicit an expression of Egyptian public opinion. This document, which presently came to be known as the "Milner-Zaghlul Agreement," but which, on the face of it, was not an agreement, but merely an outline of the bases on which an agreement might subsequently be framed, was handed by Lord Milner to Adli Pasha, who, as an intermediary between the two parties, had had a large share in all our negotiations, to be communicated by

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him to Zaghlul Pasha and his friends. It was understood that they might make free use of it in public discussion in Egypt. It was dated the 18th August and was in the following terms :—

" The accompanying memorandum is the result of conversations held in London in June to August 1920 between Lord Milner and the members of the Special Mission to Egypt, and Zaghlul Pasha and the members of the Egyptian Delegation, in which conversations Adli Pasha also took part. It outlines a policy for the settlement of the Egyptian question in the best interests both of Great Britain and Egypt.

" The members of the Mission are prepared to recommend the British Government to adopt the policy indicated in the memorandum, if they are satisfied that Zaghlul Pasha and the Delegation are likewise prepared to advocate it, and will use all their influence to obtain the assent of an Egyptian National Assembly to the conclusion of such a Treaty as is contemplated in Articles 3 and 4.

" It is clear that unless both parties are cordially united in supporting it, the policy here suggested cannot be pursued with success.

(Signed) MILNER.

Memorandum.

" 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 betwen 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 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 the Debt, and who will be at the disposal of the Egyptian Government for all other matters on which they may desire to consult him.

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(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 régime 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 régime 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 inequitably discriminating against foreigners in the matter of taxation, or inconsistent with the principles of legislation 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 of which the Government of Egypt will in future be conducted. This Statute will embody provisions for the Ministers being responsible to the Legislature. It will also provide for religious toleration for all persons and for the due protection of the rights of foreigners.

"7. The necessary modifications in the régime 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 régime 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.

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(*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, &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, &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."

C.—*The Policy of the Memorandum.*

1. *Representation of Egypt in Foreign Countries.*

The policy of the above document in its general character is in accordance with the conclusions at which, for the reasons already given, we had arrived before leaving Egypt. But, as a result of our discussions with Zaghlul Pasha and his associates, we were now prepared to go somewhat further. The most important point on which we were led by their arguments to modify our earlier view is one to which the memorandum gives especial prominence, viz., the right of Egypt to appoint her own representatives in foreign countries. It has always been, and is, from our point of view, a fundamental principle that the foreign relations of Egypt should be under the general direction of Great Britain. All reasonable Egyptians, however strongly Nationalist, recognise the immense value of the security which an alliance with Great Britain would afford them. But it is obviously impossible to expect that Great Britian should shoulder the responsibility of defending the integrity and independence of Egypt against all possible dangers, if that country were free to pursue a policy of her own in foreign affairs inconsistent with or prejudicial to the policy of Great Britain. This axiom none of the Egyptians with whom we were dealing ever attempted to dispute. They were quite prepared—in a Treaty of Alliance—to give whatever pledges might be necessary to exclude the possibility of any action on the part of Egypt which could cause embarrassment to her great ally. There was, indeed, no difference of opinion on this point in the course of our discussions, and the words of the memorandum dealing with it appear to us to make the complete understanding which existed with regard to the subject sufficiently clear. For in this, as in other respects, it must always be borne in mind, that in drawing up the memorandum, we were not attempting to draft a Treaty but simply to express in ordinary language the ideas which a Treaty, to be subsequently

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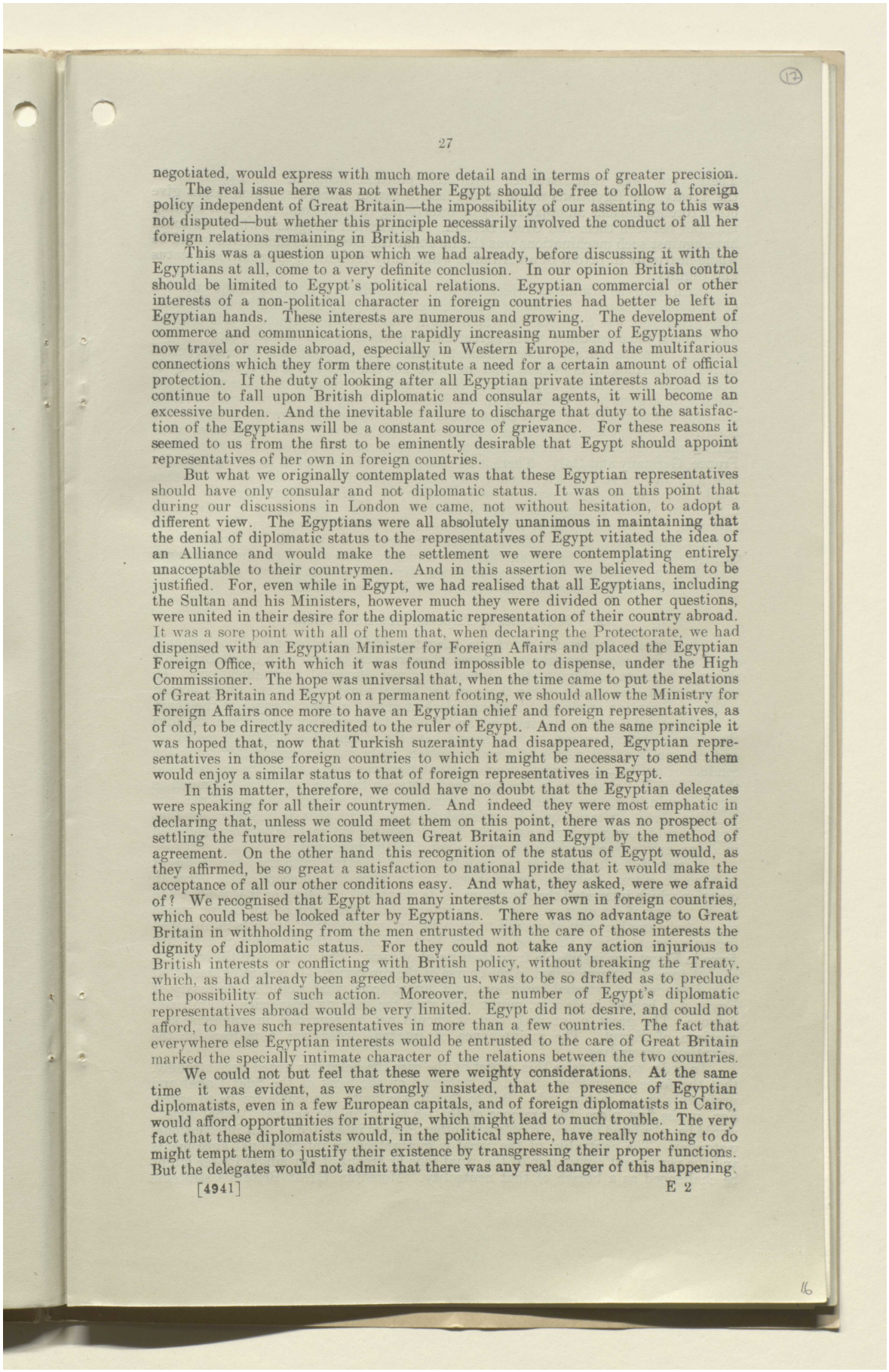

negotiated, would express with much more detail and in terms of greater precision.

The real issue here was not whether Egypt should be free to follow a foreign policy independent of Great Britain—the impossibility of our assenting to this was not disputed—but whether this principle necessarily involved the conduct of all her foreign relations remaining in British hands.

This was a question upon which we had already, before discussing it with the Egyptians at all, come to a very definite conclusion. In our opinion British control should be limited to Egypt's political relations. Egyptian commercial or other interests of a non-political character in foreign countries had better be left in Egyptian hands. These interests are numerous and growing. The development of commerce and communications, the rapidly increasing number of Egyptians who now travel or reside abroad, especially in Western Europe, and the multifarious connections which they form there constitute a need for a certain amount of official protection. If the duty of looking after all Egyptian private interests abroad is to continue to fall upon British diplomatic and consular agents, it will become an excessive burden. And the inevitable failure to discharge that duty to the satisfaction of the Egyptians will be a constant source of grievance. For these reasons it seemed to us from the first to be eminently desirable that Egypt should appoint representatives of her own in foreign countries.

But what we originally contemplated was that these Egyptian representatives should have only consular and not diplomatic status. It was on this point that during our discussions in London we came, not without hesitation, to adopt a different view. The Egyptians were all absolutely unanimous in maintaining that the denial of diplomatic status to the representatives of Egypt vitiated the idea of an Alliance and would make the settlement we were contemplating entirely unacceptable to their countrymen. And in this assertion we believed them to be justified. For, even while in Egypt, we had realised that all Egyptians, including the Sultan and his Ministers, however much they were divided on other questions, were united in their desire for the diplomatic representation of their country abroad. It was a sore point with all of them that, when declaring the Protectorate, we had dispensed with an Egyptian Minister for Foreign Affairs and placed the Egyptian Foreign Office, with which it was found impossible to dispense, under the High Commissioner. The hope was universal that, when the time came to put the relations of Great Britain and Egypt on a permanent footing, we should allow the Ministry for Foreign Affairs once more to have an Egyptian chief and foreign representatives, as of old, to be directly accredited to the ruler of Egypt. And on the same principle it was hoped that, now that Turkish suzerainty had disappeared, Egyptian representatives in those foreign countries to which it might be necessary to send them would enjoy a similar status to that of foreign representatives in Egypt.

In this matter, therefore, we could have no doubt that the Egyptian delegates were speaking for all their countrymen. And indeed they were most emphatic in declaring that, unless we could meet them on this point, there was no prospect of settling the future relations between Great Britain and Egypt by the method of agreement. On the other hand this recognition of the status of Egypt would, as they affirmed, be so great a satisfaction to national pride that it would make the acceptance of all our other conditions easy. And what, they asked, were we afraid of? We recognised that Egypt had many interests of her own in foreign countries, which could best be looked after by Egyptians. There was no advantage to Great Britain in withholding from the men entrusted with the care of those interests the dignity of diplomatic status. For they could not take any action injurious to British interests or conflicting with British policy, without breaking the Treaty, which, as had already been agreed between us, was to be so drafted as to preclude the possibility of such action. Moreover, the number of Egypt's diplomatic representatives abroad would be very limited. Egypt did not desire, and could not afford, to have such representatives in more than a few countries. The fact that everywhere else Egyptian interests would be entrusted to the care of Great Britain marked the specially intimate character of the relations between the two countries.

We could not but feel that these were weighty considerations. At the same time it was evident, as we strongly insisted, that the presence of Egyptian diplomatists, even in a few European capitals, and of foreign diplomatists in Cairo, would afford opportunities for intrigue, which might lead to much trouble. The very fact that these diplomatists would, in the political sphere, have really nothing to do might tempt them to justify their existence by transgressing their proper functions. But the delegates would not admit that there was any real danger of this happening.

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Their view was that, satisfied with the position acquired by Egypt under the Treaty, the Egyptians would be the last to favour intrigues, which might give other foreign nations an opportunity of interfering in their country by first making mischief between them and Great Britain. The greatest safeguard which we could have against such machinations was the fact that the Egyptians themselves would be whole-heartedly in favour of an Alliance which fully recognised their national status and dignity.

Such were the arguments which led us to reconsider our position on the question of diplomatic status. In so doing we were well aware, and we frankly told the delegates, that this was a concession which might alarm public opinion in this country and imperil the acceptance of the agreement as a whole by the British people. And, judging from the unfavourable comments which this proposal has already excited in many quarters, it is evident that we were not mistaken in anticipating that it would meet with serious opposition. Nevertheless, we remain of opinion that the balance of argument is decisively in its favour. So long as bitterness and friction continue to exist between Great Britain and Egypt, we shall always be exposed to the hostility of Egyptians in foreign countries. Associations for the purpose of anti-British propaganda have been actively at work for a number of years in Switzerland, France, Germany and Italy. There is no remedy for this, except in restoring friendly relations and we rely on the whole policy here proposed to have this effect. If that result is achieved there will, in our opinion, be positive advantages in giving diplomatic status to Egyptian representatives abroad. For if, as is only to be expected, a certain number of irreconcilables are still left to carry on the campaign against Great Britain, the official representatives of Egypt will be bound to try to restrain them. No Egyptian Minister could do otherwise than discountenance activities on the part of his own countrymen, directed against Egypt's ally, without failing in his duty and rendering himself liable to be recalled.

2. *The Defence of Imperial Communications.*

The supreme importance which the delegates attached to the question of national status was once more strongly in evidence when we came to deal with Great Britain's strategic interest in Egypt—the protection of her Imperial communications. To Great Britain—as an ally—they thought that Egypt could, without indignity, accord a base in Egyptian territory, "a strong place of arms," a *point d'appui* in the chain of her Imperial defences, linking East and West. They were not averse from the idea that Great Britain, in case of war, should have the command of Egyptian resources, and especially of all means of communication, railways, aerodromes, &c., for the conduct of military operations. Such a stipulation was even welcome as emphasising the "bilateral" character of the agreement between the two countries, inasmuch as Egypt would be giving something in exchange for what she got. As by a Treaty of Alliance, Great Britain would be undertaking to defend Egypt, it was only fair that Egypt should do something to assist the British Empire, if Great Britain was engaged in a war, even a war in which Egypt was not directly interested.

A more difficult point was the maintenance of a British military force in Egypt in time of peace. But here again it was not so much the numbers of the force in question which interested the Egyptians as its character. As long as it was not there as an "Army of Occupation," as a force intended to "keep order" in Egypt, which was merely another way of saying to keep Egypt in subjection, but was maintained for an external object, the defence of the British Empire, the presence of a British force in Egypt was justifiable from their point of view. The question of the strength of that force was never raised in the course of the discussion. It was recognised that this depended on external conditions and, apart from what would be necessary if Egypt was herself in danger, might vary with the varying exigencies of Imperial defence. The great point was, that it should not be regarded in any sense as a garrison of Egypt. The maintenance of internal order was a matter for the Egyptians themselves.

In order to emphasise this aspect of the case the delegates urged very strongly, that the force in question should be stationed on the bank of the Suez Canal and preferably on its eastern side. But to this it was quite impossible for us to agree. For, in the first place, the presence of British troops in the neutral "canal zone" would be calculated to raise trouble with other Powers interested in that international waterway. The neutrality of the canal is guaranteed by international agreements and the permanent occupation of the canal zone by troops of any single Power might be challenged as a breach of that neutrality. Moreover, Great Britain's strategic

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interest in Egypt is not limited to securing a free passage through the Suez Canal. "The defence of her Imperial communications" involves much more than that. For Egypt is becoming more and more a "nodal point" in the complex of those communications by land and air as well as by sea. In face of these considerations, the idea of fixing Kantara, or some other spot in the canal zone, as the site of a cantonment had to be abandoned and, the principle of the maintenance of a British military force in Egypt having been admitted, the question where that force should be stationed was left open—to be settled, with other details, in the official negotiations for the conclusion of the contemplated Treaty.

3. *The British Officials in the Egyptian Service.*

The seventh clause of Article IV of the memorandum deal with the position of British officials in the Egyptian service. This is a matter of supreme importance to the good government of Egypt. The whole system of internal administration as it exists to-day, has been mainly built up by the work and example of British officials, many of whom have spent the best part of their lives in the country. The immediate elimination of the British element would bring the whole fabric down in ruins. Even an over-hasty reduction of that element would threaten its stability, and greatly impair the efficient conduct of public business.

It is not indeed to be feared that, with the retirement of the British officials, the country would relapse into the state of maladministration, from which we have delivered it, and that all the old evils would return. The number of Egyptians qualified by education and character to take part in the work of government on civilised principles has greatly increased since the occupation. All the Egyptians, even the humblest, have become so habituated to the new standard of orderly, equitable and honest administration, that a complete return to the abuses of the past would not be tolerated. Nevertheless, the "new model" would certainly be exposed to danger of serious deterioration, if the men who have built it up and are still its mainstay were to be suddenly withdrawn.

Thus it is only natural that the proposal to leave a purely Egyptian Government entirely free to retain or not to retain British or other foreign officials in the Civil Service should be at first sight regarded with considerable uneasiness. But a calm consideration of the practical aspects of the case is calculated greatly to allay these misgivings. The idea of any Egyptian Government, however free to do so, attempting to make a clean sweep of its foreign officials is a chimera. One has only to picture the plight of such a Government, suddenly deprived of its most experienced and responsible advisers and confronted with the general unpopularity which the consequent administrative breakdown would entail, to realise that no sane men would deliberately plunge into such a sea of trouble. And it is not only Egyptian disapproval which would have to be reckoned with, but the anger and alarm of the foreign residents. The large and wealthy foreign Colonies, on which the economic welfare of Egypt so greatly depends, would at once be up in arms. For these have all come to regard the presence of a British nucleus in the administration as the sheet-anchor of their own safety and prosperity. Nor is it to be anticipated that the High Commissioner—or whatever the British representative may in future be called—would not have a word to say in the matter. True, he will, *ex hypothesi*, have no right to dictate to the Egyptian Government. But as the representative of Egypt's ally, as the foremost foreigner in Egypt, and the guardian of foreign interests, he will still carry great weight, and it will always be a matter of interest to Egyptian Ministers to be on good terms with him. The influences which would militate against the abuse by these Ministers of the right to dispense with the services of British officials are thus immensely strong. And at the same time the great satisfaction which they would feel at knowing that they had that right, and that the British officials were really there to assist and not to dictate, would make them more and and not less ready to rely on British help.

For no sensible Egyptian seriously wishes to dispense with foreign aid in the government of his country, or believes that Egypt could, for a long time to come at any rate, afford to do without it. Egyptians generally no doubt think, and they are right in thinking, that the importation of British officials has sometimes, especially of late years, been overdone. They hold firmly to the principle that no Englishman or other foreigner should be appointed to any post for which a reasonably competent man of their own race can be found. They look forward to the time when the whole or almost the whole of the public service will be staffed by their fellow-countrymen. They feel that progress in that direction has been unduly slow and would like to see

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it sensibly accelerated. But they certainly do not wish to get rid of those British officials—and there are a goodly number of them—whom they really respect, or to be precluded from engaging others of equal competence in the service of their country in the future.*

The danger lies rather in the opposite direction. There may be a stampede of British and other foreign officials, scared by the prospect of finding themselves at the mercy of a purely Egyptian Government. That would be a grave misfortune, but it seems to us very improbable that such an exodus will ever assume large dimensions. In the first place, there are in many branches of the Public Service, such as ports, railways, customs, public works, &c., a considerable number of Englishmen and other Europeans, who are employed as experts for lack of Egyptians possessing the necessary technical skill. These men are not likely to feel their position in any way affected by a change in the political status of Egypt. It is rather those occupying genuinely administrative posts, and having authority over large bodies of Egyptians, who are likely to fear this change. Will Egyptian Ministers, they may ask themselves, still support them in the exercise of that authority? Will it still be possible to carry on the perpetual struggle against corruption and nepotism, and for promotion by merit and not by influence, with any measure of success? Such fears are not unnatural, and they may lead some of the men in question to prefer retirement. But there are others who will feel more confidence in themselves and in the essential strength of their future position. For they will not be, like the handful of Europeans who, before the occupation, fought an uphill battle for decent administration in an unreformed Egypt, and even under those depressing conditions were not without influence and certainly were not treated with any personal disregard. The British officials who remain in Egypt to-day will be in a country which is permeated by European influences, which has now grown used to British methods of government and which will remain in contact on its borders with concrete evidences of British power. Moreover, the recognition of Egyptian independence will remove one great obstacle to their present usefulness. The growing prejudice against imported officials, which threatens, if unchecked, to put an end to all hearty co-operation between them and their Egyptian fellows, is

*We took considerable pains to discover the truth about the number of foreign officials in the Egyptian Service. Returns were prepared for us by the Statistical Department, showing the distribution of all posts in the 1919-1920 Budget, while a comparative statement was called for from each Ministry, showing the distribution of pensionable and contract posts in the years 1905, 1910, 1914 and 1920.

In the returns submitted by the Statistical Department, posts are described as "pensionable," "contract," "monthly paid" and "daily paid." In the two latter classes 98½ per cent. of the posts are occupied by Egyptians. So in this category foreign competition is evidently not excessive.

An examination of the pensionable and contract posts, however, revealed a different state of affairs. Omitting the seven ministerial posts, the staff of the Sultan's Cabinet, the Council of Ministers, the Legislative Assembly and the Ministry of Wakfs, in which, with one or two exceptions, the posts are held exclusively by Egyptians, Egyptians hold 86 per cent. of the posts in the administration and draw 71 per cent. of the salaries, while the British hold 6 per cent. of the posts and draw 19 per cent. of the salaries, others (viz., non-Egyptian and non-British) holding 8 per cent. of the posts and drawing 10 per cent. of the salaries. In some statistical diagrams which were prepared to show the distribution of these posts and salaries among the different Ministries, the posts are divided into six classes. The first three classes range from the lowest salaries to £E. 799 per annum, and may be described as "Lower Posts;" the other three classes cover "Higher Posts," and include salaries of £E. 800 to £E. 2,999.

Among the lower posts, Egyptians hold roughly two-thirds of those between £E. 240 and £E. 499; but after that the Egyptian share declines to little more than one-third of the posts between £E. 500 and £E. 799. In the higher posts the disparity is even more marked and the Egyptian share does not amount to one-quarter. It is true that in the £E. 1,200-£E. 1,499 class, the Egyptian share rises to over one-third, but this can be traced to the Ministries of Interior and Justice, which provide Egyptian Mudirs (Provincial Governors) and Judges. In the higher posts of the Ministries of Finance, Education, Public Works, Agriculture and Communications, however, there are only 31 Egyptians, as against 168 British and 32 "others" holding posts over £E. 800. Doubtless in these particular Ministries there are many higher posts requiring special technical qualifications which it is impossible at the moment to find Egyptians qualified to fill. If, however, Egyptians are to be responsible for the internal administration of their country, it is essential that better provision should be made for training them to occupy such higher posts.

As far as the comparative tables showing the distribution of pensionable and contract posts in 1905, 1910, 1914 and 1920 are concerned, owing to the imperfect state of the records the figures can only be regarded as approximate. They sufficed, however, to give a general impression of the turnover in personnel. In the total of posts the Egyptian element has grown from 45·1 per cent. in 1905 to 50·5 per cent. in 1920. Egyptians in lower posts have also increased from 48·4 per cent. of the total in 1905 to 55 per cent in 1920. But in the higher posts their number has declined from 27·7 per cent. in 1905 to only 23·1 per cent. in 1920, while in the same category the British share of posts has increased from 42·2 per cent. to 59·3 per cent. of the total.

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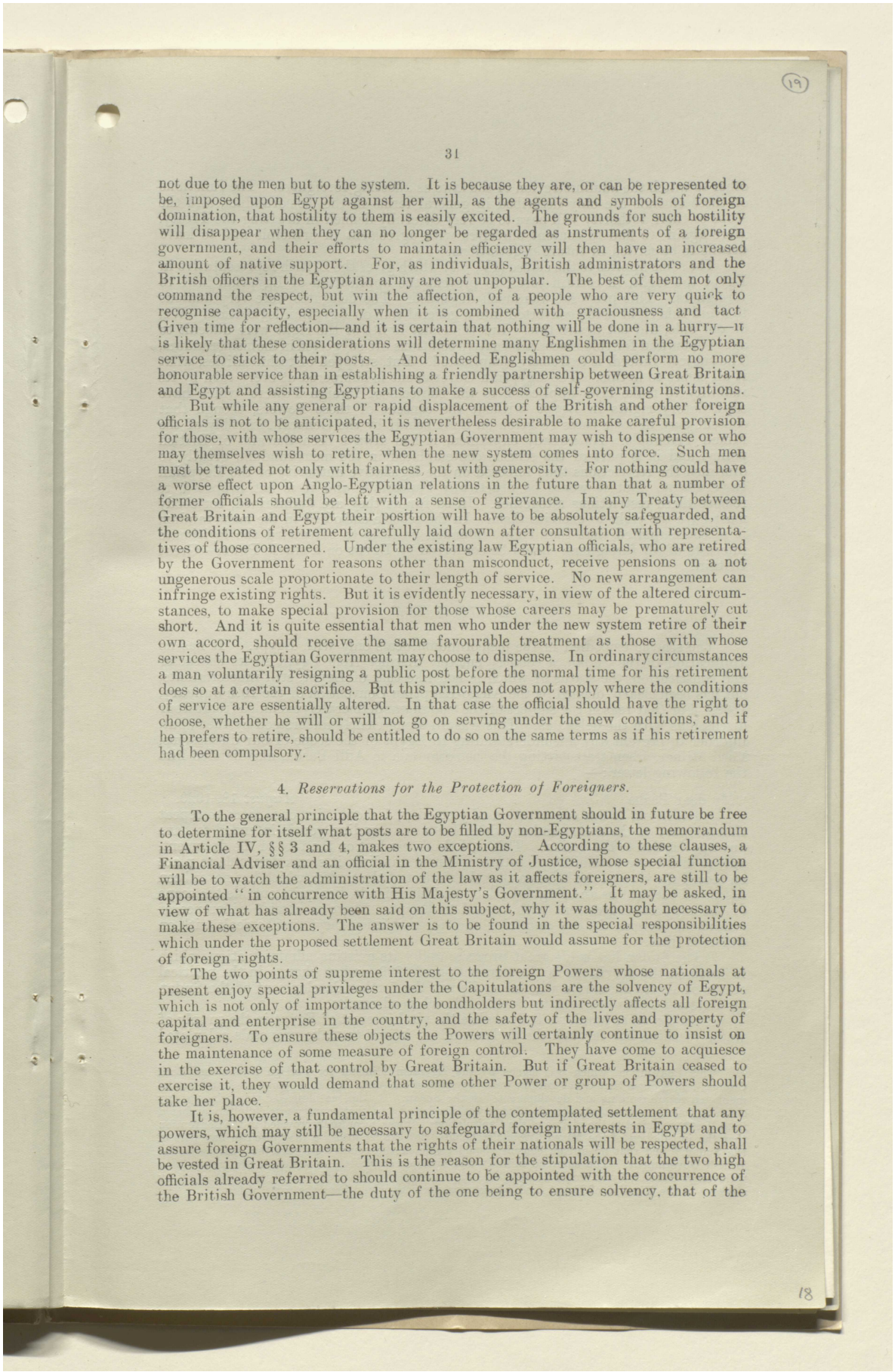

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not due to the men but to the system. It is because they are, or can be represented to be, imposed upon Egypt against her will, as the agents and symbols of foreign domination, that hostility to them is easily excited. The grounds for such hostility will disappear when they can no longer be regarded as instruments of a foreign government, and their efforts to maintain efficiency will then have an increased amount of native support. For, as individuals, British administrators and the British officers in the Egyptian army are not unpopular. The best of them not only command the respect, but win the affection, of a people who are very quick to recognise capacity, especially when it is combined with graciousness and tact. Given time for reflection—and it is certain that nothing will be done in a hurry—it is likely that these considerations will determine many Englishmen in the Egyptian service to stick to their posts. And indeed Englishmen could perform no more honourable service than in establishing a friendly partnership between Great Britain and Egypt and assisting Egyptians to make a success of self-governing institutions.

But while any general or rapid displacement of the British and other foreign officials is not to be anticipated, it is nevertheless desirable to make careful provision for those, with whose services the Egyptian Government may wish to dispense or who may themselves wish to retire, when the new system comes into force. Such men must be treated not only with fairness, but with generosity. For nothing could have a worse effect upon Anglo-Egyptian relations in the future than that a number of former officials should be left with a sense of grievance. In any Treaty between Great Britain and Egypt their position will have to be absolutely safeguarded, and the conditions of retirement carefully laid down after consultation with representatives of those concerned. Under the existing law Egyptian officials, who are retired by the Government for reasons other than misconduct, receive pensions on a not ungenerous scale proportionate to their length of service. No new arrangement can infringe existing rights. But it is evidently necessary, in view of the altered circumstances, to make special provision for those whose careers may be prematurely cut short. And it is quite essential that men who under the new system retire of their own accord, should receive the same favourable treatment as those with whose services the Egyptian Government may choose to dispense. In ordinary circumstances a man voluntarily resigning a public post before the normal time for his retirement does so at a certain sacrifice. But this principle does not apply where the conditions of service are essentially altered. In that case the official should have the right to choose, whether he will or will not go on serving under the new conditions, and if he prefers to retire, should be entitled to do so on the same terms as if his retirement had been compulsory.

4. *Reservations for the Protection of Foreigners.*

To the general principle that the Egyptian Government should in future be free to determine for itself what posts are to be filled by non-Egyptians, the memorandum in Article IV, §§ 3 and 4, makes two exceptions. According to these clauses, a Financial Adviser and an official in the Ministry of Justice, whose special function will be to watch the administration of the law as it affects foreigners, are still to be appointed "in concurrence with His Majesty's Government." It may be asked, in view of what has already been said on this subject, why it was thought necessary to make these exceptions. The answer is to be found in the special responsibilities which under the proposed settlement Great Britain would assume for the protection of foreign rights.

The two points of supreme interest to the foreign Powers whose nationals at present enjoy special privileges under the Capitulations are the solvency of Egypt, which is not only of importance to the bondholders but indirectly affects all foreign capital and enterprise in the country, and the safety of the lives and property of foreigners. To ensure these objects the Powers will certainly continue to insist on the maintenance of some measure of foreign control. They have come to acquiesce in the exercise of that control by Great Britain. But if Great Britain ceased to exercise it, they would demand that some other Power or group of Powers should take her place.

It is, however, a fundamental principle of the contemplated settlement that any powers, which may still be necessary to safeguard foreign interests in Egypt and to assure foreign Governments that the rights of their nationals will be respected, shall be vested in Great Britain. This is the reason for the stipulation that the two high officials already referred to should continue to be appointed with the concurrence of the British Government—the duty of the one being to ensure solvency, that of the

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other to watch the administration of the laws as affecting foreigners. The functions of these officials are only described in general terms in the memorandum, and the scope of their authority will have to be very carefully defined in drafting the Treaty. Here again we had to content ourselves with agreement in principle and to leave details to be settled in future negotiations.

The same applies to the clause (IV, § 7) which gives the British representative in Egypt the right, in certain cases, to prevent the application of Egyptian laws to foreigners. This proposal was much discussed. The delegates were very anxious to avoid this right being converted into a general veto on Egyptian legislation. We, on our side, did not desire this. But the exact limits of the right were difficult to agree upon, and for this reason alternative solutions are suggested in the memorandum. The subject, indeed, is extremely complicated. But, stripped of technicalities, what it all comes to is this. The Egyptian Government is hampered at every turn by its inability to make laws applicable to the subjects of foreign Powers which have capitulatory rights in Egypt without the consent of those Powers, though that consent may in some cases be given on their behalf by the General Assembly of the Mixed Tribunals. As already explained, it has always been the aim of British policy, and it is part of the scheme contemplated in the memorandum, greatly to diminish the restrictions thus imposed on the legislative authority of the Egyptian Government. But it would be practically impossible, and it is not proposed, to remove these restrictions altogether. In so far as they are maintained, somebody must have the right to exercise them. In the scheme embodied in the memorandum it is contemplated that that right, intended as it is to safeguard the legitimate interests of all foreigners, should be conferred by Egypt on a single Power—Great Britain.

D.—*The Sudan.*

The scheme embodied in the memorandum deals only with Egypt. It has no application to the Sudan, a country entirely distinct from Egypt in its character and constitution, the status of which is not, like that of Egypt, still indeterminate, but has been clearly defined by the Anglo-Egyptian Convention of the 19th January, 1899.* For that reason the subject of the Sudan was deliberately excluded from all our discussions with the delegates. This was all along clearly understood by them, but, in order to prevent any misunderstanding in Egypt of the scope of our discussions, Lord Milner, when transmitting the memorandum to Adli Pasha, also handed him the following letter :—

" My dear Pasha, *August* 18, 1920.

" Referring to our conversation of yesterday, I should like once more to repeat that no part of the memorandum which I am now sending you is intended to have any application to the Sudan. This is, I think, evident on the face of the document, but, to avoid any possibility of future misunderstanding, it seems desirable to place on record the view of the Mission that the subject of the Sudan, which has never been discussed between us and Zaghlul Pasha and his friends, lies quite outside the scope of the proposed agreement with regard to Egypt. There is a wide difference of conditions between the two countries, and in our opinion they must be dealt with on different lines.

" The Sudan has made great progress under its existing administration, which is based on the provisions of the Convention of 1899, and no change in the political status of Egypt should be allowed to disturb the further development of the Sudan on a system which has been productive of such good results.

" On the other hand, we fully realise the vital interest of Egypt in the supply of water reaching her through the Sudan, and we intend to make proposals calculated

*This Convention, which was signed by the Egyptian Minister for Foreign Affairs and Lord Cromer, laid it down that Great Britain was " by right of conquest " entitled " to share in the settlement and future working and development " of the Sudan. By the acceptance of this principle any claim of Turkey to suzerainty over the Sudan was disallowed, and that country was definitely excluded from the area subject to the régime of the Capitulations. It was accordingly provided in the Convention that the jurisdiction of the Mixed Tribunals should " not extend to or be recognised in any part of the Sudan," and that no foreign consuls should reside in the country without the consent of the British Government. The supreme military and civil power was to be vested in the person of a " Governor-General," who would be appointed on the recommendation of the British Government by a decree of the Khedive of Egypt, and whose proclamations would have the force of law.

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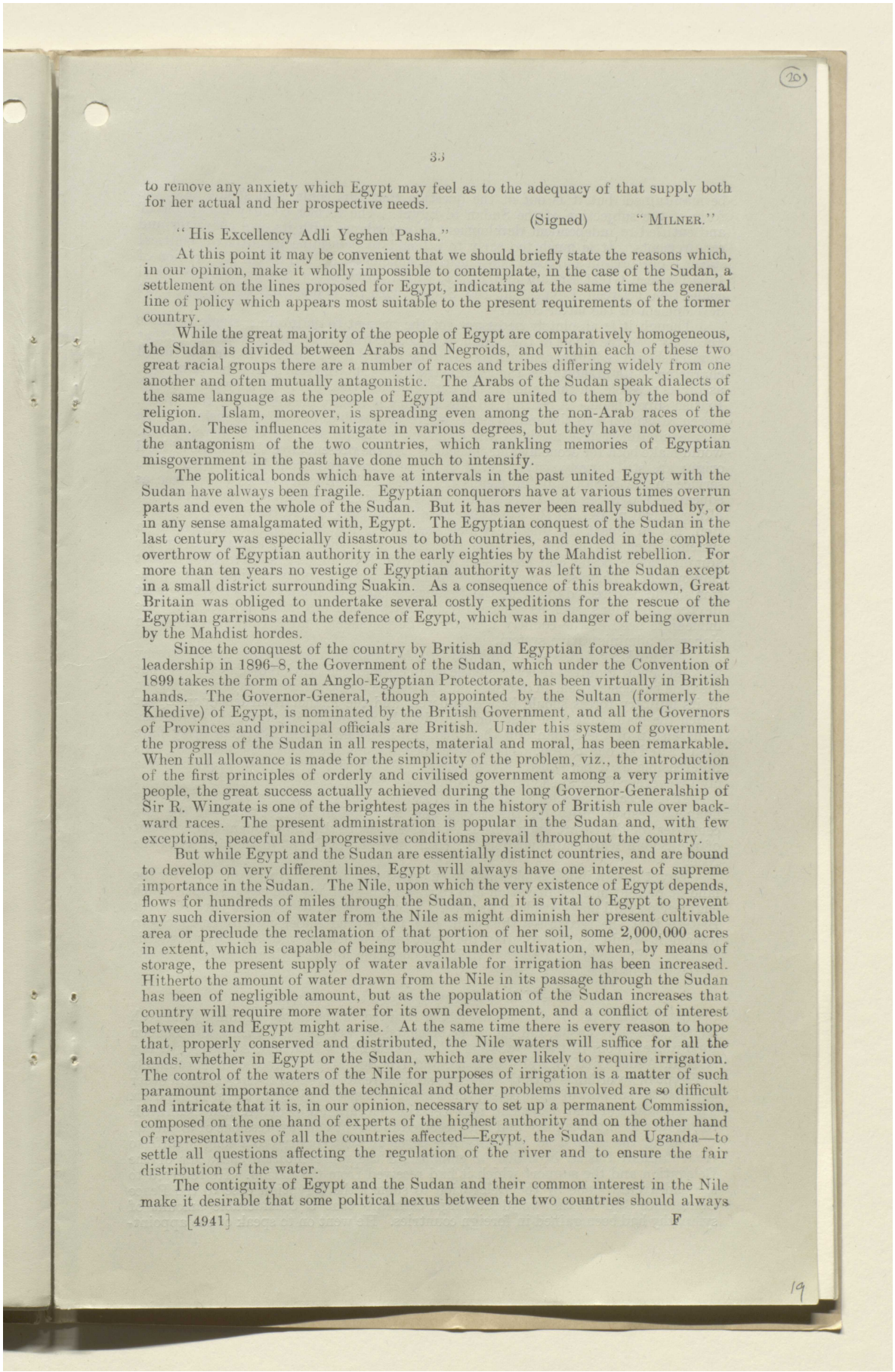

to remove any anxiety which Egypt may feel as to the adequacy of that supply both for her actual and her prospective needs.

(Signed) "MILNER."

"His Excellency Adli Yeghen Pasha."

At this point it may be convenient that we should briefly state the reasons which, in our opinion, make it wholly impossible to contemplate, in the case of the Sudan, a settlement on the lines proposed for Egypt, indicating at the same time the general line of policy which appears most suitable to the present requirements of the former country.

While the great majority of the people of Egypt are comparatively homogeneous, the Sudan is divided between Arabs and Negroids, and within each of these two great racial groups there are a number of races and tribes differing widely from one another and often mutually antagonistic. The Arabs of the Sudan speak dialects of the same language as the people of Egypt and are united to them by the bond of religion. Islam, moreover, is spreading even among the non-Arab races of the Sudan. These influences mitigate in various degrees, but they have not overcome the antagonism of the two countries, which rankling memories of Egyptian misgovernment in the past have done much to intensify.

The political bonds which have at intervals in the past united Egypt with the Sudan have always been fragile. Egyptian conquerors have at various times overrun parts and even the whole of the Sudan. But it has never been really subdued by, or in any sense amalgamated with, Egypt. The Egyptian conquest of the Sudan in the last century was especially disastrous to both countries, and ended in the complete overthrow of Egyptian authority in the early eighties by the Mahdist rebellion. For more than ten years no vestige of Egyptian authority was left in the Sudan except in a small district surrounding Suakin. As a consequence of this breakdown, Great Britain was obliged to undertake several costly expeditions for the rescue of the Egyptian garrisons and the defence of Egypt, which was in danger of being overrun by the Mahdist hordes.

Since the conquest of the country by British and Egyptian forces under British leadership in 1896–8, the Government of the Sudan, which under the Convention of 1899 takes the form of an Anglo-Egyptian Protectorate, has been virtually in British hands. The Governor-General, though appointed by the Sultan (formerly the Khedive) of Egypt, is nominated by the British Government, and all the Governors of Provinces and principal officials are British. Under this system of government the progress of the Sudan in all respects, material and moral, has been remarkable. When full allowance is made for the simplicity of the problem, viz., the introduction of the first principles of orderly and civilised government among a very primitive people, the great success actually achieved during the long Governor-Generalship of Sir R. Wingate is one of the brightest pages in the history of British rule over backward races. The present administration is popular in the Sudan and, with few exceptions, peaceful and progressive conditions prevail throughout the country.

But while Egypt and the Sudan are essentially distinct countries, and are bound to develop on very different lines, Egypt will always have one interest of supreme importance in the Sudan. The Nile, upon which the very existence of Egypt depends, flows for hundreds of miles through the Sudan, and it is vital to Egypt to prevent any such diversion of water from the Nile as might diminish her present cultivable area or preclude the reclamation of that portion of her soil, some 2,000,000 acres in extent, which is capable of being brought under cultivation, when, by means of storage, the present supply of water available for irrigation has been increased. Hitherto the amount of water drawn from the Nile in its passage through the Sudan has been of negligible amount, but as the population of the Sudan increases that country will require more water for its own development, and a conflict of interest between it and Egypt might arise. At the same time there is every reason to hope that, properly conserved and distributed, the Nile waters will suffice for all the lands, whether in Egypt or the Sudan, which are ever likely to require irrigation. The control of the waters of the Nile for purposes of irrigation is a matter of such paramount importance and the technical and other problems involved are so difficult and intricate that it is, in our opinion, necessary to set up a permanent Commission, composed on the one hand of experts of the highest authority and on the other hand of representatives of all the countries affected—Egypt, the Sudan and Uganda—to settle all questions affecting the regulation of the river and to ensure the fair distribution of the water.

The contiguity of Egypt and the Sudan and their common interest in the Nile make it desirable that some political nexus between the two countries should always

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be maintained, but it is out of the question that this connection should take the form of the subjection of the Sudan to Egypt. The former country is capable of and entitled to independent development in accordance with its own character and requirements. It is much too early to attempt to determine its ultimate political status. For present purposes that status is sufficiently defined by the Convention of 1899 between Great Britain and Egypt, which provides for the necessary political connection between Egypt and the Sudan without hampering the independent development of the latter country.

Though it is absolutely necessary for the present to maintain a single supreme authority over the whole of the Sudan, it is not desirable that the government of that country should be highly centralised. Having regard to its vast extent and the varied character of its inhabitants, the administration of its different parts should be left, as far as possible, in the hands of the native authorities, wherever they exist, under British supervision. A centralised bureaucracy is wholly unsuitable for the Sudan. Decentralisation and the employment, wherever possible, of native agencies for the simple administrative needs of the country, in its present stage of development, would make both for economy and efficiency. At the present time the officials of local origin are still largely outnumbered by those introduced from Egypt, with whom service in the Sudan is by no means popular. This difficulty will be overcome as education progresses and a greater number of Sudanese themselves become capable of filling official posts. At the same time care should be taken, in the matter of education, not to repeat the mistake which has been made in Egypt of introducing a system which fits pupils for little else than employment in clerical and minor administrative posts, and creates an overgrown body of aspirants to Government employment. There is no room in the Sudan for a host of petty officials, and education should be directed to giving the Sudanese a capacity and a taste for employment in other directions, such as agriculture, industry, commerce and engineering. The immediate need of the country is material development, and it can do without an elaborate administrative system.

The military forces still employed in the Sudan are very large. A large army was, no doubt, required to complete the conquest and pacification of the country, but the time has come when, in our opinion, the question of the number and organisation of its military forces should be reconsidered, and the financial burden upon Egypt which the maintenance of that force involves be reduced. Hitherto, the Governor-Generalship of the Sudan and the Command-in-Chief of the Egyptian army have been united in one person. There were good reasons for this in the past, but it is indefensible as a permanent arrangement. At the first convenient opportunity a civil Governor-General should be appointed.

In general it should be the aim of British policy to relieve Egypt from any financial responsibility for the Sudan and to establish the relations of the two countries for the future upon a basis which will secure the independent development of the Sudan while safeguarding the vital interests of Egypt in the waters of the Nile.

Egypt has an indefeasible right to an ample and assured supply of water for the land at present under cultivation and to a fair share of any increased supply which engineering skill may be able to provide. A formal declaration on the part of Great Britain that she recognises this right and is resolved under all circumstances to uphold it would go far to allay the uneasiness which prevails in Egypt on this subject. We are of opinion that such a declaration might with advantage be made at the present time.

E.—*Visit of Egyptian delegates to Egypt.*

At the close of the discussions which resulted in the memorandum of the 18th August, Zaghlul Pasha and the other delegates as well as Adli Pasha left London for France. Four of the Delegation (Mohammed Pasha Mahmud, Ahmed Lutfi Bey el Said, Abdel Latif Bey el Mukabati, and Ali Bey Maher) proceeded immediately to Egypt in accordance with the understanding already referred to (see p. 23) in order to enlist the support of their countrymen for the scheme outlined in the memorandum. The substance of that document, with certain inaccuracies of detail, had meanwhile found its way into the press and been received in Egypt with expressions of approval.

About the same time publicity was given in that country to a long manifesto from Zaghlul Pasha, in which he emphasised the representative character of the Delegation and the support which it had received from the nation. He referred to the endeavours made by the Delegation to submit the Egyptian case to the Peace Conference and to the world at large, claiming that a considerable amount of sympathy had been gained in foreign countries. He went on to speak of the appoint-

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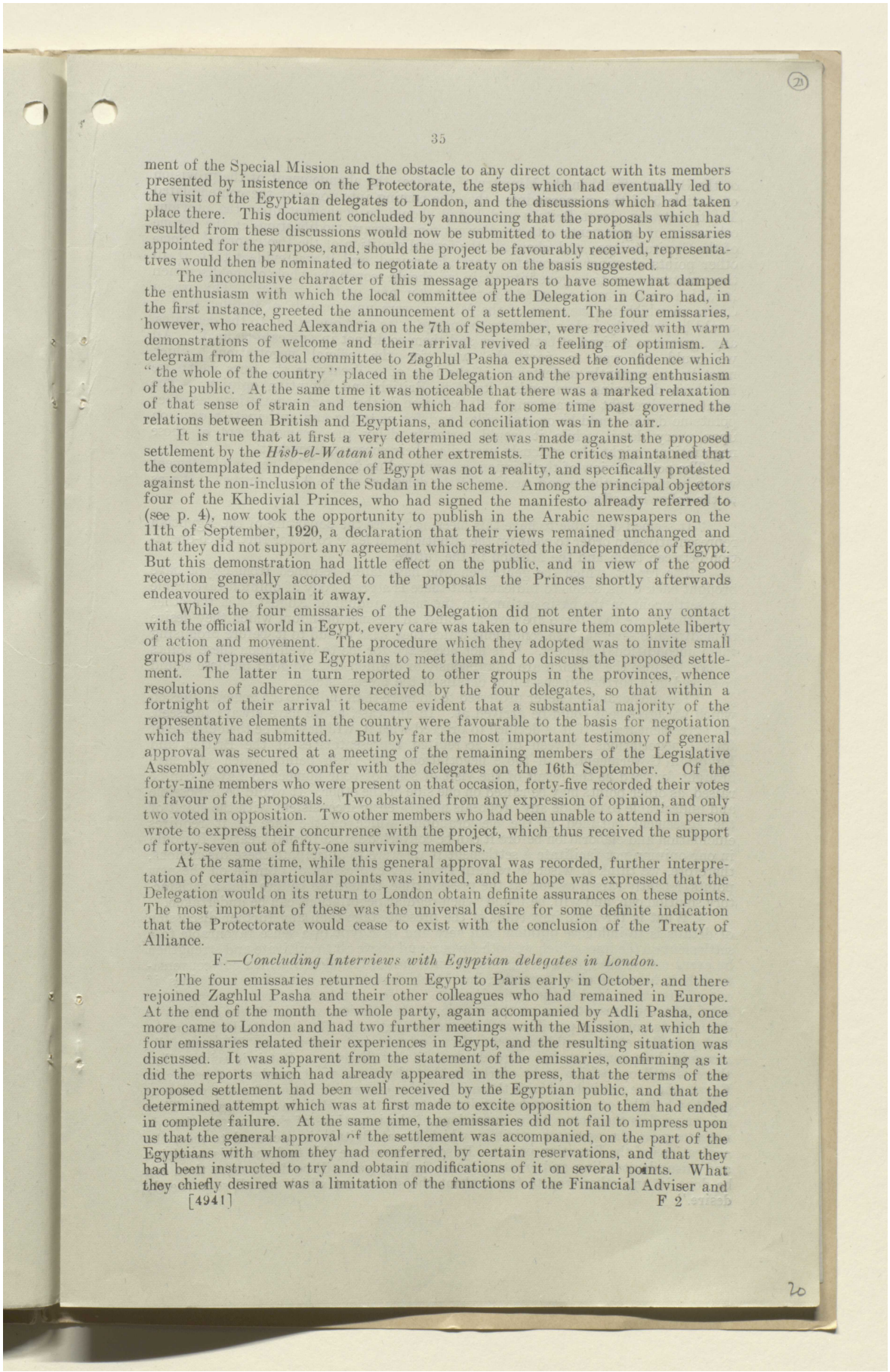

ment of the Special Mission and the obstacle to any direct contact with its members presented by insistence on the Protectorate, the steps which had eventually led to the visit of the Egyptian delegates to London, and the discussions which had taken place there. This document concluded by announcing that the proposals which had resulted from these discussions would now be submitted to the nation by emissaries appointed for the purpose, and, should the project be favourably received, representatives would then be nominated to negotiate a treaty on the basis suggested.

The inconclusive character of this message appears to have somewhat damped the enthusiasm with which the local committee of the Delegation in Cairo had, in the first instance, greeted the announcement of a settlement. The four emissaries, however, who reached Alexandria on the 7th of September, were received with warm demonstrations of welcome and their arrival revived a feeling of optimism. A telegram from the local committee to Zaghlul Pasha expressed the confidence which "the whole of the country" placed in the Delegation and the prevailing enthusiasm of the public. At the same time it was noticeable that there was a marked relaxation of that sense of strain and tension which had for some time past governed the relations between British and Egyptians, and conciliation was in the air.

It is true that at first a very determined set was made against the proposed settlement by the *Hisb-el-Watani* and other extremists. The critics maintained that the contemplated independence of Egypt was not a reality, and specifically protested against the non-inclusion of the Sudan in the scheme. Among the principal objectors four of the Khedivial Princes, who had signed the manifesto already referred to (see p. 4), now took the opportunity to publish in the Arabic newspapers on the 11th of September, 1920, a declaration that their views remained unchanged and that they did not support any agreement which restricted the independence of Egypt. But this demonstration had little effect on the public, and in view of the good reception generally accorded to the proposals the Princes shortly afterwards endeavoured to explain it away.

While the four emissaries of the Delegation did not enter into any contact with the official world in Egypt, every care was taken to ensure them complete liberty of action and movement. The procedure which they adopted was to invite small groups of representative Egyptians to meet them and to discuss the proposed settlement. The latter in turn reported to other groups in the provinces, whence resolutions of adherence were received by the four delegates, so that within a fortnight of their arrival it became evident that a substantial majority of the representative elements in the country were favourable to the basis for negotiation which they had submitted. But by far the most important testimony of general approval was secured at a meeting of the remaining members of the Legislative Assembly convened to confer with the delegates on the 16th September. Of the forty-nine members who were present on that occasion, forty-five recorded their votes in favour of the proposals. Two abstained from any expression of opinion, and only two voted in opposition. Two other members who had been unable to attend in person wrote to express their concurrence with the project, which thus received the support of forty-seven out of fifty-one surviving members.

At the same time, while this general approval was recorded, further interpretation of certain particular points was invited, and the hope was expressed that the Delegation would on its return to London obtain definite assurances on these points. The most important of these was the universal desire for some definite indication that the Protectorate would cease to exist with the conclusion of the Treaty of Alliance.

F.—*Concluding Interviews with Egyptian delegates in London.*

The four emissaries returned from Egypt to Paris early in October, and there rejoined Zaghlul Pasha and their other colleagues who had remained in Europe. At the end of the month the whole party, again accompanied by Adli Pasha, once more came to London and had two further meetings with the Mission, at which the four emissaries related their experiences in Egypt, and the resulting situation was discussed. It was apparent from the statement of the emissaries, confirming as it did the reports which had already appeared in the press, that the terms of the proposed settlement had been well received by the Egyptian public, and that the determined attempt which was at first made to excite opposition to them had ended in complete failure. At the same time, the emissaries did not fail to impress upon us that the general approval of the settlement was accompanied, on the part of the Egyptians with whom they had conferred, by certain reservations, and that they had been instructed to try and obtain modifications of it on several points. What they chiefly desired was a limitation of the functions of the Financial Adviser and

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of the British official in the Ministry of Justice; the abandonment of the provision of Article 5 of the memorandum—that the coming into force of the contemplated Treaty between Great Britain and Egypt should be dependent upon the previous conclusion of agreements with the Powers for necessary modifications in the régime of the Capitulations; and, above all, the formal abolition of the Protectorate. Some other points of minor importance were also raised, and it was evident that, if all these matters were to be gone into again, we should reopen the whole of the discussion in which we had been occupied for the greater part of the summer. This was a course in which the members of the Mission were unanimously of opinion that it would be perfectly useless for them to engage. As we pointed out to the delegates, any agreement arrived at between us and them could not in any case be final. All we could do was to pave the way for the official negotiations, which must be subsequently undertaken, if the idea of a Treaty on the lines which we had been discussing commended itself to British and Egyptian opinion. The points now brought forward might all be raised in the official negotiations, as other points no doubt would be on both sides, and for us to try and anticipate a decision upon every detail, while it would certainly delay the commencement of those negotiations, might also seriously prejudice their successful conduct.

The point of view of the Mission was summed up by Lord Milner in a statement which he made at the second meeting of the delegates on the 9th November. It was to the following effect:—

"It seemed desirable to have this meeting before the departure of the Egyptian representatives in order to clear up the situation and leave room for further co-operation between them and the Mission in the future.

"The report, which the gentlemen who have lately returned from Egypt have brought back to us, seems to indicate that there is a great body of opinion favourable to a settlement on the basis outlined in the memorandum of August. On the other hand, they state that there are several points in the memorandum which they desire to modify and several fresh conditions which they wish to add to it before promising their unconditional support. It is not necessary for me to dwell upon these points to-day, because the Mission are unanimously of opinion that no good purpose would be served by a further discussion of details at the present stage.

"The memorandum never professed to do more than indicate the general lines on which an agreement could be arrived at. In any case, as we have always foreseen, the agreement itself, if it is decided to proceed with it, will have to be the outcome of formal negotiations between duly accredited representatives of the British and Egyptian Governments. In those negotiations the fresh points which you have brought forward as the result of the visit of some of your number to Egypt can be raised, as other points may be raised on one side or the other. It would be impossible and undesirable to exclude any proposals not evidently inconsistent with the spirit of the agreement outlined in the memorandum, which on the face of it requires elucidation and elaboration before it can be converted into a formal treaty. It would in our opinion not facilitate a settlement if we were to anticipate these discussions, therefore, we think it wiser to refrain from any expression of opinion on the new points recently raised by you at the present time, though we believe that a satisfactory solution can, and will, be found when regular negotiations can be undertaken.

"What is far more important at the present stage than any further discussion of details is to influence opinion both here and in Egypt in a sense favourable to a settlement on the lines which we both favour, and above all to cultivate and strengthen by every means the spirit of friendship and mutual confidence which our conversations here have helped to engender, but which must become general on both sides if our efforts are to lead to the desired result. As far as this country is concerned, we hope that the presentation of the report of the Mission, which we are anxious to complete as quickly as possible, will conduce to that end. But it is equally important that a similar effect should be produced in Egypt by your endeavours. We gratefully recognise how much you have already done in that direction. But it is evident that there is still opposition to be overcome, that there are great numbers of people in Egypt who are not imbued with the spirit of the agreement, but are for one reason or another hostile to a good understanding between Great Britain and Egypt. They are, or profess themselves to be, suspicious of the intentions of this country, they do not recognise the generous spirit in which Great Britain is prepared to meet the aspirations of the Egyptian people. In so far as you are able to dispel this suspicion and misunderstanding and create a better feeling you will be doing more than can be done in any other way to bring about the settlement which we all so earnestly desire."

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To this statement Zaghlul Pasha replied in a speech, the gist of which was that while he was as anxious as we were to help to create an atmosphere favourable to a settlement, he would be greatly weakened in his efforts to do so by being unable to give any promise to the Egyptians about the proposed reservations, and specially by being unable to say that Great Britain had finally repudiated the Protectorate. To the latter point he returned again and again, and he subsequently reiterated these views in a letter addressed to Lord Milner.

This was the last of our interviews with the Egyptians, who all left England shortly after it. It is only necessary to add that the tone of our discussions remained throughout of the most friendly character, and that at parting, though no final agreement had been reached and both sides remained uncommitted, we certainly gathered the impression that, reservations or no reservations, public opinion in Egypt had been very favourably impressed by the terms of the proposed settlement, and that most if not all of the delegates were hopeful of its ultimate complete acceptance by their countrymen, and anxious to bring it about.

IV.—General Summary.

In view of the complicated nature of the subject, and the length to which our Report—though we have striven to omit all unessential details—has necessarily run, we desire to recapitulate the main features of the policy which we now recommend, and the stages by which our conclusions have been reached.

When we arrived in Egypt we found a general state of unrest and discontent. The rebellion had been suppressed, but agitation was undiminished, and among an extreme group still took dangerous and violent forms. Everywhere the demand was for "complete independence," beginning with the abolition of the "Protectorate," which was construed as implying the extinction of Egyptian nationality. To justify this inference, the Nationalists pointed to the refusal of the British Government to permit Egyptian Ministers to come to London after the Armistice, to the deportation of Zaghlul Pasha and his associates, to the increase since the war in the number of British officials, and to the continuance of martial law. At the same time the enunciation of President Wilson's fourteen points had aroused wide-spread expectations, and the promise of self-determination to other Eastern peoples whom the Egyptians thought inferior to themselves had added to their discontent. Religious feeling had also been inflamed by the defeat of the Turks and the doubts and uncertainties as to the future of the Caliphate.

On the British side the situation was full of difficulty. A large number of experienced officials had been lost to the service since the beginning of the war and their places taken by new men who knew little of the traditional system by which, in the days of Lord Cromer, British control was maintained without wounding Egyptian susceptibilities. The work of the Administration during the war deserves the warmest acknowledgment, but it necessarily entailed a certain subordination of Egyptian to British interests, and the employment of rough and ready methods likely to be resented by a people whose sympathies were not actively engaged on our side. When the war ended, many of the old landmarks had disappeared and there was a break of continuity with the past. Martial law had become necessary, not merely to maintain order, but to carry on the civil government; the "Agent-General" had become a High Commissioner who was also Commander-in-chief, and though Egyptian Ministers continued to hold office, the Legislative Assembly was suspended. The Administration in these circumstances had to be carried on in the teeth of almost universal opposition, affecting even the official class, upon which the Government had to rely for a large part of its executive work.

We soon came to the conclusion that this situation could not be met by any return to the pre-war system or by any reforms of a merely departmental character. A more radical change was required to meet the new conditions. But the agitation against the "Protectorate" had greatly increased the difficulty of finding any acceptable policy which would satisfy the Egyptians while securing British interests. The word "Protectorate" had become a symbol of servitude in the minds of the Egyptians, and they insisted that it must mean what they said it meant. Argument on this point was wholly useless, and it thus became evident to us that, unless we could get on to new ground, it would be impossible to reach a settlement by agreement.

Fortunately the informal conversations which we had with leading men in Egypt encouraged us to hope that such a settlement was not impossible on new lines. They said with one accord that, though they objected to having an inferior status imposed upon Egypt by the British Government, they would welcome a Treaty of Alliance freely entered into on both sides, which, while establishing the independence

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of Egypt, would give to Great Britain all those safeguards and guarantees which the Protectorate, as we understood it, was intended to secure. The greater part of our subsequent work lay in examining this possibility, and our aim throughout has been to find the basis of a Treaty which should supersede all debates about words and phrases, and be the sole and final definition of the relations of Great Britain and Egypt.

There is nothing new in the recognition of Egyptian independence by Great Britain. Throughout our occupation we have most carefully respected the theory that Egypt was a national unit under the suzerainty of the Sultan of Turkey, and when we abolished the Turkish suzerainty we deliberately chose to proclaim a Protectorate in preference to annexing Egypt or making her part of the British Empire. We have constantly renewed our promise of self-government for Egypt. We are of opinion that the fulfilment of this promise cannot be postponed. The spirit of Egyptian Nationalism cannot be extinguished, and, though it may always be possible to suppress its more violent manifestations, the government of the country in the teeth of a hostile people, who charge us with breach of faith, must be a difficult and distasteful task, alike to those who take part in it and to the British people who are responsible for it.

But there are formidable difficulties in the way of any sudden or complete transfer of all the powers of government to Egyptian hands. There are essential British interests to be upheld; it is also imperative to ensure the safety and protect the rights of the large number of foreign residents whose presence in Egypt differentiates her position from that of other Eastern countries and greatly complicates the problem.

The essential British interests are that the great Imperial communications which pass through Egyptian territory shall not be jeopardised, either by internal disturbances or foreign aggression; that they shall be available in time of war, and for necessary purposes in time of peace; that the struggle for ascendency in Egypt between rival Powers shall not be renewed; and, finally, that an independent Egypt shall not pursue a foreign policy hostile or prejudicial to that of the British Empire. It is therefore necessary that any Treaty entered into between us and the Egyptians should secure the special position of the British representative in Egypt, enable us to maintain an army on Egyptian territory for the protection of our Imperial communications, and take adequate security that Egyptian policy shall be in line with that of the British Empire.

The protection of foreign rights presents a problem of even greater complexity. These are at present secured by the Capitulations. But the Capitulations are the greatest of all the disabilities from which Egypt now suffers (see note on p. 19). The multiplicity of jurisdictions arising out of them, and the facilities which they give to men of uncertain nationality to escape from the local jurisdiction greatly complicate the problem of law and order; while the exemption of foreigners from direct taxation, other than the land and house tax, cripples the Government in raising revenue, since it is in practice impossible to impose on Egyptians taxes from which foreigners are exempt. Thus, although the wealth of the country is rapidly increasing and its resources are now ample for all the needs of good government, the Administration has for some time past been compelled to starve essential public services, such as Education and Public Health. During the war it has only been possible to raise sufficient revenue for the auxiliary police (*Ghaffirs*) by a special tax imposed under Martial Law.

It was evident to us that, without the removal of these restrictions, no Egyptian Government could enjoy any real independence. To leave an Egyptian Ministry to struggle with conditions which threatened to bring the present Administration to a stand-still would be to foredoom it to failure. We foresaw that, if the Capitulations were maintained, the Egyptian Government without British support would in all probability be exposed to a competing pressure of foreign influences, which might paralyse its action. It was therefore clearly in the interests of Egypt that the Capitulations should be removed and the Mixed Tribunals reorganised so as to enable them to take over the jurisdiction of the Consular Courts and to act in criminal as well as civil suits affecting foreigners. But this could only be effected through the mediation of Great Britain, and Great Britain could only expect to succeed in inducing the Powers to part with their present privileges, if she were in a position to assure them that solvency would be maintained and that the lives and property of foreigners would be secure. Our efforts were accordingly directed to securing for Great Britain such a position as would enable her to give this necessary assurance. In order to achieve this object, it is necessary that any Treaty should provide for the right of Great Britain to intervene in legislation affecting foreigners

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and to exercise a certain measure of control over those branches of the administration which most directly affect foreign interests.

Subject to these safeguards for the special interests of Great Britain and the protection of foreign rights, we hold that the Government of Egypt should be restored in fact to what it has always, during our occupation, been in theory, a Government of Egypt by Egyptians. We have sufficient faith in the reforming work of the last forty years to believe that such a course can now be followed with a good prospect of success. But it must be adopted wholeheartedly and in a spirit of hopefulness and sympathy. Nothing would be more likely to lead to failure than to overload this policy with an excessive number of timorous restrictions, which would obscure the principle of Egyptian independence, create suspicion as to our real intentions, and defeat our main object—the re-establishment of mutual goodwill and hearty co-operation between British and Egyptians.

We make no attempt to conceal our conviction that Egypt is not yet in a position to dispense with British assistance in her internal administration. But the Egyptians know this, and when once the responsibility is clearly theirs, they will be slow to dispense with such help from us as is essential to the prosperity and good government of their country. They will be all the slower to do so, because under this system it will be impossible to attribute any failure that may occur to British dictation, and because the good work of British officials in the future will redound to the credit of the Ministers who are wise enough to retain them. Moreover, the whole atmosphere will, in our opinion, be completely changed when the Egyptians are satisfied that the purpose of British policy is to help them to realise their ideal of independence and not to stand in the way of its attainment. We are greatly fortified in that belief by our own experience in dealing with the representative Egyptians with whom we have come into such intimate contact. Once convinced of the sincerity of our intentions they showed every readiness to appreciate our point of view, to recognise the special interests which Great Britain has in Egypt, the debt of gratitude due to her for her past work in that country, and the indispensability of her future help in maintaining its integrity and independence. And we are not discouraged by the fact that they were not all as yet prepared to commit themselves unreservedly to every point in the settlement which they had collaborated with us in devising. We make no doubt that they are wholeheartedly in favour of the main features of the settlement and that they are anxious to secure its acceptance by their countrymen. And, as far as we can judge, public opinion in Egypt is moving decisively in that direction. There is a sensible diminution of the bitter feeling and violent propaganda which were recently so prevalent, and the country is anxious to settle down. 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 the same time establish the independence of Egypt and secure the essential interests of Great Britain. It will be an undoubted advantage to Great Britain to have those interests carefully defined and placed beyond challenge in a Treaty accepted by the Egyptians, as it will obviously be an advantage to Egypt to have her integrity and independence guaranteed by Great Britain. We therefore strongly advise His Majesty's Government to enter without undue delay into 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.

We have thought it desirable to confine this Report to a description of the general situation in Egypt and a statement of our main recommendations as to future policy. We have not included in it numerous suggestions which, in the course of our investigations, we were led to make with regard to details of departmental administration and other matters affecting the educational and social progress of the country. These suggestions are embodied in separate memoranda, some of which have already been placed at the disposal of the Foreign Office, as the rest will be in due course. They are full of technical detail, and, though we believe them to be useful, they are not of the same general public interest as the questions discussed in this Report.

One of these memoranda deals with the Antiquities Department, which, as we found in our conversations with the Delegation, the Egyptians are quite willing to leave under its present control.

We desire in conclusion to record our thanks to the two Secretaries of the Mission and to express our appreciation of their invaluable services.

Mr. A. T. Loyd, the senior of the two, had, after many years' experience in

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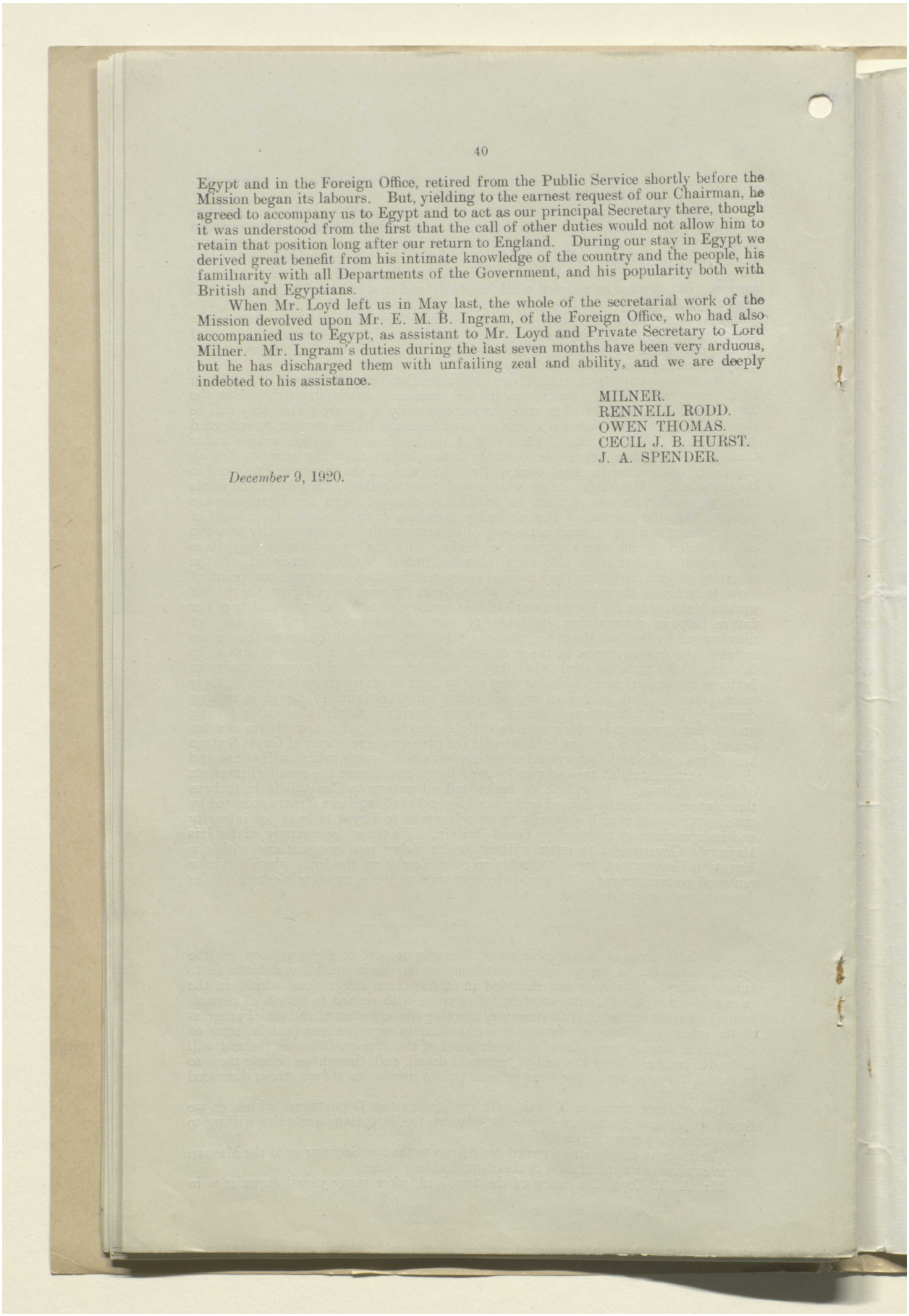

Egypt and in the Foreign Office, retired from the Public Service shortly before the Mission began its labours. But, yielding to the earnest request of our Chairman, he agreed to accompany us to Egypt and to act as our principal Secretary there, though it was understood from the first that the call of other duties would not allow him to retain that position long after our return to England. During our stay in Egypt we derived great benefit from his intimate knowledge of the country and the people, his familiarity with all Departments of the Government, and his popularity both with British and Egyptians.

When Mr. Loyd left us in May last, the whole of the secretarial work of the Mission devolved upon Mr. E. M. B. Ingram, of the Foreign Office, who had also accompanied us to Egypt, as assistant to Mr. Loyd and Private Secretary to Lord Milner. Mr. Ingram's duties during the last seven months have been very arduous, but he has discharged them with unfailing zeal and ability, and we are deeply indebted to his assistance.

MILNER.
RENNELL RODD.
OWEN THOMAS.
CECIL J. B. HURST.
J. A. SPENDER.

December 9, 1920.

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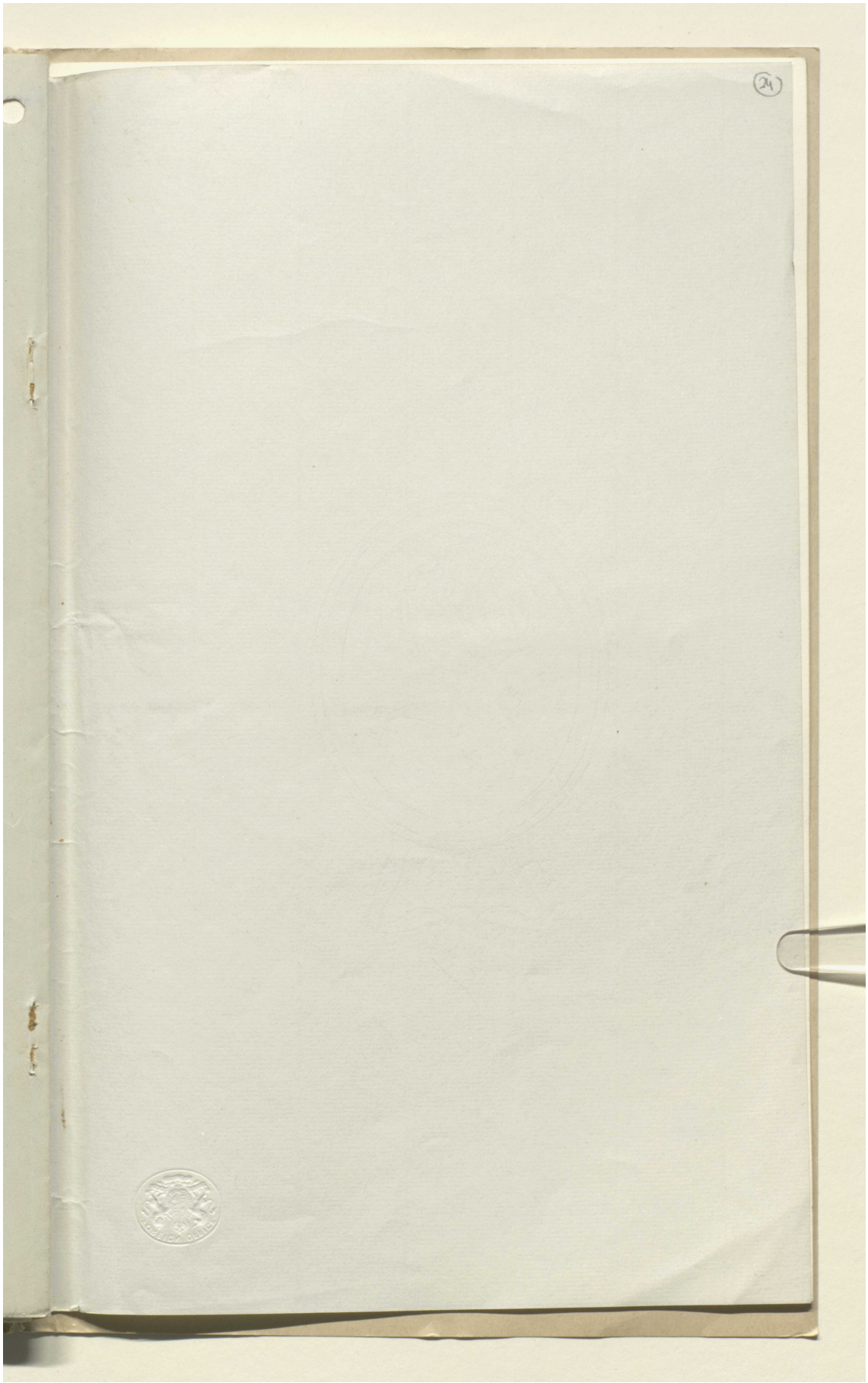

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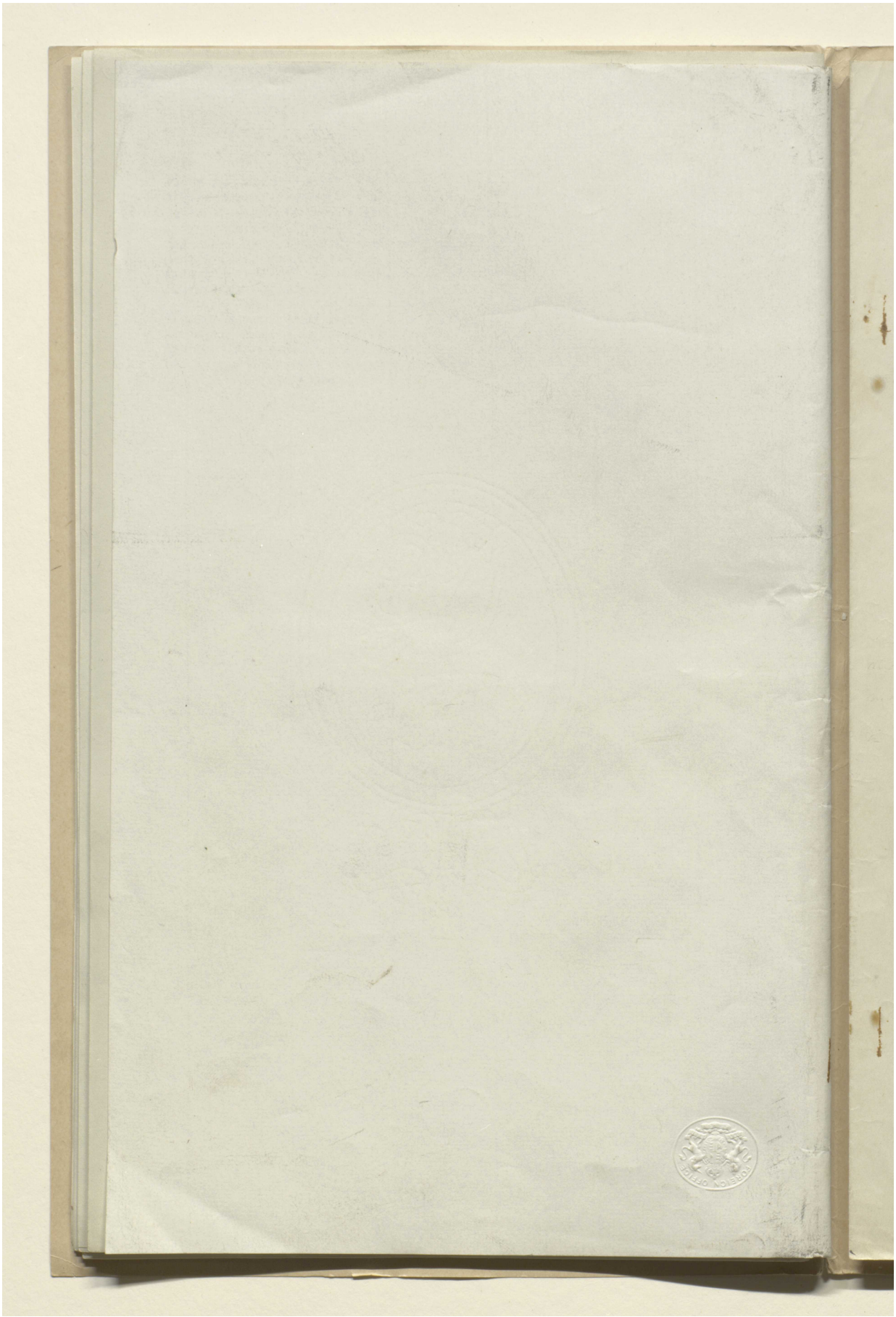

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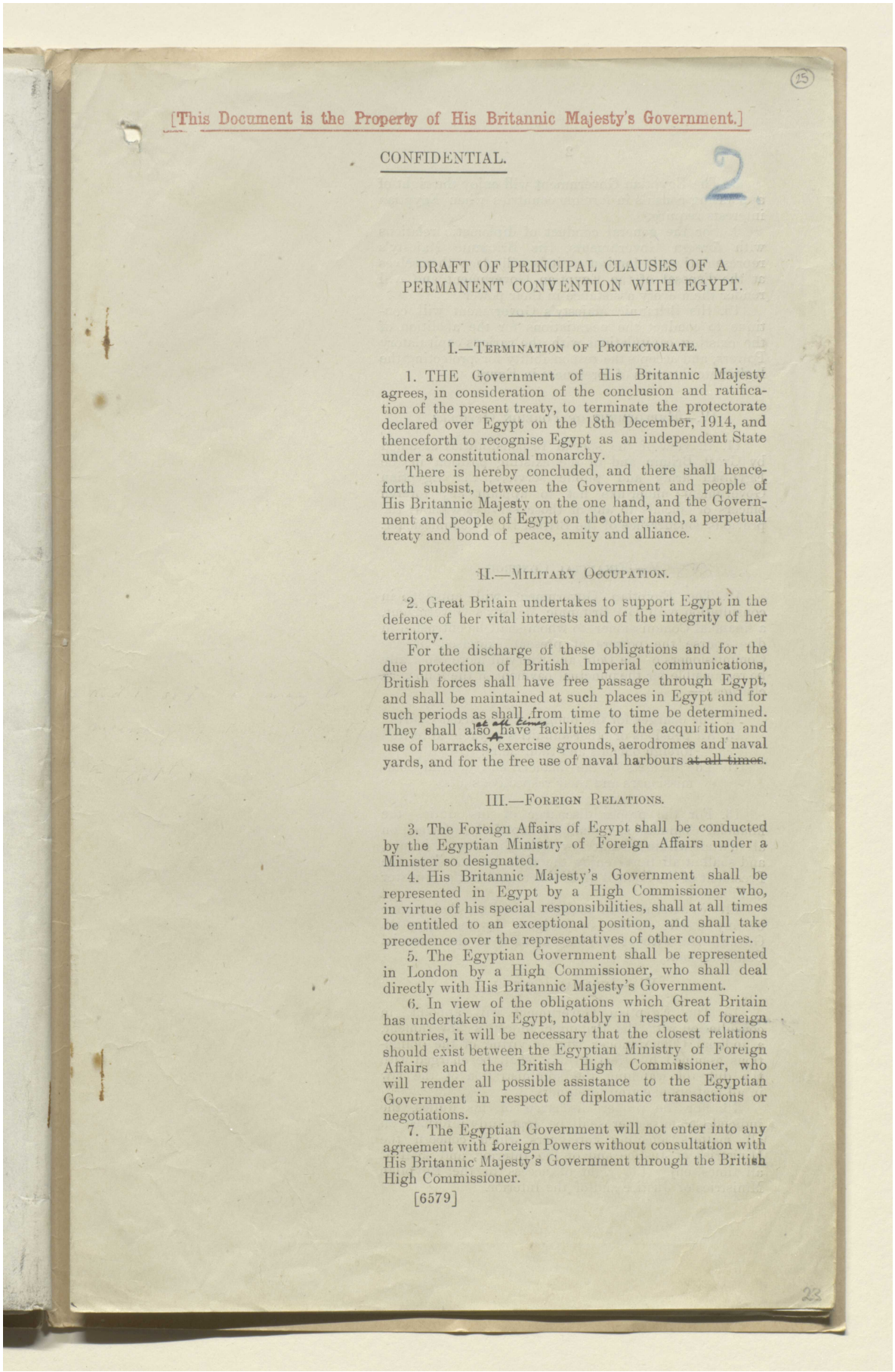

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2.

DRAFT OF PRINCIPAL CLAUSES OF A PERMANENT CONVENTION WITH EGYPT.

I.—Termination of Protectorate.

1. THE Government of His Britannic Majesty agrees, in consideration of the conclusion and ratification of the present treaty, to terminate the protectorate declared over Egypt on the 18th December, 1914, and thenceforth to recognise Egypt as an independent State under a constitutional monarchy.

There is hereby concluded, and there shall henceforth subsist, between the Government and people of His Britannic Majesty on the one hand, and the Government and people of Egypt on the other hand, a perpetual treaty and bond of peace, amity and alliance.

II.—Military Occupation.

2. Great Britain undertakes to support Egypt in the defence of her vital interests and of the integrity of her territory.

For the discharge of these obligations and for the due protection of British Imperial communications, British forces shall have free passage through Egypt, and shall be maintained at such places in Egypt and for such periods as shall from time to time be determined. They shall also have facilities for the acquisition and use of barracks, exercise grounds, aerodromes and naval yards, and for the free use of naval harbours ~~at all times~~.

III.—Foreign Relations.

3. The Foreign Affairs of Egypt shall be conducted by the Egyptian Ministry of Foreign Affairs under a Minister so designated.

4. His Britannic Majesty's Government shall be represented in Egypt by a High Commissioner who, in virtue of his special responsibilities, shall at all times be entitled to an exceptional position, and shall take precedence over the representatives of other countries.

5. The Egyptian Government shall be represented in London by a High Commissioner, who shall deal directly with His Britannic Majesty's Government.

6. In view of the obligations which Great Britain has undertaken in Egypt, notably in respect of foreign countries, it will be necessary that the closest relations should exist between the Egyptian Ministry of Foreign Affairs and the British High Commissioner, who will render all possible assistance to the Egyptian Government in respect of diplomatic transactions or negotiations.

7. The Egyptian Government will not enter into any agreement with foreign Powers without consultation with His Britannic Majesty's Government through the British High Commissioner.

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8. The Egyptian Government will enjoy the right of appointing consuls in foreign countries when Egyptian interests require.

9. For the general conduct of diplomatic relations with foreign Governments, His Britannic Majesty's representatives in foreign capitals will place themselves at the disposal of the Egyptian Government and will render them every assistance in their power.

10. His Britannic Majesty's Government will continue to conduct the negotiations for the abolition of the existing capitulations with the various capitulatory Powers, and accepts the responsibility for protecting the legitimate interests of foreigners in Egypt.

IV.—Employment of Foreign Officers.

11. In view of the special responsibilities assumed by Great Britain and of the existing position in the Egyptian army and public services, the Egyptian Government undertake not to appoint any foreign officers or officials to any of those services without the previous concurrence of the British High Commissioner.

V.—Financial Control.

12. The Egyptian Government will appoint, in consultation with His Britannic Majesty's Government, a financial Commissioner, to whom shall be entrusted in due course the powers at present exercised by the Commissioners of the Debt, and who will more especially be responsible for the punctual payment of the following charges :—

I. The charges for the budget of the Mixed Courts.
II. All pensions or other annuities payable to retired foreign officials and their heirs.
III. The budgets of the financial and judicial Commissioners and their respective staffs.

13. For the proper discharge of his duties the financial Commissioner shall be kept fully informed on all matters within the purview of the Ministry of Finance, and shall at all times enjoy the right of access to the President of the Council of Ministers and to the Minister of Finance.

14. No external loan shall be raised nor the revenue of any public service be assigned by the Egyptian Government without the concurrence of the financial Commissioner.

VI.—Judicial Control.

15. The Egyptian Government will appoint, in ~~consultation~~ agreement with His Britannic Majesty's Government, a judicial Commissioner, who, in virtue of the obligations assumed by Great Britain, shall be charged with the duty of watching the administration of the law in all matters affecting foreigners.

16. For the proper discharge of his duties, the judicial Commissioner shall be kept fully informed on all matters affecting foreigners which concern the Ministries of Justice and of the Interior, and shall at all times enjoy the right of access to the Egyptian Ministries of Justice and of the Interior.

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VII.—Sudan.

17. The peaceful development of the Sudan being essential to the security of Egypt and for the maintenance of her water supply, Egypt undertakes to continue to afford the Sudan Government the same military assistance as in the past, or in lieu thereof, to provide the Sudan Government with financial assistance to an extent to be agreed upon between the two Governments.

All Egyptian forces in the Sudan shall be under the orders of the Governor-General.

VIII.—Suez Canal.

18. During the ten years immediately following the coming into force of this treaty, the Egyptian Government will, in consultation with the Suez Canal Company and the British High Commissioner, frame proposals for the extension for a further period of ~~100~~ years of 50. the concession held by the said company.

addition suggested by the Board of Trade & concurred in by the Treasury.

Any question on which the parties are unable to agree with regard to the terms on which the extension shall be granted shall unless otherwise mutually agreed be determined by an umpire appointed by the Council of the League of Nations. In the event of the Company declining the extension on the terms so settled the Egyptian Govt. and H.M.G. will determine in concert the status and management of the Canal after the expiration of the Concession.

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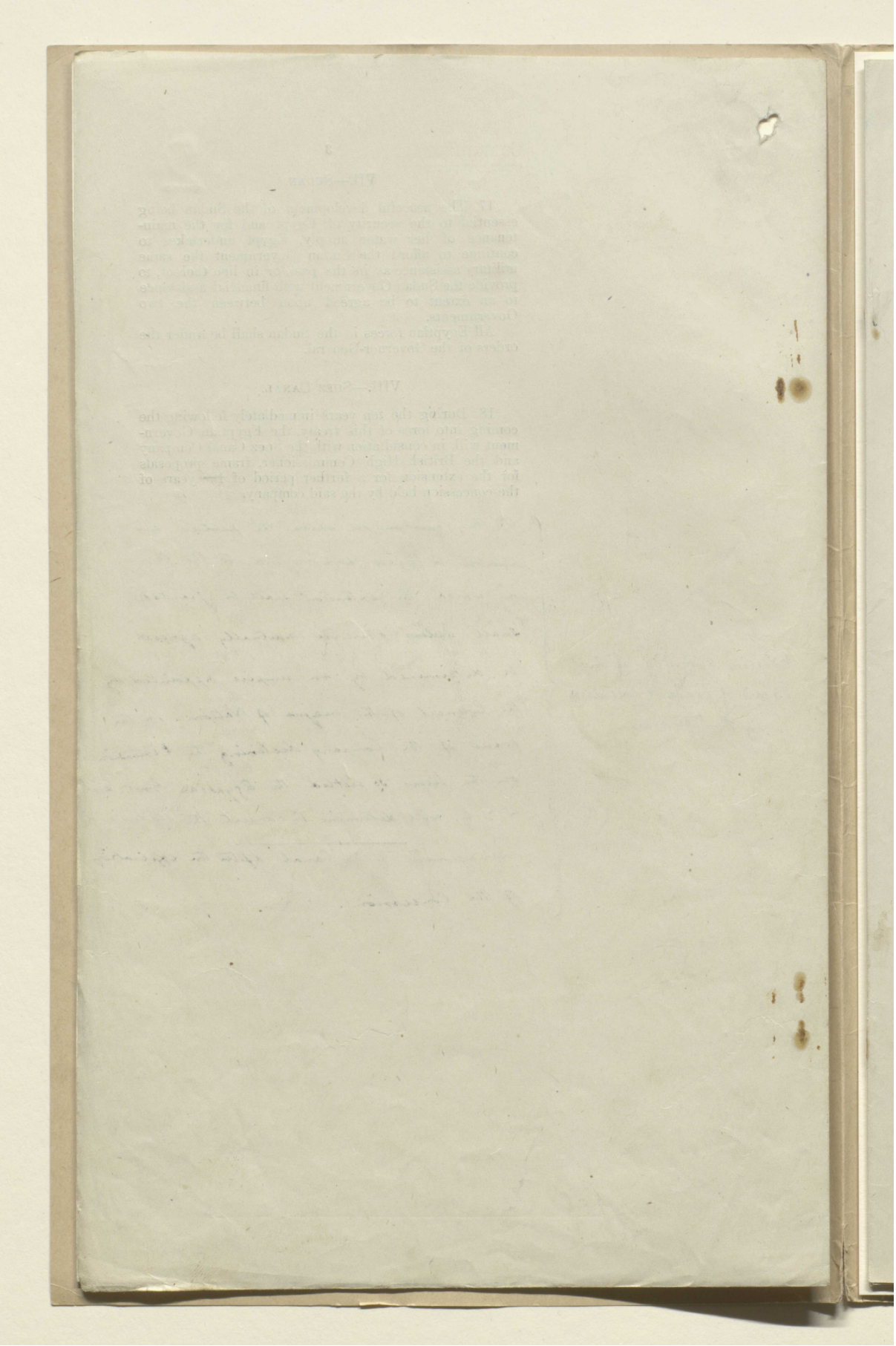

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3

CONFIDENTIAL.

EGYPTIAN NEGOTIATIONS.

Minutes of First Conference with the Egyptian Official Delegation held at the Foreign Office, July 13, 1921, at 3 P.M.

Present :

Foreign Office.

THE MARQUESS CURZON OF KEDLESTON.
The Hon. R. C. LINDSAY.
Mr. R. VANSITTART.
Mr. J. MURRAY.
Mr. A. D. COOPER.

Egyptian Official Delegation.

His Excellency Sir ADLY YEGHEN PASHA (*President*).

Members :

His Excellency Sir HUSSEIN RUSHDI PASHA.
His Excellency ISMAIL SIDKY PASHA.
His Excellency MOHAMMED SHAFIK PASHA.
His Excellency AHMED TALAAT PASHA.
His Excellency YOUSSEF SOLIMAN PASHA.

ABDEL HAMED BEY BEDAWI (*Secretary*).

LORD CURZON began by welcoming the delegation, and then briefly recapitulated the events which had led up to its being sent to this country. Without dwelling on the disorders of 1919, he referred to the fact that it was subsequent to those disorders that a mission under Lord Milner, as the best qualified of all British statesmen, was sent out to Egypt to enquire into the situation and report as to the best means of arriving at a satisfactory settlement for the future. This mission had not had a particularly easy time in Egypt; it had nevertheless collected a large amount of information, and had returned. During last summer the mission had had the advantage of conversations with various prominent Egyptians in this country, as a result of which they eventually drew up the report which had been published. This report had been considerably discussed both in this country and in Egypt. The present delegation had now come here appointed by their Sovereign, and representative, Lord Curzon hoped, of Egypt, to negotiate with himself as a representative of His Majesty's Government. Neither party were committed by the report or by anything that had gone before. The sole commitment of His Majesty's Government was contained in the words of the declaration which Lord Allenby had been authorised to make to the Sultan in February last, which Lord Curzon then read to the meeting :—

> " His Majesty's Government, after a study of the proposals made by Lord Milner, have arrived at the conclusion that the status of protectorate is not a satisfactory relation in which Egypt should continue to stand to Great Britain. While they have not reached final decisions with regard to Lord Milner's recommendations, they desire to confer regarding them with a delegation nominated by the Sultan with a view, if possible, to substitute for the protectorate a

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relationship which would, while securing the special interests of Great Britain and enabling her to offer adequate guarantees to foreign Powers, meet the legitimate aspirations of Egypt and the Egyptian people."

On the lines of that declaration they were free to discuss every point, and Lord Curzon was there to hear the views of the delegation on every point, and then to lay before them the views of His Majesty's Government and to see how far it might be possible to arrive at an agreement. The task before them would not be easy; it would require patience on both sides, and they must not be alarmed should difficulties, and even acute divergencies of opinion, arise.

Adly Pasha then thanked Lord Curzon for his welcome and for the spirit in which he was prepared to negotiate. The delegation had the greatest desire to arrive at an agreement and they were convinced that negotiations undertaken in this spirit would succeed in finding a satisfactory solution of the questions before them. They were seeking to realise the aspirations of Egypt, and, above all, to secure the recognition of Egypt as an independent State, which necessitated the abolition of the protectorate. They did not, however, fail to realise the interests of Great Britain in Egypt, and he recognised that there must be guarantees; these were discussed last year and were embodied in the Milner memorandum. To this memorandum reserves were made in Egypt in order to clarify details and to make sure that guarantees proposed were not in contradiction with the status of independence.

Lord Milner deferred the discussion of these reserves until official negotiations were undertaken. He took the line that his memorandum was only a sketch and that naturally both sides would have reserves to bring forward. Adly himself and his colleagues would perhaps have to seek for greater precision on other points not covered by the reserves.

Lord Curzon expressed his appreciation of Adly Pasha's kind words. The Pasha had alluded to certain reserves which were formulated by Zaghlul Pasha and communicated to Lord Milner at the end of last year. Lord Milner had, of course, not been in a position to consider them, and he had thought it unwise to discuss them. Lord Curzon recognised the propriety of this course and thought it would make his present task easier if he were aware—

1. Of the present form of these reserves.
2. How far they represented the views of the present Egyptian delegation.

Lord Curzon understood that they had been the views of Zaghlul and his followers; were they the views of the delegation?

Rushi Pasha said that these reserves had been formulated by the various bodies in Egypt who had been consulted with regard to the Milner memorandum. In view of the source from which the reserves came the delegation was bound to observe them, and intended to present them, therefore, in the actual form in which they had been drawn up.

Adly Pasha then interjected that the reserves were not Zaghlul's reserves but those of the country, and for that reason the delegation was bound by them. The most important was the abolition of the protectorate, and with regard to that His Majesty's Government had already cleared the ground.

The reserves were then produced and Lord Curzon requested that they should be read.

1. Abolition formelle du protectorat.
2. Suppression de la seconde disposition de l'alinéa (*a*) de l'article 3 portant d'une manière générale que "l'Égypte confère à la Grande-Bretagne les droits nécessaires pour la sauvegarde de ses intérêts ainsi que pour la rendre à même d'avancer aux Puissances étrangères les garanties nécessaires pour l'obtention de l'abandon de leurs droits capitulaires," et cela pour ne pas laisser entendre que l'Égypte conférerait d'autres droits que ceux limitativement énumérés dans le projet.

Rushdi Pasha explained that this reserve was not in the nature of a clause in a treaty; it was merely the explanation of the motives which the treaty should define.

3. Suppression de la clause subordonnant la mise en vigueur du traité à l'acceptation par les Puissances du transfert de leurs droits capitulaires à la Grande-Bretagne et à la promulgation des décrets sur la réorganisation de la justice

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mixte, de telle sorte que le traité soit mis en vigueur dès son approbation par l'Égypte et la Grande-Bretagne.

Lord Curzon said that he understood the object of this reserve was that the coming into force of an agreement with Egypt should not be made contingent on the conclusion of other conventions with foreign Powers.

4. Discussion et approbation préalables des projets de réorganisation judiciaire par les Corps représentatifs de l'Égypte avant leur promulgation.

Lord Curzon enquired whether this meant that any arrangement for the abolition of the Capitulations should be discussed by the Legislative Assembly.

Adly Pasha said that this was so, and Rushdi Pasha stated that the Legislative Assembly should pronounce simultaneously on the treaty and on the agreement for the abolition of the Capitulations.

5. Intervention de l'Égypte, comme partie contractante, dans les accords envisagés avec les Puissances relativement à leurs droits capitulaires.

Adly Pasha pointed out that agreements relating to the Mixed Courts had in the past been concluded by Egypt with the Powers concerned.

Rushdi Pasha mentioned the draft convention with Italy, which had been referred to the Egyptian Government, and Adly Pasha added that, as such agreements would have to be put in force by Egyptian decrees, the Egyptian Government should logically have a hand in their preparation.

6. Suppression de la disposition relative à la nomination d'un fonctionnaire britannique au Ministère de la Justice : un procureur général britannique pouvant, avec ses attributions ordinaires, constituer une garantie suffisante pour les étrangers.

Adly Pasha explained that, in their opinion, the presence of a British "procureur général" would be a sufficient safeguard.

Lord Curzon enquired whether there was not a British "procureur général" already.

Adly replied that at present the "procureur général" might be of any nationality, and was actually a Belgian. The powers exercised by the "procureur général" were also discussed.

7. Suppression de la disposition relative à la consultation du fonctionnaire financier.

Adly Pasha explained that the Government would naturally have the right to consult any official, and that to insert this in the treaty would appear to impose upon the Government the obligation to do so.

Lord Curzon pointed out that, under the reserve as proposed, the Egyptian Government need not consult the Financial Adviser at all.

Adly replied that they need not do so under the clause as it stood at present.

8. Limitation aux seuls traités purement politiques des accords internationaux que l'Égypte ne peut pas conclure s'ils sont nuisibles aux intérêts britanniques, de telle sorte que l'Égypte resterait entièrement libre de faire tous accords commerciaux, économiques ou autres sans aucune restriction.

Adly pointed out that this reserve would simply restore the *status quo ante bellum*, and all that was desired was to insert the word "political" before the word "agreement." The Egyptian Government wished to have a completely free hand with regard to commercial and economic agreements.

Lord Curzon suggested that it amounted to securing the right to make commercial agreements prejudicial to Great Britain.

Adly said that in virtue of the alliance of the two countries the Egyptian Government would, of course, do nothing of the kind. They merely wished to regain the liberty in regard to this matter which they had possessed before.

Lord Curzon enquired as to how exactly the Egyptian Government would have proceeded in pre-war days had they desired to conclude a commercial treaty with a foreign Power—for instance, Italy.

Adly replied that they would have negotiated direct with the Power concerned; that they had, at any rate, technically the right to do so.

Rushdi Pasha concurred and said that this was not an innovation.

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On reaching the next paragraph in the memorandum embodying their reserves which apparently dealt with the Soudan, Adly Pasha said that this was a very complex question; that it was impossible to say in a few words exactly what their views were, and that they would prefer to postpone discussion of this matter for the present.

Lord Curzon agreed to their doing so.

Lord Curzon then enquired whether these were all the reserves of the delegation.

Adly replied that he was unable to go so far as definitely to say that they had no further reserves, but that these were the reserves of the country and were supported by the delegation. In the course of negotiations, however, other points would arise with regard to which they might have to formulate "précisions."

Lord Curzon enquired whether there were any other observations of a general character which the delegation would like to make at this stage.

Adly Pasha replied that they would prefer to make their observations on each point as it arose.

Lord Curzon then said that one of the most important questions which would arise, and which did not figure in the reserves, was the disposal of British troops in Egypt. Other matters would be bound to depend on that, and it would therefore be of the greatest help to obtain at this stage a general idea of the views of the delegation with regard to this question. It had been discussed at great length last year and he believed that it figured in the reserves then formulated, although not in those put forward to-day.

Adly Pasha replied that this question had been discussed at great length in the negotiations with Lord Milner, who had insisted on the presence of troops in Egypt, and it had been sought to give their presence a character not incompatible with Egyptian independence. It was understood that they were to be there for the protection of the communications of the British Empire against exterior aggression, but the Milner Report showed it was not only the Canal which Great Britain was anxious to protect, but it was desired also to protect communications from attack by land and air. That was a point which the Egyptian delegation had not been able to follow, and which they wished to go into. They would like to define more precisely the duties of the troops to be maintained in Egypt, and the places at which they were to be stationed. Above all they desired to know exactly what it was that necessitated their presence.

Lord Curzon replied that his Excellency was quite right and that it was most important to arrive at an understanding as to the objects for which the troops were there; it would then obviously be easier to discuss the numbers that it was necessary to maintain and the places at which it was necessary to maintain them. This question had already been considered by the Cabinet, and the following would appear to be the principal objects for which British troops would be required:—

1. *Protection of Imperial Communications.*

This did not refer only to the Suez Canal. The geographical position of Egypt invested her with great importance from the point of view of the British Empire. There was, for instance, the question of air communications. This meant the maintenance of aerodromes. Egypt was the central point on the route for the East. Great Britain must therefore maintain aerodromes in Egypt and aerodromes must be guarded. Protection of Imperial communications, which must be understood in its widest sense, was the first object of maintaining troops in Egypt. It was not, however, the only object.

2. *Defence of Egyptian Frontiers.*

The frontiers of Egypt were liable to attack by land from the west, south and east. In the recent war British troops had protected Egypt from an extremely formidable attack by the Turks. History might repeat itself and a similar attack might be attempted in the future.

3. *Protection of Foreigners.*

Under the new arrangements, after the abolition of the Capitulations, foreign Powers enjoying special rights in Egypt would transfer them to Great Britain, and, in the future, should the rights or interests of other Europeans—French or Italian, for instance—be injured in Egypt, it would be to Great Britain that the Governments of those countries would turn for satisfaction. Great Britain must, therefore, be in a position to safeguard those rights.

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Lord Curzon then referred to the recent disturbances in Alexandria, which, however they may have originated, terminated in an attack upon Europeans. How had these disturbances been put down? Not by the Egyptian police or the Egyptian army, but by British troops. What would have been the result had the disturbances proceeded? Other Powers—French or Italian—would have landed troops and Egyptian ports would have been occupied.

The Egyptian delegation had expressed their desire to be consulted with regard to the negotiations with foreign Powers, and their right to be so was admitted, but they would learn that, before relinquishing the rights which those foreign Powers now possessed in Egypt, they would insist upon the presence of a British force for the protection of their nationals. There would presumably continue to be a considerable British and foreign population in Egypt who would have to be protected. Even the presence of a British High Commissioner necessitated adequate safeguards being provided for his personal safety. Troops would be required for all these purposes, even though they might not, and very probably would not, be used for all these purposes, and it was no use discussing how many troops were to be there, or where they were to be placed, until an agreement had been reached with regard to the reasons for their presence.

Rushdi Pasha said that the presence of foreign troops in Egypt for internal purposes was incompatible with the idea of independence. There had been special reasons for the disorders of 1919 which would not exist in the future, and so far as the defence of the frontiers was concerned they could be left to the Egyptian army.

Lord Curzon enquired whether it was really proposed that Great Britain should assume the responsibility of protecting Egypt's frontiers and at the same time forfeit the right to maintain troops in Egypt. He reminded the delegation of the experiences of the Egyptian army in the past and referred to the fate of Hicks Pasha.

Adly Pasha explained that the Egyptian army would first defend the frontiers, and should they require assistance they would then turn for it to Great Britain.

Lord Curzon replied that in practice this would result in the Egyptian army landing themselves in difficulties and then appealing to Great Britain to extricate them. He urged the delegation to look facts in the face. He had nothing to say against the Egyptian army, of whose courage he entertained no doubts, but it was useless to shut their eyes to the experiences of the past.

Lord Curzon then referred again to the question of internal disturbances and the protection of foreigners.

Adly Pasha said that they had certain judicial rights.

Lord Curzon reminded the delegation that one of the first results of the recent disturbances at Alexandria had been the despatch of an Italian cruiser to that port. A similar thing would occur on the next occasion.

Adly suggested that Great Britain would prevent this.

Lord Curzon pointed out that that was precisely the reason for retaining British troops in the country.

Rushdi Pasha said that in the past there had been special causes which had produced disturbances, and that the Egyptian Government had never been organised to deal with them. In the future, however, the causes would have disappeared, and the organisation of the Egyptian Government would have improved.

Adly Pasha added that the recent riots had been merely a continuation of a two years' revolution.

Lord Curzon asked the delegation whether they could expect that foreign Powers would be willing to accept their assurances with regard to there being no such trouble in the future and with regard to the improvements of the Egyptian army and Egyptian organisation generally.

Rushdi said that foreign Powers had never sent troops to Egypt in the past.

Lord Curzon said that this was because the British troops had been there.

Rushdi said that the riot at Alexandria had been a pure accident.

Adly said that the report that had been drawn up with regard to that riot was too absolute in tone, and based its conclusions on premises that did not justify them. He said that its publication at the present time would do harm to the course of the negotiations, and that it would be seized upon by his political opponents, who would suggest that it was issued on purpose to provide arguments for maintaining troops in Egypt.

Rushdi Pasha said that the riot was against the Government and not against foreigners.

Lord Curzon then read a telegraphic summary of the report. He said that he was

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not prepared to discuss the findings of the Court, but the fact remained that the riot had taken place, that the situation had been saved by British troops, and the same might occur again.

Adly Pasha would not admit it could not have been stopped without the help of British troops. If the British troops were not there the Egyptian troops would be better prepared to keep order. The knowledge that they could always apply to the British in the last resort interfered with their attaining to complete efficiency. He asked whether Lord Curzon meant to imply that the Egyptians would never be able to maintain order in their own country.

Lord Curzon replied that he did not mean to imply this; that the time would no doubt come when they would be perfectly well able to do so, but it had not yet arrived, and it was with the present that he had to deal.

Adly Pasha was forced to admit that the disturbances at Alexandria had considerably frightened the foreign population, but he was not prepared to admit that they constituted sufficient reason for upsetting the whole principle on which it had been intended to proceed.

Lord Curzon pointed out that the Milner memorandum stated that Great Britain should support Egypt in defence of her frontiers, and did they mean to suggest that we should only send troops to Egypt for this purpose after war had broken out?

Adly replied that that was the general procedure between Allies.

Lord Curzon enquired whether they expected that British aerodromes should be abandoned in peace time.

Adly replied in the negative, but added that it was not necessary to guard aerodromes in peace time.

Lord Curzon said that there was no doubt that the military authorities would take a different view of this question.

Rushdi Pasha said that the situation of the aerodromes and the number of troops guarding them should be considered, and that the presence of such guards was not incompatible with the idea of independence.

Lord Curzon said that they must not be slaves to words, or say that certain things are inconsistent with ideas of independence. The fact was that Great Britain had certain obligations in Egypt, and that it was necessary to maintain troops there in order to carry out those obligations.

Adly Pasha said that Lord Milner had always recognised that troops should be in Egypt, not as an army of occupation. He said that with regard to all these matters the delegation were anxious to find a solution which would be acceptable to the Egyptian people and Legislative Assembly.

Lord Curzon replied that His Majesty's Government had much the same object in view, and had equally to consider the opinions of the British public and of Parliament. A tremendous step had already been taken by the abolition of the protectorate. Could the delegation expect Great Britain to go further, and to trust that all would be well in Egypt after the withdrawal of British forces? The delegation should realise that in the retention of British troops lay Egypt's best hope of developing her independence on her own lines. Lord Curzon then asked the delegation to express their views with regard to the number of troops and the places where they should be maintained.

Adly replied that he would prefer any proposals on this subject to come from Lord Curzon in the first instance. In the past, however, it had always been desired that troops should be stationed on the Suez Canal, and, if elsewhere, not in a town. The nearer the troops were to the Canal the less unacceptable their presence would be to the Egyptian people.

[*There was then an interval for tea.*]

On resuming negotiations, Lord Curzon said that he had been endeavouring to explain the object of His Majesty's Government in maintaining troops in Egypt; that His Majesty's Government were ready to show the greatest regard for the natural susceptibilities of the Egyptian people in this matter. They had no desire for the troops to form a garrison or an army of occupation, but it was before all things important that the delegation should agree as to the reasons for their presence. He was inclined to think that the matter should be settled in general terms under the treaty, and that the settlement of the details should be left to friendly consultation between the two Governments, but the right of free passage to British troops and of their maintenance for such periods and in such places as may from time to time be necessary must be secured. Incidents such as those that had recently occurred at

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Alexandria naturally cause alarm. In the future they might become impossible and the disposition of troops would be arranged accordingly.

Adly Pasha requested that Lord Curzon would furnish the delegation with a short note embodying his views upon this question, and Lord Curzon promised to do so.

Adly added that it was most important from the point of view of Egyptian sentiment that anything on this subject should be as precise and definite as possible.

Lord Curzon said that he was willing to discuss the matter further, but that he should say at once that the suggestion that troops should be confined to the Canal zone was one that could not be entertained.

Adly said that in Egypt it was still believed that British forces were really needed to guard interior communications, and that if it was thought necessary to guard aerodromes this would involve the presence of troops at Cairo and Alexandria, where the two chief aerodromes were situated.

Lord Curzon said that the aerodromes must be guarded.

Adly suggested that new ones should be built.

Lord Curzon said that this seemed unnecessary as they had two excellent ones already, and that in matters of this kind expediency, not sentiment, must be the main consideration. Similarly, troops must be placed where there were barracks.

Adly Pasha suggested that they should not be to too great an extent the slaves of what exists, and that the sentiments of the people must be taken into consideration. He enquired whether military arrangements could not be considered as of a temporary nature.

Lord Curzon replied that he did not think so. It might be necessary now to place troops where it would not be necessary to have them in the future, and it would no doubt be possible to find some formula whereby revision of any arrangements could be allowed for, but he did not wish it to be thought that he contemplated the possibility of the complete withdrawal of British troops from Egypt within any time limit.

Lord Curzon then referred to the question of the employment of foreign officials other than British in Egypt. He was assured by both Adly and Rushdi that there was no disposition in Egypt to replace British officials by other foreigners, and that no party would propose to do so.

Adly said that he was willing to enter into an understanding on this point.

Lord Curzon said that the difficulty with regard to understandings was that they did not bind subsequent Governments; that this was a matter concerning which there was considerable feeling in England, and that he would like to have some guarantee on the subject inserted in the treaty.

Adly said that they were agreed in principle and that it might be inserted in a protocol.

Lord Curzon said that he would prefer to have it in the treaty.

Finally, Lord Curzon referred to the position of the High Commissioner, and enquired whether they would desire to have an Egyptian High Commissioner in London.

Adly said that the question of the title of the High Commissioner had been frequently discussed with Lord Milner, and that Egyptians objected to the title as associated with the protectorate.

Lord Curzon replied that it had always been assumed that he would be called the High Commissioner, which was the proper title for such an official.

It was arranged to hold another meeting on the following day at 4·15 P.M.

Dear Abdel Hamed Bey, *Foreign Office, July* 13, 1921.

I enclose a copy of the note on the British forces in Egypt which Lord Curzon promised to send to the Egyptian official delegation during the conference to-day.

Yours very truly,
J. MURRAY.

His Excellency,
Abdel Hamed Bey,
Carlton Hotel,
Pall Mall, S.W. 1.

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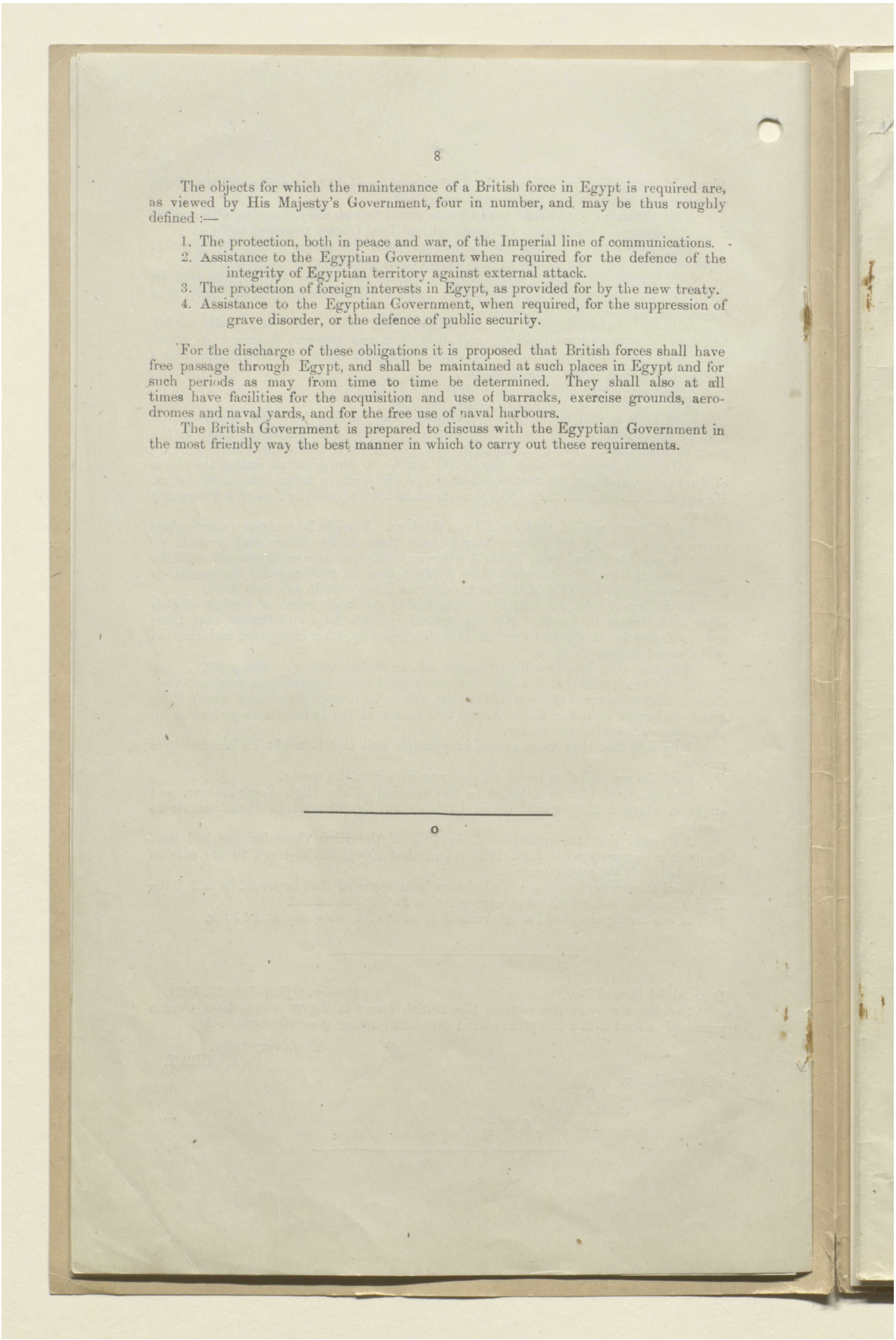

The objects for which the maintenance of a British force in Egypt is required are, as viewed by His Majesty's Government, four in number, and may be thus roughly defined :—

1. The protection, both in peace and war, of the Imperial line of communications.
2. Assistance to the Egyptian Government when required for the defence of the integrity of Egyptian territory against external attack.
3. The protection of foreign interests in Egypt, as provided for by the new treaty.
4. Assistance to the Egyptian Government, when required, for the suppression of grave disorder, or the defence of public security.

For the discharge of these obligations it is proposed that British forces shall have free passage through Egypt, and shall be maintained at such places in Egypt and for such periods as may from time to time be determined. They shall also at all times have facilities for the acquisition and use of barracks, exercise grounds, aerodromes and naval yards, and for the free use of naval harbours.

The British Government is prepared to discuss with the Egyptian Government in the most friendly way the best manner in which to carry out these requirements.

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4.

CONFIDENTIAL.

EGYPTIAN NEGOTIATIONS.

Minutes of the Second Conference with the Egyptian Official Delegation, held at the Foreign Office, July 14, 1921, at 4·15 P.M.

Present:

Foreign Office.

THE MARQUESS CURZON OF KEDLESTON.
The Hon. R. C. LINDSAY.
Mr. R. VANSITTART.
Mr. J. MURRAY.
Mr. A. D. COOPER.

Egyptian Official Delegation.

His Excellency Sir ADLY YEGHEN PASHA (*President*).

Members:

His Excellency Sir HUSSEIN RUSHDI PASHA.
His Excellency ISMAIL SIDKY PASHA.
His Excellency MOHAMMED SHAFIK PASHA.
His Excellency AHMED TALAAT PASHA.
His Excellency YOUSSEF SOLIMAN PASHA.

ABDEL HAMED BEY BEDAWI (*Secretary*).

BEFORE resuming the discussion, Lord Curzon said there was one matter to which he would like to refer, and which had not been mentioned yesterday. It was of the greatest importance that they should be careful not to allow anything to appear in the press during the course of negotiations. In future, he suggested that a short statement should be drawn up at the end of each meeting, which should be communicated to the press, which would simply state that the meeting had taken place. Anything that might be published in Egypt at the present time with regard to their negotiations might be made use of by people there who wished to interfere with the success of the negotiations, and do considerable harm. Adly Pasha concurred, and stated that they would observe the greatest care in regard to this matter. Lord Curzon added that any communiqué would be edited jointly.

Lord Curzon said that yesterday they discussed the military aspect, and that after he had drawn up a short note which had been communicated to the delegation in order that they might know exactly what was in the minds of His Majesty's Government with regard to this matter. He enquired whether they would wish to discuss that note at the present meeting, or proceed with a different subject.

Adly Pasha opted for the latter alternative and said that he would revert to the note some time next week.

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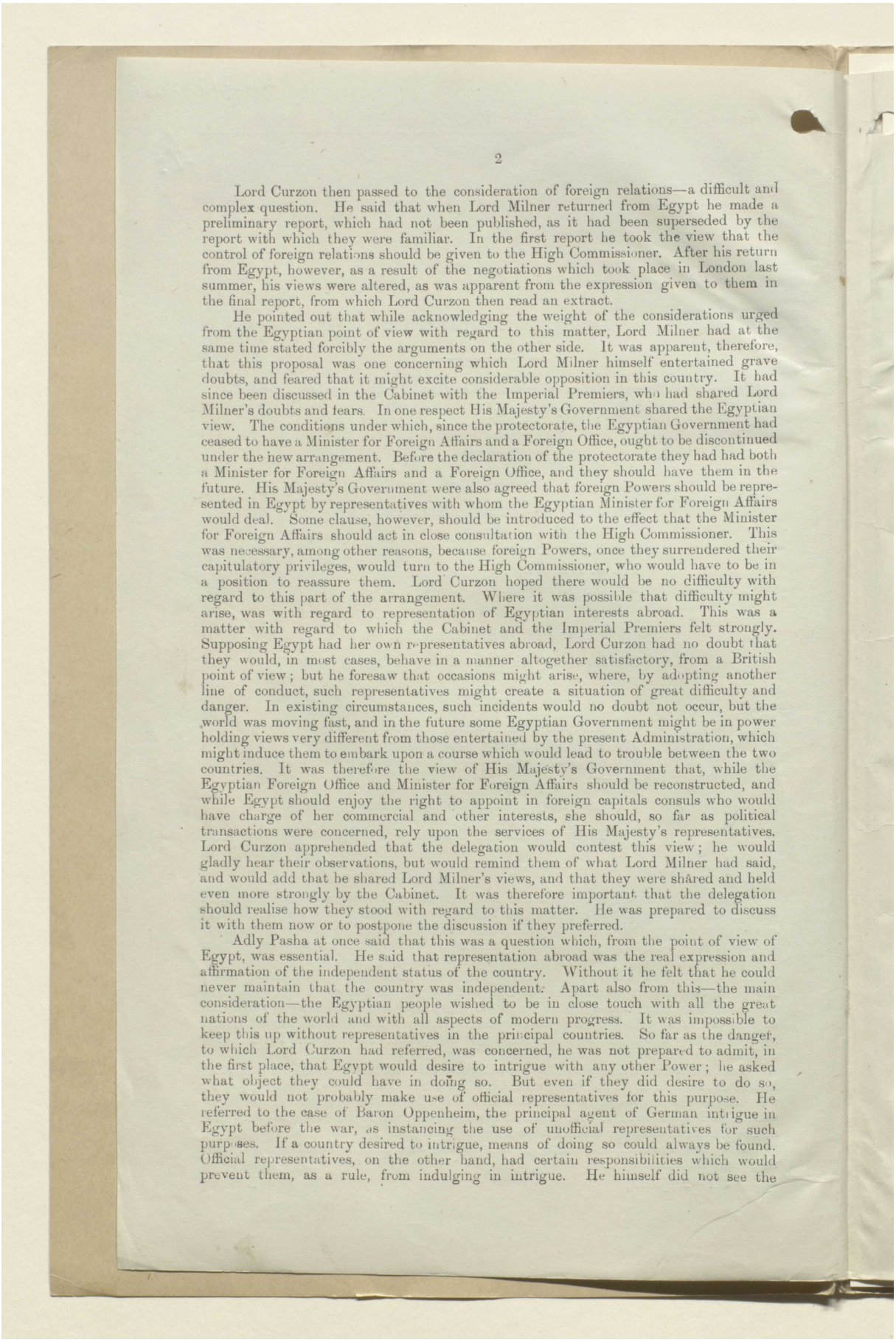

Lord Curzon then passed to the consideration of foreign relations—a difficult and complex question. He said that when Lord Milner returned from Egypt he made a preliminary report, which had not been published, as it had been superseded by the report with which they were familiar. In the first report he took the view that the control of foreign relations should be given to the High Commissioner. After his return from Egypt, however, as a result of the negotiations which took place in London last summer, his views were altered, as was apparent from the expression given to them in the final report, from which Lord Curzon then read an extract.

He pointed out that while acknowledging the weight of the considerations urged from the Egyptian point of view with regard to this matter, Lord Milner had at the same time stated forcibly the arguments on the other side. It was apparent, therefore, that this proposal was one concerning which Lord Milner himself entertained grave doubts, and feared that it might excite considerable opposition in this country. It had since been discussed in the Cabinet with the Imperial Premiers, who had shared Lord Milner's doubts and fears. In one respect His Majesty's Government shared the Egyptian view. The conditions under which, since the protectorate, the Egyptian Government had ceased to have a Minister for Foreign Affairs and a Foreign Office, ought to be discontinued under the new arrangement. Before the declaration of the protectorate they had had both a Minister for Foreign Affairs and a Foreign Office, and they should have them in the future. His Majesty's Government were also agreed that foreign Powers should be represented in Egypt by representatives with whom the Egyptian Minister for Foreign Affairs would deal. Some clause, however, should be introduced to the effect that the Minister for Foreign Affairs should act in close consultation with the High Commissioner. This was necessary, among other reasons, because foreign Powers, once they surrendered their capitulatory privileges, would turn to the High Commissioner, who would have to be in a position to reassure them. Lord Curzon hoped there would be no difficulty with regard to this part of the arrangement. Where it was possible that difficulty might arise, was with regard to representation of Egyptian interests abroad. This was a matter with regard to which the Cabinet and the Imperial Premiers felt strongly. Supposing Egypt had her own representatives abroad, Lord Curzon had no doubt that they would, in most cases, behave in a manner altogether satisfactory, from a British point of view; but he foresaw that occasions might arise, where, by adopting another line of conduct, such representatives might create a situation of great difficulty and danger. In existing circumstances, such incidents would no doubt not occur, but the world was moving fast, and in the future some Egyptian Government might be in power holding views very different from those entertained by the present Administration, which might induce them to embark upon a course which would lead to trouble between the two countries. It was therefore the view of His Majesty's Government that, while the Egyptian Foreign Office and Minister for Foreign Affairs should be reconstructed, and while Egypt should enjoy the right to appoint in foreign capitals consuls who would have charge of her commercial and other interests, she should, so far as political transactions were concerned, rely upon the services of His Majesty's representatives. Lord Curzon apprehended that the delegation would contest this view; he would gladly hear their observations, but would remind them of what Lord Milner had said, and would add that he shared Lord Milner's views, and that they were shared and held even more strongly by the Cabinet. It was therefore important that the delegation should realise how they stood with regard to this matter. He was prepared to discuss it with them now or to postpone the discussion if they preferred.

Adly Pasha at once said that this was a question which, from the point of view of Egypt, was essential. He said that representation abroad was the real expression and affirmation of the independent status of the country. Without it he felt that he could never maintain that the country was independent. Apart also from this—the main consideration—the Egyptian people wished to be in close touch with all the great nations of the world and with all aspects of modern progress. It was impossible to keep this up without representatives in the principal countries. So far as the danger, to which Lord Curzon had referred, was concerned, he was not prepared to admit, in the first place, that Egypt would desire to intrigue with any other Power; he asked what object they could have in doing so. But even if they did desire to do so, they would not probably make use of official representatives for this purpose. He referred to the case of Baron Oppenheim, the principal agent of German intrigue in Egypt before the war, as instancing the use of unofficial representatives for such purposes. If a country desired to intrigue, means of doing so could always be found. Official representatives, on the other hand, had certain responsibilities which would prevent them, as a rule, from indulging in intrigue. He himself did not see the

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danger, but in any case it was impossible to take precautions against every possible danger. Unless there was some confidence it would be impossible to arrive at an agreement. Without representation abroad, he would not feel that the position of Egypt had changed.

Rushdi Pasha expressed his complete agreement with his colleagues. He said that there was no danger of intrigue, and that Egypt independent would have need, above all things, of an ally, and that the most powerful ally she could obtain was Great Britain. He considered not having representatives abroad one of the essential conditions of the protectorate, and to refuse them the right of foreign representation was inconsistent with the offer already made to abolish the protectorate. The country would never accept a settlement that did not include this. It was possible for Great Britain to impose what régime they pleased, but it depended on the régime imposed whether Great Britain would have in future a friendly or an unfriendly Egypt.

Lord Curzon thought that Rushdi Pasha put the matter too strongly in maintaining that the friendship or hostility of Egypt depended on the granting or the withdrawal of this concession. He asked them to consider what he was proposing. All he asked was that at Cairo foreign affairs could be conducted in consultation with the High Commissioner. There was surely nothing incompatible with independence in that. Abroad, he suggested that they should accept the services of British Ambassadors or Ministers. He himself remembered how in the past in Lord Cromer's time Cairo had been the greatest focus of intrigue in the world owing to the perpetual struggle between European Powers such as Italy, France and Germany. Such a situation might not arise again; he hoped it would not, but the possibility existed that the position of Great Britain in Egypt might be challenged. The relations of Powers were always changing. We had recently, he was glad to say, been in alliance with France; we had not always been so. Similarly, we had been fighting a war with Germany, whom we were now endeavouring to assist. He could imagine a situation in which Egyptian representatives in foreign countries might be used by the enemies of Great Britain. A very different Government might exist in Egypt to the present one. He fully understood their sentiment with regard to this matter, but he suggested that for them it was a question of sentiment only. Apart from *amour-propre*, he asked what Egyptian interest could suffer through not having representatives abroad.

Adly Pasha protested that Egypt would have no political interest from a world point of view that could induce them to adopt a policy abroad hostile to Great Britain. The question of sentiment from their point of view was very important. It was well known that the smallest countries had their own representatives abroad, and the fact of not having them would naturally be resented. He felt that he might not succeed in convincing Lord Curzon that there would be no danger in Egypt having diplomatic representatives, but he could only repeat that, if in the future Egypt really wished to intrigue, she would do so whether she had such representatives or no, and that public opinion in his country would reject any agreement which did not provide for such representation.

Lord Curzon said it was undeniable that if Egypt was to intrigue she would be able to do so, and there was some weight in that argument; but he foresaw a situation in which a party might come into power in Egypt in favour of having no British troops, no High Commissioner and no foreigners interfering in Egyptian affairs. Such a party might, by means of their representatives in foreign capitals, build up a very grave danger to Great Britain. Adly Pasha had said they would have no object in doing so, but could he guarantee that this would be the same in twenty-five years' time.

Rushdi Pasha said that they had intrigued in the past because of the occupation—perhaps even he himself had intrigued—but if Egypt were independent she would come to Great Britain for alliance. She would have no interest in doing otherwise.

Adly Pasha added that, if they were to have foreign representatives in Egypt, they could equally well intrigue through them, and repeated that, if it were intended to provide against every possible risk, they would not be able to arrive at an agreement.

Rushdi Pasha said that, if Egypt were independent, she would have only one fear: it would be lest Great Britain should be beaten in a war and Egypt beaten with her.

Sidky Pasha said that the status before the war was consecrated by no statute; it derived its authority solely from the fact of the occupation, and this in itself invited intrigue. The future arrangement would be legal, and derive its authority from a treaty, and consequently will not invite intrigue.

Lord Curzon was glad that the members of the delegation were so sanguine and confident. He himself was not quite so hopeful. He could imagine a situation arising

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wherein an Egyptian representative in close touch with the Government, say, at Berlin, and another Egyptian representative working with the Government at Constantinople, under somebody of the type of Mustapha Kemal, might create considerable difficulties with Great Britain. Intrigue was not so easy when it was necessary to conduct it clandestinely in cafés.

Adly Pasha said that, once an agreement was arrived at, whatever the Egyptian Government did, they would not risk losing the support of Great Britain. Should they fail to respect the terms of the agreement, it would always be open to Great Britain to denounce it. Great Britain was the stronger.

Lord Curzon said that his one object was to remove all chance of such collision.

Rushdi Pasha said that if they had an agreement it would be to their interest to maintain it. Why should they prefer the German, or any other Power, to the English? England was the ally most plainly indicated for Egypt. If the Turks or Germans had succeeded in getting into Egypt, he himself would have been the first to suffer.

Lord Curzon said that the Pashas had described the present situation accurately, but that he was looking to the future. He had seen so many changes in public life that he considered it necessary in dealing with a matter of this kind to envisage every possibility. It was not necessary to discuss the matter further at the present time. He would in due course, however, communicate the views of the delegation, which had been expressed very eloquently and moderately, to the Cabinet.

He would propose to insert in the treaty a clause to ensure that the High Commissioner in Cairo should be kept closely in touch with the Foreign Office. He thought that it would be easy to find a form of words for this which would not hurt the *amour-propre* of Egypt. He had been surprised yesterday that they objected to the title of "High Commissioner," which he proposed should be the title both of the British representative in Egypt and of the Egyptian representative in Great Britain. He had hoped that they would consider this proposal flattering.

Adly Pasha said it was too flattering, and did not save the situation. He had to think of the sentiments of his country, and that he could not agree that, from the British point of view, the title was sufficiently important to risk creating opposition in Egypt.

Lord Curzon did not agree. In any arrangement that was come to, England must undoubtedly occupy a position in Egypt entirely different from that of any other Power. He saw no use in attempting to get rid of this title. If he asked His Majesty's Government to do so, they would probably reject the whole agreement.

Adly Pasha enquired what would be the position of the Egyptian High Commissioner in England in the Corps diplomatique.

Lord Curzon said that this could easily be arranged.

Adly Pasha objected that the title "High Commissioner" had been created together with the protectorate.

Lord Curzon replied that it did not in any way connote the protectorate, that since the war Great Britain had had many High Commissioners in many places throughout Europe. If the delegation could suggest an alternative title he would be glad to consider it.

Adly Pasha mentioned the title of "Ambassador."

Lord Curzon did not think that would meet the case.

[*Interval for tea.*]

Resuming the discussion, Lord Curzon suggested that they should pass on to the question of the position to be occupied by the British officials whom it might be desirable to appoint to work in connection with various Government Departments in Egypt. Lord Milner had proposed the appointment, in concurrence with His Majesty's Government, of a Financial Adviser (Lord Curzon read the text of Lord Milner's proposal). When the British Cabinet discussed this proposal, it was thought that the concluding words left the Financial Adviser in an unsatisfactory position. He might or might not be consulted. Adly Pasha, in the reserves he read yesterday, had expressed a wish to omit all reference to the consultative capacity of that official. The general view of the Cabinet was that there was no desire to interfere unduly with internal administration, for which the main responsibility would have to lie with the Egyptian Government. On some points, however, His Majesty's Government felt strongly, and one of them was the retention of the powers now enjoyed by the Commissioners of the Debt. In future the Financial Adviser must be in a position to exercise these powers. It was no good having a Financial Adviser if he was not to be consulted, when he would become merely

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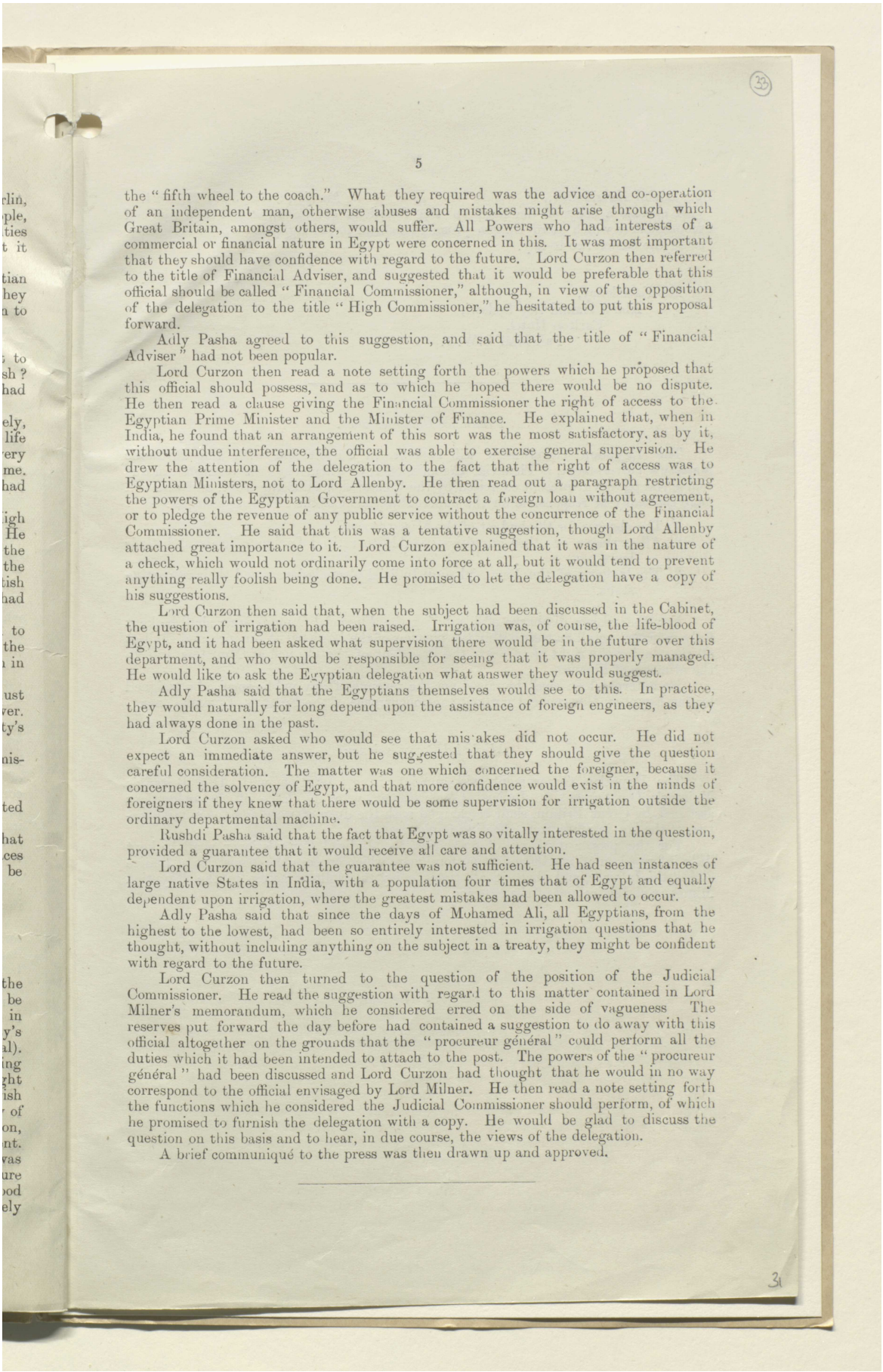

the "fifth wheel to the coach." What they required was the advice and co-operation of an independent man, otherwise abuses and mistakes might arise through which Great Britain, amongst others, would suffer. All Powers who had interests of a commercial or financial nature in Egypt were concerned in this. It was most important that they should have confidence with regard to the future. Lord Curzon then referred to the title of Financial Adviser, and suggested that it would be preferable that this official should be called "Financial Commissioner," although, in view of the opposition of the delegation to the title "High Commissioner," he hesitated to put this proposal forward.

Adly Pasha agreed to this suggestion, and said that the title of "Financial Adviser" had not been popular.

Lord Curzon then read a note setting forth the powers which he proposed that this official should possess, and as to which he hoped there would be no dispute. He then read a clause giving the Financial Commissioner the right of access to the Egyptian Prime Minister and the Minister of Finance. He explained that, when in India, he found that an arrangement of this sort was the most satisfactory, as by it, without undue interference, the official was able to exercise general supervision. He drew the attention of the delegation to the fact that the right of access was to Egyptian Ministers, not to Lord Allenby. He then read out a paragraph restricting the powers of the Egyptian Government to contract a foreign loan without agreement, or to pledge the revenue of any public service without the concurrence of the Financial Commissioner. He said that this was a tentative suggestion, though Lord Allenby attached great importance to it. Lord Curzon explained that it was in the nature of a check, which would not ordinarily come into force at all, but it would tend to prevent anything really foolish being done. He promised to let the delegation have a copy of his suggestions.

Lord Curzon then said that, when the subject had been discussed in the Cabinet, the question of irrigation had been raised. Irrigation was, of course, the life-blood of Egypt, and it had been asked what supervision there would be in the future over this department, and who would be responsible for seeing that it was properly managed. He would like to ask the Egyptian delegation what answer they would suggest.

Adly Pasha said that the Egyptians themselves would see to this. In practice, they would naturally for long depend upon the assistance of foreign engineers, as they had always done in the past.

Lord Curzon asked who would see that mistakes did not occur. He did not expect an immediate answer, but he suggested that they should give the question careful consideration. The matter was one which concerned the foreigner, because it concerned the solvency of Egypt, and that more confidence would exist in the minds of foreigners if they knew that there would be some supervision for irrigation outside the ordinary departmental machine.

Rushdi Pasha said that the fact that Egypt was so vitally interested in the question, provided a guarantee that it would receive all care and attention.

Lord Curzon said that the guarantee was not sufficient. He had seen instances of large native States in India, with a population four times that of Egypt and equally dependent upon irrigation, where the greatest mistakes had been allowed to occur.

Adly Pasha said that since the days of Mohamed Ali, all Egyptians, from the highest to the lowest, had been so entirely interested in irrigation questions that he thought, without including anything on the subject in a treaty, they might be confident with regard to the future.

Lord Curzon then turned to the question of the position of the Judicial Commissioner. He read the suggestion with regard to this matter contained in Lord Milner's memorandum, which he considered erred on the side of vagueness. The reserves put forward the day before had contained a suggestion to do away with this official altogether on the grounds that the "procureur général" could perform all the duties which it had been intended to attach to the post. The powers of the "procureur général" had been discussed and Lord Curzon had thought that he would in no way correspond to the official envisaged by Lord Milner. He then read a note setting forth the functions which he considered the Judicial Commissioner should perform, of which he promised to furnish the delegation with a copy. He would be glad to discuss the question on this basis and to hear, in due course, the views of the delegation.

A brief communiqué to the press was then drawn up and approved.

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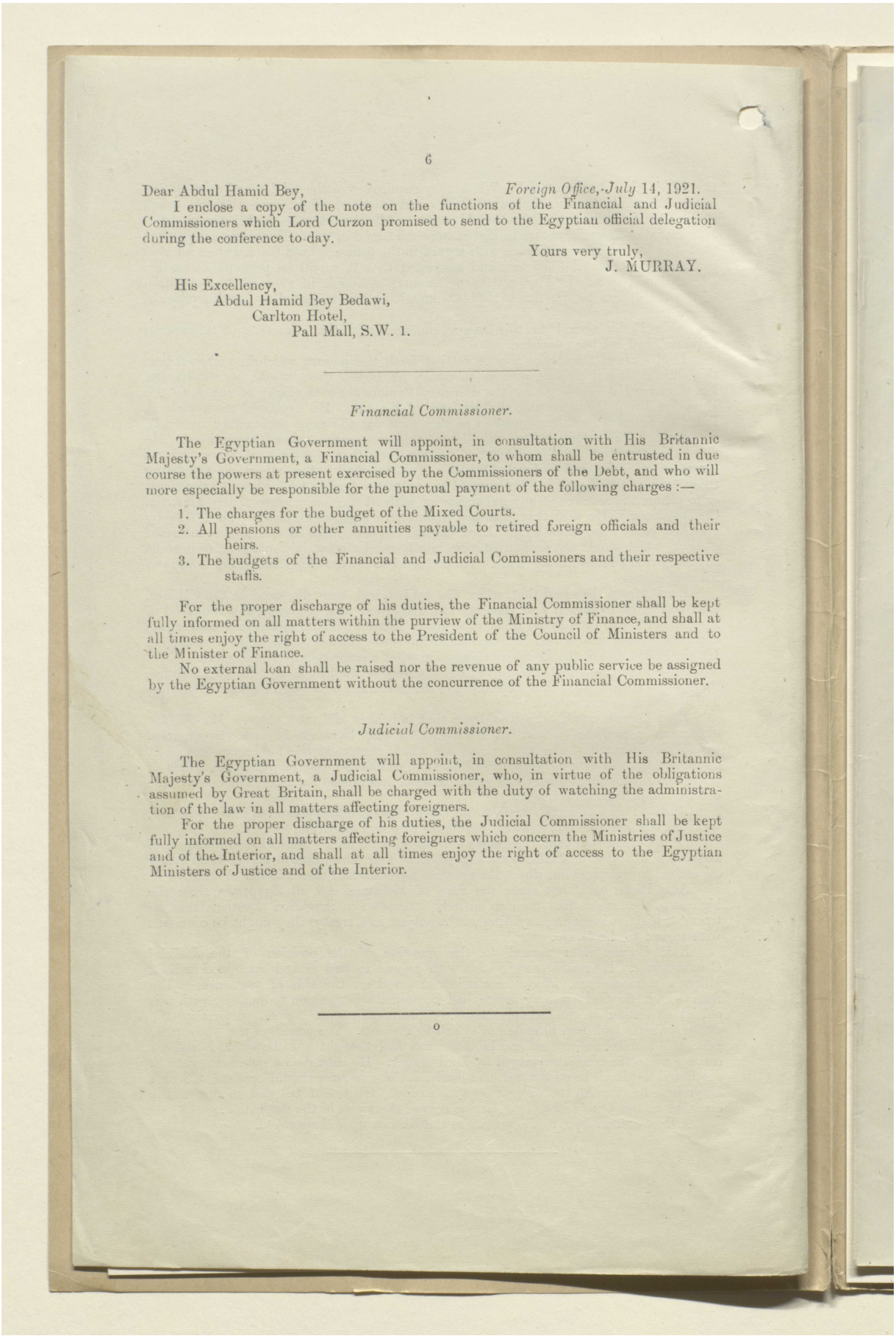

Dear Abdul Hamid Bey, *Foreign Office, July* 14, 1921.

I enclose a copy of the note on the functions of the Financial and Judicial Commissioners which Lord Curzon promised to send to the Egyptian official delegation during the conference to-day.

Yours very truly,
J. MURRAY.

His Excellency,
Abdul Hamid Bey Bedawi,
Carlton Hotel,
Pall Mall, S.W. 1.

Financial Commissioner.

The Egyptian Government will appoint, in consultation with His Britannic Majesty's Government, a Financial Commissioner, to whom shall be entrusted in due course the powers at present exercised by the Commissioners of the Debt, and who will more especially be responsible for the punctual payment of the following charges :—

1. The charges for the budget of the Mixed Courts.
2. All pensions or other annuities payable to retired foreign officials and their heirs.
3. The budgets of the Financial and Judicial Commissioners and their respective staffs.

For the proper discharge of his duties, the Financial Commissioner shall be kept fully informed on all matters within the purview of the Ministry of Finance, and shall at all times enjoy the right of access to the President of the Council of Ministers and to the Minister of Finance.

No external loan shall be raised nor the revenue of any public service be assigned by the Egyptian Government without the concurrence of the Financial Commissioner.

Judicial Commissioner.

The Egyptian Government will appoint, in consultation with His Britannic Majesty's Government, a Judicial Commissioner, who, in virtue of the obligations assumed by Great Britain, shall be charged with the duty of watching the administration of the law in all matters affecting foreigners.

For the proper discharge of his duties, the Judicial Commissioner shall be kept fully informed on all matters affecting foreigners which concern the Ministries of Justice and of the Interior, and shall at all times enjoy the right of access to the Egyptian Ministers of Justice and of the Interior.

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EGYPTIAN NEGOTIATIONS.

Minutes of Third Conference with the Egyptian Official Delegation, held at the Foreign Office, July 19, 1921, at 5 P.M.

Present:

Foreign Office.

THE MARQUESS CURZON OF KEDLESTON.
The Hon. R. C. LINDSAY.
Mr. R. VANSITTART.
Mr. J. MURRAY.
Mr. A. D. COOPER.

Egyptian Official Delegation.

His Excellency Sir ADLY YEGHEN PASHA (*President*).

Members:

His Excellency Sir HUSSEIN RUSHDI PASHA.
His Excellency ISMAIL SIDKY PASHA.
His Excellency MOHAMMED SHAFIK PASHA.
His Excellency AHMED TALAAT PASHA.
His Excellency YOUSSEF SOLIMAN PASHA.

ABDEL HAMED BEY BEDAWI (*Secretary*).

LORD CURZON said that on the last occasion the three following questions had been discussed:—

1. The future location of British forces in Egypt.
2. The conduct of foreign affairs.
3. The position to be occupied by certain high British officials employed to exercise supervision in the Departments of Justice and Finance.

On each of the previous occasions the delegation had been furnished with a rough formula embodying Lord Curzon's view, which they had taken away to consider. Lord Curzon said that he would now be glad to hear their views with regard to any of these questions, in whatever order they preferred.

Adly Pasha said that he would begin with the question of the troops. He would first recall what had taken place in conversations with Lord Milner last year. The question had been very carefully considered both from the point of view of war conditions and peace conditions. During war, they understood that Great Britain would undertake to assist Egypt to defend her territory on the basis of an alliance between the two countries, and that British troops would not be required for this purpose until there was danger of war. As the basis of the system which they envisaged was an alliance, it would seem that a certain measure of reciprocity should be established, but, in view of the differences between the resources, &c., of the two countries, complete reciprocity naturally could not exist. They therefore suggested that if Great Britain were engaged in a war Egypt should grant her every assistance and facility in her power.

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During peace the Egyptians considered that the occupation of their country should cease. Lord Milner had, however, pointed out to them the importance to Great Britain of maintaining troops in Egypt from the point of view of Imperial communications. The Egyptians were prepared to admit this, in spite of the fact that the presence of British troops must naturally appear incompatible with the new régime of independence. But on the understanding that the troops were there in purely British interests and for strategic reasons, and were not to be used against Egypt nor interfere in her internal affairs, on that understanding they were prepared to agree to their presence. This was explained in the text of the Milner memorandum, to which Adly Pasha referred. This memorandum had subsequently been sent to Egypt, and four delegates had gone there to explain it to the Egyptian people. The explanation they had given with regard to the presence of the troops was that they would be situated in the zone of the Suez Canal, for from the Egyptian point of view it was held that any danger to British Imperial communications that might exist was in the zone of the Canal, and they had the clear impression that Lord Milner would accept the zone of the Canal as the locality in which British troops should be situated.

Lord Curzon here interjected that this had never been Lord Milner's point of view, although it had been strongly urged upon him by the former Egyptian delegation.

Adly Pasha admitted that this was so, but said that Lord Milner had only definitely refused to consider the proposal that troops should be relegated to the Asiatic side of the Canal, and that he had agreed to their not being located in the large towns, such as Cairo.

Lord Curzon quoted from page 29 of the Milner Report, which proved that Lord Milner had insisted on this question being left open.

Adly Pasha maintained that he and his colleagues had then had the impression that the idea that British troops should be in the region of the Canal was admitted, although no actual place had ever been specified. In any case, the four delegates who returned to Egypt had explained the memorandum in this sense, and it had been understood that not only the troops but aerodromes and other military establishments would be confined to the zone of the Canal.

Then came the publication of the report, in which Lord Milner left the question open on the ground that Great Britain had other communications through Egypt, besides in the zone of the Canal. The Egyptians, however, had still hope that some zone could be found where the retention of troops would suffice to protect all British Imperial communications.

Adly Pasha went on to say that Lord Curzon had now given them his views of the reasons necessitating the presence of British troops. The first of these was the protection of Imperial communications in peace and war. So far as war conditions were concerned, the delegation agreed, but they hoped that it would be possible during peace to guard Imperial communications by the presence of a force confined to a certain zone.

With regard to the second reason that Lord Curzon had given, namely, assisting Egypt to defend her territory, they considered that, as an alliance was to exist, it was an interference with the independence and sovereignty of Egypt to keep a British force in the country for this purpose. An alliance does not imply the presence of troops in peace-time, and it would not be necessary for other reasons. Egypt is a rich country, with a population of 14,000,000. In conditions of independence the Egyptian people would be able to arrange for their own defence, and, should they be attacked, there would be time for assistance to be sent to them by their allies. Such was the general usage between allies in times of peace, where military conventions were generally concluded to settle the measures to be taken in war.

Before Adly Pasha concluded his statement, Lord Curzon enquired whether any of his colleagues wished to add to what had already been said.

Rushdi Pasha stated that the British forces could not have the same objective in peace-time as they would have in war.

Lord Curzon urged the conference not to attach too much importance to words and phrases. He said that Adly and Rushdi Pashas had both spoken of interference with Egypt's sovereign rights; this phrase was merely words. If, as soon as they began to discuss how many troops were to be in this place and how many in that, they were to be told that their presence would interfere with Egypt's sovereignty, no progress could be made. It was no pleasure to His Majesty's Government to keep forces in Egypt; on the contrary, it was most expensive, and he would have to talk about the financial aspect very plainly later on. Great Britain could not afford to sustain unaided the entire cost of keeping troops in Egypt. There was no necessity

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at the present moment to discuss whether the numbers of British troops should be 2,000, 3,000 or even 5,000; the force was there for maintaining general order and security. The Egyptian delegation spoke as though Egypt was always going to be settled and tranquil. Did they seriously maintain that it was only when invasion threatened, or when 300 or 400 people had been killed and wounded, as at Alexandria recently, that they would come to Great Britain and remind her of Lord Milner's memorandum and ask her to help them?

Lord Curzon said that it was quite impossible to draw what would be an essentially arbitrary distinction between peace and war conditions. If Great Britain was to carry out her obligations with regard to Egypt she must maintain forces on the spot. If means of communication, barracks and aerodromes were to be of any use in war they must be fully kept up in peace.

Lord Curzon then suggested that if these questions were referred to either of the following categories of authorities there could be no doubt what their view would be. He would take first the military authorities. They would undoubtedly say that the idea that on the outbreak of hostilities or of disorder a sufficiently efficient force could suddenly be improvised to deal with the situation was preposterous. He asked the delegation to consider a concrete instance: the recent disturbances at Alexandria. If they had then had to send to Great Britain for troops they could imagine the situation which would have arisen before the troops could arrive.

In the second case, he would take foreign countries. The Egyptian delegation appeared inclined to ignore the view of foreigners. But supposing the delegation's views were accepted that the only reason for the presence of troops in their country was the protection of Imperial communications, and that they should therefore be relegated to the zone of the Canal, he asked them who, in these circumstances, would be the first to protest? They must admit that it would be the foreign Powers—France, Italy, Greece, &c.—and he was sure that they really knew this. Again he urged them to look facts in the face. His Majesty's Government had no desire to affront them, but it would be well that they should realise quite plainly that no agreement could possibly be arrived at unless this question was satisfactorily settled. His Majesty's Government had to consider it from the point of view of the Empire as a whole, and they would never agree to the idea of British troops in Egypt consisting solely of a small force situated, say, at Ismailia. The delegation's view appeared to be that when war broke out, or when riots and disorders occurred, Egyptian troops would be adequate to deal with the situation. Should they fail to do so, the Government would then go to the British High Commissioner for assistance and expect a force of British troops to materialise out of the air. This, Lord Curzon said, would not do. His Majesty's Government were, on their side, prepared to do anything in their power to prevent the force in Egypt having the appearance of an army of occupation, and the principles which he had laid down necessitating the presence of that force would not be found, if they were carefully considered, to have in them anything incompatible with the independence of Egypt. It was a point on which His Majesty's Government would not give way. He had no wish to threaten or to speak of an ultimatum, but it was well that they should realise at this stage how this matter stood.

Adly Pasha enquired whether they were then to admit that the troops were there to keep order?

Lord Curzon said that that was what they were there for in the last resort.

Adly Pasha said that up to the Alexandria troubles they had never had to have recourse to British troops.

Lord Curzon said that that was because the British troops were there in the background.

Adly Pasha replied that their presence did not prevent the Alexandria incidents.

Lord Curzon said that they all knew all about those incidents and who had brought them about.

Adly Pasha said that if there were no British troops in Egypt the Egyptian Government would organise their own forces on a different basis, and that they must and would remain responsible for the maintenance of order. How could he go back to Egypt and say that he had agreed that British forces could intervene at any moment?

Lord Curzon said that he was sorry Adly Pasha took this line. In his view there should be no argument on this point, however much discussion and difference there might be on others. He asked them to suppose for one moment that Great Britain had agreed that her only responsibility would be met by keeping 1,000 men on the Canal. Did Adly seriously think that such an arrangement would be welcome to

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responsible people in Egypt? Lord Curzon thought they would be horrified. They had to think of the reasoning minority, not the shouting majority, with little stake in the country.

Adly Pasha replied that there was not a fraction of the population who desired the maintenance of British forces. Even those who had abandoned Zaghlul to support the Ministry still insisted on the withdrawal of British troops. They would say that the British troops which Lord Milner agreed were to be localised are now going to perform precisely the same duties as an army of occupation.

Lord Curzon said that he did not put the case quite fairly. Adly Pasha was assuming that the British forces would remain at their present strength of 10,000 or 12,000 men. This was not at all the case. Adly Pasha further assumed that the British forces would act as they are now acting. Again this was not the case. When Egypt had a responsible Government it would be for that Government to maintain order, no doubt in close consultation with the High Commissioner, who would be reluctant to move troops to any town simply for the sake of displaying force. On the contrary, he would wish to keep them in the background until the Egyptian Government told him that their own arrangements had broken down, and applied to him for assistance.

Adly Pasha said that this argument was based on the idea that Egypt would never have a reliable police force or army.

Lord Curzon said that the creation of a reliable force would take a little time; Egypt had good material, and when the time came we would be quite prepared to reconsider the situation if by then a really reliable native force was in existence. At present he had to consider the infancy of that force, and during its babyhood British troops must be available.

Rushdi Pasha said that if in the disorders of 1919 there had been a few foreign victims, and if there had recently been bloodshed in Alexandria, it was explained by the ill-feeling which had existed in the past, and which would disappear when an agreement had been reached Lord Curzon had said that the other Powers would not agree. Was it to be expected that the Powers would ask Great Britain to exercise wider privileges than the Powers themselves had possessed? Under the Capitulations the privileges enjoyed by the Powers were purely judicial. In Alexandria British troops had been used because they were there; if they had not been, the Egyptians would have had their own organisation to deal with the situation.

Sidky Pasha pointed out that, in existing circumstances, the British troops were in fact part of their organisation.

Rushdi Pasha said that the Egyptians could never accept the presence of British forces to maintain order or to protect foreigners. They could only accept them for the protection of Imperial communications.

Lord Curzon said he had no intention of putting in the forefront of the treaty anything about the presence of British troops being necessary to maintain order. The note which he had drawn up and communicated to the delegation was of a confidential character, and simply explained the reasons which were in all their minds for the presence of the troops. In the future, when the Egyptian Government needed the troops they would forget about the importance of Imperial communications. It was unnecessary to say anything about the maintenance of order, but it was important to keep clear in their own minds the real reasons necessitating the presence of British troops. In the last resort the disposition of troops would be settled by the soldiers, and it would be settled from a military point of view. He wished to be quite frank and to make it plain at once that the British military authorities would never consent to the troops being confined to the Canal zone.

Rushdi Pasha said that the vital interests of Great Britain were her communications. If these were safeguarded, why need she ask for more?

Lord Curzon pointed out that the Pasha was merely repeating the same argument.

Adly Pasha then enquired how the presence of troops was to be explained.

Lord Curzon said that he was prepared to explain it in any way most acceptable to the Egyptian people.

Shafik Pasha then enquired how the other Powers would regard the absence of any mention of the maintenance of order as being one of the reasons for the presence of troops, if this was to form part of a secret agreement.

Lord Curzon said there was no question of a secret agreement. He was merely endeavouring to arrive at an understanding with the delegation as to the real reasons for the presence of British troops.

He would take an imaginary situation, one which might not arise, but which had arisen in other countries, notably Afghanistan. Supposing there was trouble in Cairo

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—a riot, loss of life, and the residence of the British High Commissioner surrounded and attacked, and his life perhaps in danger—was the High Commissioner then to be unable to call out British troops for his protection simply on the ground that he was not an Imperial communication? Lord Curzon said that of course he would have to.

Rushdi Pasha repeated that once there was a treaty there would be no trouble, and that the Egyptians could themselves keep order.

Adly Pasha said that the case referred to by Lord Curzon was very exceptional, and one which might arise in any country.

Lord Curzon replied that it was far more likely to arise in Oriental countries than elsewhere.

Adly Pasha said that it never had arisen in Egypt, and he thought it was just as likely to occur in more advanced countries, such as the Balkan States.

Rushdi Pasha said that Egyptian troops would defend foreigners, and that Egyptians were not fanatics, as during the Alexandria disturbances no attacks on foreigners had taken place in the villages.

Lord Curzon then referred to the recent report of the Court of Enquiry with regard to the disturbances at Alexandria, from which it appeared that certain of the Egyptian troops and the Guard Company of Police, so far from defending the foreigners, had actually attacked them and had shot from the street at Europeans in houses. He was being asked, therefore, to trust Europeans in the future to troops who might possibly shoot them down.

Adly Pasha insisted that the conclusions of the Court of Enquiry were open to question, and could not be accepted until they had more evidence as to exactly what had occurred and what troops had behaved in the manner suggested. He admitted, however, that such cases may have occurred.

Lord Curzon said that this risk could not be taken. He added that the Egyptian delegation had stated their case with great power, and he would have to represent their views to the Cabinet. Later they must draw up some draft and discuss it in detail, and he would suggest that this question of the troops should be reverted to later on, after other points had been discussed. In the last resort they must refer the question to His Majesty's Government, who would have to decide.

The next question discussed was that of foreign representation. Lord Curzon said that he had suggested the revival of an Egyptian Foreign Office and Minister for Foreign Affairs at Cairo, with full control of foreign affairs, and he had also suggested that, in view of Great Britain's special position in Egypt and responsibilities towards foreign Powers, the Egyptian Minister for Foreign Affairs should remain in close touch with the British High Commissioner, to whom it was natural that foreigners would look for the protection of their rights in Egypt. He had suggested that the Egyptian Government should have consuls for commercial work abroad, but that in cases of a political nature they should make use of the good offices of British diplomatic representatives, and that they should not conclude treaties of a political nature without consultation with the High Commissioner. He understood that these suggestions were unacceptable to Adly Pasha, who was going to explain to-day what were the features which he accepted or rejected.

Rushdi Pasha said that he did not think Lord Curzon's statement of the case was quite correct.

Lord Curzon said that he did not seek to qualify the rights which Egypt had enjoyed in the past before the protectorate, and he promised to provide the delegation with a brief memorandum showing exactly what he proposed.

Adly Pasha said that at the last meeting they had discussed at great length the question of their foreign representation.

Lord Curzon asked that the points should be taken one by one. In the first place, he would propose that the British High Commissioner should continue in Egypt and that, in a spirit of reciprocity, Egypt should be represented in London by a High Commissioner.

Adly Pasha explained that for Egyptians the terms "High Commissioner" and "Protectorate" were synonymous.

Lord Curzon asked what they would like to call them.

Adly Pasha replied: "Minister."

Lord Curzon said that that would never do for the British representative.

Adly Pasha said that they admitted that the British representative should have special powers conferred on him by the treaty, and that he should have a title higher than that of other foreign Ministers.

Lord Curzon enquired what foreign Ministers in Egypt were called in the old days.

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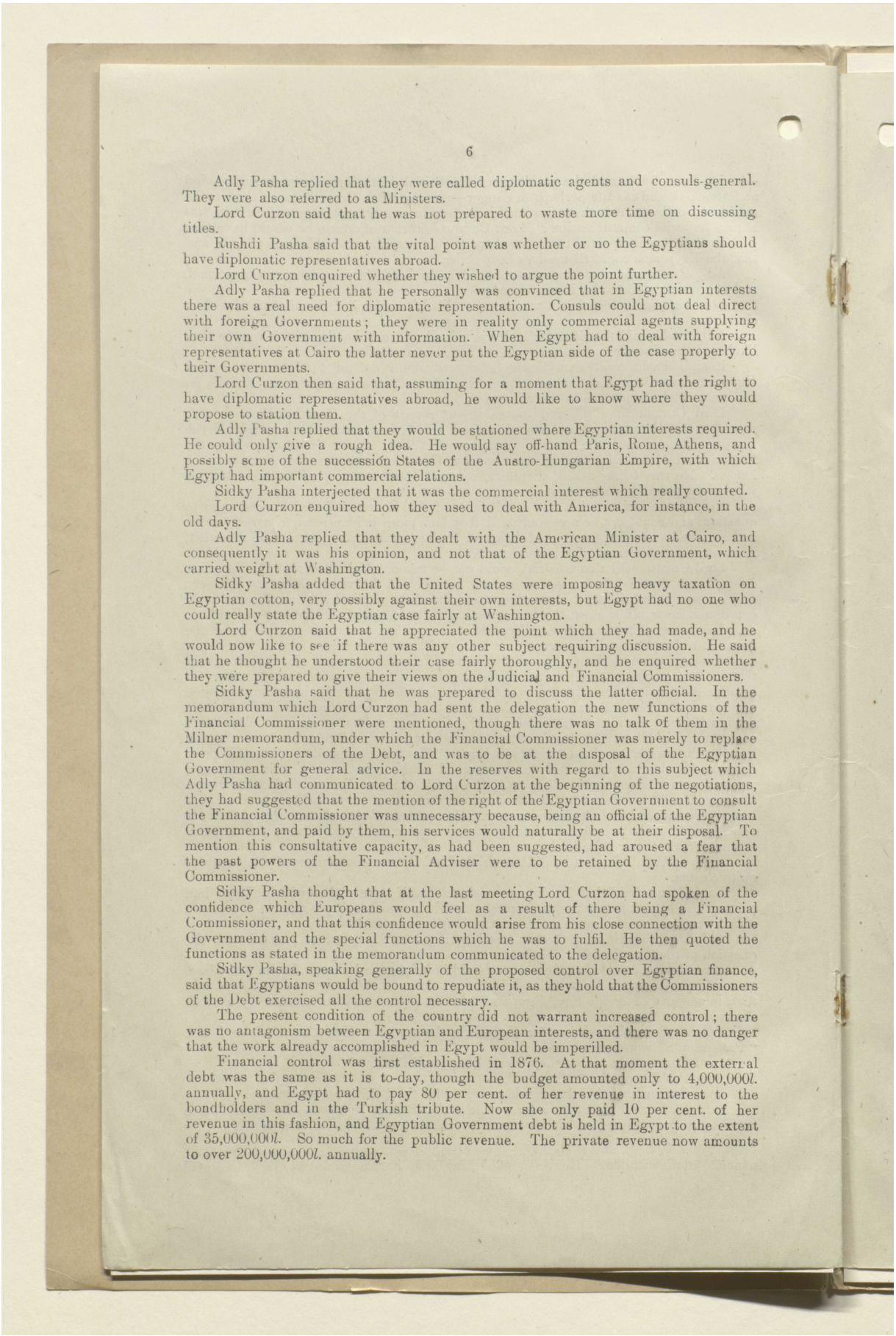

Adly Pasha replied that they were called diplomatic agents and consuls-general. They were also referred to as Ministers.

Lord Curzon said that he was not prepared to waste more time on discussing titles.

Rushdi Pasha said that the vital point was whether or no the Egyptians should have diplomatic representatives abroad.

Lord Curzon enquired whether they wished to argue the point further.

Adly Pasha replied that he personally was convinced that in Egyptian interests there was a real need for diplomatic representation. Consuls could not deal direct with foreign Governments; they were in reality only commercial agents supplying their own Government with information. When Egypt had to deal with foreign representatives at Cairo the latter never put the Egyptian side of the case properly to their Governments.

Lord Curzon then said that, assuming for a moment that Egypt had the right to have diplomatic representatives abroad, he would like to know where they would propose to station them.

Adly Pasha replied that they would be stationed where Egyptian interests required. He could only give a rough idea. He would say off-hand Paris, Rome, Athens, and possibly some of the succession States of the Austro-Hungarian Empire, with which Egypt had important commercial relations.

Sidky Pasha interjected that it was the commercial interest which really counted.

Lord Curzon enquired how they used to deal with America, for instance, in the old days.

Adly Pasha replied that they dealt with the American Minister at Cairo, and consequently it was his opinion, and not that of the Egyptian Government, which carried weight at Washington.

Sidky Pasha added that the United States were imposing heavy taxation on Egyptian cotton, very possibly against their own interests, but Egypt had no one who could really state the Egyptian case fairly at Washington.

Lord Curzon said that he appreciated the point which they had made, and he would now like to see if there was any other subject requiring discussion. He said that he thought he understood their case fairly thoroughly, and he enquired whether they were prepared to give their views on the Judicial and Financial Commissioners.

Sidky Pasha said that he was prepared to discuss the latter official. In the memorandum which Lord Curzon had sent the delegation the new functions of the Financial Commissioner were mentioned, though there was no talk of them in the Milner memorandum, under which the Financial Commissioner was merely to replace the Commissioners of the Debt, and was to be at the disposal of the Egyptian Government for general advice. In the reserves with regard to this subject which Adly Pasha had communicated to Lord Curzon at the beginning of the negotiations, they had suggested that the mention of the right of the Egyptian Government to consult the Financial Commissioner was unnecessary because, being an official of the Egyptian Government, and paid by them, his services would naturally be at their disposal. To mention this consultative capacity, as had been suggested, had aroused a fear that the past powers of the Financial Adviser were to be retained by the Financial Commissioner.

Sidky Pasha thought that at the last meeting Lord Curzon had spoken of the confidence which Europeans would feel as a result of there being a Financial Commissioner, and that this confidence would arise from his close connection with the Government and the special functions which he was to fulfil. He then quoted the functions as stated in the memorandum communicated to the delegation.

Sidky Pasha, speaking generally of the proposed control over Egyptian finance, said that Egyptians would be bound to repudiate it, as they hold that the Commissioners of the Debt exercised all the control necessary.

The present condition of the country did not warrant increased control; there was no antagonism between Egyptian and European interests, and there was no danger that the work already accomplished in Egypt would be imperilled.

Financial control was first established in 1876. At that moment the external debt was the same as it is to-day, though the budget amounted only to 4,000,000*l.* annually, and Egypt had to pay 80 per cent. of her revenue in interest to the bondholders and in the Turkish tribute. Now she only paid 10 per cent. of her revenue in this fashion, and Egyptian Government debt is held in Egypt to the extent of 35,000,000*l.* So much for the public revenue. The private revenue now amounts to over 200,000,000*l.* annually.

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He maintained that there was no antagonism between Egyptian and European interests; there were 170,000 foreigners in Egypt, and commercial and agricultural interests were divided between them and natives. All the banks were foreign establishments, and Egypt needed foreigners to act as importing and exporting agents, as managers of industries, and so on. Whole districts of Egypt were devoted to the culture of sugar-cane, which was converted into sugar by a foreign company.

Lord Curzon said that he was unable to follow what Sidky Pasha was arguing against. Lord Milner had proposed a Financial Adviser; the delegation objected, and Lord Curzon now suggested a Financial Commissioner. Lord Milner proposed that this officer should inherit the functions of the Commissioners of the Debt—to this everyone agreed. Lord Milner proposed that the Financial Adviser should have a consultative function; convinced by the arguments of the Egyptian delegation, Lord Curzon had dropped this proposal, and in its place he provided that the Financial Commissioner should have access to the President of the Council of Ministers and to the Minister of Finance.

Sidky Pasha said that he would enjoy these rights of access as he would inherit them from the Commissioners of the Debt, who already possessed them.

Lord Curzon then enquired why they objected.

Adly Pasha said that Sidky Pasha meant that it was not worth while going into these details.

Sidky Pasha said that it appeared to him that the functions assigned to the Financial Commissioner were already provided for in the treaty, under which it was clear that the Mixed Courts, the Financial and Judicial Commissioners and the functions of the Caisse de la Dette should be continued; consequently, Egypt would have to pay for them.

Lord Curzon said that these were technical questions, with which he did not wish to deal at present.

Adly Pasha enquired what exactly was meant by the phrase "have access."

Lord Curzon said that he would give them an illustration. When in India he had set up a railway board to replace a Government department which was unsatisfactory. He got one expert from England, another from India and a third from elsewhere. These experts said that while they had been a department they could go to the Viceroy, but now that they were a board they did not know whether the Government would always be helpful or take notice of their recommendations. Lord Curzon accordingly gave them access to himself. What did this mean? Whenever they were in trouble, not more than once every two or three months perhaps, and they found themselves hung up in departmental red tape, the chairman had only to say that he would go and see the Viceroy. Lord Curzon knew how departments could tie people up in red tape, and they certainly meant to tie up the railway board, but by giving them access to himself he was able to cut them free from all this entanglement. Now, to turn to Egypt, he felt that there would be plenty of people only too anxious to tie up the Financial Commissioner, and for that reason he gave him the right of access to the Minister of Finance, and, failing relief in that quarter, he could go to the President of the Council of Ministers.

Adly Pasha said that a Financial Commissioner appointed after consultation between the two Governments would be much too big a man to require assistance of this kind.

Lord Curzon said that his sole object was to secure that the Financial Commissioner should be really effective. He asked whether the provisions he had suggested would, in Mr. Lindsay's opinion, secure this.

Mr. Lindsay said that the Financial Commissioner should certainly have the right of access, but he doubted whether or no this should be mentioned in the treaty. On the other hand, he felt that some definite powers should be provided for him in the treaty, and he thought that the very minimum had been stipulated in Lord Curzon's memorandum.

Adly Pasha remarked that so far none of their reserves had been accepted.

Lord Curzon said that he did not quite know what Adly Pasha was objecting to. His only desire was to make the Financial Commissioner effective.

Adly Pasha said that he had not really had time fully to think out the whole question, but it did not appear to him that the Financial Commissioner would really have enough to do.

Lord Curzon said that it was precisely this that he wished to avoid. He wished him to do his own job and at the same time assist the Egyptian Government in their financial administration. He went on to say that in this country every Cabinet

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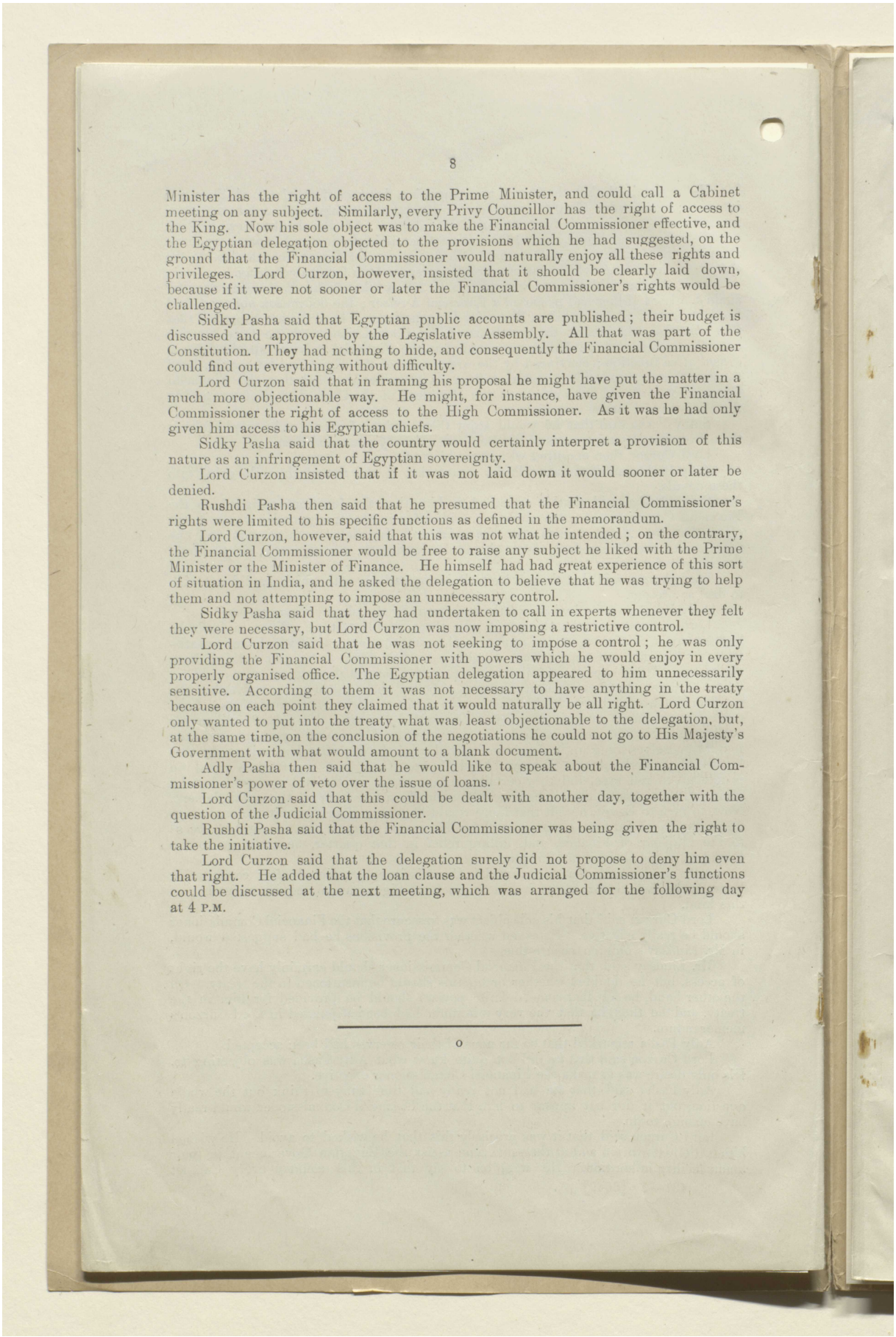

Minister has the right of access to the Prime Minister, and could call a Cabinet meeting on any subject. Similarly, every Privy Councillor has the right of access to the King. Now his sole object was to make the Financial Commissioner effective, and the Egyptian delegation objected to the provisions which he had suggested, on the ground that the Financial Commissioner would naturally enjoy all these rights and privileges. Lord Curzon, however, insisted that it should be clearly laid down, because if it were not sooner or later the Financial Commissioner's rights would be challenged.

Sidky Pasha said that Egyptian public accounts are published; their budget is discussed and approved by the Legislative Assembly. All that was part of the Constitution. They had nothing to hide, and consequently the Financial Commissioner could find out everything without difficulty.

Lord Curzon said that in framing his proposal he might have put the matter in a much more objectionable way. He might, for instance, have given the Financial Commissioner the right of access to the High Commissioner. As it was he had only given him access to his Egyptian chiefs.

Sidky Pasha said that the country would certainly interpret a provision of this nature as an infringement of Egyptian sovereignty.

Lord Curzon insisted that if it was not laid down it would sooner or later be denied.

Rushdi Pasha then said that he presumed that the Financial Commissioner's rights were limited to his specific functions as defined in the memorandum.

Lord Curzon, however, said that this was not what he intended; on the contrary, the Financial Commissioner would be free to raise any subject he liked with the Prime Minister or the Minister of Finance. He himself had had great experience of this sort of situation in India, and he asked the delegation to believe that he was trying to help them and not attempting to impose an unnecessary control.

Sidky Pasha said that they had undertaken to call in experts whenever they felt they were necessary, but Lord Curzon was now imposing a restrictive control.

Lord Curzon said that he was not seeking to impose a control; he was only providing the Financial Commissioner with powers which he would enjoy in every properly organised office. The Egyptian delegation appeared to him unnecessarily sensitive. According to them it was not necessary to have anything in the treaty because on each point they claimed that it would naturally be all right. Lord Curzon only wanted to put into the treaty what was least objectionable to the delegation, but, at the same time, on the conclusion of the negotiations he could not go to His Majesty's Government with what would amount to a blank document.

Adly Pasha then said that he would like to speak about the Financial Commissioner's power of veto over the issue of loans.

Lord Curzon said that this could be dealt with another day, together with the question of the Judicial Commissioner.

Rushdi Pasha said that the Financial Commissioner was being given the right to take the initiative.

Lord Curzon said that the delegation surely did not propose to deny him even that right. He added that the loan clause and the Judicial Commissioner's functions could be discussed at the next meeting, which was arranged for the following day at 4 P.M.

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6.

EGYPTIAN NEGOTIATIONS.

Minutes of the Fourth Conference with the Egyptian Official Delegation, held at the Foreign Office, July 20, 1921, at 4·15 P.M.

Present:

Foreign Office.

THE MARQUESS CURZON OF KEDLESTON.
The Hon. R. C. LINDSAY.
Mr. R. VANSITTART.
Mr. J. MURRAY.
Mr. A. D. COOPER.

Egyptian Official Delegation.

His Excellency Sir ADLY YEGHEN PASHA (*President*).

Members:

His Excellency Sir HUSSEIN RUSHDI PASHA.
His Excellency ISMAIL SIDKY PASHA.
His Excellency MOHAMMED SHAFIK PASHA.
His Excellency AHMED TALAAT PASHA.
His Excellency YOUSSEF SOLIMAN PASHA.

ABDEL HAMED BEY BEDAWI (*Secretary*).

LORD CURZON said that at the last meeting the functions of the Financial Commissioner had been discussed, and Adly Pasha had said that he had certain observations to make on the draft clauses, whereby the Financial Commissioner was to be consulted with regard to the raising of external loans or the pledging of public revenue.

Adly Pasha said he wished to begin by observing that Lord Curzon had said yesterday that the delegation had accepted none of his proposals. He hoped that this would not be taken as a sign of intransigence or ill-will on the part of the delegation, as the points which had been discussed were those with regard to which public opinion in Egypt was most susceptible, and it was feared in Egypt lest by defining the powers of the Financial Commissioner, as suggested in Lord Curzon's memorandum, they should constitute an official with such extensive privileges as to exercise a veritable guardianship over Egyptian affairs.

On the other hand, Lord Curzon had pointed out that it was in the interests of the Egyptians themselves that the official in question should exercise these powers, and should be useful to the Egyptian Government, not merely within the limits of the existing Commission of the Debt, but also in general financial administration. He himself sought to conciliate the two ideas, *i.e.*, he wished to calm Egyptian fears on the subject, while at the same time securing the effectiveness of the Financial Commissioner. The powers suggested by Lord Curzon would tend to create an official who would be above the Government and above Parliament, as it was Parliament who had to sanction the issue of any loan. The Commission of the Debt had been moribund since 1904, and on its demise Egypt should have recovered her complete financial liberty, apart from a nominal control exercised by Turkey, which had now disappeared. The delegation did not feel that they had the right to refasten financial fetters by agreeing to the appointment of a super-functionary.

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Lord Curzon said that Adly Pasha had mentioned the right of Turkey to prevent the issue of a loan. How did they manage in the old days?

Sidky Pasha said that no loan had been raised since 1882, when a certain sum had to be produced in order to pay compensation for the damage caused by the disturbance at Alexandria.

Mr. Lindsay said that he believed Turkey had been represented at the conference who authorised the raising of this sum.

Lord Curzon then enquired what exactly was meant by the control of the Legislative Assembly, and whether it was intended that any proposed loan would have to be submitted to the Legislative Assembly and approved by that body. He asked Mr. Lindsay how far he considered such provision would provide an adequate safeguard.

Mr. Lindsay replied that it would ensure publicity, but nothing more.

Lord Curzon said that the clause in his proposal had been suggested by Lord Allenby and that there was no desire to place the Financial Commissioner in the position of a despotic authority, but only to ensure that a loan would not be raised on unsound principles or disadvantageous terms behind his back. The position of the Financial Commissioner would be untenable if he were not consulted in matters of this kind. The real question was whether it was necessary to insert this clause as a safeguard. The view of the delegation on every subject was that in the future all Egyptian Governments would behave in an exemplary fashion, and that no precautions were therefore required.

Adly Pasha replied that, unless they believed that this was the case, they would not be justified in claiming the privileges which they were claiming; but if they had faith in themselves and thought they could organise an adequate control of their own, then they were entitled to claim their liberty.

Lord Curzon said that in financial matters guarantees and safeguards were, from his experience, always and everywhere necessary, both in eastern and western countries. They existed to a large degree in this country. In India he had found them essential. He thought he might say that financial standards were higher in western than in Oriental countries. In the large native States he had frequently found it necessary to set up a form of financial control not imposing it on the State, but creating it with their consent and often at their request.

He then pointed out that they had so far only dealt with the question of raising loans, and enquired their views as to the second part of the clause dealing with pledging revenue.

Adly Pasha replied that their views on this point were practically the same.

Lord Curzon said that they had maintained that the raising of loans would be safeguarded by the publicity that would be necessary owing to the approval of the Legislative Assembly having to be obtained Did this equally apply to assignment of revenue? It frequently happened in eastern countries that it was necessary to assign certain revenue as security. It happened in Persia, a country with which he had no desire to compare Egypt. All that was suggested was that the Egyptian Government's own official should exercise supervision in this matter. Why, he inquired, did they wish to keep him in the dark?

Adly Pasha denied that they had any wish to keep him in the dark. They merely wished to ensure that he should not be superior to the Government and Parliament.

Lord Curzon said that there was no wish to make the official superior to the Government and Parliament, but merely to ensure that he should be consulted and should be able to give his advice. It would be open to the Government presumably to overrule the Financial Commissioner and not to accept his advice, even when offered. This would, of course, place that official in a somewhat difficult position and would possibly entail his resignation. They seemed, however, to have some idea that it was intended to make some sort of tyrant out of the Financial Commissioner.

Adly Pasha replied that that was precisely what the Egyptian people feared, *i.e.*, that the British representative would exercise excessive power and that his advice would have to be taken. It was for this reason that they desired a formula which would define his duties.

Lord Curzon replied that the Financial Commissioner would not be a British representative but a servant of the Egyptian Government. He also desired nothing better than to find a formula, but of those which he had proposed the delegation had not accepted a single line, not even a single word. On the other hand they had not yet produced any formulæ of their own.

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Adly Pasha then undertook to furnish a formula, both with regard to this matter and with regard to others, such as the retention of troops in Egypt.

Lord Curzon said that he understood that the delegation agreed to the Financial Commissioner exercising the powers of the Commission of the Debt, but they did not wish him to exercise any other power.

Adly Pasha agreed that this was in effect their view.

Lord Curzon said that Lord Milner proposed to give the Financial Commissioner the power of acquiring knowledge and of being useful. The delegation had objected to this and he himself had attempted to find another way out of the difficulty, to which they had also objected. He would ask them to submit their views in writing for the next meeting.

Lord Curzon next dealt with the question of the title of "High Commissioner." He had suggested that the Egyptian and British representatives in the two countries should each have the title of "High Commissioner." The delegation objected to this and he understood they would try to find some other title. He would now like to hear what they had to suggest.

Rushdi Pasha replied that their suggestion was that the British representative in Cairo should have the title of "Ambassador," while representatives of all other countries should be "Ministers," and that the Egyptian representative in London should have the title of "Minister."

Lord Curzon enquired whether there was any precedent for such an arrangement in other countries.

Adly Pasha referred to the case of Switzerland, where France had an Ambassador, whilst there was a Swiss Minister at Paris.

Lord Curzon said he would look into the question, and took note of their proposal.

He next turned to the question of the Judicial Commissioner, and referred to his proposals with regard to the functions to be performed by this official, which, he said, were analogous to those of the Financial Commissioner, namely, that he should be appointed in the same way, that he should watch over the administration of law, as affecting foreigners, and that he should have similar powers of access, not only to the Minister of Justice, but also to the Minister of the Interior.

Adly Pasha said that in his reserve he had asked for the suppression of this official.

Lord Curzon enquired whether he had suggested that the official should not exist at all.

Adly Pasha replied that that was his suggestion. They did not consider that this official would fulfil any useful purpose. They had always understood that, as suggested in the Milner memorandum, the High Commissioner would have a power of veto over legislation which affected foreigners.

Lord Curzon enquired why it was in that case that the Judicial Commissioner should have figured at all in Lord Milner's memorandum.

Adly Pasha replied that the question had been discussed at great length with Lord Milner, and that the Egyptians had always maintained that sufficient guarantees would be given to foreigners by the fact that the High Commissioner would retain a right of veto, and that such other safeguards as were necessary could be afforded by the existence of a British "procureur général."

Lord Curzon enquired what exactly were the functions of the "procureur général."

Mr. Murray said that, with the Mixed Courts as at present constituted, the "procureur général" was largely occupied in supervising and controlling the subordinate staff, dealing with such matters as the promotion and discipline of clerks, huissiers, &c. The criminal jurisdiction of the Mixed Courts was really limited to cases of fradulent bankruptcy, which were very rare, so that in this respect the "procureur général" had really very little to do. Another factor which rendered him unsuitable for general supervision of the administration of law as affecting foreigners was due to the fact that his residence was at Alexandria, where the Mixed Court of Appeal was situated, and consequently he was out of touch with the seat of Government.

If, however, the Mixed Courts were reorganised as the result of the conclusion of conventions with the capitulatory Powers and the promulgation of the necessary Egyptian legislation, the powers of the "procureur général" would become very much wider, and it might be a matter for consideration whether he could exercise sufficient control so as to safeguard foreign interests. Lord Milner had always contemplated that the "procureur général" under the new régime would be an Englishman, but Mr. Murray believed he was right in saying that up to the present time the office had never been held by an Englishman, and was at the present moment held by a Belgian. Indeed, with the Mixed Courts as they were at present, it was doubtful whether an

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Englishman could satisfactorily perform the rather unimportant and exclusively continental functions which the present "procureur général" fulfilled.

Lord Curzon observed that the question was really a much larger one than that of the existing functions performed by the "procureur général," and he asked Mr. Lindsay to state what safeguards he considered necessary for the adequate protection of foreigners.

Mr. Lindsay replied that safeguards were certainly required, especially with regard to protection from abuse by police authority.

Adly Pasha said that in practice such abuses would be limited to wrongful arrest and domiciliary visits, which were precisely the matters which the "procureur général" could control. He could move his colleagues in the Native Courts to prosecute any police official guilty of an abuse of this nature.

Adly said he was not quite clear as to the exact meaning of the functions it was proposed to give the Judicial Commissioner with regard to the administration of law. There were three stages in law: making the law, applying it in the Courts—with regard to neither of these could the Judicial Commissioner intervene, as he was sure the Mixed Courts would resent any such intervention—finally, there was the action of the police in carrying it out. This was, in effect, controlled by the "procureur général," who was also "chef du parquet." He could therefore supervise the police force better than an official of the Ministry of Justice. He could, if necessary, approach the Minister of the Interior direct, and could demand the punishment of all police officers guilty of wrongful action; he could also approach the mudir or any other section of the Administration concerned, as well as the Minister of Justice, whereas the proposed Judicial Commissioner could do nothing but report the case.

Lord Curzon asked why, if the case were as simple as represented by the Pasha, they had been unable to persuade Lord Milner to accept their proposal.

Adly Pasha replied that Lord Milner had informed him personally that he was not himself satisfied with the portion of his report dealing with the question of justice, and that he thought it would be better to have an English commandant of police at Alexandria and Cairo.

Lord Curzon said that he could only be guided by the memorandum which Lord Milner had signed, and which the four delegates had taken out to Egypt and commended to the acceptance of the Egyptian people.

Adly Pasha interjected that they had not commended the memorandum, but merely presented it to the Egyptian people, who had accepted it subject to reserves.

Lord Curzon thought that they had, as a matter of fact, commended it. In any case, the present delegation referred to the report as an authority whenever they were in favour of anything which was contained in it; while, with regard to the passages which did not meet with their complete approval, they said that these did not represent Lord Milner's final view.

Adly Pasha demurred, and said that all they wanted was a rather different formula.

Lord Curzon insisted that their attitude was as he had just described it. In any case, he invited them to produce an alternative formula. He did not suppose for one moment that it would be possible to agree about it, as he felt that they were too far apart.

He then said that he understood that the delegation had some views to put forward about the Soudan, and he enquired whether they would like to tackle this subject now.

Adly Pasha explained that it was a difficult subject and would require lengthy discussion, and he would prefer not to raise the question at this meeting.

Lord Curzon said that he had many preoccupations and had to economise his time to the utmost. He enquired whether there was any other point which could now be dealt with.

Adly Pasha referred to the reserves which he had already submitted.

Lord Curzon expressed his readiness to listen to any point that the delegation liked to raise.

Adly Pasha then referred to the clause in the Milner memorandum, which made the coming into force of the treaty contingent on the conclusion of the conventions with the capitulatory Powers for the reorganisation of the Mixed Courts. He enquired whether they would have to wait indefinitely until the consent of the Powers had been obtained. According to the text of the Milner memorandum they would have to wait, and he enquired what Lord Curzon's views on this matter were.

Lord Curzon asked how it was possible to arrange otherwise, as the whole thing turned on the consent of the capitulatory Powers.

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Adly Pasha enquired whether this difficulty could not be got round.

Lord Curzon enquired the present state of the negotiations with the Capitulatory Powers.

Mr. Murray explained that conventions had already been concluded with five Powers. Negotiations with Belgium and Holland were far advanced, and agreement as to the text of the convention had, indeed, been reached. Negotiations with the United States had not made much progress. With regard to France and Spain, either side, but not both, would probably be willing to sign the convention if we were prepared to accede to their wishes in the matter of Tangier. In consequence, it might be said that negotiations with these two Powers had not really been initiated.

Adly Pasha then said that there was another question connected with these conventions. It would be necessary finally to promulgate Egyptian laws in order to put the conventions in force, and the draft laws which, he understood, it was proposed to put forward had never yet been discussed with the Egyptian Government.

Mr. Lindsay explained that the former Egyptian Government had refused to discuss it on the ground that it was of a political nature, and that they were a Government only of affairs.

Adly Pasha continued to say that the delegation would have many observations to make with regard to the draft laws, and they hoped they would have an opportunity to discuss them.

Lord Curzon pointed out that, at the bottom of p. 38 of the Milner Mission's Report, the reasons were given why the conventions must be concluded before the treaty of alliance could become effective. It was not necessary for him to read this out or to go over all the ground again, as the whole matter had been thrashed out and the arguments plainly stated by Lord Milner.

Adly Pasha said that he had perhaps failed to make his meaning clear. The conventions in question were based on certain draft laws. The Egyptian Government had never had an opportunity of discussing these laws.

Lord Curzon replied that he was not acquainted with the draft laws in question, but that Adly Pasha's first point had been the suggestion that the treaty of alliance should come into force independently of the conclusion of the conventions with the Capitulatory Powers. It was useless for him to repeat Lord Milner's arguments on this point, but it appeared to him that Lord Milner had met very fully the delegation's point of principle.

Adly Pasha demurred, and Lord Curzon then said that the substance of the argument was contained in one sentence, which he read out: "It was evident to us that without the removal of these restrictions no Egyptian Government could enjoy any real independence."

Adly Pasha said that they agreed generally, but none the less they did not wish the negotiation of these conventions to be an obstacle to the coming into force of their political treaty.

Lord Curzon said that His Majesty's Government had no wish to delay the coming into force of the political treaty, but they had many difficulties to face, and found it hard to come to terms with the French, who attempted to drag extraneous questions into the negotiations.

Adly Pasha repeated that the conventions would have the effect of setting up a new régime. In order to set up this régime, it would be necessary for the Egyptian Government to promulgate certain laws; therefore they desired to examine and discuss the laws in question with representatives of His Majesty's Government.

Lord Curzon said that this must be gone into, and he would suggest that Mr. Lindsay and the other experts should deal with it and, if possible, clear the ground. He asked whether there were any further points which the delegation desired to raise.

Adly Pasha said that he thought that all the other points in their reserves had already been discussed.

Lord Curzon then said that they had finished their task for to-day.

Lord Curzon and the experts would thrash out the question of the Judicature Laws and the abolition of the Capitulations, and make such progress as might be possible before the next meeting, over which he himself would preside. At that meeting he trusted that the delegation would bring up the formulæ which they proposed, and at the same time he would be glad to hear their views on the Soudan.

(The conference then adjourned at 5·30 P.M.)

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7.

EGYPTIAN NEGOTIATIONS.

Notes received from the Egyptian Official Delegation.

1.—*Le Commissaire financier.*

I. *Exposé général de la Situation financière.*

L'esprit nouveau dont les Égyptiens sont pénétrés, à l'instar des autres peuples, s'oppose à tout contrôle, quelque léger qu'il soit, sur leurs finances. Les préoccupations qui semblent avoir inspiré la note qui nous a été remise ne s'expliqueraient à la rigueur que dans l'un des trois cas suivants :

1. Une situation financière obérée.
2. La crainte d'un retour à une mauvaise administration compromettant l'œuvre de restauration financière accomplie.
3. Un esprit d'antagonisme entre les intérêts des étrangers et ceux des Égyptiens.

Examinons ces trois conditions :

(A.) *État des Finances.*

Aucune comparaison n'est possible entre l'année 1876, où le contrôle financier fut établi, et la situation actuelle de l'Égypte, qui est des plus florissantes.

En 1876, l'Égypte avait une dette de 91 millions de livres contractée à des taux usuraires atteignant parfois 23 pour cent. Sur les recettes budgétaires de 1877, qui étaient de £ E. 9,543,000, une somme de £ E. 7,473,000 servait au paiement des coupons de l'emprunt. Aujourd'hui, le budget est de 40 millions de livres et les arrérages de l'emprunt ne sont que de £ E. 4,088,000. La charge qui se montait donc à 89 pour cent des recettes de l'État en 1877 n'est plus que de 10 pour cent.

D'autre part, la fortune nationale ne peut être évaluée à moins d'un milliard de livres. Non seulement les dettes privées ont sensiblement diminué, mais l'Égypte possède comme placement à l'étranger pour plus de 100 millions de livres, dont 32 millions sont représentés par des bons du Trésor anglais et constituent la plus grande partie de la couverture des bank-notes en circulation.

Le tiers environ de la dette publique est détenu par l'Égypte elle-même. Cette dette est insignifiante par rapport au patrimoine égyptien, dont elle ne représente que le 9⅓ pour cent, alors que la dette des divers États depuis la guerre a atteint des proportions infiniment plus considérables : 24 pour cent pour les États-Unis, 45 pour cent pour l'Angleterre, 53 pour cent pour la France, 115 pour cent pour l'Italie, &c.*

Enfin, les statistiques douanières donnent les résultats suivants pour la période qui va de 1886 à 1920 :

	£ E.
Exportations	734,739,800
Importations	553,752,000
Excédent des exportations	180,987,800

Presque pendant tout le cours de cette longue période, les exportations ont de beaucoup dépassé les importations, ce qui démontre bien que la prospérité de l'Égypte est assise sur des bases solides.

(B.) *Crainte d'un retour à une mauvaise Administration.*

Des fonctionnaires égyptiens de toutes les classes et qui ont donné des preuves évidentes de leur capacité et de leur maturité, participent en ce moment, et pour la plus grande part, à l'administration de nos finances publiques, calquée d'ailleurs sur les

* Ces calculs ont été établis par M. Raffalowich en 1920. Voir aussi "Le problème monétaire et fiduciaire" par MM. Bergès et Bresson (1920).

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meilleures administrations européennes. L'enseignement économique pénètre de plus en plus dans les masses cultivées, permettant ainsi d'escompter un appoint sérieux d'éléments très utiles pour l'administration de l'avenir. Celle-ci, du reste, continuera à avoir recours aux spécialistes étrangers dans le même esprit qui a toujours guidé l'Égypte pour le perfectionnement de ses services publics.

L'Égyptien est, d'autre part, prudent et avisé en matière financière. Il déteste le gaspillage et aucune critique de la gestion financière depuis 1904 (c'est-à-dire après la suppression du contrôle de la Caisse de la Dette) n'a été plus sévère que celle des représentants égyptiens dans les diverses assemblées législatives. Lorsqu'il s'est agi après 1904 de mettre un terme aux dépenses plus ou moins justifiées qu'entraînait la libre disposition des fonds de réserve patiemment accumulés, le Conseil législatif amena le Gouvernement à mentionner désormais dans le budget, pour être ainsi contrôlées par lui, les sommes qu'il comptait prélever sur la réserve. Dans la seule session où elle a été appelée à siéger, en 1914, l'Assemblée législative, adoptant une motion de sa Commission financière, décidait : "d'appeler l'attention du Gouvernement—en d'autres termes, du Conseiller financier—sur le fait qu'il n'y a lieu de toucher à la réserve qu'en cas d'extrême nécessité."

Malheureusement, l'Assemblée législative cessa de fonctionner, et il n'est pas étonnant que, son contrôle n'existant plus, l'augmentation des dépenses publiques, de £ E. 12,700,000 en 1904, se soit élevée par bonds précipités jusqu'à atteindre en 1920 le chiffre excessif de 53 millions, sans justification sérieuse.

L'Assemblée législative, si elle avait siégé, aurait vivement critiqué ces dépenses, et peut-être même empêché qu'une réserve de 17 millions de livres ne fut dépensée presque en totalité au cours d'un seul exercice, celui précisément qui vient de s'écouler. L'Égypte devant être dotée, d'après le traité à intervenir, d'un régime parlementaire complet, la gestion financière sera très minutieusement contrôlée et toute dépense inutile deviendra impossible. Il n'y aura plus à craindre un retour à l'absolutisme et au bon plaisir qui ont valu à l'Égypte le contrôle de 1876.

(C.)—*Intérêts des Étrangers* en Égypte.*

D'après le recensement de 1917, il existe en Égypte 175,000 étrangers sur 13 millions d'habitants. Si chacun de ces deux éléments semble cantonné dans une sorte de compartiment étanche (l'Égyptien se consacrant plus spécialement à l'agriculture), une vue d'ensemble montre qu'ils sont étroitement solidaires et que la moindre atteinte à l'un d'eux risquerait de compromettre l'équilibre économique et financier du pays.

En effet, les Égyptiens sont les principaux clients des étrangers* à qui ils ont nécessairement recours :

(a.) *En ce qui concerne les établissements de crédit*, pour se faire avancer les capitaux indispensables à leurs exploitations ;

(b.) *En ce qui concerne les négociants importateurs*, pour se procurer les articles indispensables au petit commerce, qui est en grande partie égyptien et qui ne peut en général se passer de l'intermédiaire de gros ;

(c.) *En ce qui concerne les négociants exportateurs*, pour écouler au dehors leur coton, qu'il leur est difficile de vendre directement aux filateurs ;

(d.) *En ce qui concerne les industriels*, pour installer chez eux l'outillage de transformation des matières premières, dont la canne à sucre, par exemple, qui constitue une source importante de richesse pour la Haute-Égypte, où elle fait vivre, en même temps, des milliers d'ouvriers égyptiens.

Soutenir que si les intérêts étrangers n'étaient pas protégés par des garanties spéciales, ils seraient exposés à de graves dangers, c'est supposer que les Égyptiens pourraient être assez peu soucieux de leurs propres intérêts pour affaiblir, par une mesure législative ou autre, l'activité étrangère, qui est un des facteurs essentiels de la prospérité économique du pays. L'intérêt même des Égyptiens constitue donc la plus efficace des garanties, la seule susceptible d'attirer et de fixer avec confiance le travail et les capitaux étrangers.

II.—*Propositions.*

A la lumière de ce qui vient d'être exposé, examinons les propositions contenues dans le projet Milner.

* Dans le mot "étrangers" rentre ici une grande portion d'Orientaux jouissant de la protection étrangère.

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Le rôle du fonctionnaire financier y est ainsi défini à l'article 3 :

" L'Égypte nommera, d'accord avec le Gouvernement de Sa Majesté, un Conseiller financier, auquel seront confiés les pouvoirs actuellement exercés par les Commissaires de la Dette, et il sera à la disposition du Gouvernement égyptien pour toutes autres questions sur lesquelles il pourrait désirer le consulter."

Bien que l'état prospère des finances égyptiennes rendre inutile le rôle de la Caisse de la Dette, le pays ne s'est pas opposé à la dévolution de ses attributions actuelles au fonctionnaire financier. Mais il a, pour les raisons suivantes, fait des objections à la deuxième partie de l'article 3 relative à la consultation de ce fonctionnaire :

1. Cette mention a été jugée inutile. Le Conseiller financier, étant un haut fonctionnaire choisi par le Gouvernement égyptien et rémunéré par lui, est tout naturellement à la disposition de ce Gouvernement, sans qu'il soit besoin d'en faire mention dans un traité.

2. Cette mention, en outre, a été jugée par le pays comme dangereuse, parce qu'instruit par l'expérience du passé, il redoute que la consultation ne se transforme, dans la pratique, en un droit d'ingérence auquel il n'est pas possible de fixer des limites précises.

La délégation officielle doit négocier en tenant compte des vœux de la nation. Mais elle se trouve en présence d'un texte nouveau proposé par sa Seigneurie Lord Curzon :

" Le Gouvernement égyptien nommera, d'accord avec le Gouvernement de Sa Majesté, un Commissaire financier, auquel seront confiés les pouvoirs actuellement exercés par les Commissaires de la Dette et qui sera plus spécialement responsable des charges suivantes :

" 1. Le budget des Tribunaux mixtes.

" 2. Toutes les pensions et autres annuités à payer aux fonctionnaires étrangers retirés du service et à leurs héritiers.

" 3. Le budget des Commissaires financier et judiciaire et de leur personnel respectif.

" Pour l'accomplissement de sa mission, le Commissaire financier sera pleinement informé de toutes les matières du ressort du Ministère des Finances et il aura droit d'accès, à tout moment, auprès du Président du Conseil et du Ministre des Finances.

" Aucun emprunt extérieur ne pourra être contracté et aucun des revenus d'un service public ne pourra recevoir une affectation spéciale sans son assentiment."

Bien qu'il ne soit plus question des pouvoirs du Conseiller financier actuel, lequel intervient dans toutes les décisions relatives aux dépenses du Gouvernement, assiste aux séances du Conseil des Ministres, &c., le texte ci-dessus étend les pouvoirs du fonctionnaire proposé en lui donnant de nouvelles attributions dont l'utilité ne se fait pas sentir.

1. Il s'agit, d'abord, pour les trois charges énumérées plus haut, d'obligations prévues par le traité et mises explicitement à la charge du Gouvernement égyptien. Il est impossible de concevoir que l'Égypte s'exposera, en n'exécutant pas une clause quelconque du traité, aux conséquences qu'un tel manquement doit entraîner.

Du reste, le montant total de ces trois charges ne représente qu'une somme minime dans le budget général. Il est inutile d'insister davantage sur ce point ni de faire valoir que, notamment pour la Justice mixte, l'Égypte est aussi intéressée que les étrangers à son bon fonctionnement et que, d'autre part, il s'agit d'un engagement qui nous lie avec toutes les Puissances capitulaires.

2. Tandis que le projet Milner mettait le fonctionnaire financier à la disposition du Gouvernement égyptien " pour toutes autres questions sur lesquelles il désirerait le consulter," le nouveau texte oblige le Gouvernement égyptien à le tenir " pleinement au courant " de toutes les questions se rapportant au Ministère des Finances.

Ce texte est de nature à inquiéter vivement les Égyptiens. Il est vrai que les explications verbales données par Lord Curzon en atténuent la portée en précisant bien qu'il n'est pas question de donner à ce haut fonctionnaire un pouvoir quelconque, mais simplement de le mettre à même de " connaître ce qui se passe afin d'avoir l'opportunité d'être utile." Quoiqu'il en soit, ce texte soulève de fortes objections.

Demander au Ministre des Finances de mettre pleinement au courant de toutes les affaires de son Département le Commissaire financier, ce serait l'obliger à ne prendre

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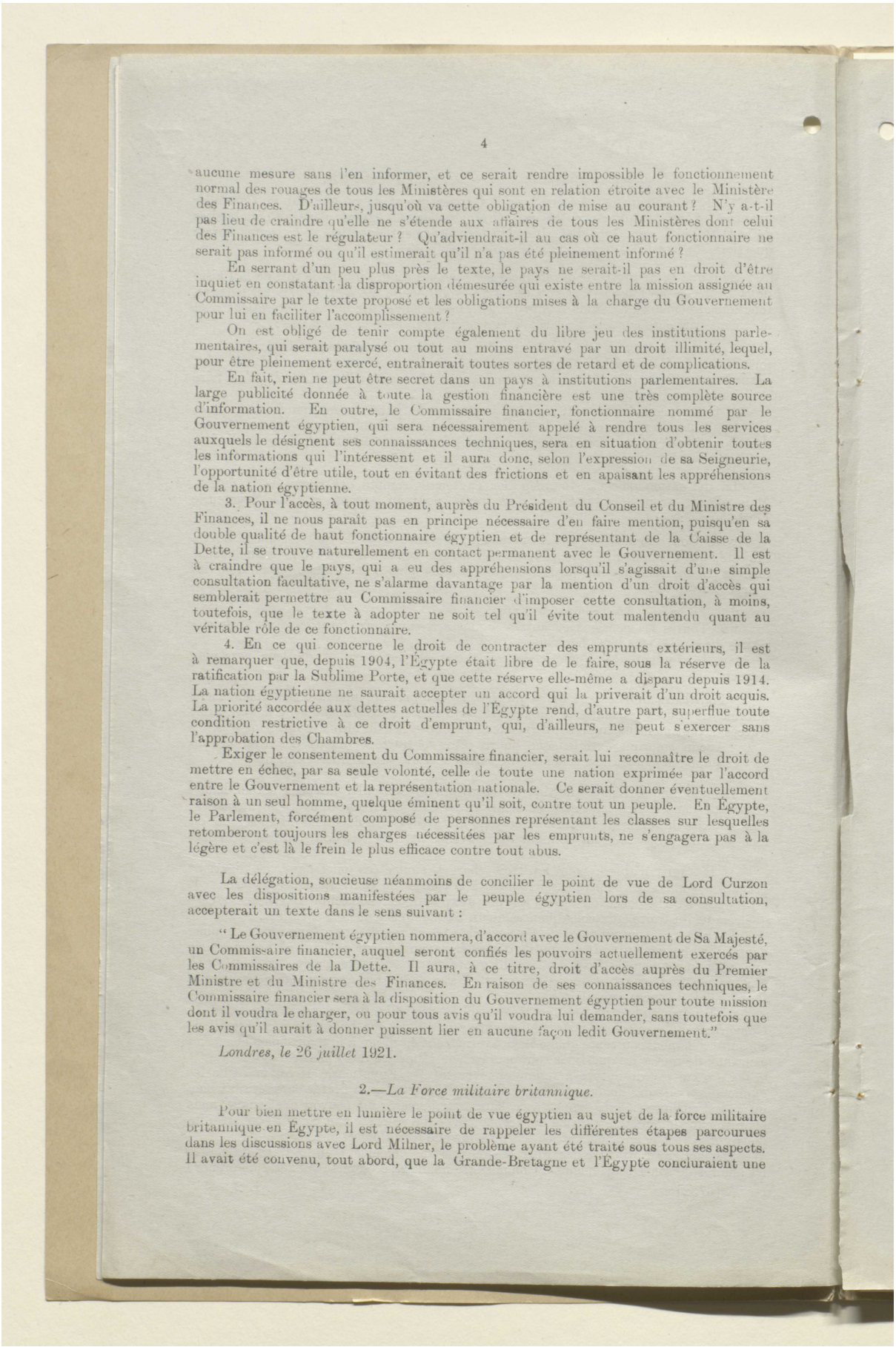

aucune mesure sans l'en informer, et ce serait rendre impossible le fonctionnement normal des rouages de tous les Ministères qui sont en relation étroite avec le Ministère des Finances. D'ailleurs, jusqu'où va cette obligation de mise au courant? N'y a-t-il pas lieu de craindre qu'elle ne s'étende aux affaires de tous les Ministères dont celui des Finances est le régulateur? Qu'adviendrait-il au cas où ce haut fonctionnaire ne serait pas informé ou qu'il estimerait qu'il n'a pas été pleinement informé?

En serrant d'un peu plus près le texte, le pays ne serait-il pas en droit d'être inquiet en constatant la disproportion démesurée qui existe entre la mission assignée au Commissaire par le texte proposé et les obligations mises à la charge du Gouvernement pour lui en faciliter l'accomplissement?

On est obligé de tenir compte également du libre jeu des institutions parlementaires, qui serait paralysé ou tout au moins entravé par un droit illimité, lequel, pour être pleinement exercé, entraînerait toutes sortes de retard et de complications.

En fait, rien ne peut être secret dans un pays à institutions parlementaires. La large publicité donnée à toute la gestion financière est une très complète source d'information. En outre, le Commissaire financier, fonctionnaire nommé par le Gouvernement égyptien, qui sera nécessairement appelé à rendre tous les services auxquels le désignent ses connaissances techniques, sera en situation d'obtenir toutes les informations qui l'intéressent et il aura donc, selon l'expression de sa Seigneurie, l'opportunité d'être utile, tout en évitant des frictions et en apaisant les appréhensions de la nation égyptienne.

3. Pour l'accès, à tout moment, auprès du Président du Conseil et du Ministre des Finances, il ne nous paraît pas en principe nécessaire d'en faire mention, puisqu'en sa double qualité de haut fonctionnaire égyptien et de représentant de la Caisse de la Dette, il se trouve naturellement en contact permanent avec le Gouvernement. Il est à craindre que le pays, qui a eu des appréhensions lorsqu'il s'agissait d'une simple consultation facultative, ne s'alarme davantage par la mention d'un droit d'accès qui semblerait permettre au Commissaire financier d'imposer cette consultation, à moins, toutefois, que le texte à adopter ne soit tel qu'il évite tout malentendu quant au véritable rôle de ce fonctionnaire.

4. En ce qui concerne le droit de contracter des emprunts extérieurs, il est à remarquer que, depuis 1904, l'Égypte était libre de le faire, sous la réserve de la ratification par la Sublime Porte, et que cette réserve elle-même a disparu depuis 1914. La nation égyptienne ne saurait accepter un accord qui la priverait d'un droit acquis. La priorité accordée aux dettes actuelles de l'Égypte rend, d'autre part, superflue toute condition restrictive à ce droit d'emprunt, qui, d'ailleurs, ne peut s'exercer sans l'approbation des Chambres.

Exiger le consentement du Commissaire financier, serait lui reconnaître le droit de mettre en échec, par sa seule volonté, celle de toute une nation exprimée par l'accord entre le Gouvernement et la représentation nationale. Ce serait donner éventuellement raison à un seul homme, quelque éminent qu'il soit, contre tout un peuple. En Égypte, le Parlement, forcément composé de personnes représentant les classes sur lesquelles retomberont toujours les charges nécessitées par les emprunts, ne s'engagera pas à la légère et c'est là le frein le plus efficace contre tout abus.

La délégation, soucieuse néanmoins de concilier le point de vue de Lord Curzon avec les dispositions manifestées par le peuple égyptien lors de sa consultation, accepterait un texte dans le sens suivant :

"Le Gouvernement égyptien nommera, d'accord avec le Gouvernement de Sa Majesté, un Commissaire financier, auquel seront confiés les pouvoirs actuellement exercés par les Commissaires de la Dette. Il aura, à ce titre, droit d'accès auprès du Premier Ministre et du Ministre des Finances. En raison de ses connaissances techniques, le Commissaire financier sera à la disposition du Gouvernement égyptien pour toute mission dont il voudra le charger, ou pour tous avis qu'il voudra lui demander, sans toutefois que les avis qu'il aurait à donner puissent lier en aucune façon ledit Gouvernement."

Londres, le 26 *juillet* 1921.

2.—*La Force militaire britannique.*

Pour bien mettre en lumière le point de vue égyptien au sujet de la force militaire britannique en Égypte, il est nécessaire de rappeler les différentes étapes parcourues dans les discussions avec Lord Milner, le problème ayant été traité sous tous ses aspects. Il avait été convenu, tout abord, que la Grande-Bretagne et l'Égypte concluraient une

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alliance par laquelle la Grande-Bretagne s'engagerait à assister l'Égypte dans la défense de l'intégrité de son territoire.

Le but primordial pour les Égyptiens étant la reconnaissance de leur indépendance, ils devaient donc chercher, afin d'éviter toute analogie avec l'état de protectorat, à assurer la réciprocité d'engagements ; mais, comme il n'était guère possible d'envisager dans les circonstances actuelles, avec la disparité des ressources des deux pays, des obligations à la charge de l'Égypte identiques à celles de l'Angleterre, on adopta une disposition portant qu'en cas de guerre, même ne mettant pas l'Égypte en cause, celle-ci fournirait à son alliée, dans les limites de ses frontières, toute l'aide dont elle pourrait disposer : ports, aérodromes, moyens de communications. Ainsi, si l'alliance était complète, puisqu'elle impliquait des charges réciproques, elle ne pouvait supposer le maintien d'une force britannique en temps de paix, pour l'éventualité de la guerre.

C'est alors que surgit la question des communications impériales. La proposition anglaise tendait, pour assurer la protection de ces communications, à maintenir une force militaire en Égypte en temps de paix. Devant l'insistance de la Mission Milner au sujet de la nécessité, vitale pour la Grande-Bretagne, du maintien de cette force, les Égyptiens finirent par céder sur ce point. Mais si, en donnant satisfaction à l'amitié anglaise, ils ont voulu offrir une preuve capitale de leur bonne foi et de leur bonne volonté, il n'en restait pas moins entendu que cette force constituait une garantie pour les communications impériales uniquement, et non une garantie soit contre, soit pour les Égyptiens. C'est pourquoi ils eurent soin de demander que la forme à donner à la proposition fût appropriée à son objet et qu'ils insistèrent pour faire mentionner explicitement que cette force ne constituait en aucune façon une occupation militaire et ne devait porter aucunement atteinte à la souveraineté du Gouvernement égyptien.

Les explications données par les quatre délégués, en septembre dernier, comportaient encore d'autres précisions. Ainsi, la force militaire, qui ne devait compter que des contingents peu considérables, serait cantonnée dans la région du Canal, comme étant la plus indiquée pour la sauvegarde des communications impériales. De plus, elle ne devait s'installer ni dans une ville, ni à proximité d'une ville. Elle aurait ses casernes, aérodrome et station de T.S.F. dans la région où elle serait cantonnée.

Lord Milner, dans son rapport, a exposé le problème dans le même sens et a fait nettement ressortir qu'en aucune façon cette force ne peut être considérée comme une garnison et ne peut s'immiscer dans les affaires intérieures, pour la sauvegarde de l'ordre. Il a seulement contesté qu'il fût possible de cantonner cette force sur le Canal à raison des conventions internationales et des obligations de neutralité.

Les corps représentatifs de l'Égypte, consultés sur le Mémorandum Milner, avaient, bien avant la publication du rapport, fait au sujet de cette station militaire des réserves et demandé des précisions dont nous devrons tenir compte dans la discussion.

La question est donc restée, au cours comme après les pourparlers de l'année dernière, sur le terrain exclusif des communications. Examinons maintenant les objectifs indiqués par Lord Curzon.

Il n'y a rien à ajouter à ce qui vient d'être dit au sujet du premier objectif invoqué pour le maintien de cette force. Alors qu'en temps de guerre l'Égypte offre toutes les facilités dont elle dispose, une force militaire cantonnée en temps de paix dans une région déterminée répondrait à cet objectif.

Pour le second objectif, nous devons faire remarquer qu'il s'écarte de l'esprit de l'alinéa 2 de l'article 3 du mémorandum et lui donne un caractère tout différent. En effet, la proposition Milner relative à l'assistance à prêter à l'Égypte pour la défense de l'intégrité de son territoire, borne cette assistance au cas de guerre et ne fait découler de cet engagement aucune raison pour justifier le maintien d'une force britannique en temps de paix.

Du reste, cette assistance contre une agression étrangère ne nécessite nullement la présence de troupes anglaises en temps de paix. Nous sommes un pays riche, un peuple de plus de treize millions d'habitants. Quand nous aurons recouvré notre liberté, nous serons en mesure d'organiser convenablement notre défense, et même si nous étions attaqués par plus fort que nous, la Grande-Bretagne aurait largement le temps de venir à notre secours. C'est le propre de l'alliance de ne prévoir que le temps de guerre, et la seule précaution à prendre dès le temps de paix, c'est d'arrêter entre les alliés les dispositions nécessaires en prévision de l'état de guerre. Aucun traité d'alliance n'admet l'occupation, en temps de paix, du territoire de l'un des alliés par les troupes de l'autre, cette occupation portant directement et visiblement atteinte à la souveraineté du pays occupé.

Restent les deux derniers objectifs. A cet égard on peut se demander si ces deux objectifs n'en forment pas un seul, et si on envisage l'assistance pour la suppression de

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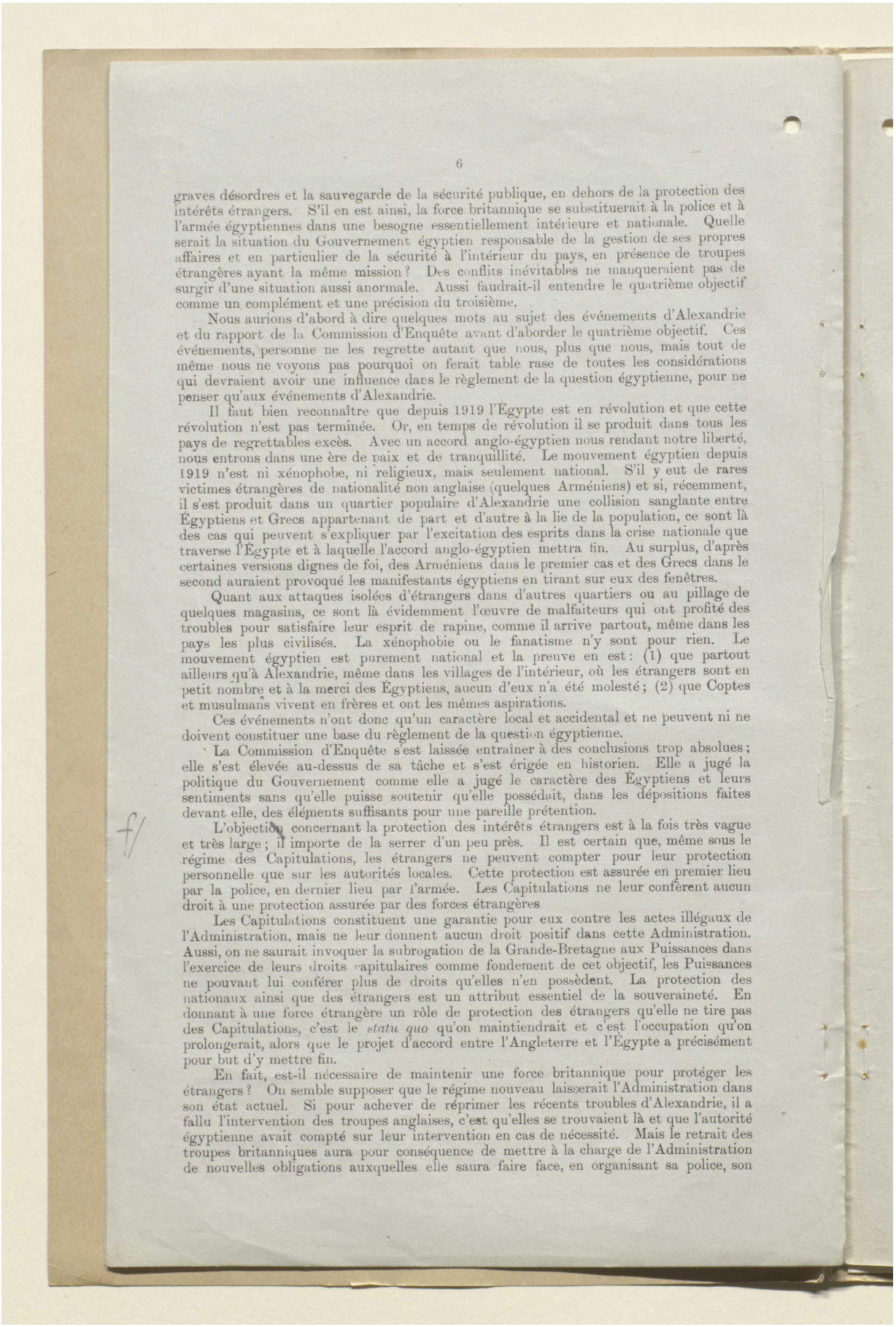

graves désordres et la sauvegarde de la sécurité publique, en dehors de la protection des intérêts étrangers. S'il en est ainsi, la force britannique se substituerait à la police et à l'armée égyptiennes dans une besogne essentiellement intérieure et nationale. Quelle serait la situation du Gouvernement égyptien responsable de la gestion de ses propres affaires et en particulier de la sécurité à l'intérieur du pays, en présence de troupes étrangères ayant la même mission? Des conflits inévitables ne manqueraient pas de surgir d'une situation aussi anormale. Aussi faudrait-il entendre le quatrième objectif comme un complément et une précision du troisième.

Nous aurions d'abord à dire quelques mots au sujet des événements d'Alexandrie et du rapport de la Commission d'Enquête avant d'aborder le quatrième objectif. Ces événements, personne ne les regrette autant que nous, plus que nous, mais tout de même nous ne voyons pas pourquoi on ferait table rase de toutes les considérations qui devraient avoir une influence dans le règlement de la question égyptienne, pour ne penser qu'aux événements d'Alexandrie.

Il faut bien reconnaître que depuis 1919 l'Egypte est en révolution et que cette révolution n'est pas terminée. Or, en temps de révolution il se produit dans tous les pays de regrettables excès. Avec un accord anglo-égyptien nous rendant notre liberté, nous entrons dans une ère de paix et de tranquillité. Le mouvement égyptien depuis 1919 n'est ni xénophobe, ni religieux, mais seulement national. S'il y eut de rares victimes étrangères de nationalité non anglaise (quelques Arméniens) et si, récemment, il s'est produit dans un quartier populaire d'Alexandrie une collision sanglante entre Egyptiens et Grecs appartenant de part et d'autre à la lie de la population, ce sont là des cas qui peuvent s'expliquer par l'excitation des esprits dans la crise nationale que traverse l'Egypte et à laquelle l'accord anglo-égyptien mettra fin. Au surplus, d'après certaines versions dignes de foi, des Arméniens dans le premier cas et des Grecs dans le second auraient provoqué les manifestants égyptiens en tirant sur eux des fenêtres.

Quant aux attaques isolées d'étrangers dans d'autres quartiers ou au pillage de quelques magasins, ce sont là évidemment l'œuvre de malfaiteurs qui ont profité des troubles pour satisfaire leur esprit de rapine, comme il arrive partout, même dans les pays les plus civilisés. La xénophobie ou le fanatisme n'y sont pour rien. Le mouvement égyptien est purement national et la preuve en est: (1) que partout ailleurs qu'à Alexandrie, même dans les villages de l'intérieur, où les étrangers sont en petit nombre et à la merci des Egyptiens, aucun d'eux n'a été molesté; (2) que Coptes et musulmans vivent en frères et ont les mêmes aspirations.

Ces événements n'ont donc qu'un caractère local et accidental et ne peuvent ni ne doivent constituer une base du règlement de la question égyptienne.

La Commission d'Enquête s'est laissée entraîner à des conclusions trop absolues; elle s'est élevée au-dessus de sa tâche et s'est érigée en historien. Elle a jugé la politique du Gouvernement comme elle a jugé le caractère des Egyptiens et leurs sentiments sans qu'elle puisse soutenir qu'elle possédait, dans les dépositions faites devant elle, des éléments suffisants pour une pareille prétention.

L'objection concernant la protection des intérêts étrangers est à la fois très vague et très large; il importe de la serrer d'un peu près. Il est certain que, même sous le régime des Capitulations, les étrangers ne peuvent compter pour leur protection personnelle que sur les autorités locales. Cette protection est assurée en premier lieu par la police, en dernier lieu par l'armée. Les Capitulations ne leur confèrent aucun droit à une protection assurée par des forces étrangères.

Les Capitulations constituent une garantie pour eux contre les actes illégaux de l'Administration, mais ne leur donnent aucun droit positif dans cette Administration. Aussi, on ne saurait invoquer la subrogation de la Grande-Bretagne aux Puissances dans l'exercice de leurs droits capitulaires comme fondement de cet objectif, les Puissances ne pouvant lui conférer plus de droits qu'elles n'en possèdent. La protection des nationaux ainsi que des étrangers est un attribut essentiel de la souveraineté. En donnant à une force étrangère un rôle de protection des étrangers qu'elle ne tire pas des Capitulations, c'est le *statu quo* qu'on maintiendrait et c'est l'occupation qu'on prolongerait, alors que le projet d'accord entre l'Angleterre et l'Egypte a précisément pour but d'y mettre fin.

En fait, est-il nécessaire de maintenir une force britannique pour protéger les étrangers? On semble supposer que le régime nouveau laisserait l'Administration dans son état actuel. Si pour achever de réprimer les récents troubles d'Alexandrie, il a fallu l'intervention des troupes anglaises, c'est qu'elles se trouvaient là et que l'autorité égyptienne avait compté sur leur intervention en cas de nécessité. Mais le retrait des troupes britanniques aura pour conséquence de mettre à la charge de l'Administration de nouvelles obligations auxquelles elle saura faire face, en organisant sa police, son

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armée, en les distribuant d'une façon plus adéquate aux besoins de la sécurité publique et surtout de la protection des étrangers. L'Égypte ne faillira pas à ce devoir, qui est pour elle aussi bien un devoir d'hospitalité que de sauvegarde contre toute ingérence étrangère.

Il résulte de ce qui précède que la seule solution qui agréerait au pays serait la suivante :

Le maintien de troupes britanniques sur le territoire égyptien en temps de paix n'aurait d'autre objectif que la sauvegarde des communications impériales. Ces troupes seraient cantonnées dans la région du Canal en dehors de la zone neutre : les aérodromes et autres services auxiliaires seraient établis dans la même région. La présence de ces troupes ne constituerait pas une occupation militaire et ne porterait en aucune façon atteinte aux droits de souveraineté de l'Égypte.

A l'expiration d'un délai à déterminer, les deux Gouvernements examineraient la question de savoir si les communications impériales peuvent être assurées sans la présence de ces troupes.

Quant au droit de passage sur le territoire égyptien et l'usage des ports et aérodromes égyptiens, ils seraient réservés pour le temps de guerre. Il resterait bien entendu que l'Égypte offrirait toute facilité de transport entre la région où seraient cantonnées les troupes et le port le plus proche.

Londres, le 26 juillet 1921.

3. *Le Commissaire judiciaire.*

La sauvegarde des intérêts des étrangers en matière de justice ne nécessite pas la présence d'un Commissaire judiciaire. Le Commissaire judiciaire ne pourrait être appelé à exercer une fonction propre présentant la moindre utilité.

D'après le texte qui nous a été remis, le Commissaire judiciaire aurait à veiller à " l'administration de la loi en toute matière affectant les étrangers." A ce point de vue, les droits capitulaires des étrangers se rattachent premièrement à la législation, y compris les lois fiscales, deuxièmement aux tribunaux, troisièmement à la police.

Sur le premier point, il ne peut être question de conférer au Commissaire judiciaire des attributions législatives : le veto législatif qui va être reconnu au représentant de la Grande-Bretagne garantit déjà les intérêts des étrangers en matière de législation. D'autre part, reconnaître au Commissaire judiciaire une participation dans l'élaboration des lois serait incompatible avec le nouveau régime constitutionnel de l'Égypte comportant un Parlement et la responsabilité ministérielle devant ce Parlement.

Sur le deuxième point, il ne peut être question, non plus, de reconnaître au Commissaire judiciaire le droit d'intervenir dans l'application de la loi par les tribunaux. En ce qui concerne les étrangers, les lois et règlements les affectant sont appliqués par les Tribunaux mixtes, qui, comme tout pouvoir judiciaire, constituent un organisme indépendant dont les décisions échappent à l'ingérence du Ministère de la Justice et du pouvoir exécutif en général.

Reste le troisième point. Il se réfère aux abus de pouvoir commis par la police contre les étrangers dans l'exécution des ordres de la loi ou de l'autorité judiciaire. Or, il n'entre pas dans les attributions du Ministère de la Justice, auquel le Commissaire judiciaire serait attaché, d'examiner ces abus ou d'en connaître. Le contrôle direct de la police n'est pas de son ressort. Cette attribution appartient en propre au Parquet, qui a le pouvoir nécessaire pour agir en cas d'abus et notamment le pouvoir de mettre en liberté les personnes arrêtées illégalement par la police.

Ce pouvoir est exercé en Égypte dans les plus satisfaisantes conditions de célérité et d'efficacité. En effet, d'après le système égyptien actuel, mixte et indigène, le pouvoir de la police dérive de celui du Parquet et est constamment sous son contrôle ; les procès-verbaux doivent lui être transmis dans le plus bref délai.

Or, le chef suprême du Parquet, qui peut donner des ordres à tous les membres de ce corps de magistrature, est le Procureur général. En proposant, donc, que le titulaire de ce poste soit un Anglais nommé par le Gouvernement égyptien, après consultation du Gouvernement de Sa Majesté, nous suggérons la seule solution pratique. Le Procureur général, qui détient entre ses mains l'exercice de l'action publique (criminelle) à l'encontre des étrangers et qui est le chef de la police judiciaire en ce qui les concerne, constitue, au point de vue des abus de pouvoir de la police, la garantie la plus adéquate et la plus efficace, et cela tant par son pouvoir propre que par son droit incontestable de provoquer, de la part du Ministère de l'Intérieur ou du Procureur général indigène, des sanctions disciplinaires ou pénales, suivant les cas, contre l'auteur ou les auteurs de l'abus.

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Mieux informé, plus qualifié, muni de plus de pouvoir que ne le serait le Commissaire judiciaire, le Procureur général serait à même de réaliser tout ce que l'on pourrait attendre du fonctionnaire britannique auprès du Ministère de la Justice, lequel en effet n'aurait qu'à transmettre au Procureur général, ou à toute autre autorité compétente, les dénonciations qui lui seraient faites.

Dans ces conditions, il est à craindre que le Commissaire judiciaire ne devienne un personnage politique sans attributions légales définies et pouvant se prévaloir de la stipulation du traité le concernant pour s'ingérer dans l'administration intérieure du pays.

Du reste, ce point de vue avait été longuement soutenu dans les pourparlers de l'an dernier avec Lord Milner. Les corps représentatifs égyptiens consultés, à leur tour, ont été unanimes à penser que la nomination d'un Procureur général britannique serait suffisante, et à demander la suppression du Commissaire judiciaire.

Lorsque cette réserve, avec d'autres, fut présentée à Lord Milner, celui-ci préféra en remettre la discussion aux négociations officielles, tout en exprimant la conviction que dans ces négociations une solution satisfaisante pouvait être et serait trouvée (page 36 du Rapport).

Londres, le 26 *juillet* 1921.

4. *Les Relations extérieures.*

Le but que poursuit l'Égypte est d'arriver à la consécration de sa souveraineté tant extérieure qu'intérieure. La souveraineté extérieure implique essentiellement le rétablissement du Ministre des Affaires étrangères et la jouissance du droit de légation, passif et actif.

Il n'a pas été soulevé d'objection au rétablissement du Ministre des Affaires étrangères, ni au droit de légation passif. Mais la note officieuse tend à nous dénier le droit de légation actif.

Or, nous tenons à ce droit non seulement pour des raisons d'ordre moral, non seulement parce qu'il constitue un élément essentiel de la souveraineté et de l'indépendance, mais aussi pour des considérations d'ordre pratique.

Si nous ne prétendons pas jouer un rôle dans la politique mondiale ou intervenir dans les conflits internationaux, nous avons du moins à cœur de défendre nos intérêts, économiques ou autres. Ainsi que l'a bien démontré Lord Milner, ces intérêts, déjà nombreux, vont sans cesse en augmentant. Pour leur conserver un caractère propre et leur permettre de se développer dans des conditions normales, et pour pouvoir suivre l'évolution de la civilisation occidentale dans le domaine des activités tant sociales qu'intellectuelles et économiques, il est de toute nécessité que nous possédions un organe national qui soit à la fois notre agent de transmission et de réception. La note officieuse propose, il est vrai, que nous ayons des consuls, mais les consuls ne sont que des agents d'information commerciale n'ayant ni l'autorité, ni les moyens d'action voulus pour veiller à nos intérêts.

On objecte que nos représentants diplomatiques pourraient se livrer à des intrigues contre l'Angleterre. Mais est-ce que l'absence de représentants diplomatiques constitue une assurance contre le jeu des intrigues ? On peut aussi bien, et mieux, intriguer au moyen d'agents officieux, et souvent c'est ainsi que les choses se passent. En réalité, la meilleure garantie pour la Grande-Bretagne vis-à-vis de l'Égypte, c'est de s'assurer la fidèle amitié de celle-ci en donnant satisfaction à ses aspirations nationales. L'alliance avec le puissant Empire britannique sera du plus haut intérêt pour l'Égypte indépendante. Par quelle étrange aberration ses représentants à l'étranger travailleraient-ils contre une alliance si précieuse pour elle ? Ils s'attacheront, au contraire, à respecter scrupuleusement les engagements que l'Égypte aura pris dans le traité anglo-égyptien portant reconnaissance de son indépendance et abolition du protectorat.

La crainte d'impossibles ou à tout le moins très hypothétiques intrigues ne saurait, en elle-même et encore moins aux yeux des Égyptiens, justifier le tort certain et grave qu'on ferait à l'Égypte en la privant du droit de légation actif. Une telle privation serait, d'ailleurs, en contradiction avec l'abolition du protectorat, dont le trait caractéristique est précisément de dépouiller de ce droit le pays protégé.

Telles sont nos observations sur la question de la représentation extérieure. Nous passons à l'examen des autres points de la note officieuse.

La stipulation tendant à établir " the closest relations " entre le Ministre égyptien des Affaires étrangères et le représentant de la Grande-Bretagne pourrait donner à penser qu'il s'agit de placer le Ministre égyptien sous le contrôle direct du représentant britannique pour aboutir ainsi en fait à une participation de ce représentant à la

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conduite des relations extérieures de l'Égypte ; aussi demandons-nous que cette stipulation soit écartée. Elle est d'ailleurs superflue, à raison de l'engagement que va prendre l'Égypte de "ne pas adopter une attitude politique incompatible avec l'alliance et susceptible de créer à l'Angleterre des difficultés politiques."

En fait, il est certain que l'Égypte n'agira dans le domain politique qu'en étroite intelligence avec la Grande-Bretagne, et, partant, il s'établira à cet égard des relations intimes entre les représentants des deux Gouvernements.

De même, il nous faut insister contre l'obligation pour l'Égypte de soumettre à l'assentiment préalable de la Grande-Bretagne les accords à conclure avec les Puissances.

Ces accords peuvent être de deux sortes.

Pour les accords commerciaux ou autres, de caractère non politique, la question a été élucidée dans le Rapport Milner et dans nos dernières conversations. Dans ce domaine, l'Égypte a toujours joui d'une liberté pleine et entière, même sous la suzeraineté ottomane, et il n'a jamais été et il ne pouvait jamais être question de restreindre notre liberté sur ce point et nous enlever un droit acquis.

Pour les accords d'un caractère politique, ils ne pourraient être qu'en harmonie avec l'esprit de l'alliance. Pour donner à la Grande-Bretagne tous apaisements à cet égard, il suffit que l'Égypte prenne dans le traité l'engagement de ne pas conclure un accord politique qui serait préjudiciable à la Grande-Bretagne. Nous aurons un intérêt puissant à ne pas violer un tel engagement et à ne pas nous exposer aux conséquences d'un manquement à notre parole.

En ce qui concerne le représentant britannique, il aura, sans besoin d'une clause à cet effet, une situation spéciale par le seul fait des attributions qui vont lui être reconnues dans le traité. Mais le titre de Haut-Commissaire lui ayant été donné à l'occasion de la proclamation du protectorat, le mot symbolise, aux yeux des Égyptiens, le régime même que le traité va abolir. Pour lui assurer, néanmoins, la préséance sur les représentants des autres Puissances, il suffirait de lui donner le rang d'Ambassadeur. Les représentants des autres Puissances n'auraient que rang de Ministre, tout comme l'Égypte serait représentée auprès des Gouvernements étrangers par des Ministres.

Quant aux négociations au sujet de la subrogation de l'Angleterre aux Puissances dans l'exercice de leurs droits capitulaires, le point de vue égyptien se résume ainsi :

1. Nécessité de déterminer limitativement les garanties à fournir par l'Égypte, dans le traité anglo-égyptien, en vue de faciliter cette subrogation. A cette occasion nous signalons qu'il nous importe :
   - (*a.*) Que la détermination du veto législatif du représentant de la Grande-Bretagne soit conforme au texte alternatif du Mémorandum Milner ;
   - (*b.*) Que le haut fonctionnaire à nommer à la Justice, d'accord avec la Grande-Bretagne, soit un Procureur général mixte de nationalité britannique.
2. Nécessité d'éviter dans les accords avec les Puissances toute stipulation ou formule qui ne serait pas en harmonie avec les droits qui sont reconnus à l'Égypte par le traité anglo-égyptien. (Voir nos observations sur le projet d'accord anglo-italien, le seul qui nous ait été communiqué.)
3. Nécessité de la participation de l'Égypte à ces accords et pour cela, tout au moins, subordination de la mise en vigueur de ces accords à l'adhésion diplomatique de l'Égypte.

En ce qui concerne l'abolition des Capitulations, nous sommes les premiers intéressés à ce que soit atténuée l'atteinte portée à la souveraineté territoriale de l'Égypte par les privilèges capitulaires. Mais il nous serait préjudiciable que le projet de Sir Cecil Hurst soit pris tel quel pour base des négociations avec les Puissances. Nous reprochons notamment à ce projet :

1. D'aggraver parfois l'atteinte portée à la souveraineté territoriale, alors qu'il s'agit de l'atténuer ;
2. De contenir des dispositions incompatibles avec la suppression du protectorat ;
3. De ne pas tenir suffisamment compte de l'élément égyptien.

De toutes façons, il y a pratiquement un intérêt majeur à ce que les négociations avec les Puissances au sujet de cette subrogation aient été terminées, et que les projets de loi se référant à la juridiction mixte aient été discutés et convenus entre le Gouvernement britannique et le Gouvernement égyptien, quand sera venu le moment

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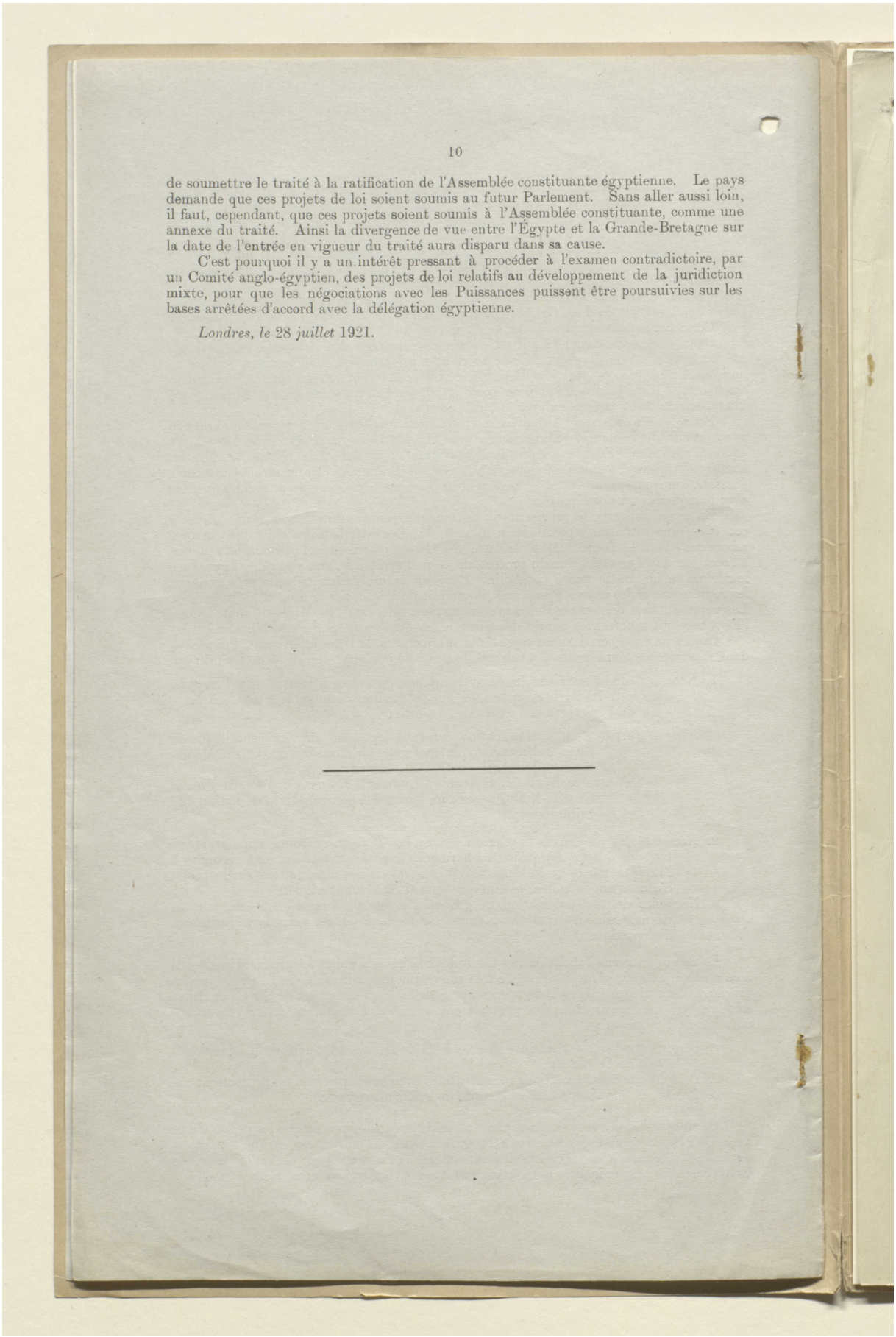

de soumettre le traité à la ratification de l'Assemblée constituante égyptienne. Le pays demande que ces projets de loi soient soumis au futur Parlement. Sans aller aussi loin, il faut, cependant, que ces projets soient soumis à l'Assemblée constituante, comme une annexe du traité. Ainsi la divergence de vue entre l'Égypte et la Grande-Bretagne sur la date de l'entrée en vigueur du traité aura disparu dans sa cause.

C'est pourquoi il y a un intérêt pressant à procéder à l'examen contradictoire, par un Comité anglo-égyptien, des projets de loi relatifs au développement de la juridiction mixte, pour que les négociations avec les Puissances puissent être poursuivies sur les bases arrêtées d'accord avec la délégation égyptienne.

Londres, le 28 *juillet* 1921.

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8.

CONFIDENTIAL.

[E 8537/260/16]

EGYPTIAN NEGOTIATIONS.

Minute by Mr. Lindsay.

Lord Curzon,

THE plan which has been contemplated and, where occasion presented, followed during the last twelve months in respect of the Capitulations in Egypt is briefly as follows :—

(*a.*) To obtain the transfer to His Majesty's Government of the privileges enjoyed under the Capitulations by the various capitulary Powers.

(*b.*) In the exercise of the privileges so transferred to reconstitute the Mixed Courts under British control, and to invest them with the jurisdiction at present exercised by the Consular Courts.

(*c.*) To require the Egyptians, as a condition of any political concessions which His Majesty's Government may make, to undertake to acquiesce in these arrangements and to promulgate the necessary legislation ; this involved obtaining their assent to the principle that in future Egyptian legislation to be applicable to foreigners should require the consent not of each of the capitulary Powers individually, but of His Majesty's Government acting on their behalf.

The purely British interest in these arrangements is twofold :—

(*a.*) Their realisation would give His Majesty's Government a fresh source of influence as the common capitulary authority over foreigners in Egypt.

(*b.*) Few legislative measures can be effective in Egypt unless applicable to foreigners ; in acquiring the right to decide what laws should be so applicable His Majesty's Government would acquire a potent voice in Egyptian legislation and indirectly in Egyptian administration.

These two considerations explain the prominent place given to judicial reform in Lord Milner's memorandum.

The Egyptian interest in these arrangements is as follows :—

(*a.*) To obtain the greater facility as regards legislating for foreigners (particularly in respect of taxation) which may be expected to follow from having to deal with His Majesty's Government alone.

(*b.*) To strengthen the criminal law by bringing all foreigners under Egyptian courts and an Egyptian code.

(*c.*) To increase the administrative effectiveness of the Mixed Courts.

The advantages of these arrangements have so far failed to commend themselves to Egyptian public opinion, which is apparently more impressed by the political aspect of the projects and by the formal consecration which they involve of the exercise of novel powers by the representative of His Majesty's Government. They particularly dislike the provisions which it has been thought necessary, in view of British and foreign anxieties, to insert in the judicature laws explicitly guaranteeing the preponderatingly foreign and especially British character of the Mixed Courts.

It would seem to be undesirable to seek to impose upon the Egyptians, as a condition in the treaty, the acceptance of the draft judicature laws. In the first place, it will be difficult at present to reach agreement as to their provisions ; the necessary guarantees for foreigners will be obtained more easily when the Egyptians come themselves to be petitioners for the reform of the capitulary system. In the second place His Majesty's Government might find it difficult to defend its action if a breakdown of the negotiations were attributable to our insistence upon proposals which are so much disliked by the foreign (especially the British) colonies in Egypt.

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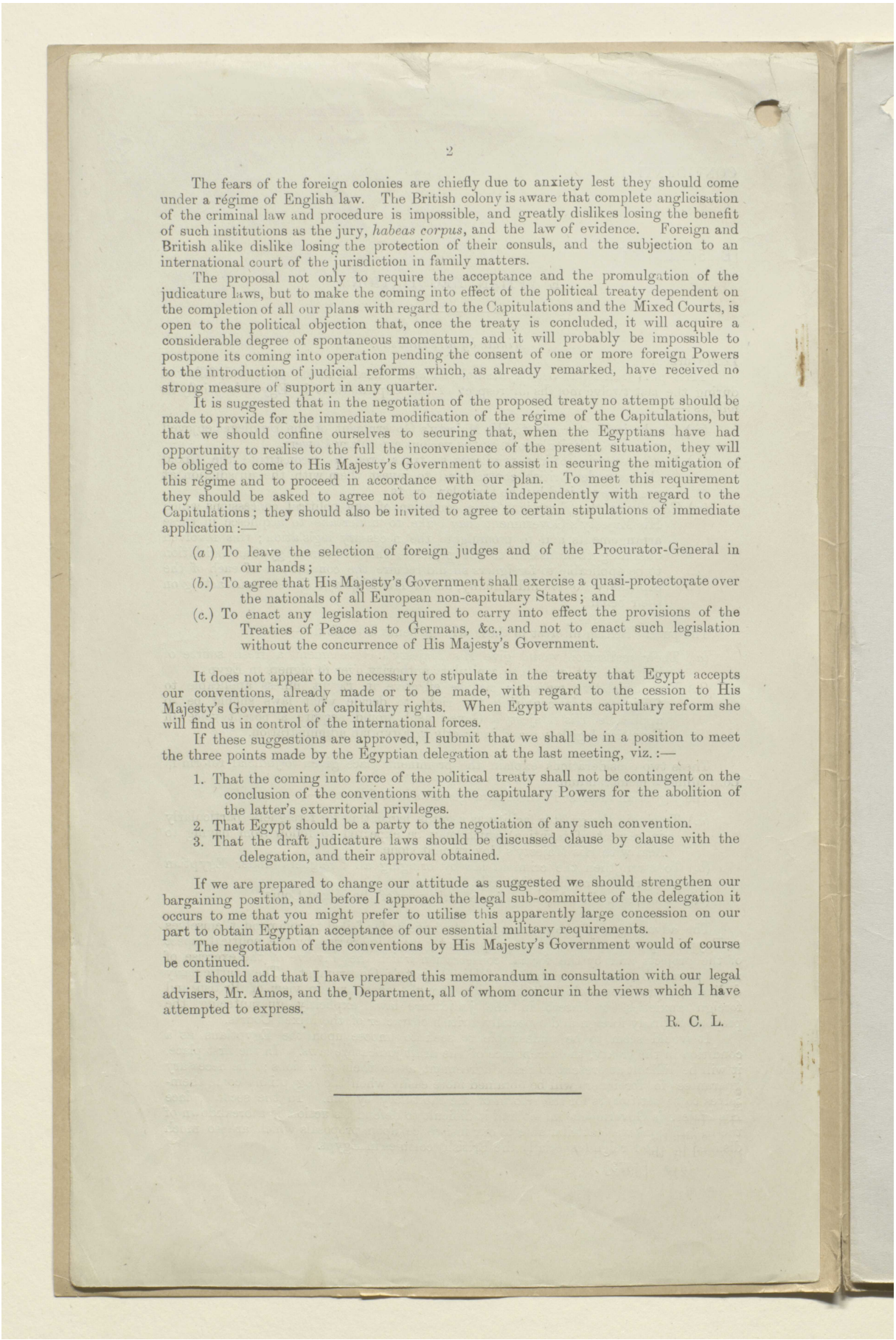

The fears of the foreign colonies are chiefly due to anxiety lest they should come under a régime of English law. The British colony is aware that complete anglicisation of the criminal law and procedure is impossible, and greatly dislikes losing the benefit of such institutions as the jury, *habeas corpus*, and the law of evidence. Foreign and British alike dislike losing the protection of their consuls, and the subjection to an international court of the jurisdiction in family matters.

The proposal not only to require the acceptance and the promulgation of the judicature laws, but to make the coming into effect of the political treaty dependent on the completion of all our plans with regard to the Capitulations and the Mixed Courts, is open to the political objection that, once the treaty is concluded, it will acquire a considerable degree of spontaneous momentum, and it will probably be impossible to postpone its coming into operation pending the consent of one or more foreign Powers to the introduction of judicial reforms which, as already remarked, have received no strong measure of support in any quarter.

It is suggested that in the negotiation of the proposed treaty no attempt should be made to provide for the immediate modification of the régime of the Capitulations, but that we should confine ourselves to securing that, when the Egyptians have had opportunity to realise to the full the inconvenience of the present situation, they will be obliged to come to His Majesty's Government to assist in securing the mitigation of this régime and to proceed in accordance with our plan. To meet this requirement they should be asked to agree not to negotiate independently with regard to the Capitulations; they should also be invited to agree to certain stipulations of immediate application:—

(*a*) To leave the selection of foreign judges and of the Procurator-General in our hands;
(*b*.) To agree that His Majesty's Government shall exercise a quasi-protectorate over the nationals of all European non-capitulary States; and
(*c*.) To enact any legislation required to carry into effect the provisions of the Treaties of Peace as to Germans, &c., and not to enact such legislation without the concurrence of His Majesty's Government.

It does not appear to be necessary to stipulate in the treaty that Egypt accepts our conventions, already made or to be made, with regard to the cession to His Majesty's Government of capitulary rights. When Egypt wants capitulary reform she will find us in control of the international forces.

If these suggestions are approved, I submit that we shall be in a position to meet the three points made by the Egyptian delegation at the last meeting, viz.:—

1. That the coming into force of the political treaty shall not be contingent on the conclusion of the conventions with the capitulary Powers for the abolition of the latter's exterritorial privileges.
2. That Egypt should be a party to the negotiation of any such convention.
3. That the draft judicature laws should be discussed clause by clause with the delegation, and their approval obtained.

If we are prepared to change our attitude as suggested we should strengthen our bargaining position, and before I approach the legal sub-committee of the delegation it occurs to me that you might prefer to utilise this apparently large concession on our part to obtain Egyptian acceptance of our essential military requirements.

The negotiation of the conventions by His Majesty's Government would of course be continued.

I should add that I have prepared this memorandum in consultation with our legal advisers, Mr. Amos, and the Department, all of whom concur in the views which I have attempted to express.

R. C. L.

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CONFIDENTIAL.

EGYPTIAN NEGOTIATIONS.

MINUTE BY MR. MURRAY.

Situation in Egypt if a breakdown occurs.

1. IN this event it is almost inevitable that Adly will feel obliged to resign office on his return to Egypt. It is doubtful whether any Egyptian would then have the courage to form a Ministry—even of affairs—once it was plain that the offer of His Majesty's Government did not go as far in meeting Egyptian aspirations as that of the Milner Mission.

2. We should run the risk of a revolutionary movement breaking out, though it is more probable that in the first instance, at any rate, Egyptian resentment would take the form of an attempt to paralyse administration by partial or general strikes of the civil servants—a form of pressure which is difficult to combat, as we discovered in 1919.(1)

3. The Extremists would not find it difficult to prevent a Ministry prepared to co-operate with the High Commissioner from taking office by resort to methods of terrorism which would be impossible to suppress without the collaboration of the Egyptian police.(2)

4. If, therefore, a breakdown is inevitable, it is essential that it should occur over a point or points as to which we shall have *all* foreign sympathies in and out of Egypt on our side; and if a considerable measure of Egyptian sympathy is also to be won, our offer, looked at as a whole, must be at least as good as Lord Milner's.

Questions so far discussed with Delegation.

5. Three main issues have so far been considered, namely:—

(i.) The British forces in Egypt.
(ii.) Foreign relations.
(iii.) Financial and judicial control.

As regards (i), the delegation have been asked to accept four reasons for the presence of British troops, viz.:—

(*a.*) The protection of our Imperial communications.
(*b.*) The defence of Egypt from external aggression.
(*c.*) The protection of foreigners.
(*d.*) The maintenance of order.

The delegation accept (*a*) and (*b*) subject to the condition that our troops and auxiliary services are in peace time confined to a zone not far removed from the Canal. As regards (*c*) and (*d*) they take the line that these two reasons are really one and the same and they refuse to admit their validity.

6. Their point that (*c*) and (*d*) are really the same is good in that the need for protecting foreigners will only arise when disorder has broken out or is threatening, and conversely, when disorder is threatening, foreigners will always be in danger. The disturbances of 1919 and the recent Alexandria riots prove this.

7. As regards the condition which the delegation seek to impose in connection with (*a*) and (*b*), we can usefully argue that the confinement of British troops to a zone would prevent them furnishing any protection to foreigners, which is the one and only reason which makes their presence in Egypt welcome to all Europeans and to a considerable if silent body of native opinion.(3)

8. It would seem clear, therefore, that over the question of troops we have no concession of substance to make, but that if a break occurs on this point it will do so in conditions favourable to His Majesty's Government.

(1) Mr. Amos would like to paint this bogey even blacker than I have done.—J. M.
(2) Such a situation inevitably produces a rapid degeneration of the political situation.—R. C. L.
(3) And it is technically absurd. No soldier could assent to it for one moment.—R.C.L.

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9. As regards Foreign Relations (sub-head (ii) paragraph 5) we have not yet received the written observations of the delegation, but from their attitude at the conferences so far held, the arguments would seem to be :—

(*a.*) Representation abroad is enjoyed by every independent country, and consequently it is the very symbol of the independence which the delegation are pledged to secure.

(*b.*) Egypt has need to be kept in touch with modern developments in civilised countries and such touch can only be maintained by means of diplomatic representatives.

(*c.*) In negotiations or transactions with foreign Powers, the Egyptian case has hitherto had to be stated to the foreign diplomatic representative in Cairo, who in turn reports it to his own Government, which thus learns the Egyptian view at second hand and robbed of much of its cogency.

(*d.*) The presence of Egyptian diplomatic representatives in foreign countries will tend to prevent clandestine anti-British intrigue on the part of Egyptian anglophobes, whilst if an Egyptian diplomat were to countenance such intrigue, he would involve his Government in a breach of the treaty.

10. All of these arguments have a certain weight. Apart from this any attempt to circumscribe Egypt's liberty in regard to foreign relations can only be represented as an attempt to safeguard a purely British as opposed to a foreign interest. In insisting on limitations therefore in this matter we cannot count on enjoying foreign sympathy.

11. Those of the British advisers whom Lord Allenby has consulted on the question are unanimous in believing that in regard to foreign relations His Majesty's Government can afford to meet Egyptian aspirations to the fullest extent, and in all the circumstances it would not appear to be a point on which we could well let the negotiations break down.

12. There remains the question of the appointment of foreign non-British officials in Egyptian service. This is a point of fundamental importance, but from their attitude at the first conference the delegation would seem prepared to accept our point of view that such appointments should only be made with the concurrence of the High Commissioner.

13. As regards the extent to which it is necessary for His Majesty's Government to maintain a control over financial and judicial matters, the situation is no longer the same as it was when the Milner memorandum was conceived.

14. It has proved impossible up till now to conclude conventions with more than five of the Capitulatory Powers for their cession to us of the ex-territorial privileges which they enjoy in Egypt. Until the remaining six Powers come into line it will be impossible to hand over to a British official the functions now performed by the commissioners of the debt. If, therefore, we assume that the commission of the debt will continue to exist for some years to come, it falls to be considered what essential functions must be vested in the financial commissioner.

15. The delegation take the line that the special responsibilities, viz., payment of budget of Mixed Courts and of himself and judicial commissioner, and payment of foreigners' pensions imposed upon him by the formula proposed by the Secretary of State, are *ex hypothesi* treaty obligations on the Egyptian Government.

If the delegation accept our eventual proposals in regard to compensating British officials who may be retired from the service, their argument would appear to have considerable force, and if the delegation were prepared to accept the further obligation of meeting the service of the loans secured upon the Turkish tribute, the treaty itself would constitute a guarantee that essential payments would be made. Any attempt to starve the Mixed Courts would unite the Capitulatory Powers against Egypt, and would produce pressure which no Egyptian Government could sustain.

16. It would, however, appear essential that in foreign quite as much as British interests His Majesty's Government should be in a position to receive ample warning before any financial crisis occurred, or, indeed, of any serious degeneration in the financial and administrative standards of the Government. It is suggested that such warning would be obtained by the Egyptian Government recognising the right of the High Commissioner to send an officer responsible to himself, to whom all information concerning the financial administration of the country would at all times be made available.

17. This officer would neither interfere with the administration of the country nor

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proffer his advice unasked, but he would ensure that the financial administration was exposed to the healthy sunlight of publicity both in Europe and Egypt. It is thought that such an arrangement would not be unpalatable to the Egyptians, who maintain that they have nothing to hide, and that the Egyptian Government might be induced to provide the official's salary and expenses.

18. It is therefore suggested that, subject to the acceptance by Egypt of the obligations mentioned in paragraph 15 above, we could safely confine our financial control to securing that full publicity was given to all details of financial administration.

19. Turning to the question of judicial control, it has been explained in paragraph 14 that any reorganisation of the Mixed Courts as at present constituted cannot take place for some years, and in a previous minute (of the 22nd July in E. 8537) it was pointed out that it was undesirable to impose a scheme of judicial reform which no one really wants. This being the case and assuming the continuation of the régime of the Capitulations, what other safeguards are essential for the protection of foreigners?

20. In the first place, the standard of the present Mixed Courts must not be lowered, and to secure this it is suggested that the delegation might be induced to agree that the nomination of foreign judges and of the "Procureur général" should be effected in close consultation with the High Commissioner.

21. It is also necessary to protect foreigners against abuses of administrative authority. The Capitulations alone are not an adequate safeguard, as an ill-disposed administrative official could make a foreigner's life a burden by the arrest of the latter's native assistants or servants. Recourse to the Courts is, of course, always open, but it is an inadequate safeguard. It is suggested, on the analogy of paragraph 16, that the Egyptians might be induced to accept a provision whereby the High Commissioner would be entitled to send an officer to examine into any case where a foreigner had reason to complain of an abuse of power on the part of the local authorities. Such an arrangement would not constitute any interference with the internal administration of the country, but it would prevent clandestine oppression by means of decent publicity. It is thought that the Egyptian Government might be induced to defray the salary and expenses of such an official as being but a small price to pay for their freedom from control in matters of internal administration.

22. To sum up, we can afford to be generous on all points, and to go even further than Lord Milner except in the matter of British troops, their use and disposition.

The vital points on which we must insist are all matters where foreign interests in general and not merely British interests are involved.

23. It is suggested, therefore, that the delegation might be told that their arguments have impressed us, and that we are prepared to meet their wishes in many respects provided that they on their side will accept the fundamental principle that British troops are in Egypt to protect foreigners, as to which principle there can be no compromise.

24. If, on this basis, the negotiations cannot profitably be continued, there remains the last card, namely, that the delegation should accept the principle enunciated in the preceding paragraph as an interim measure for a term of years. In this case it is suggested that the whole treaty should be for a term of years, and consequently, as a natural corollary, that the protectorate should not be abolished but suspended for such period as the treaty may remain in force.

J. M.

July 27, 1921.

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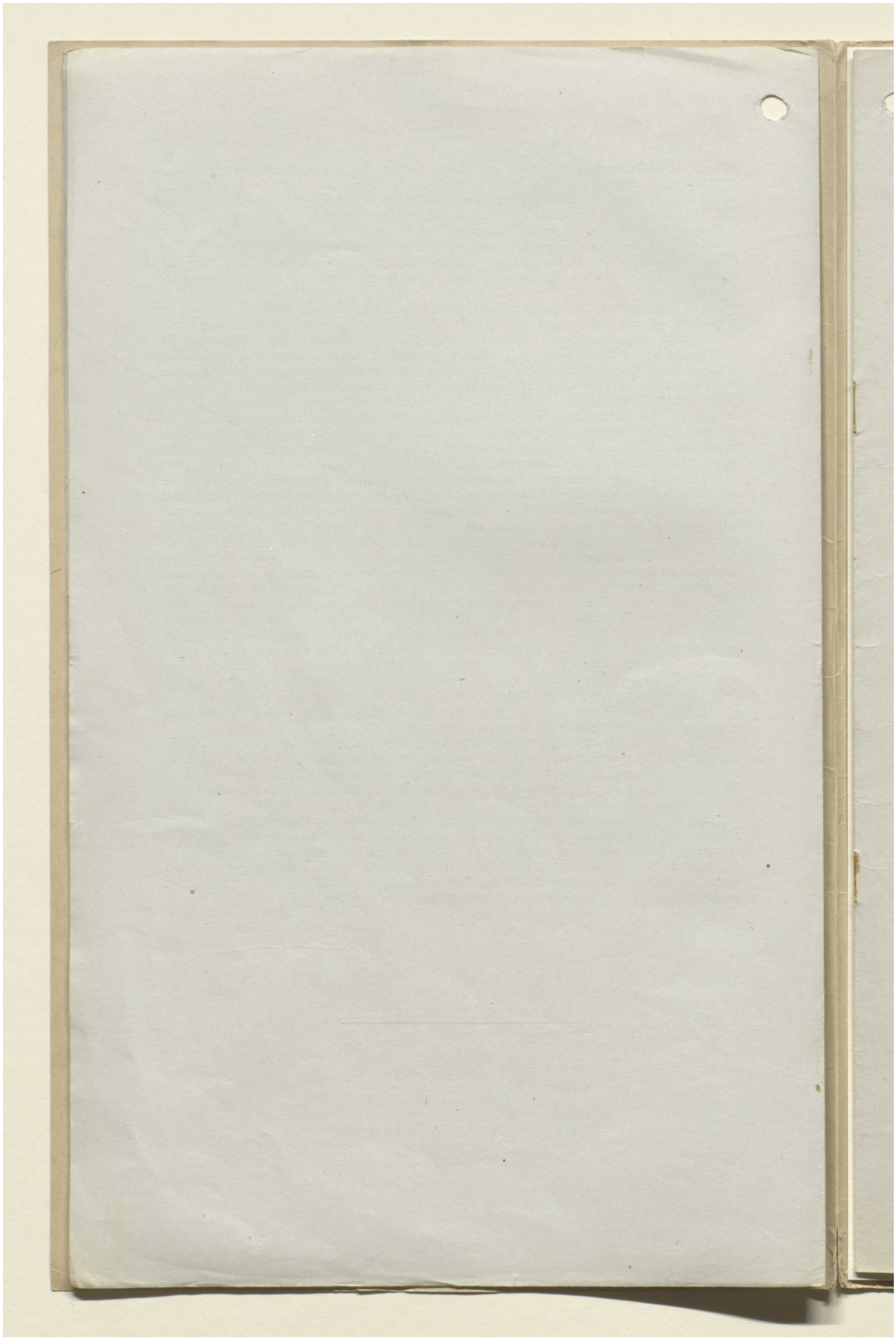

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10.

CONFIDENTIAL.

EGYPTIAN NEGOTIATIONS.

Minutes of the Fifth Conference with the Egyptian Official Delegation, held at the Foreign Office, July 29, 1921, at 6 P.M.

Present:

Foreign Office.

THE MARQUESS CURZON OF KEDLESTON
The Hon. R. C. LINDSAY.
Mr. J. MURRAY.
Mr. A. D. COOPER.

Egyptian Official Delegation.

His Excellency Sir ADLY YEGHEN PASHA (*President*).

Members:

His Excellency Sir HUSSEIN RUSHDI PASHA.
His Excellency ISMAIL SIDKY PASHA.
His Excellency MOHAMMED SHAFIK PASHA.
His Excellency AHMED TALAAT PASHA.
His Excellency YOUSSEF SOLIMAN PASHA.

ABDEL HAMED BEY BEDAWI (*Secretary*).

Lord Curzon said that he had thought it was desirable to meet to-day in case the delegation should consider he had been guilty of discourtesy. He would gladly have met sooner, but there were so many urgent affairs on hand at the present time—as they had no doubt seen in the papers—the question of Silesia, the conference with regard to the Pacific and the presence of the dominion Premiers in London, that on every occasion when he had intended to arrange a meeting with the delegation, he had been called away.

Meanwhile, the delegation had kindly furnished him with statements representing their views on the various subjects already discussed, and he wished to assure them that he had read these statements, and he now proposed to make one or two observations on them, and perhaps to ask one or two questions. This, he thought, would help to clear the ground. It was possible that he might have to go to Paris shortly, but he would endeavour to discuss with them early next week how to proceed in future. In the meantime, what he would say to-day was only in the nature of a commentary, and he would first take their statement with regard to the position of the Financial Commissioner. He would like to say that it was a very able statement, and he had no doubt that it was the work of Sidky Pasha, but they must not think that on that account he could accept all its conclusions. The statement began by comparing the financial state of Egypt in 1876 with that of to-day. Then Egypt had been bankrupt, now she was solvent. But this, Lord Curzon must point out, was not entirely due to the exertions of Egyptian financiers, but was largely owing to the assistance they had received from Europeans and from a measure of foreign control. The statement went on to offer assurances that there need be no anxiety with regard to the future, and that the financial position of Egypt would be so sound that neither Great Britain nor any foreign Power would have cause for alarm. Lord Curzon wished he could feel as confident on this point as the author of the statement. He would like to refer to a recent incident; a proposal had come to him with regard to a certain

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purchase of cotton by the Egyptian Government. It was a bad and unsound proposal. It had come through Lord Allenby, who had himself declared that it was wrong, but had recommended that, in view of the state of public opinion in Egypt, it would be advisable not to object. Lord Curzon accordingly, though knowing it to be wrong, had not intervened. The object of the proposal had, of course, been to raise the price of cotton. It had failed in this object and the cotton was still lying there to no purpose, and, in fact, preventing recovery in the price. He did not wish to blame Sidky Pasha for this affair, but he considered that it proved his point.

There followed a statement pointing out that the interests of foreigners in Egypt were, to a large extent, identical with those of the Egyptians themselves. Lord Curzon concurred in this, but insisted that the necessity for some control over Egyptian finance was as much a foreign as a British interest. Were Sidky Pasha to suggest to the foreign colonies in Egypt that there should be no control, he had no doubt that they would be the first to protest. He imagined that there was a large amount of foreign capital invested in Egypt. He had not the figures available, but they were no doubt known to the delegation. He would cite, for instance, the case of the public debt.

Sidky Pasha interjected that about one-third was now held in Egypt.

Lord Curzon went on to say that at any rate a large proportion of the debt, amounting to at least 60,000,000*l.*, was in foreign hands. He imagined that though the greater part of the small retail trade was in Egyptian hands, nearly all the larger businesses were also in foreign ownership. He would therefore make the point that some measure of financial control was as much a foreign as a British interest, and he would add that this was not a political question at all; it was a matter purely of finance and economics.

Lord Curzon said that Sidky Pasha went on to speak of the special functions which Lord Curzon had suggested should be performed by the Financial Commissioner. Three in number had been proposed, namely, that he should pay (1) the budget of the Mixed Courts, (2) all pensions due to foreigners and (3) the budget of the Financial and Judicial Commissioners themselves. Sidky Pasha had made the criticism that it would be unnecessary to invest the Financial Commissioner with these duties because the treaty itself would make their performance obligatory on the Egyptian Government.

Lord Curzon thought that there was force in this argument provided that it could be arranged that the terms of the treaty provided sufficient guarantees for the due fulfilment of these obligations. He thought, indeed, that it might not be necessary to insist on these special powers being invested in the Financial Commissioner.

As regards the main point, however, Lord Curzon was sorry to see that an agreement had not yet been reached, and he felt that serious efforts should be made to arrive at some solution. The British Government wished to provide that the Financial Commissioner should be able to give warning if he saw that a serious error in finance was about to be committed. Lord Curzon said that it was useless to repeat that this would constitute an infringement of Egyptian sovereignty. When people spoke of an infringement of sovereignty he was always rather suspicious. At the present moment the French were talking of an infringement of their sovereignty because the Allies did not agree to their sending large reinforcements independently to Silesia. In his view there was no question of Egyptian sovereignty being involved at all. It was simply a matter of finance. Lord Curzon then mentioned another passage in the delegation's statement which reminded him very much of the sort of thing that British politicians sometimes said in Parliament.

In the passage referred to, Sidky Pasha had tried to make out that Lord Curzon's scheme of a Financial Commissioner would mean setting up one man over the head of the Egyptian Government, the Legislative Assembly and, in fact, the entire nation. Sidky Pasha had maintained that the Egyptian Parliament would really be in a position to exercise the most effective restraint upon every possible abuse.

Lord Curzon was quite unable to agree. He would point out that the British Parliament, with 800 years' experience behind it, were even now unable adequately to control public finance. The delegation had only to read the papers and they would see that, according to the journalists, mistake after mistake was being perpetrated in British finance. He would urge the delegation to consider whether it would not be possible to find some formula which would provide the Financial Commissioner with adequate powers to give warning before mistakes were committed. The Financial Commissioner would not intrude unnecessarily into their affairs, nor would he in any way infringe their sovereignty. In fact, the Egyptians ought to welcome him if he was a man of real technical skill, as he should be. Financial blunders were made by all Governments,

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and most frequently led to the fall of Governments. Lord Curzon said that he might have been advised to leave the Egyptian Governments in the future to make financial mistakes and see the consequences, and then to realise when it was too late how they might have been assisted by the guidance of a Financial Commissioner. Such a line of action on his part, however, would not have been statesmanship. He was seeking to prevent mistakes before the damage had been done.

He wished to assure Sidky Pasha that he was imputing nothing to Sidky's countrymen, which he did not impute equally to his own. For centuries this country had been devising financial checks. Lord Curzon did not ask for a reply to what he had said, but hoped that the delegation would think it over, and he considered it necessary to make some answer to the statement with which they had furnished him.

He next turned to the question of the Judicial Commissioner. The delegation in their statement had again made the point that it would be quite sufficient to have a procureur général invested with certain powers. But Lord Curzon had pointed out on the last occasion that this had been discussed that the procureur général was an official of the Mixed Courts with powers that in practice amounted to very little. It might be urged that when the Mixed Courts were reorganised, the procureur général would become very important. This might be the case, but so far as he was aware there was no prospect of the reorganisation of the Mixed Courts coming into force in the immediate future. There might be a lapse of many months, indeed of years. Therefore it was of no use the delegation putting forward the procureur général at the present time as a substitute for the Judicial Commissioner.

With regard to the financial control he had explained that he wished to prevent mistakes. Mistakes were equally likely to occur in the judicial and, indeed, in the ordinary administration of the country. He had lived long enough in the East to know how the ordinary duties of administration might become liable to abuses, and the life of foreigners thus rendered difficult. Someone was needed to keep an eye on things whenever abuses cropped up and see that the guilty persons were punished. This was a matter which concerned all foreigners. If His Majesty's Government were to be responsible towards foreign Governments this was the sort of matter with regard to which they would demand protection. He hoped, therefore, that the delegation would realise that some guarantee must be arranged for. Possibly if he himself had to go to Paris next week they might, in conference with Mr. Lindsay, be able to find some solution of this question.

Lord Curzon realised that the delegation were anxious that there should not be interference at all stages in the internal administration of the country. In this desire he entirely concurred, but the British Government were bound to protect foreigners, and to do so had to prevent mistakes occurring.

Adly Pasha referred to Lord Curzon's remark that the new organisation of the Mixed Courts might not come into force for months or years. He wished to explain that all the statements of the delegation had been drawn up on the basis of the clause contained in the Milner memorandum to the effect that any treaty concluded with Egypt would only come into force after the reorganisation of the Mixed Courts. Was he therefore to understand that Lord Curzon now envisaged the coming into force of the treaty independently of the conclusion of the necessary agreements with the Capitulatory Powers?

Lord Curzon replied that this was a fair comment. The point referred to by Adly Pasha had not yet been discussed, and he was anxious to learn the delegation's views with regard to it.

Adly Pasha said that they did not know how the negotiations with the Powers were proceeding. They had therefore envisaged the question as a whole. If, however, the two things were to be independent they must reconsider their observations.

Lord Curzon replied that the treaties had been concluded with five of the Powers concerned and that six still remained to be dealt with. The delegation probably realised the difficulties. The Powers concerned were anxious to bargain. France raised the question of Tangier, Italy that of Jubaland.

Lord Curzon then dealt with the question of foreign affairs. The statement he had received from the delegation was largely a repetition of the remarks which Adly Pasha had made during the previous discussion. Lord Curzon wished to comment on one or two passages which did not seem to him quite fair. They said that supposing the Egyptian Government in the future wished to intrigue at some foreign capital, such as Rome or Paris, they could easily do so through unofficial agents. There was

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some force in this argument, but it was not conclusive. An Egyptian Minister would carry far more weight than could any unaccredited agent. He thought the delegation must realise this.

There was another point. The delegation asked by what aberration any Egyptian Government could desire to employ an agent to work against the alliance, which would be of such importance and value to Egypt.

Lord Curzon hoped that they were right in taking this view, but he could imagine a situation when Great Britain might be at war with some other country where a tendency might exist in the Egyptian Government of the day to do some fishing in troubled waters. Again, with regard to the position of the High Commissioner in Egypt, he had suggested that there should be close relationship between the High Commissioner and the Minister for Foreign Affairs. The delegation said that this might give rise to the thought that the whole Ministry of Foreign Affairs was being put entirely under the control of the High Commissioner. Of course Lord Curzon had not intended anything of the kind.

Sidky Pasha wished to assume that all Egyptian financiers in the future would be excellent and irreproachable people. Similarly, Lord Curzon wished to assume that His Majesty's representatives in Egypt would in future be sensible people. He did not anticipate that whoever might in the future occupy Lord Allenby's position he should poke his nose into all Egyptian affairs, but he did think that the Minister for Foreign Affairs should be able to go to the High Commissioner and talk things over with him.

In the British dominions, which were in effect independent, the governors, who represent the King, were in practice consulted and kept informed of the course of affairs by the Prime Ministers. Lord Curzon only wished that the High Commissioner or Ambassador, or whatever he was called, should not be left out in the cold.

Adly Pasha said that they were not protesting against the fact, but against the formula.

Lord Curzon said that that objection was made to everything, and that they were always assuring him that when they returned to Cairo they would put on wings and become angels.

Adly Pasha said that he thought it might be possible to find a formula which would clearly emphasise the close relationship between the two Governments.

Lord Curzon said that he could see no objection whatever to stating that the British High Commissioner or Ambassador should have the powers he suggested. Unless this official knew what was going on it would be impossible for him to render useful assistance.

Lord Curzon then turned to the question of the conclusion of treaties. He had suggested that political treaties should only be concluded with British consent. The delegation pointed out that this would be an obligation on the Egyptian Government, created by the treaty itself, which would prevent them from entering into any agreement prejudicial to British interests.

Lord Curzon, however, wished to point out that, according to their view, they themselves were to be the judge of what was or was not prejudicial to British interests, whereas it was obvious that Great Britain alone could decide what was injurious to her, and this could only be provided for by her retaining the right to control Egypt's treaty-making powers. The delegation had, in fact, admitted the principle.

Mr. Lindsay enquired of Adly Pasha whether he did not think that if Zaghlul became Minister for Foreign Affairs in the near future he might not attempt to make a treaty prejudicial to British interests.

Adly Pasha said that he could not in practice do so without upsetting the treaty.

Lord Curzon said that he was not much impressed by these arguments. First the delegation said that certain things would not happen, and then that if they did happen they would be contrary to the treaty. This was a matter with regard to which he would have to be firm. Other matters he was prepared to discuss, such, for instance, as the title of the High Commissioner, the stage at which Egypt was to be consulted with regard to the agreements with the Capitulatory Powers and the draft judicature laws.

He then turned to the military question. In their statement the delegation had taken up the identical attitude which they had assumed during the previous discussions. Their argument was based on the assumption that in the future no British forces

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would be required in Egypt, either to maintain order, to defend the frontiers, or to protect foreigners, or indeed for any purpose, save only that of protecting British Imperial communications. In the future they maintained that the Egyptian army would be able to fulfil all the other functions referred to. He himself wondered if this would be the case. It could only be shown to be so on one of two hypotheses, either that they had already shown in the past that the Egyptian army was capable of performing such duties, or else that the Egyptian people had such a natural taste for discipline and had displayed such warlike aptitudes that the creation of an excellent army was a simple affair. Neither of these hypotheses was true. The Egyptian peasantry were quite admirable so long as they were left on the soil to cultivate their fields, but he was bound to say that they were the most unwarlike people in the world. When he had been in Egypt years ago, he had seen conscription in force, and had seen the conscripts being taken from their villages. On that occasion these warlike soldiers were howling with dismay, and surrounded by their women and children in lamentation.

Adly Pasha said that they had a detestable conscription law, imposing very long service in the army and subsequently in the police, and this was the reason why military service was unpopular.

Lord Curzon enquired whether he meant to contend that by means of voluntary service they would be able to produce a fine army. If not, he did not see the point of Adly Pasha's remark.

Adly Pasha replied that he merely wished to say that the period of service was too long.

Lord Curzon asked whether it was Adly Pasha's argument that out of the unwarlike population of Egypt they were likely to produce an army which could defend their frontiers, maintain order and protect foreigners.

Adly Pasha said that this was, in effect, his argument, and the proof of it was that when they had been well organised the Egyptian army had been capable of all this.

Lord Curzon said that this might have been the case in the past, and he hoped that it would be again in the future. But he had to refer once more to recent occurrences at Alexandria. How was he to ask foreigners to accept as adequate the protection of Egyptian troops in the light of the report on the Alexandria disturbances? He was aware that Adly Pasha was very sensitive about this report, and had asked that it should not be published. But he must warn the delegation that if they continued to follow the line they had hitherto adopted with regard to British troops in Egypt, he would have to publish the report, and its publication would convince not only British public opinion, but opinion in every foreign country, that the retention of British troops in Egypt was essential to the safety of foreigners. He would repeat once more that he did not wish to publish the report because Adly Pasha did not wish it, and he was desirous of obliging Adly Pasha in every way.

Adly Pasha said that he had not read the whole report.

Lord Curzon replied that he had not read it all, but that he had seen summaries of it.

The delegation could not reasonably adopt the attitude that British forces were to be pushed into a corner in Egypt like the scapegoat in the wilderness, and were to do nothing in peace time and wait till war broke out before they displayed any sign of life. Public opinion here and throughout the Empire would never stand such a suggestion. The delegation seemed to assume that they had won their independence. They had done nothing of the kind. His Majesty's Government were anxious to give it them, but they had not won it by their own exertions. All they had done was to make a rising and kill a few unarmed British soldiers. But neither by gallantry in the field nor by efforts of their own had they vindicated their claim to independence. They were not the giving party, but His Majesty's Government, who were anxious to give as much as possible and to make things easy for them in every way. If the Alexandria report were published he could assure them that they would get much less than he himself was prepared to give them, and he would remind them that in this matter he was their friend to a much greater degree than many others in this country. He would take the case of another country, not so large as Egypt perhaps. He referred to Belgium, whose independence had been guaranteed by treaty since 1830. What had been the use of these guarantees without the necessary troops to maintain them?

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Rushdi Pasha said that he supposed that Belgium would continue to rely upon guarantees in the future.

Lord Curzon said that, on the other hand, the Belgians had found the old arrangement so bad, that they were now continually endeavouring to arrive at some new agreement to provide for the presence of troops when needed in the future.

Rushdi Pasha said that he supposed that this arrangement would not exclude the occupation of Belgian territory by foreign troops in peace time.

Lord Curzon said that Belgium and Egypt did not admit of a close comparison. This question of the troops was one with regard to which he must speak rather seriously. The feeling in Great Britain was very strong on the subject. It was no good his exchanging further notes with the delegation. They must come to some understanding. He was ready to meet them with regard to other points. But in this matter he could hold out no prospects of giving way. He urged them to think the matter over. He had much rather discuss with them where the troops were to be and the numbers to be maintained. Egypt was not in a position to argue that she had as yet vindicated her independence. It might be that in five or ten years they would have done so. In fact, the delegation had said themselves that a time would come when no British troops would be required even to protect Imperial communications. This might be the case for the other purposes, but Lord Curzon could not admit that Imperial communications could ever be left in other than British hands. If the British Government were to say in the House of Commons that they had agreed only to maintain 1,500 or 2,000 men in Egypt, and those exclusively for the protection of Imperial communications, he would not give much for the life of that Government. He did not wish to threaten; it would, in fact, be improper for him to do so. He would urge the delegation to think very seriously over what he had said. He would add nothing more on this occasion, but he thought that possibly they might wish to offer a few observations.

Adly Pasha said that Lord Curzon had passed from point to point without waiting for the observations of the delegation, and he would now like to say a few words, not, perhaps, that they would produce much result, but he felt bound to say something by way of defence in the matter of the troops. After their previous discussion he understood Lord Curzon to say that he would think out the text of some clause in a treaty.

Lord Curzon replied that he had thought it would be better to express the matter in the agreement in general terms, and leave it for the British Government to discuss from time to time with the Egyptian Government where the troops should be retained. It might to-day be necessary to have them in some place where in a few years' time they would not be required. He would ask them to consider Alexandria with a population of some 70,000 foreigners—an enormous proportion. To-day the British Government might well say that British troops must be close at hand to protect these foreigners, whereas, after some years, the necessity might disappear. For this reason he would prefer to leave the matter vague so long as Britain's right to maintain troops was recognised. Before they could go much further it was essential that they should get rid of the idea that there was a distinction between peace time and war, for no British Government could possibly accept such a distinction.

Adly Pasha said that Lord Curzon had referred to the possibility of troops not being required at Alexandria at some future date. Did he not therefore envisage the eventual state of affairs when the troops could be relegated to some zone?

Lord Curzon said that he was not prepared to commit himself so far, but he did not think it would be unreasonable to say that any agreement arrived at with regard to this point might be revised, say, in five or in ten years. Such revision could be arranged for in one of two ways, either by fixing a definite period at which revision should take place or by saying that the arrangement was liable to revision at any moment.

Adly Pasha enquired whether the whole question of maintenance of any troops in Egypt might not be liable to revision.

Lord Curzon replied that he would like to take the delegation to No. 10, Downing Street, so that they could hear what the Dominion Premiers would have to say on that subject.

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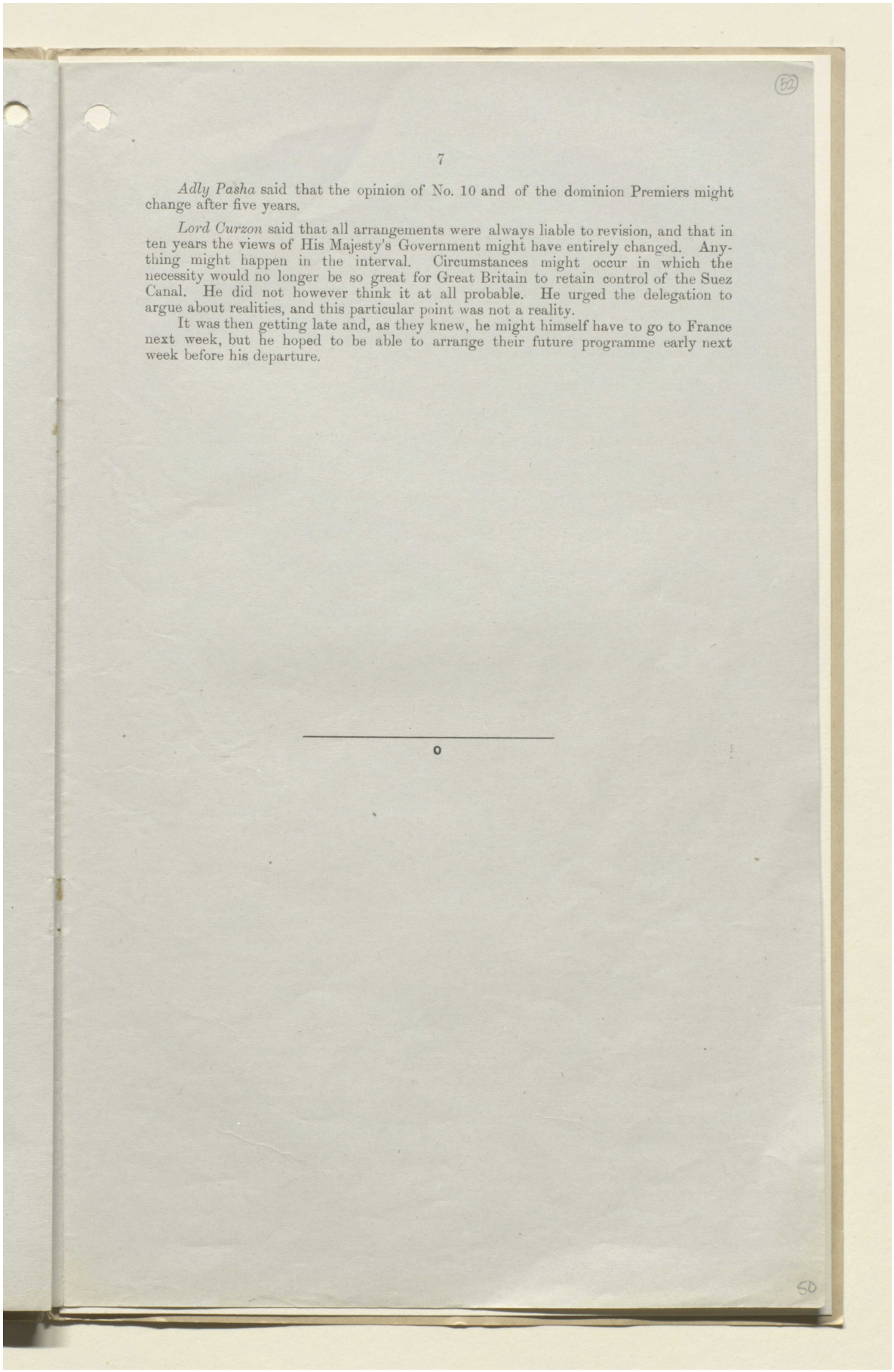

Adly Pasha said that the opinion of No. 10 and of the dominion Premiers might change after five years.

Lord Curzon said that all arrangements were always liable to revision, and that in ten years the views of His Majesty's Government might have entirely changed. Anything might happen in the interval. Circumstances might occur in which the necessity would no longer be so great for Great Britain to retain control of the Suez Canal. He did not however think it at all probable. He urged the delegation to argue about realities, and this particular point was not a reality.

It was then getting late and, as they knew, he might himself have to go to France next week, but he hoped to be able to arrange their future programme early next week before his departure.

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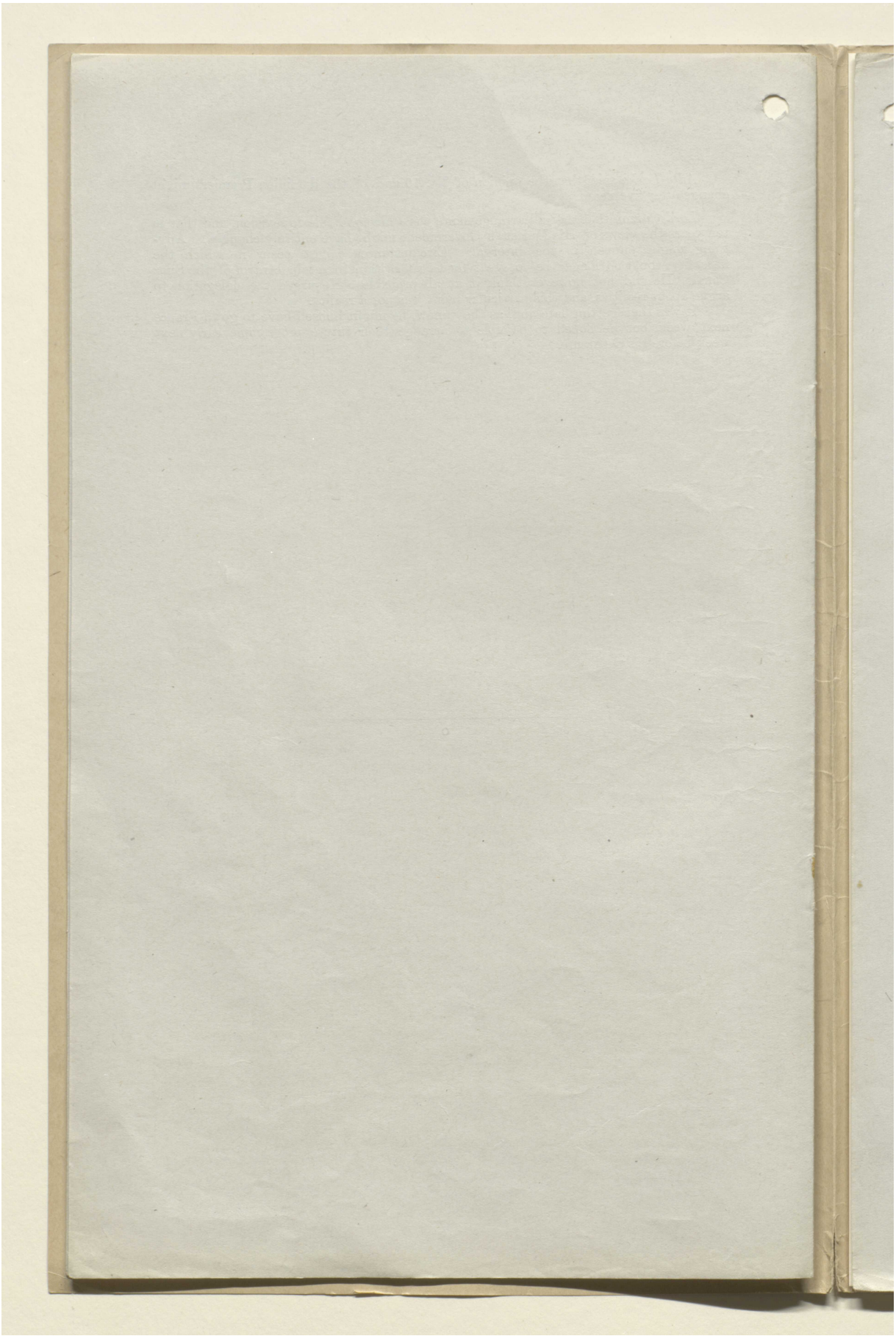

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EGYPTIAN NEGOTIATIONS.

The Marquess Curzon of Kedleston to Sir Adly Yeghen Pasha.

(Private.)

My dear Pasha, *Foreign Office, August* 4, 1921.

I UNDERTOOK this afternoon to draw up a form of words, as expressing the principle of the proposals as regards troops in Egypt to which His Majesty's Government invite your consent (of course, the actual words will admit of alterations).

I have based them in the main on the Milner Report and have framed them in a manner that will, I hope, not wound any of those susceptibilities of which you have been such a valiant defender.

I hope that you and your colleagues may be able to accept them as a basis for the continuance of our meetings. In that case, I shall have great pleasure in instructing Mr. Lindsay to confer with you on other aspects of the case during my absence at Paris.

I am, &c.
CURZON OF KEDLESTON.

Enclosure.

The main object for which Great Britain is called upon to maintain a military force in Egypt is for the protection of her Imperial communications.

In addition she will require, as indicated in Lord Milner's report, to assume the obligation of supporting Egypt in defending the integrity of her territory and of safeguarding foreign interests in Egypt, including the safety of the lives and property of foreigners.

For the due discharge of these obligations it is proposed that British forces shall have free passage through Egypt, and shall be maintained at such places in Egypt and for such periods as may from time to time be determined. They shall also at all times have facilities for the acquisition and use of barracks, exercise grounds, aerodromes and naval yards, and for the free use of naval harbours.

It is realised that the numerical strength and the location of these forces are matters which, as time passes, may admit of reconsideration, and accordingly it is proposed that this article of the treaty shall be open to revision by mutual consent at the end of ten years, when the question shall be re-examined in the light of the then existing situation, regard being had to the ability of the Egyptian Government to assume a fuller measure of responsibility for the execution of the objects to which reference has been made.

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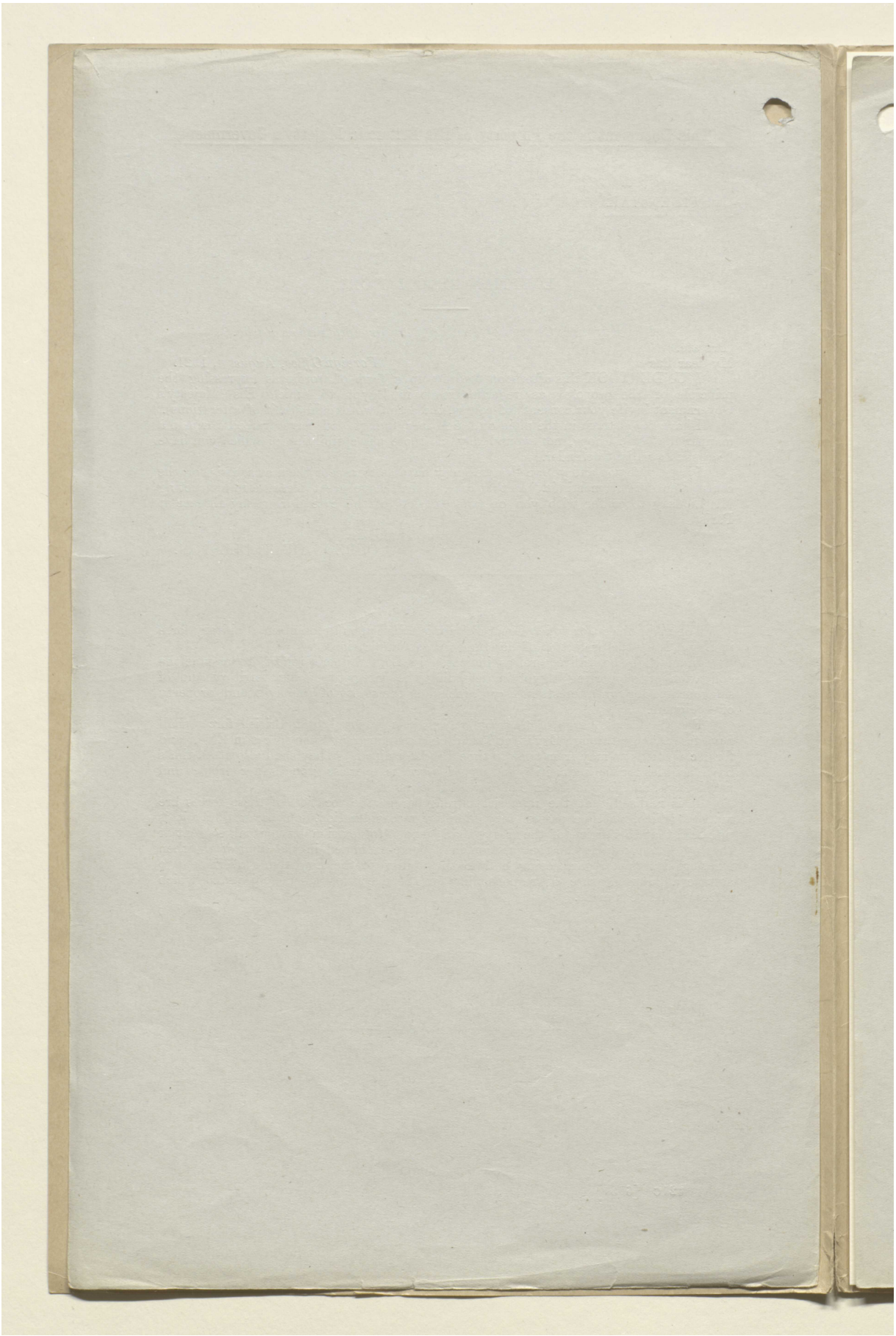

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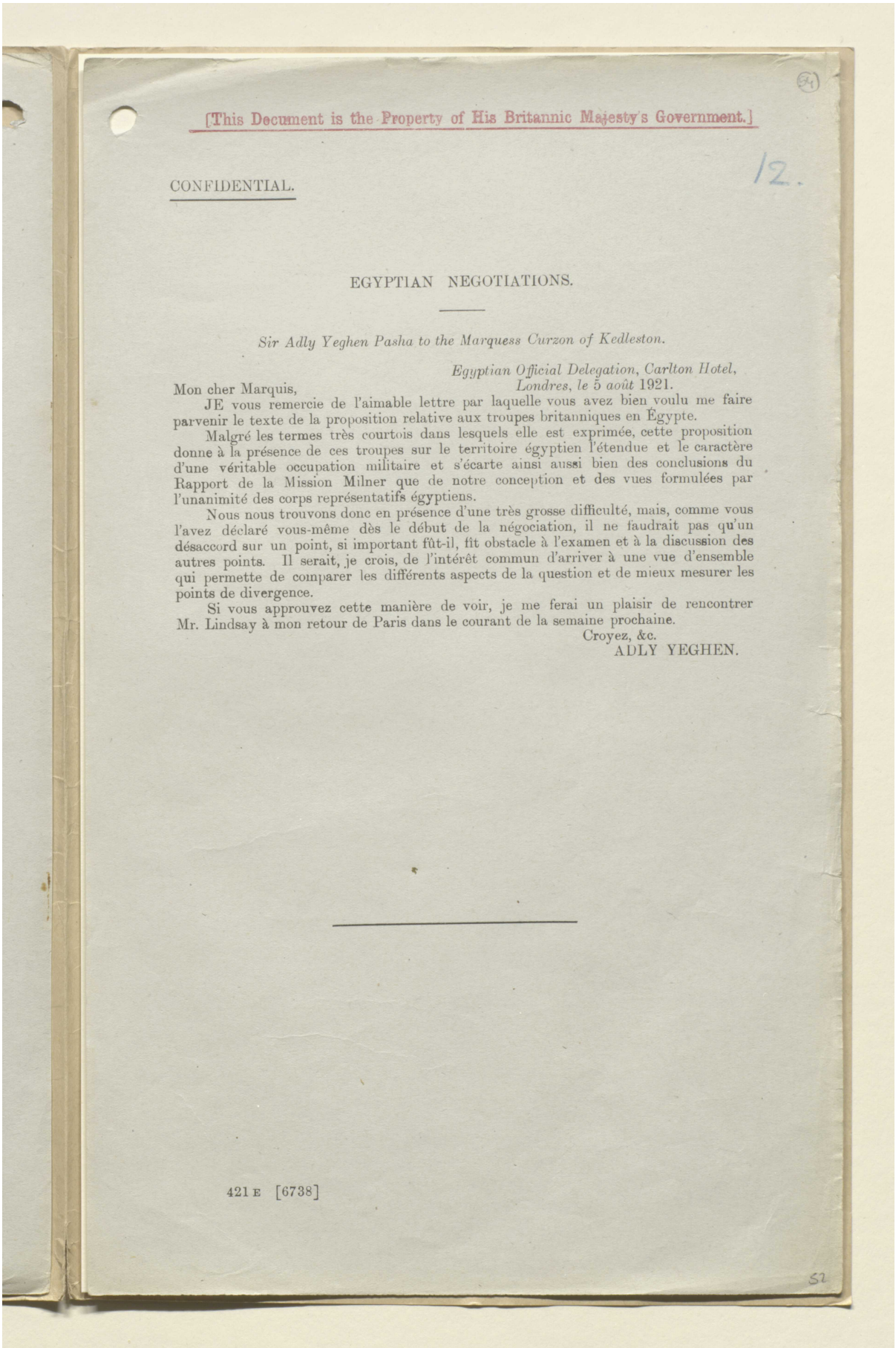

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12.

EGYPTIAN NEGOTIATIONS.

Sir Adly Yeghen Pasha to the Marquess Curzon of Kedleston.

Egyptian Official Delegation, Carlton Hotel,
Londres, le 5 août 1921.

Mon cher Marquis,

JE vous remercie de l'aimable lettre par laquelle vous avez bien voulu me faire parvenir le texte de la proposition relative aux troupes britanniques en Égypte.

Malgré les termes très courtois dans lesquels elle est exprimée, cette proposition donne à la présence de ces troupes sur le territoire égyptien l'étendue et le caractère d'une véritable occupation militaire et s'écarte ainsi aussi bien des conclusions du Rapport de la Mission Milner que de notre conception et des vues formulées par l'unanimité des corps représentatifs égyptiens.

Nous nous trouvons donc en présence d'une très grosse difficulté, mais, comme vous l'avez déclaré vous-même dès le début de la négociation, il ne faudrait pas qu'un désaccord sur un point, si important fût-il, fît obstacle à l'examen et à la discussion des autres points. Il serait, je crois, de l'intérêt commun d'arriver à une vue d'ensemble qui permette de comparer les différents aspects de la question et de mieux mesurer les points de divergence.

Si vous approuvez cette manière de voir, je me ferai un plaisir de rencontrer Mr. Lindsay à mon retour de Paris dans le courant de la semaine prochaine.

Croyez, &c.
ADLY YEGHEN.

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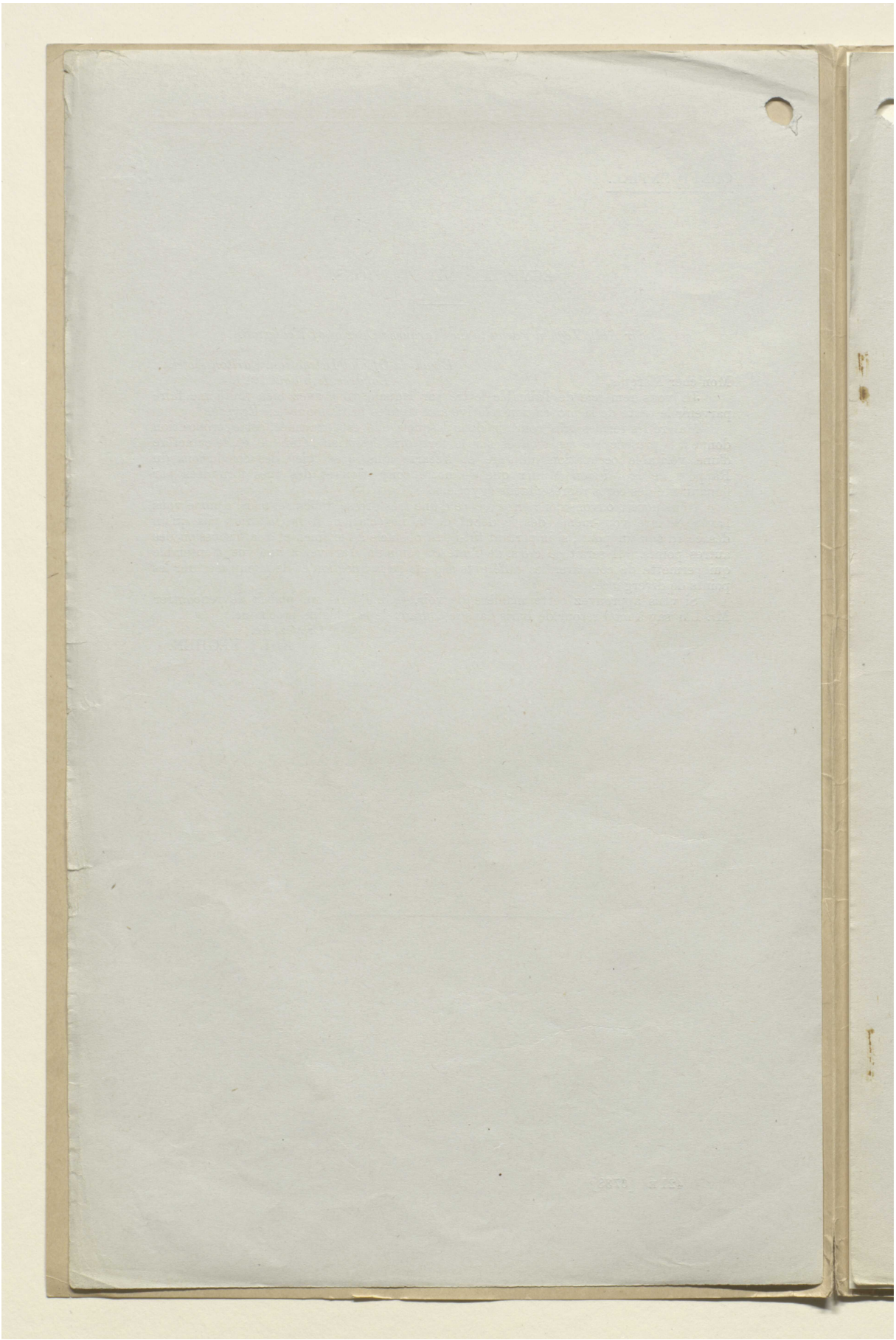

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EGYPTIAN NEGOTIATIONS.

The Marquess Curzon of Kedleston to Sir Adly Yeghen Pasha.

(Private.)

My dear Pasha, *Foreign Office, August* 6, 1921.

YOUR reply is not quite on the lines of what I asked for and fully expected to receive, and it would, I think, have justified me in suspending the further progress of negotiations until my return from Paris.

I understand, however, that, while not rejecting the formula which I submitted, you feel that you would like to know, if you accept it, what are the other points in which we may be able to some extent to meet your views, so that you may have a sort of balance-sheet in your own minds as the negotiations proceed, and may know what you get in return for what you concede.

Acting upon this hypothesis, I am willing that Mr. Lindsay should converse with you and your colleagues in my absence, always bearing in mind that any arrangement or modifications proposed by him will be conditional on your final acceptance of the arrangement as regards the troops and other matters upon which in the end His Majesty's Government may feel it necessary to insist.

I am,
Yours sincerely,
CURZON.

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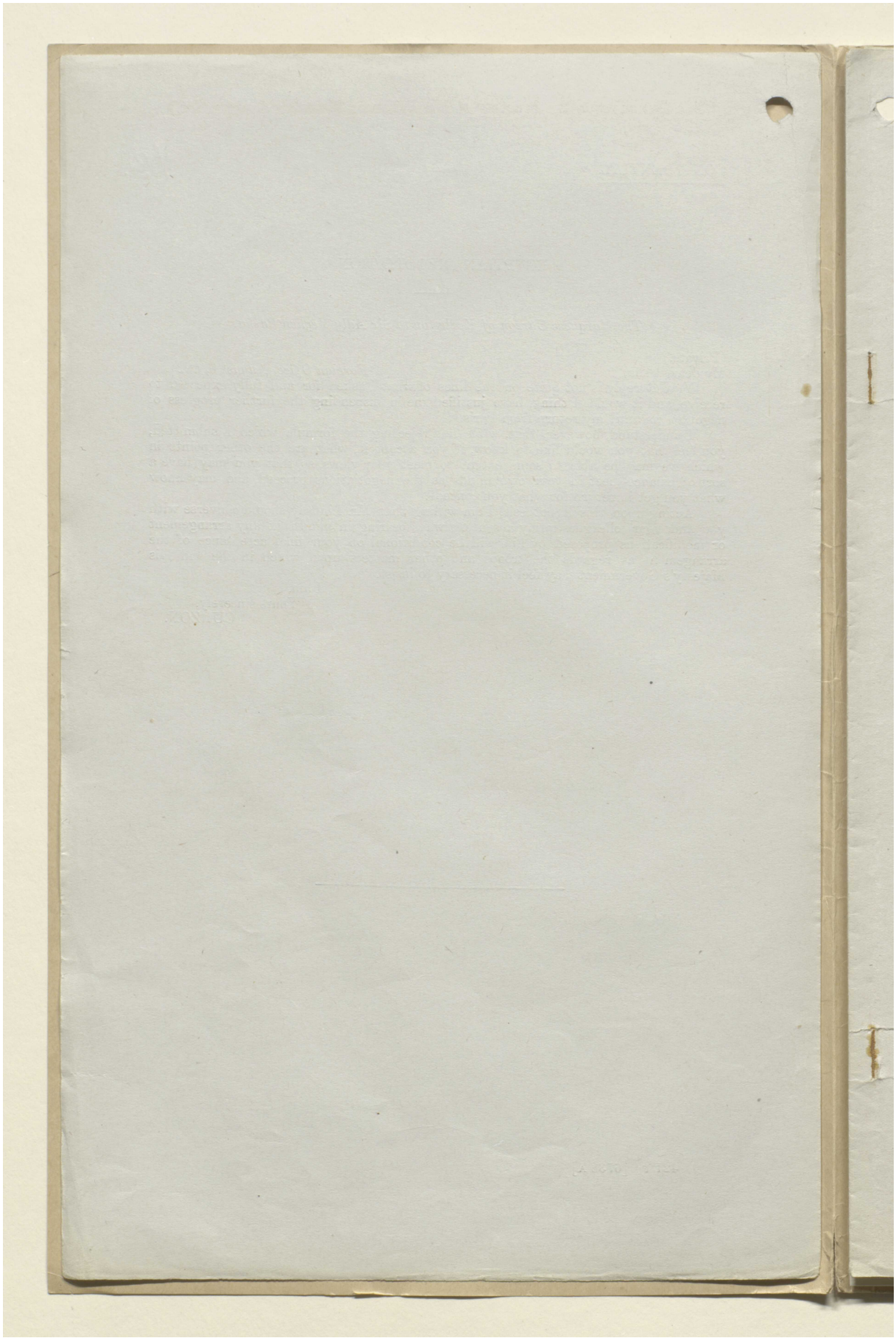

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EGYPTIAN NEGOTIATIONS.

Minutes of Sixth Conference with the Egyptian Official Delegation, held at the Foreign Office, August 17, 1921, at 10·15 A.M.

Present:

Foreign Office.

The Hon. R. C. LINDSAY.
Mr. J. MURRAY.
Mr. E. M. B. INGRAM.

Egyptian Official Delegation.

His Excellency Sir ADLY YEGHEN PASHA (*President*).

Members:

His Excellency Sir HUSSEIN RUSHDI PASHA.
His Excellency ISMAIL SIDKY PASHA.
His Excellency MOHAMMED SHAFIK PASHA.
His Excellency AHMED TALAAT PASHA.
His Excellency YOUSSEF SOLIMAN PASHA.

ABDEL HAMID BEY BEDAWI (*Secretary*).

Mr. Lindsay thought it would be advantageous to begin by a survey of the reservations formulated by the delegation as discussed at the first Conference.

As regards the first reservation—the formal abolition of the protectorate—there was nothing more to be said, since it might be taken as conceded if a general settlement were reached. As regards the second: "Suppression de la seconde disposition de l'alinéa (*a*) de l'article 3 portant d'une manière générale que 'l'Égypte confère à la Grande-Bretagne les droits nécessaires pour la sauvegarde de ses intérêts ainsi que pour la rendre à même d'avancer aux Puissances étrangères les garanties nécessaires pour l'obtention de l'abandon de leurs droits capitulaires,' et cela pour ne pas laisser entendre que l'Égypte conférerait d'autres droits que ceux limitativement énumérés dans le projet," Mr. Lindsay explained that this brought up the whole question of how the Capitulations were to be dealt with in future. He thought that the delegation were already aware of the British views on this subject, but he would attempt to formulate them. He took it that Egypt was anxious to abolish the Capitulations, whilst His Majesty's Government were no less anxious to bring about the same result. It was agreed that there could be no progress in Egypt so long as these shackles remained, but the question was how to proceed. The Milner Report had indicated a certain procedure, but on consideration it would be found very difficult to carry out. The treaties with the various Powers had not all as yet been concluded, and His Majesty's Government did not want to hold up a political settlement in Egypt until the remaining treaties were concluded. Incidentally, this statement answered a further reservation which the delegation had made (No. 3). What he had to propose was this: that, while His Majesty's Government continued to press the Powers to agree to the abolition of the Capitulations, the Egyptians should on their side study in detail the régime to be put into force in their place. It was on the cards that both parties might be ready about the same time.

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Adly Pasha then said that he took it that the discussions which were now commencing did not necessarily imply Egyptian acceptance or otherwise of proposals which had already been ventilated. Subject to this proviso he would open the discussion by asking whether Mr. Lindsay wished to separate the issue of the Capitulations question completely from that of the political treaty.

Mr. Lindsay said that this would certainly be the simplest arrangement, but of course he was ready to listen to any observations that Adly Pasha might wish to make.

Adly Pasha replied that he recognised that a continued attempt to follow the precise lines of the Milner procedure would cause delay in the political settlement, and he therefore asked again whether it was desired to shelve the question of the Capitulations.

Mr. Lindsay said that that was his idea.

Rushdi Pasha then enquired whether there was any intention of making the political settlement contingent on the conclusion of the capitulary conventions.

Mr. Lindsay said that Lord Milner had certainly contemplated such a procedure, and had specifically laid it down.

Rushdi Pasha agreed, but said that if that difficulty was removed they wanted to know exactly what would happen.

Adly Pasha said that if it was decided not to make the two sets of negotiations contingent one on the other, it would be possible together to reach an agreement.

Mr. Lindsay remarked that in fact it was a negative proposition.

Rushdi Pasha said that if, after the conclusion of a political settlement with Egypt, it was desired to modify the capitulary régime, Egypt would have her foreign representatives and would thus be in a position to take part in negotiations.

Mr. Lindsay interjected that he had not said anything about Egypt having foreign representation.

Adly Pasha said that they might suppose it for the sake of argument. It would have to be determined which of the clauses in the Milner Memorandum might be put on one side. He mentioned clause 4, sub-head 5, and clause 3, sub-head 1.

Mr. Lindsay said that as regards the last-named clause it would remain understood that Great Britain would continue the negotiations for the abolition of the Capitulations with the foreign Powers, and to what extent they should be conducted in consultation with Egypt would remain to be settled.

Adly Pasha agreed, but said that no basis for such consultation had been determined

Mr. Lindsay said that what Adly Pasha meant was that he wanted it definitely laid down in black and white that there should be some form of co-ordination as far as these negotiations were concerned.

Adly Pasha agreed

Mr. Lindsay then reminded him that when he had taken office a draft treaty was shown to him. It had not been shown to the previous Government for the reason that that Government had been one merely of affairs.

Adly Pasha said that he thought they would have no objection to offer to the negotiations being continued. It was obviously in the interest both of Egypt and of Great Britain to proceed in agreement, as eventually effect would have to be given to the Capitulations conventions by the promulgation of an Egyptian law.

Mr. Lindsay said that by deferring the question of the Capitulations special articles in the Milner Report would be affected. Besides, the definition of the Judicial Commissioner which the delegation had suggested would be modified, and, indeed, the whole basis of many of their observations. It would, however, be necessary to consider whether all or part of clause 8 of the Milner Memorandum would have to go into the treaty as enunciating general principles. He added that the third and fourth reservations formulated by the delegation had been met by what he had already said.

As regards the fifth reservation, he would sooner pass it over in silence for the

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present, as, were he to discuss it, they would at once find themselves talking about the question of foreign relations, and this was a matter which Lord Curzon himself would deal with.

Adly Pasha said that, even under existing conditions, there was nothing to prevent Egypt being a contracting party in the Capitulations negotiations.

Mr. Lindsay observed that, as Rushdi Pasha had said already, there would have to be close co-operation, and, in any case, by promulgating a law giving effect to the conventions when concluded, Egypt would in fact become a contracting party.

Rushdi Pasha presumed that article 2 of the Milner Memorandum would then be omitted, pointing out that it was more in the nature of a preamble than of a clause in a treaty.

Adly Pasha said that the first reservation had been considered; as regards the second, he thought that it was agreed that this should not come into the treaty. To put the matter in two words, Egypt would not by the treaty confer other rights than those which the treaty itself implied.

Mr. Lindsay said that the third reservation had gone.

Adly Pasha agreed, and said that the fourth naturally followed the same course.

Mr. Lindsay said that there remained the point about which they had just been speaking. Then, as regards the sixth, which concerned the Judicial Commissioner, the delegation had based their proposal on the Milner Memorandum. He would like to know whether, in the light of the altered circumstances, they would wish to make any fresh observations.

Adly Pasha said that this Judicial Commissioner was part of an ensemble, and was in the nature of a new guarantee to foreigners in compensation for their sacrificing their capitulary privileges. The question was not finally settled, and according to Mr. Lindsay it was unnecessary to discuss it. Therefore he would ask why should Egypt give any further guarantees than those which the existing régime of the Capitulations already provided?

Mr. Lindsay said that he saw their point, which implied that foreigners were secure because under the Capitulations they could not be arrested by Egyptian police, as they were protected from Egyptian legislation, and as they had the Mixed Courts to appeal to. He said that this thesis did not appeal to him, nor did he think His Majesty's Government could subscribe to it. Lord Curzon had already developed the arguments on this subject, and showed how life could be made impossible for foreigners by the arrest of native servants or employees on whom they were dependent. In fact, even with the Capitulations, administrative abuses were always possible.

Adly and *Rushdi Pashas* interjected that a foreigner if suffering from such an abuse could always approach his diplomatic representative, who would then make a *démarche*.

Mr. Lindsay said that a *démarche* did not prevent abuses.

Rushdi Pasha enquired what, then, did he want.

Mr. Lindsay said that as Lord Curzon had already explained the Judicial Commissioner must be *au courant* of all that was going on, and must be in a position to give the Egyptian Administration good advice with a view to preventing abuses taking place.

Rushdi Pasha said that this would involve the intervention of the Judicial Commissioner in every branch of the internal administration of the country.

Adly Pasha said that on this basis the rule of the Judicial Commissioner would be to supervise. What? Legislation? No! Abuses, then? This would involve supervising the whole administration of the country in order to prevent abuses.

Mr. Lindsay said that he must certainly have the right of going to the Minister and urging upon him to take steps to check an abuse. It was not contemplated that the Judicial Commissioner should himself take executive action, but he must be able to stimulate the Minister, and, if necessary, to stimulate a subordinate official with the authority of the Minister behind him.

If the Judicial Commissioner saw something about to be done which was wrong,

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he would be quite ineffective if he did not go to the Minister and draw his attention to it.

Rushdi Pasha enquired whether he would interfere with a law which the Minister was preparing.

Mr. Lindsay enquired whether the delegation seriously wished the Judicial Commissioner to keep silence over a law which was obviously going to be harmful.

Adly Pasha said that personally he did not see the necessity of making stipulations about someone who would only have to take action in a purely hypothetical situation.

Mr. Lindsay said that he did see the necessity. For instance, if the local authorities took a dislike to a foreigner they could very easily make his life a burden to him.

Rushdi Pasha said that Mr. Lindsay returned to the question of abuses of administrative power, and that these were either matters for diplomatic representations or for the Mixed Courts. For instance, if a foreigner had been deprived of his water supply he could bring an action for damage against the Egyptian Government.

Mr. Lindsay said yes, he might do so, but in the meantime he would have lost his crop.

Adly Pasha said that they must push matters to their logical conclusion, which was that any Ministry, not merely the Ministry of Justice, might commit abuses, and Mr. Lindsay wished to have a sort of superman who would interfere in everything.

Mr. Lindsay said this was not the case, and, indeed, he wished as far as was practicable to limit the functions of the Judicial Commissioner.

Adly Pasha said that he feared he would inevitably interfere in all directions. When it was merely a question of the reorganised Mixed Courts, the delegation was convinced that the procureur général could do all that was necessary and would provide all the protection which foreigners required. Now, however, it was a question of abuses, not on the persons of foreigners, but on their interests, and in such cases the person who would naturally intervene would be the diplomatic representative of the foreigners concerned. The Egyptians were opposed to the idea of a superman who would control the whole administration of the country.

Mr. Lindsay said that "control" was not the right word. He would merely keep an eye on the administration, and, with the authority and support of the Minister behind him, he would be in a position effectively to protect foreign interests.

Adly Pasha said that other Ministries besides the Ministry of Justice were concerned, such as the Ministry of Public Works, the Ministry of Agriculture, &c.

Mr. Lindsay said that this was a fair point, but the police were the most important aspect of the administration for foreigners, and, as the police were under the Ministry of the Interior, it was thought that the Judicial Commissioner should be able to intervene in that quarter.

Rushdi Pasha reiterated that foreigners had the Mixed Courts and their diplomatic representatives to protect them.

Mr. Lindsay said that this was not enough.

Sidky Pasha said that the point at issue concerned administrative abuses. How could the Judicial Commissioner interfere with the Ministry of Public Works or the Ministry of Communications? Under Mr. Lindsay's scheme he would have to deal with each Ministry turn about.

Mr. Lindsay said that he was not impressed by these difficulties.

Rushdi Pasha maintained that the scheme would result in intervention in internal affairs entirely incompatible with independence.

Mr. Lindsay said that these were only words, and he did not mind what form the stipulation took provided that it was of a nature to reassure foreigners. The delegation knew well enough what foreign apprehensions were.

Adly Pasha said that their only fear was the loss of their capitulary privileges.

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Mr. Lindsay said that this was not at all the case. What foreigners were afraid of was a purely native administration, with power to abuse them. He had done his best to make this clear.

Adly Pasha said that above all things the foreigners feared the loss of the Capitulations. If they were now to be given a Judicial Commissioner, when an attempt was made to abolish the Capitulations, foreigners would insist on further guarantees.

Mr. Lindsay said that in addition to their capitulary privileges the foreigners who had settled, or who were conducting business in Egypt, knew that they enjoyed complete security owing to British influence arising out of the occupation.

Rushdi Pasha said that the British occupation only dated from 1882, and before that foreigners had had no security other than that provided by the Capitulations.

Mr. Lindsay interjected that before 1882 injustice and oppression were rife, and that was the state of affairs to which he did not wish Egypt to revert. He had explained the suggestions which the Foreign Office wished to make, and a written formula had already been supplied to the delegation.

Rushdi Pasha said that the formula was very vague.

Mr. Lindsay said that it was necessarily vague.

Rushdi Pasha said that he had prepared a reply, which he handed to Mr. Lindsay (see Annex (A)).

Mr. Lindsay promised to consider it.

Adly Pasha said that the result was that Mr. Lindsay insisted on the presence of someone who could fulfil the functions assigned to him in Lord Curzon's formula. Was it not possible that some other definition of his functions might be found?

Mr. Lindsay said that he was very anxious to find another definition or formula, but, whenever he attempted to do so, Rushdi Pasha raised his hands in protest. He had given the matter a great deal of consideration, and had not confined himself to the exact text of Lord Curzon's formula.

Adly Pasha then drew attention to the passage in the Milner Report on p. 39, which read: "Subject to these safeguards for the special interests of Great Britain, and the protection of foreign rights, we hold that the Government of Egypt should be restored in fact to what it has always, during our occupation, been in theory—a Government of Egypt by Egyptians."

Mr. Lindsay said that he accepted this proposal provided that means could be found to enable foreigners to live peaceably in Egypt, as long as they behaved themselves. They had been able to live peaceably there hitherto, because for the last forty years, in addition to the Capitulations, there has been strong British influence throughout the Government. The delegation now proposed that this British influence should be greatly diminished, and consequently it would be necessary to convince foreigners that their conditions of life in Egypt would still be tolerable.

Adly Pasha said, assuming that the Egyptians were to govern themselves, what safeguards was it necessary to give to foreigners? They were of two kinds, legislative and administrative. The legislative safeguards might for a moment be disregarded, as they already existed, and it was not now proposed immediately to modify them. There remained therefore the administrative safeguards. The delegation held that the Capitulations provided all the necessary guarantees, whereas Mr. Lindsay argued that this was not the case, because the British influence hitherto exercised in the Egyptian Government provided a further and important guarantee.

Adly Pasha was not prepared unreservedly to accept this proposition, because he felt himself that the Capitulations were sufficient to satisfy the foreigners. Besides, if they were given something new now, they would only ask for more when they were invited to surrender their exterritorial privileges.

Rushdi Pasha suggested that the difficulty might be got over by the insertion in the treaty of a provision which would ensure some such guarantee as was now proposed becoming effective at the moment when the Capitulations were actually suppressed.

Mr. Murray said that the situation appeared to him to be, roughly, as follows: In 1915, in the conditions then obtaining in Egypt, it would have been possible for His

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Majesty's Government to go to the capitulary Powers and invite them to surrender their exterritorial privileges as being no longer necessary, having regard to the fact that Egypt was comparable to any civilised country in respect of the conditions of security and comfort which she offered to foreigners who were her guests. Now, however, the Egyptians were most anxious that His Majesty's Government should, by abolishing the protectorate and in a great measure renouncing all the control hitherto exercised by them in Egypt, completely alter the situation as compared with 1915. If His Majesty's Government were to meet the wishes of the delegation in full, they could no longer go to foreign Powers and invite them to surrender their capitulary privileges without offering them something very substantial in return.

Mr. Lindsay said that he thought both the delegation and His Majesty's Government were agreed that it was highly undesirable to leave the Capitulations in force for ever.

Adly Pasha said that what seemed to be wanted was some sort of guarantee which would meet the case whether the régime was capitulary or non-capitulary, but what he feared was that a fresh guarantee would be required by the capitulary Powers when the question of the abolition of the Capitulations should come to be raised.

Mr. Lindsay pointed out that the conventions hitherto concluded had all been on the basis of the existing protectorate.

Adly Pasha said that he understood that Mr. Lindsay's point was that the protectorate had in fact given foreigners a supplementary guarantee.

Mr. Murray said that this was the case; admittedly, the existing régime supplied the necessary guarantees for foreign interests. If, therefore, without abolishing the Capitulations, and as a result of a political agreement between England and Egypt, the same guarantees could be furnished when it came to be a question of altering the status of the Mixed Courts and doing away with the capitulary privileges, the instrument setting up the new courts would have to be itself of such a nature as to ensure to foreigners the same safeguards that they had hitherto enjoyed.

Adly Pasha endeavoured to summarise his point of view as follows Mr. Lindsay said that the foreigners were now contented because of the measure of British influence exercised over the Administration, but Adly Pasha's contention was that, when the Capitulations were abolished, the capitulary Powers would then have got accustomed to the régime under the treaty and would require safeguards before consenting to the relinquishment of their privileges. What in effect this came to was that His Majesty's Government were asking the Egyptians to concede something to the foreigners now without Egypt getting anything in return, and at the same time laying the Egyptian Government open to the possible necessity of having to concede further safeguards when the question of the abolition of the Capitulations should come to be raised.

Mr. Lindsay after a pause reverted to the question of the Financial Commissioner dealt with in the seventh reserve of the delegation. He said that they had already suggested a formula, but he noticed that this formula depended entirely on the Financial Commissioner inheriting the functions hitherto fulfilled by the Debt Commissioners, but they were now discussing the question on the basis of the continuance of the Debt Commission. He thought that both parties were agreed in their desire that this commission should eventually be abolished.

Adly Pasha pointed out that the Debt Commission was, in the eyes of the Egyptian public, the sole justification for the existence of the proposed Financial Commissioner.

Mr. Lindsay reminded him that, if the Debt Commission disappeared, the essential part of it would, none the less, have to remain.

Adly Pasha said that there was no real objection to the powers of the Debt Commission passing into the hands of an English official.

Mr. Lindsay said that he, personally, did not much mind whether the powers of the Debt Commission were concentrated in the hands of one Englishman or in the hands of the three present Commissioners. His Majesty's Government had, however, felt obliged to assign other functions to the Financial Commissioner; for one thing, the functions of the Debt Commissioners were not really enough to keep him employed, but the formula suggested by the delegation would expressly limit the Financial Commissioner to the functions of the Debt Commissioners.

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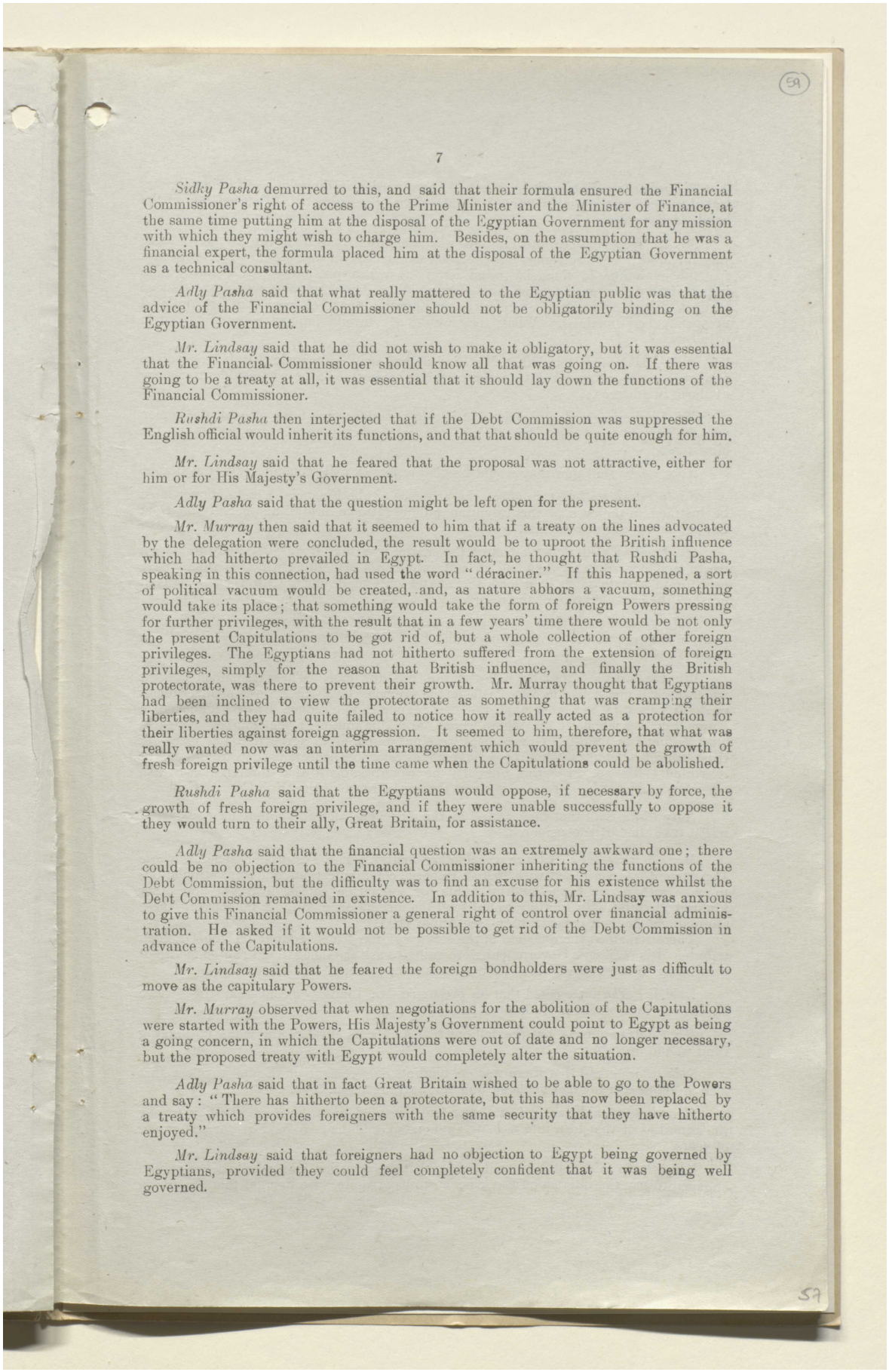

Sidky Pasha demurred to this, and said that their formula ensured the Financial Commissioner's right of access to the Prime Minister and the Minister of Finance, at the same time putting him at the disposal of the Egyptian Government for any mission with which they might wish to charge him. Besides, on the assumption that he was a financial expert, the formula placed him at the disposal of the Egyptian Government as a technical consultant.

Adly Pasha said that what really mattered to the Egyptian public was that the advice of the Financial Commissioner should not be obligatorily binding on the Egyptian Government.

Mr. Lindsay said that he did not wish to make it obligatory, but it was essential that the Financial Commissioner should know all that was going on. If there was going to be a treaty at all, it was essential that it should lay down the functions of the Financial Commissioner.

Rushdi Pasha then interjected that if the Debt Commission was suppressed the English official would inherit its functions, and that that should be quite enough for him.

Mr. Lindsay said that he feared that the proposal was not attractive, either for him or for His Majesty's Government.

Adly Pasha said that the question might be left open for the present.

Mr. Murray then said that it seemed to him that if a treaty on the lines advocated by the delegation were concluded, the result would be to uproot the British influence which had hitherto prevailed in Egypt. In fact, he thought that Rushdi Pasha, speaking in this connection, had used the word "déraciner." If this happened, a sort of political vacuum would be created, and, as nature abhors a vacuum, something would take its place; that something would take the form of foreign Powers pressing for further privileges, with the result that in a few years' time there would be not only the present Capitulations to be got rid of, but a whole collection of other foreign privileges. The Egyptians had not hitherto suffered from the extension of foreign privileges, simply for the reason that British influence, and finally the British protectorate, was there to prevent their growth. Mr. Murray thought that Egyptians had been inclined to view the protectorate as something that was cramping their liberties, and they had quite failed to notice how it really acted as a protection for their liberties against foreign aggression. It seemed to him, therefore, that what was really wanted now was an interim arrangement which would prevent the growth of fresh foreign privilege until the time came when the Capitulations could be abolished.

Rushdi Pasha said that the Egyptians would oppose, if necessary by force, the growth of fresh foreign privilege, and if they were unable successfully to oppose it they would turn to their ally, Great Britain, for assistance.

Adly Pasha said that the financial question was an extremely awkward one; there could be no objection to the Financial Commissioner inheriting the functions of the Debt Commission, but the difficulty was to find an excuse for his existence whilst the Debt Commission remained in existence. In addition to this, Mr. Lindsay was anxious to give this Financial Commissioner a general right of control over financial administration. He asked if it would not be possible to get rid of the Debt Commission in advance of the Capitulations.

Mr. Lindsay said that he feared the foreign bondholders were just as difficult to move as the capitulary Powers.

Mr. Murray observed that when negotiations for the abolition of the Capitulations were started with the Powers, His Majesty's Government could point to Egypt as being a going concern, in which the Capitulations were out of date and no longer necessary, but the proposed treaty with Egypt would completely alter the situation.

Adly Pasha said that in fact Great Britain wished to be able to go to the Powers and say: "There has hitherto been a protectorate, but this has now been replaced by a treaty which provides foreigners with the same security that they have hitherto enjoyed."

Mr. Lindsay said that foreigners had no objection to Egypt being governed by Egyptians, provided they could feel completely confident that it was being well governed.

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Sidky Pasha maintained that the sole apprehension in the minds of foreign Powers was the fear that the fiscal policy of Egypt might be misdirected if left entirely in the hands of Egyptians.

Mr. Lindsay pointed out that there was something more than this at stake: there was the question of solvency. He felt sure that Sidky Pasha would agree with him that degeneration of financial administration was a process which could go on imperceptibly, but at the same time very rapidly. The foreigners would say that so long as British control was exercised over Egyptian finance a period of unparalleled prosperity had obtained. What, they would ask, would happen were that control withdrawn?

Adly Pasha interjected that Mr. Lindsay had said previously that it was not so much a question of establishing a control as of having someone who could utter a cry of alarm in advance.

Mr. Lindsay agreed, and said that if a cry of alarm was to be uttered, the person who uttered it must have knowledge, and consequently must have access to the Ministers.

Adly Pasha said that they would be glad to have a real economic expert available.

Sikdy Pasha said that, in effect, the presence of the Financial Commissioner must be justified in the eyes of the Egyptian public, in some form or another, if the Debt Commission continued to exist.

Mr. Lindsay said that the fact of the matter was that it was necessary to have a treaty, and consequently they had to put into words something which it would have been quite easy to gloss over had the matter only to be dealt with verbally. That finished the consideration of the reserves.

Adly Pasha said that there still remained the eighth reserve about Egypt's treaty-making powers. He understood that Lord Curzon was not altogether indisposed to accept this.

Mr. Lindsay said that he believed this was the case. There remained a point which he had mentioned to Adly Pasha on the previous day. His Majesty's Government were prepared to recognise that the new régime would reduce British influence in Egypt, and consequently that there would be a diminution in the number of British officials, but His Majesty's Government were not prepared to agree that the places of these officials should be taken by foreigners, as to whose selection they would not be consulted. To get over this difficulty he would suggest that foreign non-British officials should not be appointed without the concurrence of the High Commissioner.

Adly Pasha said that they agreed to the principle, and the actual form which it might take should be considered.

Mr. Lindsay said that there was another matter. The Postmaster-General, whose Department was concerned with British Imperial communications, had some stipulations to make with regard to the landing rights for submarine cables in Egypt and other kindred matters. Mr. Lindsay would send the delegation a formula embodying these stipulations for their consideration (see Annex (B)).

There remained the question of the service of the loans secured on the Ottoman tribute. His Majesty's Government were going to ask the delegation to agree to Egypt continuing to meet the service of these loans as at present.

Rushdi Pasha interjected that he presumed Mr. Lindsay meant that the service should continue until the loans were paid off.

Mr. Lindsay agreed, but pointed out that for the smallest of the loans no sinking fund was in operation.

Sidky Pasha said that there was no binding engagement on Egypt to meet that loan at all, as Turkey had made an unilateral arrangement.

Mr. Lindsay said that in fact Egypt had accepted an order from Turkey to pay the annuities of that loan into a bank in London, and had so paid it for a number of years.

Adly Pasha said that it seemed to him that the question was whether Egypt had engaged to pay the interest on the loans or to pay tribute. He thought that something

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very similar had happened in the case of Bulgaria, and that it would be worth while looking into this as likely to supply a precedent.

Mr. Lindsay said that, as a vassal State of the Ottoman Empire, Egypt was bound to pay tribute. From this obligation she had been freed by the British victory over Turkey, and the price she was now being asked to pay for this liberation was a relatively small one.

The Conference then adjourned, and it was decided to hold a further meeting on Friday, the 19th August, at 10·15 A.M.

Annex (A.)

Note complémentaire sur le Commissaire judiciaire.

Nous avons toujours pensé que la demande de la nomination d'un Conseiller ou d'un Commissaire judiciaire était consécutive à l'extension de la compétence des Tribunaux mixtes à la répression des crimes et délits commis par les étrangers : sans cette extension les agents de la police judiciaire se trouveront sans action à l'égard des étrangers, soit pour les arrêter, soit pour pénétrer dans leur domicile, et par suite sans occasion pour commettre un abus de pouvoir à leur encontre.

Nous étions d'autant plus fondés à considérer la demande de cette nomination comme connexe à l'extension de la compétence des Tribunaux mixtes au pénal que les Puissances ont consenti à la création de ces tribunaux tels qu'ils fonctionnent actuellement, sans se préoccuper de la question de savoir s'il y aurait ou non, au Ministère de la Justice, un Commissaire judiciaire étranger Le Conseiller judiciaire n'a fait son apparition que bien plus tard ; il a été créé à la demande de l'Angleterre seule, ou plutôt imposé par elle, et il constitue une des formes de la politique d'intervention dans les affaires intérieures de l'Égypte.

Un Commissaire judiciaire qui serait nommé au Ministère de la Justice, indépendamment de l'extension de la compétence mixte au pénal, et qui aurait pour mission " d'attirer l'attention du Gouvernement égyptien sur les abus de pouvoir qui viendraient à être commis contre les étrangers par ses agents, aux fins de faire cesser l'abus s'il persiste encore, et de provoquer les sanctions nécessaires contre l'agent ou les agents responsables," ferait double emploi avec les représentations diplomatiques qui ne manquent pas de se produire en pareils cas et que la présence de ce fonctionnaire ne saurait empêcher. On ne pourrait même pas ajouter que le Commissaire judiciaire se tiendrait à la disposition du Gouvernement égyptien pour consultation, l'Égypte ne manquant pas d'experts légistes.

Annex (B).

Mr. Lindsay to Adly Pasha.

My dear Pasha, *Foreign Office, August* 17, 1921.

I am sending you herewith, for your consideration, as promised at the Conference this morning, a copy of the provisions regarding cable and wireless rights which we should like to see secured in any treaty that may eventually be drawn up.

Yours sincerely,
R. C. LINDSAY.

Cable and Wireless Rights.

For the purpose of safeguarding British Imperial communications—

1. The Egyptian Government agree that they will not grant permission for the landing of submarine cables or the establishment of wireless stations for communication with places outside Egypt without the concurrence of His Majesty's High Commissioner.

2. The Egyptian Government agree that the existing cable-landing rights and

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wireless concessions granted by the present Egyptian Government or their predecessors shall continue in force.

3. The Egyptian Government accord to His Majesty's Government the right to land additional submarine cables and to establish additional wireless stations for communication with places outside Egypt.

4. The Egyptian Government agree to grant similar facilities to telegraph companies, if so requested by His Majesty's Government and upon such conditions as they may recommend.

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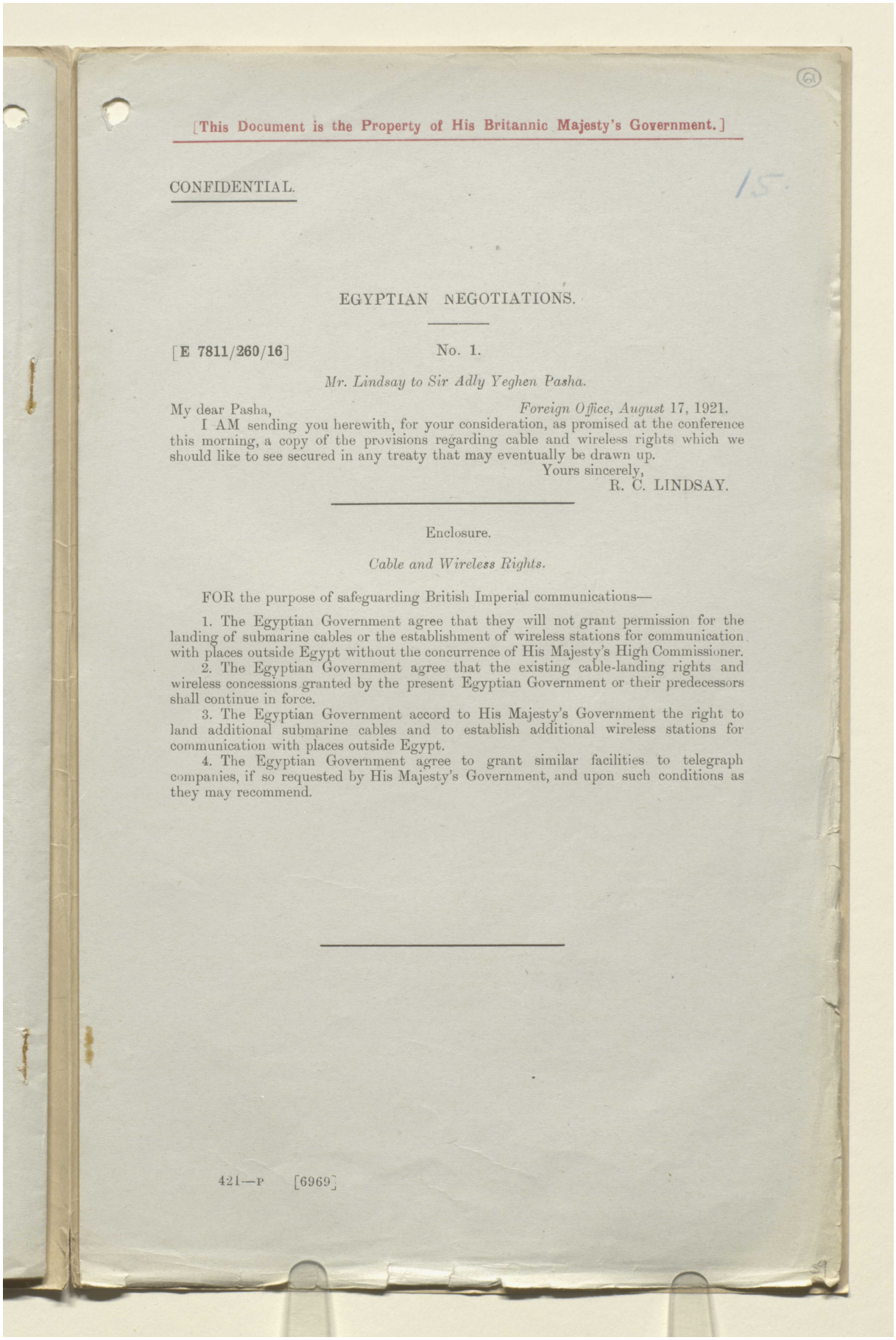

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15.

EGYPTIAN NEGOTIATIONS.

[E 7811/260/16] No. 1.

Mr. Lindsay to Sir Adly Yeghen Pasha.

My dear Pasha, *Foreign Office, August* 17, 1921.

I AM sending you herewith, for your consideration, as promised at the conference this morning, a copy of the provisions regarding cable and wireless rights which we should like to see secured in any treaty that may eventually be drawn up.

Yours sincerely,
R. C. LINDSAY.

Enclosure.

Cable and Wireless Rights.

FOR the purpose of safeguarding British Imperial communications—

1. The Egyptian Government agree that they will not grant permission for the landing of submarine cables or the establishment of wireless stations for communication with places outside Egypt without the concurrence of His Majesty's High Commissioner.
2. The Egyptian Government agree that the existing cable-landing rights and wireless concessions granted by the present Egyptian Government or their predecessors shall continue in force.
3. The Egyptian Government accord to His Majesty's Government the right to land additional submarine cables and to establish additional wireless stations for communication with places outside Egypt.
4. The Egyptian Government agree to grant similar facilities to telegraph companies, if so requested by His Majesty's Government, and upon such conditions as they may recommend.

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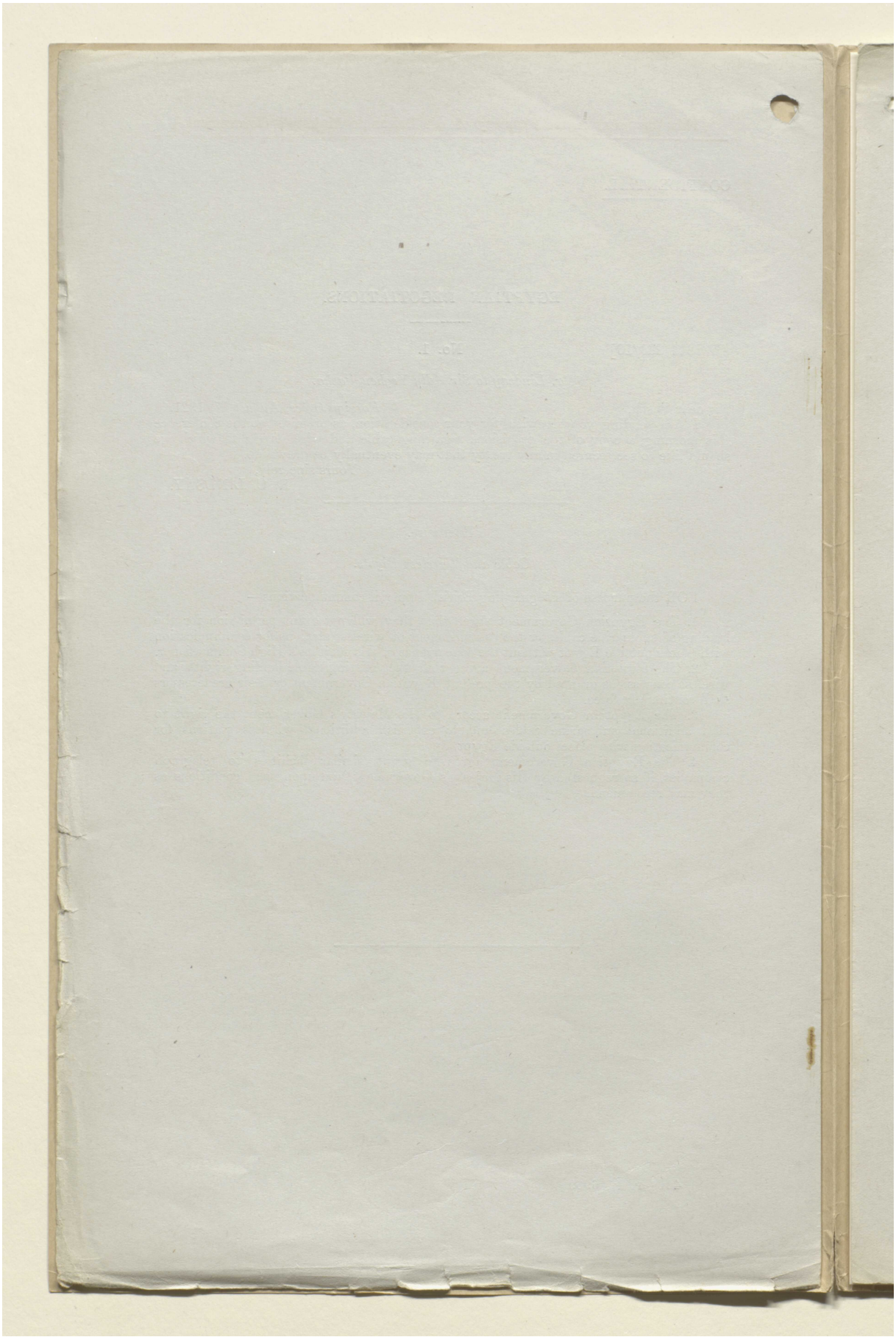

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[E 9527/260/16]

EGYPTIAN NEGOTIATIONS.

Minute by Mr. Lindsay.

Lord Curzon,

AS I told you yesterday, we were to have had another meeting this morning with the Egyptians, but at the appointed hour, instead of the whole delegation, Adly came alone. He said that these full meetings, where everyone has to sustain his point of view by argument of some sort, are useless, and he wanted to try by quiet discussion whether he could not come to some agreement. In the hour and a half's talk that ensued there was in fact not one word on either side of argument "to the gallery"; both he and we faced facts and discussed them quite frankly.

He started off on the Financial Adviser, and made it quite plain that, in his personal opinion, some such official was wanted, and equally plain that the clamour of an Egyptian opposition would make the provision of an avowed official of this nature impossible. His position was now still more difficult, because, if the "Caisse de la Dette" was to remain as at present, it would no longer be possible to camouflage a Financial Adviser under the cloak of a Debt Commissioner. On this we remarked that, though the functions of the Debt Commissioner were very narrowly defined in Egyptian law, so that he was useless for our purposes, could we not give him a dual personality —make him a Debt Commissioner and something else besides? There was this difficulty, that the law provided that he should have no other functions; but we had in 1916 broken the law flagrantly and blatantly by the appointment made of a French Debt Commissioner, who was also manager at a French bank, and nobody had said anything. Perhaps, therefore, we might make the Caisse a jumping off ground for something more effective than a mere Commissioner of the Debt.

We then turned to the Judicial Adviser, as to whom Adly felt far greater difficulty because, as he said, you can't make him *something* without making him *everything* However, in the course of talk, he made two new suggestions. The first was, why don't you appoint some official under the High Commissioner, whom he could send anywhere to investigate any complaint or abuse; then there would be no need to put him into any treaty at all.

This is the conception of advisers put forward in Hayter's memorandum, about which you spoke to me last night. We therefore displayed interest in the idea, ascertained that what was in Adly's mind was a kind of inspector who would have to depend for his ability to get information from Egyptian offices on the prestige of his position as a servant of the British representative; and did not commit ourselves in any way.

Adly's second suggestion was that it might be reasonable and feasible to stipulate that the commandants of police in Alexandria, Port Said, and perhaps Cairo should be British. This he thought would be possible because everyone knew what a commandant of police was and could define his powers in his own mind, and probably would not object to their being English. As he said, they had had foreign commandants in Alexandria before the occupation.

This idea we took up and we proceeded on the lines of breaking up the Judicial Adviser into his component parts. We suggested first that it would be necessary to have an Inspector-General over all three commandants, at Cairo, to co-ordinate their administrations. And as something is wanted on the legal and legislation side, we suggested that Europeans should be appointed in the Ministries of the Interior and Justice as "conseillers sultaniens." (These are the Legal Advisers to the various Ministries, who, united into a committee, are the Law Officers of the State, and also constitute a kind of Committee on Legislation.) These ideas, which are all in consonance with the justifications which Adly found for himself when he suggested English Police Commandants, he did not demur to; but he said he was speaking without previous consultation with his delegation; and of course the conversation has no binding force on either party to it.

All these suggestions therefore may fall through; but for the moment we have perhaps got off unfruitful ground. We are resuming conversations to-morrow.

August 19, 1921.

R. C. L.

C.

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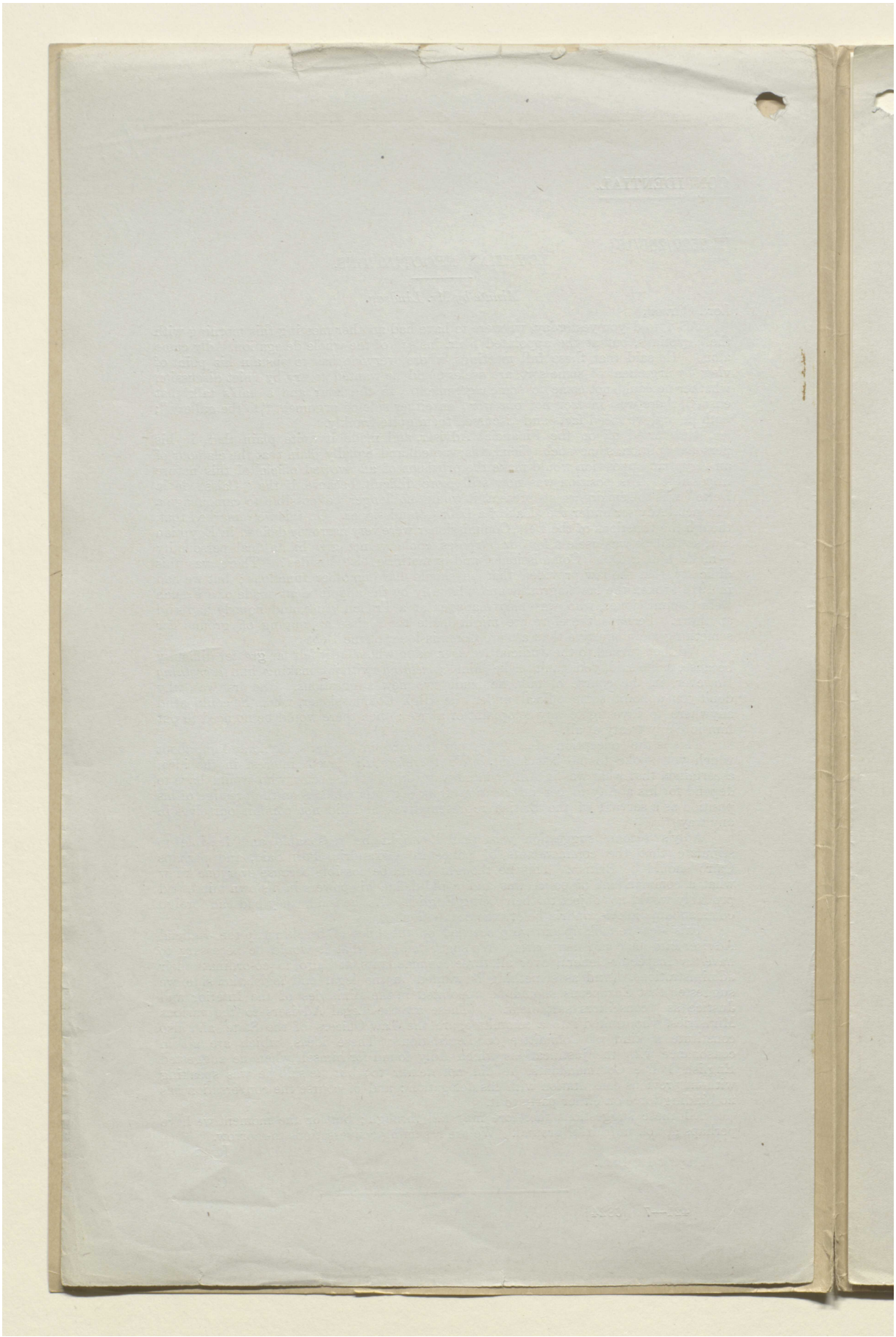

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17

EGYPTIAN NEGOTIATIONS.

[E 9677/176/16]

Mr. Lindsay to Sir Adly Yeghen Pasha.

My dear Pasha, *Foreign Office, August* 19, 1921.

AS I promised you this morning in the course of our conversation, I now forward for your consideration the text of an article which it has been suggested might be inserted in the treaty with regard to the future of the Suez Canal.

Yours sincerely,
R. C. LINDSAY.

Enclosure.

Suez Canal.

DURING the ten years immediately following the coming into force of this treaty the Egyptian Government will, in consultation with the Suez Canal Company and the British High Commissioner, frame proposals for the extension for a further period of fifty years of the concession held by the said company.

Any question on which parties are unable to agree with regard to the terms on which the extension shall be granted shall, unless otherwise mutually agreed, be determined by an umpire appointed by the Council of the League of Nations. In the event of the company declining the extension on the terms so settled, the Egyptian Government and His Majesty's Government will determine in concert the status and management of the Canal after the expiration of the concession.

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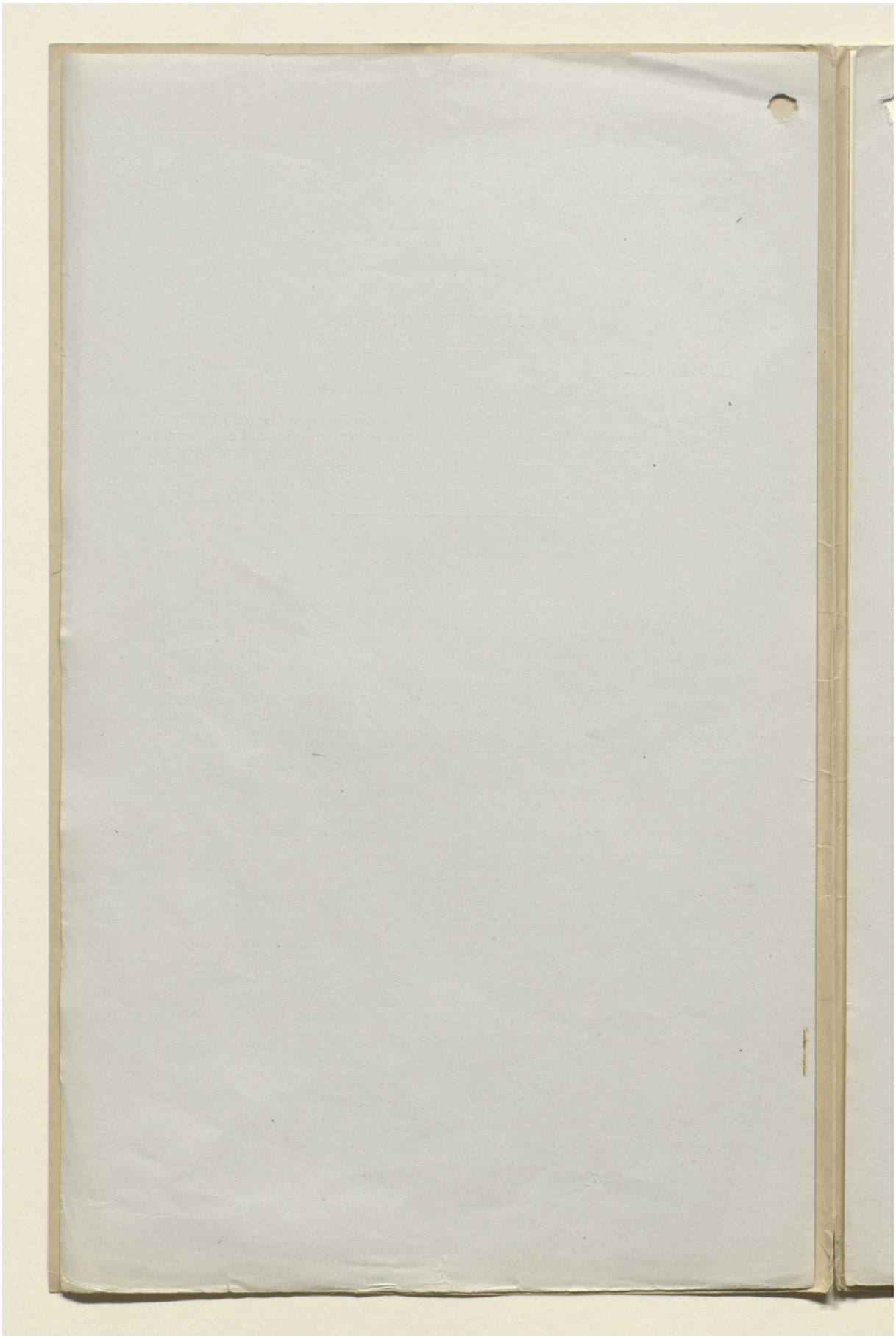

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18.

CONFIDENTIAL.

EGYPTIAN NEGOTIATIONS.

[E 9590/260/16]

Minute by Mr. Lindsay.

Lord Curzon,

ADLY PASHA called this morning and we resumed discussion of the Advisers in the tone which prevailed yesterday. We finished up by sending him away with the two formulæ, which I annex, to think over.

Over the finance formula he made little difficulty. He made some question over the wide powers of enquiry contemplated, and he reserved the question of the loans charged on the tribute (the last words of the formula) as to which his delegation was making some investigations. He also threw out the interesting suggestion that an English Under Secretary for Finance might be stipulated for in the treaty.

Over the other formula, for the protection of foreigners, he had far more hesitation. It is true that whereas yesterday he had only tentatively suggested an English commandant in Cairo, to-day he accepted that idea without demur; and he had nothing to say about the Sultanic Advisers. It was the Inspector-General at Cairo over the three police commandants that gave him difficulty. He reminded us that Inspectors-General of Police had existed before in Egypt, that they had exercised great powers, and that they had finally been merged into the Adviser of the Interior. All this I admitted, but pointed out that an English Minister could not in Parliament defend a position in which he was providing safeguards for Europeans in three towns and nothing at all for Europeans outside them. His answer—the only piece of talking to the gallery that we had—was that Europeans outside the towns were in quite a different position, and did not require any special guarantees. He admitted that some central authority over the three commandants was wanted, but said it ought not to be in the treaty, and of course the Egyptian Government could, and indeed would, have to provide it.

I am inclined to think that what he really wants is to avoid all appearance of any English control in the Ministry of the Interior. That Ministry has always been the one in which English influence has been the least prominent, and very likely native feeling is strong that, under the new régime, that Ministry at any rate shall be purely Egyptian.

In any case I should not despair; I think something may yet be found.

R. C. L.

August 20, 1921.

C.

August 21, 1921.

Annex.

Mr. Lindsay to Adly Pasha.

My dear Pasha, *Foreign Office, August* 20, 1921.

As I promised you this morning in the course of our conversation, I now send you, for your consideration, the text of the two formulæ which we discussed with regard to finance and the protection of foreigners.

Yours sincerely,
R. C. LINDSAY.

421—8 [6824]

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(I.)

Finance.

The Egyptian Government agree that the British Commissioner of the Debt shall at all times enjoy the right of access to the President of the Council of Ministers and to the Minister of Finance, and shall be entitled to receive information on any matter within the purview of the Ministry of Finance.

He shall be entitled more especially to satisfy himself that the following charges are being punctually met :—

1. The charges for the budget of the Mixed Courts.
2. All pensions or other annuities payable to retired foreign officials and their heirs.
3. The service of the Unconsolidated Debt and of the loans charged on the Ottoman Tribute.

(II.)

Protection of Foreigners.

The Egyptian Government agree that the command of the police forces in Cairo, Alexandria and Port Said, shall continue, as at present, to be entrusted to European officers with a sufficient European subordinate staff to ensure efficiency.

To ensure co-ordination in the work of the police in the said three cities, the Minister of the Interior will, in agreement with the High Commissioner, appoint an official who shall not exercise any executive functions, but shall report to the Minister on matters of police administration, especially those affecting foreigners.

The Egyptian Government agree to appoint European legal advisers ("conseillers sultaniens") in the Ministries of Justice and of the Interior. These legal advisers ("conseillers sultaniens") shall collaborate in the preparation of all laws or regulations affecting foreigners.

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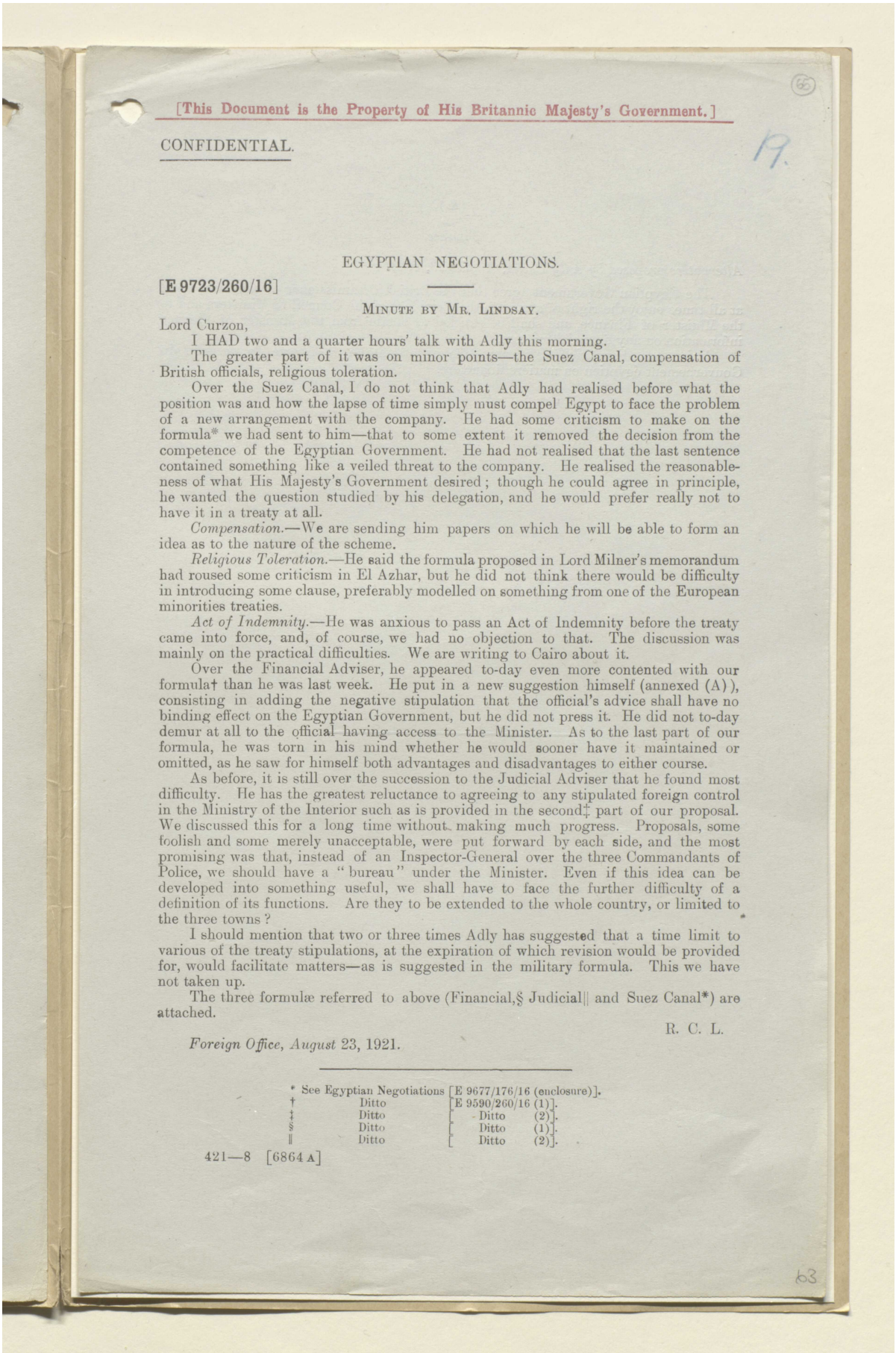

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CONFIDENTIAL.

EGYPTIAN NEGOTIATIONS.

[E 9723/260/16]

MINUTE BY MR. LINDSAY.

Lord Curzon,

I HAD two and a quarter hours' talk with Adly this morning.

The greater part of it was on minor points—the Suez Canal, compensation of British officials, religious toleration.

Over the Suez Canal, I do not think that Adly had realised before what the position was and how the lapse of time simply must compel Egypt to face the problem of a new arrangement with the company. He had some criticism to make on the formula* we had sent to him—that to some extent it removed the decision from the competence of the Egyptian Government. He had not realised that the last sentence contained something like a veiled threat to the company. He realised the reasonableness of what His Majesty's Government desired; though he could agree in principle, he wanted the question studied by his delegation, and he would prefer really not to have it in a treaty at all.

Compensation.—We are sending him papers on which he will be able to form an idea as to the nature of the scheme.

Religious Toleration.—He said the formula proposed in Lord Milner's memorandum had roused some criticism in El Azhar, but he did not think there would be difficulty in introducing some clause, preferably modelled on something from one of the European minorities treaties.

Act of Indemnity.—He was anxious to pass an Act of Indemnity before the treaty came into force, and, of course, we had no objection to that. The discussion was mainly on the practical difficulties. We are writing to Cairo about it.

Over the Financial Adviser, he appeared to-day even more contented with our formula† than he was last week. He put in a new suggestion himself (annexed (A)), consisting in adding the negative stipulation that the official's advice shall have no binding effect on the Egyptian Government, but he did not press it. He did not to-day demur at all to the official having access to the Minister. As to the last part of our formula, he was torn in his mind whether he would sooner have it maintained or omitted, as he saw for himself both advantages and disadvantages to either course.

As before, it is still over the succession to the Judicial Adviser that he found most difficulty. He has the greatest reluctance to agreeing to any stipulated foreign control in the Ministry of the Interior such as is provided in the second‡ part of our proposal. We discussed this for a long time without making much progress. Proposals, some foolish and some merely unacceptable, were put forward by each side, and the most promising was that, instead of an Inspector-General over the three Commandants of Police, we should have a "bureau" under the Minister. Even if this idea can be developed into something useful, we shall have to face the further difficulty of a definition of its functions. Are they to be extended to the whole country, or limited to the three towns?

I should mention that two or three times Adly has suggested that a time limit to various of the treaty stipulations, at the expiration of which revision would be provided for, would facilitate matters—as is suggested in the military formula. This we have not taken up.

The three formulæ referred to above (Financial,§ Judicial‖ and Suez Canal*) are attached.

R. C. L.

Foreign Office, August 23, 1921.

* See Egyptian Negotiations [E 9677/176/16 (enclosure)].
† Ditto [E 9590/260/16 (1)].
‡ Ditto [Ditto (2)].
§ Ditto [Ditto (1)].
‖ Ditto [Ditto (2)].

421—8 [6864 A]

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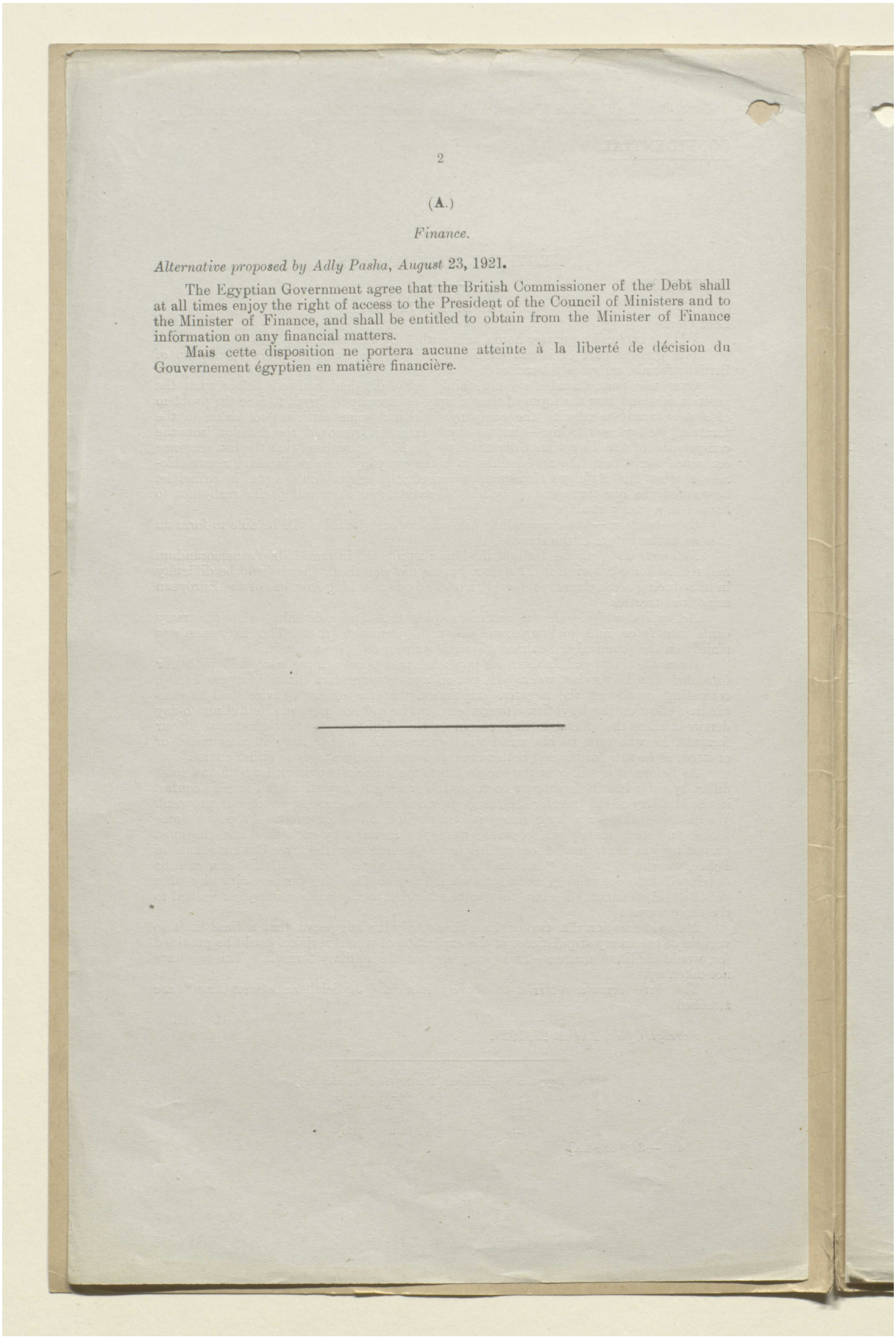

(A.)

Finance.

Alternative proposed by Adly Pasha, August 23, 1921.

The Egyptian Government agree that the British Commissioner of the Debt shall at all times enjoy the right of access to the President of the Council of Ministers and to the Minister of Finance, and shall be entitled to obtain from the Minister of Finance information on any financial matters.

Mais cette disposition ne portera aucune atteinte à la liberté de décision du Gouvernement égyptien en matière financière.

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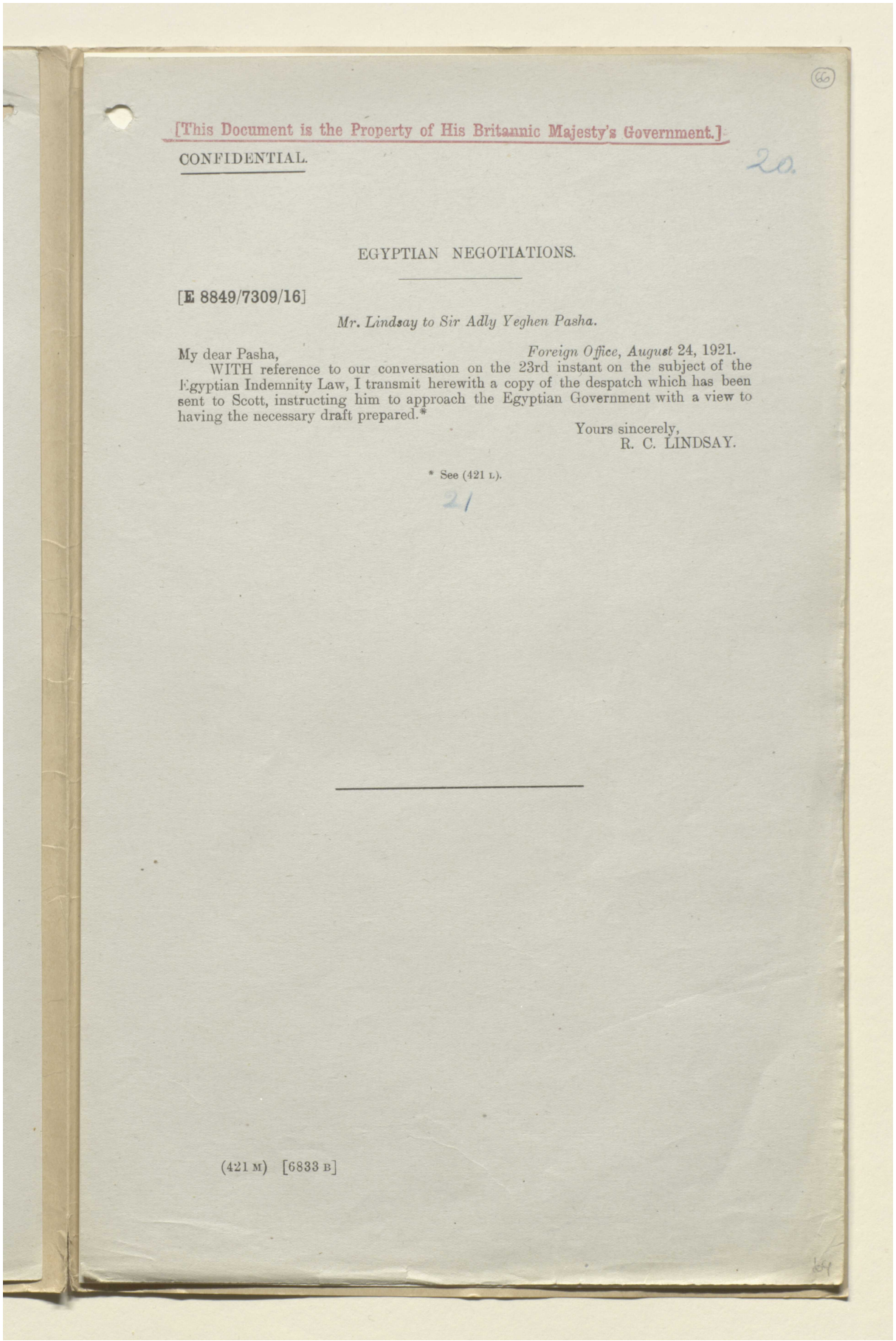

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20.

EGYPTIAN NEGOTIATIONS.

[E 8849/7309/16]

Mr. Lindsay to Sir Adly Yeghen Pasha.

My dear Pasha, *Foreign Office, August* 24, 1921.

WITH reference to our conversation on the 23rd instant on the subject of the Egyptian Indemnity Law, I transmit herewith a copy of the despatch which has been sent to Scott, instructing him to approach the Egyptian Government with a view to having the necessary draft prepared.*

Yours sincerely,
R. C. LINDSAY.

* See (421 L).

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(421 M) [6833 B]

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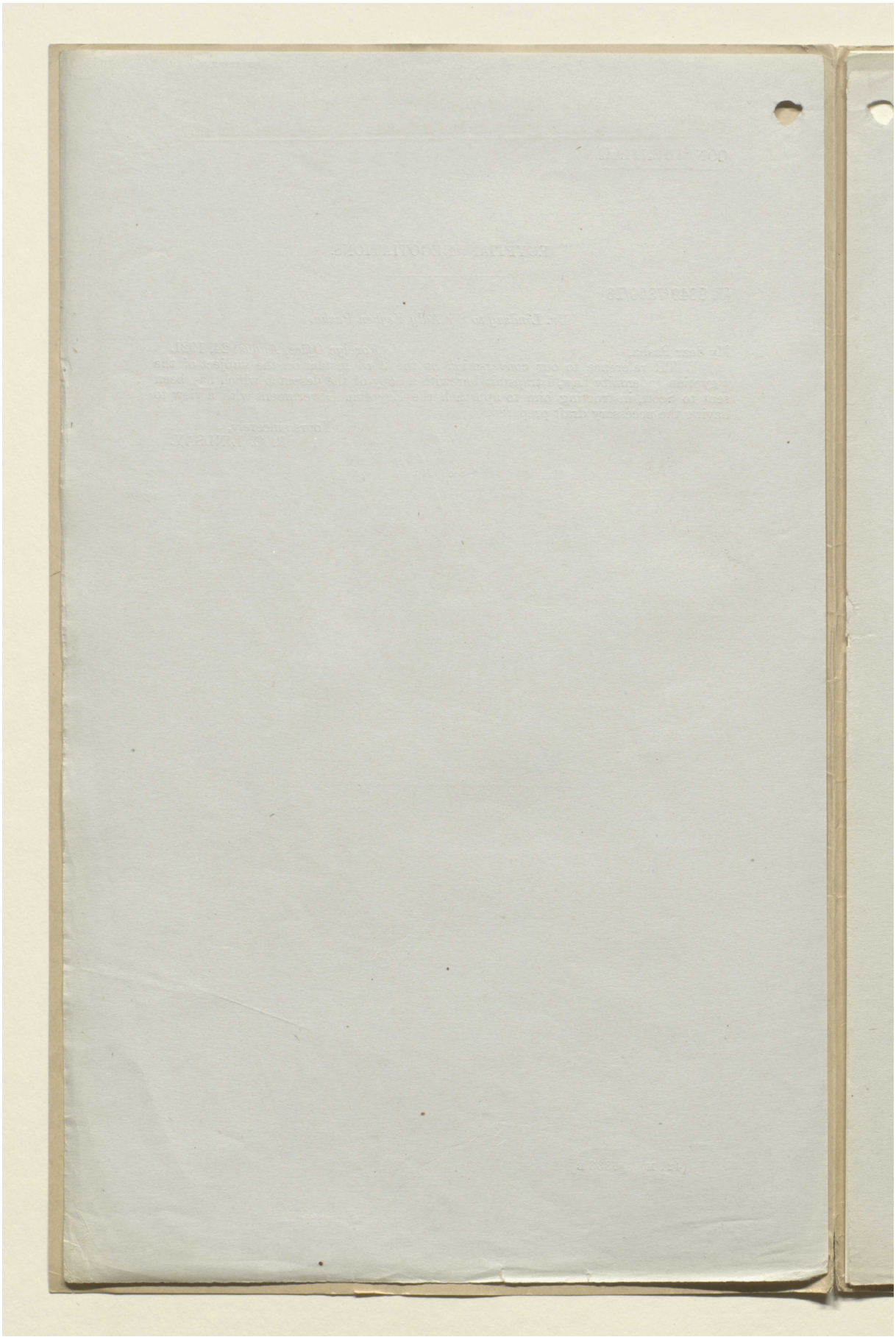

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21

CONFIDENTIAL.

EGYPTIAN NEGOTIATIONS.

[E 8849/7309/16]

The Marquess Curzon of Kedleston to Mr. Scott (Cairo).

(No. 923.)

Sir, *Foreign Office, August* 24, 1921.

THE necessity of promulgating an Egyptian indemnity law before the existing régime of martial law in Egypt can be terminated was indicated by Lord Allenby in his despatch No. 503 of the 9th June and has formed the subject of unofficial conversations with his Excellency Adly Yeghen Pasha.

2. I consider that the time has now come when it is desirable that the Egyptian Government should be invited officially to prepare a draft law which shall validate all measures, legislative, administrative or judicial, taken under martial law, and all such measures taken by the Egyptian Government from and after the outbreak of the European war.

3. It is, of course, essential that this law should be effective before the Mixed Courts, and the Egyptian Government will doubtless consider whether the draft law will for this purpose require to be submitted to and approved by the Capitulatory Powers, or whether the approval of the Mixed Court of Appeal under the terms of article 12 of the Mixed Civil Code will be sufficient.

4. In view of the fact that British, as well as purely Egyptian, interests are concerned in this matter, the law as drafted by the Egyptian Government will have to be examined by my legal advisers, and it is therefore desirable that its preparation should be commenced at an early date. You should therefore approach the Egyptian Government and invite them to give their earnest consideration to the drafting of a suitable text.

I am, &c.
CURZON OF KEDLESTON.

421 L [6833 A]

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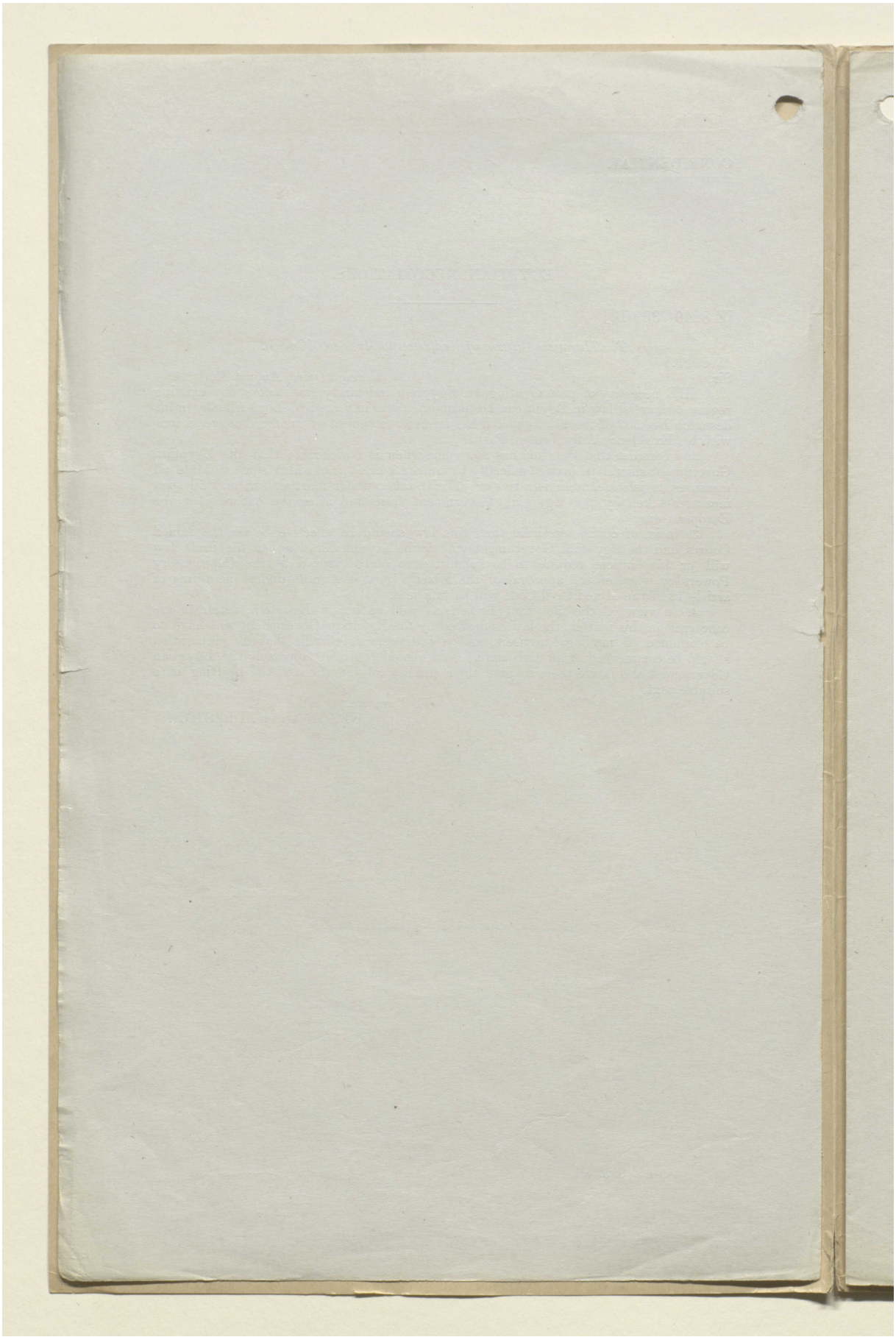

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22.

EGYPTIAN NEGOTIATIONS.

[E 8849/7309/16]

Mr. Lindsay to Mr. Scott (Cairo).

Foreign Office, August 24, 1921.

WITH reference to Foreign Office despatch No. 923 of the 24th August, on the subject of an Egyptian indemnity law, I should explain that I talked over this question with Adly Pasha the other day without, however, telling him that Lord Allenby had already sent us draft.

Adly is inclined to think that the law might be promulgated by a decree of the Council of Ministers without making it a schedule of the political treaty, and *primâ facie* there would appear to be no serious objection to this course, provided that the law is effective before the Mixed Courts.

His anxiety that its preparation should be taken in hand is due to political considerations, for he feels that if he can say that the law is being drafted he has an effective answer to those who attack him for not having got rid of martial law.

I have told him that we were sending you official instructions on the subject, and I have given him a copy of our despatch under reference.

When Amos was over here he discussed his draft with our legal advisers, and I enclose a copy with the modifications upon which they were agreed. I feel some doubt as to whether Amos will be able to persuade Sarwat and Company to accept this text as it stands, but if he can do so then so much the better.

The preamble might, I think, be modified so as not to make the law contingent on the coming into force of the political treaty, as it is at least conceivable that, in the event of no treaty being concluded, we might still desire to get rid of martial law.

Yours sincerely,

R. C. LINDSAY.

Enclosure.

Indemnity Law.

WE, Sultan of Egypt,

Whereas by a proclamation dated the 2nd day of November, 1914, the General Officer Commanding-in-chief His Britannic Majesty's forces in Egypt, declared that Egypt was placed under martial law as and from that date;

And whereas it is provided by the treaty made between the Government of His Britannic Majesty and the Egyptian Government and dated the day of , 192 , that (recite textually (*a*) the provision as to the cessation of martial law, and (*b*) the provision as to a decree of indemnity);

And whereas it is expedient to make provision for the continuance in force of certain measures taken under martial law and for the maintenance of the powers of certain officers appointed thereunder;

Hereby decree as follows:—

1. In this law the expression "under martial law" shall be deemed to mean under the express or implied authority of the General Officer Commanding-in-chief His Britannic Majesty's forces in Egypt during the period from the 2nd day of November, 1914, until the coming into force of this present law.

2. All proclamations, regulations, notices, orders and other legislative acts made or issued under martial law shall be deemed to be and always to have been valid and of full effect and applicable to all the inhabitants of Egypt until repealed, notwithstanding that any such legislative act may have been inconsistent with any law or treaty in force in Egypt.

3. All measures of an executive or administrative character taken under martial law shall be deemed to have been taken in good faith and under lawful authority whether such measures have been taken by a military or civil authority or by a private person.

4. All judgments, sentences and other orders made by any court acting under martial law shall have the same force and effect as judgments, sentences and orders of an Egyptian court of unlimited jurisdiction.

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5. All decisions and orders made by any commission, committee, board of arbitration or other like body set up under martial law shall be deemed to have been made in good faith and under lawful authority and all such decisions and orders are hereby confirmed.

6. All payments made, all civil or commercial obligations created and all transfers of property or charges on property effected or created under martial law, or in reliance upon any proclamation, regulation, notice or order made under martial law or in pursuance of any judgment, sentence or order made by any court acting under martial law or of any decision or order made by any commission, committee, board of arbitration or other like body set up under martial law shall be deemed to have been made, effected or created under due authority of law.

7. Every person who shall have been appointed under martial law to any office, whether created under martial law or otherwise, shall be deemed for all purposes to have been lawfully appointed to such office and no such office shall be deemed to be vacated by reason of the determination of martial law unless the legislative or other act creating such office is deemed to be repealed as from the date on which this present law comes into effect.

8. No person sentenced by any court-martial or military court to penal servitude, detention or imprisonment who is serving his sentence in Egypt shall be released from custody save with the consent in writing of the General Officer Commanding-in-chief His Britannic Majesty's forces in Egypt.

9. No civil or criminal court shall entertain any prosecution, claim for damages or other proceedings, including any counterclaim, in respect of any offence or wrongful act alleged to have been committed by any public servant or private person while acting under martial law.

This prohibition shall further extend :—

(1.) To all proceedings in respect of any alleged denunciation either made to any military authority or referring to any matter which has been the subject of a military enquiry ;

(2.) To all proceedings in respect of false evidence alleged to have been given at any enquiry before any military authority, including any court-martial or military court or before any civil officer, commission, committee, board of arbitration or other like body acting under martial law.

10. Nothing in this law shall be taken to limit or prevent any rights of action against the public custodian of enemy property recognised by any proclamation relating to the exercise of his office retained in force under article 13 of this law, provided always that no court shall entertain any claim against the public custodian of enemy property which is founded on the alleged irregularity or invalidity of his appointment or of any proclamation, order or notice issued under martial law.

11. The Frontiers District Administration as established by order of the commander-in-chief is provisionally maintained with its existing organisation until it shall be otherwise determined by appropriate legislation. Pending the promulgation of such legislation, the said Administration shall be attached to the Ministry of War and all enactments and regulations issued by the said Administration shall remain in force with such modifications and amendments as may from time to time be introduced therein by our Minister of War with the approval of the Council of Ministers.

12. All proclamations and orders dealing with the property and estates of the ex-Khedive Abbas Hilmy Pasha and all sales and transfers of such property and estates made by the public custodian of enemy property in Egypt are hereby expressly ratified and confirmed. The proceeds of sale of such property and estates shall be applied for the benefit of the said ex-Khedive and his family in such manner as the Egyptian Government shall from time to time determine.

13. The abrogation of martial law by the General Officer Commanding-in-chief His Britannic Majesty's forces in Egypt shall be deemed to have the effect of repealing, save as hereinafter mentioned, all proclamations, regulations, notices and orders made under martial law as from the date on which this present law comes into effect ; provided that such repeal shall in no case be deemed to have any retrospective effect ; provided also that the proclamations, notices and orders set forth in the first column of the schedule hereto are, subject to the explanations and reservations set forth in the second column of the said schedule, hereby declared to remain in full force and effect.

14. This law shall come into force on the day of , 192 .

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SCHEDULE.

(*a.*) Proclamations of the 15th April and of the 6th August, 1919, making provision for the trial of suits formerly within the jurisdiction of the German and Austrian Consular Courts.	(*a.*) To remain in force until it shall be otherwise determined by treaty or legislation.
(*b.*) Proclamations as to enemy property in Egypt of the 31st July, 1916, sections 5, 8 and 10–30, and the 9th October, 1916. Proclamations as to the property of the ex-Khedive of the 4th January, 1919, and the 24th November, 1920. Proclamation of the 9th March, 1920, enforcing certain provisions of the Treaty of Peace with Germany. Proclamation of the 25th November, 1920, enforcing certain provisions of the Treaty of Peace with Austria. Proclamation of the 18th May, 1921, enforcing certain provisions of the Treaty of Peace with Bulgaria.	(*b.*) To remain in force until the completion of the liquidation or sale of all properties coming into the hands of the public custodian of enemy property in Egypt under the said proclamations respectively, and the final disposal of all proceeds of such liquidation or sale. The power to remove the public custodian and appoint a successor is vested in His Britannic Majesty's representative in Egypt. The office of licensing officer is abolished and all powers conferred upon that officer in the proclamations remaining in force shall be vested in His Britannic Majesty's representative in Egypt.
(*c.*) Proclamations of the 15th October, 1919, and the 24th January, 1921, withdrawing certain claims for loss or damage resulting from disturbances from the jurisdiction of the mixed tribunals.	
(*d.*) Proclamation of the 17th May, 1919, as to the suspension of periods of prescription or peremption	
(*e.*) Proclamations of the 23rd September, 1915, the 22nd May, 1918, and the 16th February, 1921, as to the imposition of Ghaffir Cess.	(*e.*) To be continued in force until it shall be otherwise determined by legislation applicable to all householders in Egypt.
(*f.*) Proclamation of the 21st February, 1921, as to the limitation of house-rents.	
(*g.*) The notice published in the Official Journal of the 13th March, 1915, and the notices of the 10th April, 1915, the 8th March, 1916, and the 15th November, 1917, appointing a Controller of the Dairas of Her Highness the Khedivah-Mother and of the Princes therein mentioned.	(*g.*) To be continued in force until the ratification of a treaty of peace between His British Majesty's Government and Turkey.

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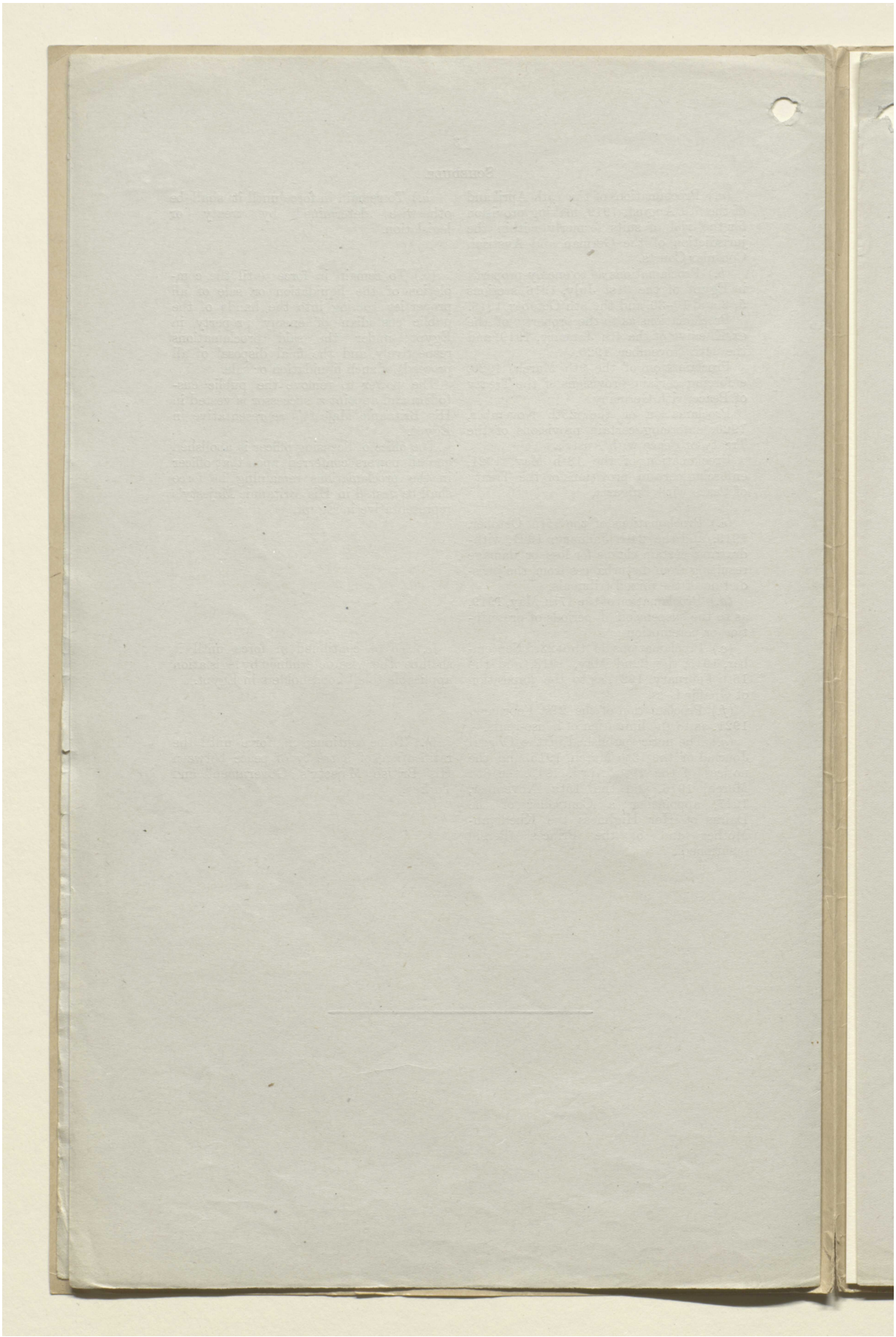

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CONFIDENTIAL.

23.

EGYPTIAN NEGOTIATIONS.

[E 9726/260/16]

MINUTE BY MR LINDSAY.

Lord Curzon,

ADLY PASHA called yesterday, accompanied by Sidky Pasha. The conversation, conducted in the tone that has prevailed during the past few days, was mostly on the questions that concern Sidky as Minister of Finance—namely, Suez Canal, the service of the three Ottoman loans and the compensation of British officials. For the two former we are arranging for interviews between Sidky Pasha and the competent officials of the Board of Trade and the Treasury. For the British officials, we handed to them the annexed statement (see (A)), showing the basic principles on which it was desired that the compensation should be calculated. We also undertook to give them a copy of Mr. Percival's explanatory report and a copy of the table prepared by the Association of British Officials, warning them, however, that the latter must not be regarded as authoritative or as necessarily representing a correct application of the principles. We had some discussion on this question, which was of an inconclusive nature, as the Egyptian Ministers have not yet thoroughly studied the subject.

Religious Toleration.—In accordance with a promise given at a previous meeting, we gave them the enclosed formula (see (B)) taken from the European Minorities Treaties, with the mere substitution of the word "Egypt" for the name of the European contracting State. This formula seemed to please them greatly, more perhaps by reason of its origin than of its substance.

The *financial* clause was touched on only to give Adly an occasion for expressing his general satisfaction with its tendencies. He clearly thinks that something on these lines will pass.

On the clause about the *protection of foreigners* he continues to display considerable anxiety. His suggestion now was that we should omit mention of the three commandants in the three towns and confine ourselves to the establishment in the Ministry of the Interior, under the Minister, of an European Bureau to look after foreign interests. He said, what is quite true, that the Egyptian Government would never want to appoint an Egyptian commandant in any of the three towns, and that even if they did so wish they would probably have difficulty in finding an Egyptian to take the post, owing to its peculiar nature. As to the European Bureau, he could defend it on the ground that some such institution used to exist in the days of Ismail Pasha.

At the end of this meeting we agreed that further discussion along the lines followed during the last few days would hardly be necessary. Each side had now acquired an idea of the aims and desires of the other, and a period of reflection would be useful. The Egyptian delegation will therefore at the end of this week disperse to various parts of Europe to do their cures, take lessons in English, and otherwise improve their minds and bodies, prepared to reassemble at the end of September and come to grips with the problems confronting them.

R. C. L.

Foreign Office, August 25, 1921.

Annex (A).

Principles on which it is suggested that the Compensation Scheme should be based.

1. The Egyptian Government shall be entitled to dismiss British officials at any time after the coming into force of the treaty on condition that such officials shall receive monetary compensation as hereafter provided, in addition to any pension or indemnity to which their conditions of service may entitle them.

2. On the like condition British officials shall be entitled to resign at any time after the coming into force of the treaty.

3. The scheme shall apply to pensionable and non-pensionable officials as well as to employees of municipalities, provincial councils or other local public bodies.

421—7 [6864]

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4. An official dismissed or retiring under the terms of the preceding clauses shall receive in addition to compensation a repatriation allowance sufficient to cover the cost of transporting himself, his family and his household goods to London.

5. Compensation and pensions shall be payable in Egyptian pounds at the fixed rate of 97½ piastres to the pound sterling.

6. A table of compensation, (A) for permanent officials, (B) for temporary officials, shall be prepared by the president of the Society of Actuaries and shall be based on the following factors :—

(*a.*) The present value of the expectation of service of the official = S.
(*b.*) The present value of the expectation of pension = P.
(*c.*) The re-employability of the official at home = X.
(*d.*) The actual pension or indemnity payable to the official under the terms of service at the date of his dismissal or retirement = Q.

The formula shall take the following form :—

$$\text{Compensation} = S + P - X - Q.$$

7. An arbitration board shall be set up by the British and Egyptian Governments to decide—

(*a.*) The percentage of the amount of compensation determined in accordance with table B to be accorded to non-pensionable officials, having regard to the conditions of service in each individual case ;
(*b.*) The weight to be attached to claims for additional compensation put forward by officials in respect of personal, house or other allowances or emoluments for special services in addition to their pensionable salaries ;
(*c.*) The number of years' service which shall be added to the actual period of service in Egypt in the case of an official appointed to the Egyptian Government service immediately after having served in the war ;
(*d.*) The claim of any official whose case does not fall within the general rules set out above.

Annex (B).

Protection of Minorities.

Egypt undertakes that the stipulations following shall be recognised as fundamental laws, and that no law, regulation or official action shall conflict or interfere with these stipulations, nor shall any law, regulation or official action prevail over them.

Egypt undertakes to assure full and complete protection of life and liberty to all inhabitants of Egypt without distinction of birth, nationality, language, race or religion.

All inhabitants of Egypt shall be entitled to the free exercise, whether public or private, of any creed, religion or belief, whose practices are not inconsistent with public order or public morals.

All Egyptian nationals shall be equal before the law, and shall enjoy the same civil and political rights without distinction as to race, language or religion.

Differences of religion, creed or confession shall not prejudice any Egyptian national in matters relating to the enjoyment of civil or political rights, as, for instance, admission to public employments, functions and honours or the exercise of professions and industries.

No restriction shall be imposed on the free use by any Egyptian national of any language in private intercourse, in commerce, in religion, in the press or in publications of any kind or at public meetings.

Egyptian nationals who belong to racial, religious or linguistic minorities shall enjoy the same treatment and security in law and in fact as the other Egyptian nationals. In particular they shall have an equal right to establish, manage and control, at their own expense, charitable, religious and social institutions, schools and other educational establishments, with the right to use their own language and to exercise their religion freely therein.

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24.

EGYPTIAN NEGOTIATIONS

[E 9814/260/16]

Summary of Progress of the Negotiations with the Egyptian Delegation up to August 25, 1921.

IT is proposed to take the principal clauses, as submitted to and approved by the Cabinet, one by one and trace the progress which has been made with each up to date.

I (1). *Termination of the Protectorate.*

2. This clause has not been discussed, as its scope has already been defined in the declaration made to the Sultan by Lord Allenby in February 1921.

II (2). *Military Occupation.*

3. The objects of His Majesty's Government were defined in the following formula sent to the delegation on the 13th July :—

"The objects for which the maintenance of a British force in Egypt is required are, as viewed by His Majesty's Government, four in number, and may be thus roughly defined :—

"1. The protection, both in peace and war, of the Imperial line of communications.

"2. Assistance to the Egyptian Government when required for the defence of the integrity of Egyptian territory against external attack.

"3. The protection of foreign interests in Egypt, as provided for by the new treaty.

"4. Assistance to the Egyptian Government, when required, for the suppression of grave disorder, or the defence of public security.

"For the discharge of these obligations it is proposed that British forces shall have free passage through Egypt, and shall be maintained at such places in Egypt and for such periods as may from time to time be determined. They shall also, at all such times, have facilities for the acquisition and use of barracks, exercise grounds, aerodromes and naval yards, and for the free use of naval harbours.

"The British Government is prepared to discuss with the Egyptian Government in the most friendly way the best manner in which to carry out these requirements."

4. The delegation on the 26th July defined the only terms on which they were prepared to agree to the presence in Egypt of British troops as follows :—

"Le maintien de troupes britanniques sur le territoire égyptien en temps de paix n'aurait d'autre objectif que la sauvegarde des communications impériales. Ces troupes seraient cantonnées dans la région du Canal en dehors de la zone neutre ; les aérodromes et autres services auxiliaires seraient établis dans la même région. La présence de ces troupes ne constituerait pas une occupation militaire et ne porterait en aucune façon atteinte aux droits de souveraineté de l'Égypte.

"A l'expiration d'un délai à déterminer, les deux Gouvernements examineraient la question de savoir si les communications impériales peuvent être assurées sans la présence de ces troupes.

"Quant au droit de passage sur le territoire égyptien et l'usage des ports et aérodromes égyptiens, ils seraient réservés pour le temps de guerre. Il resterait bien entendu que l'Égypte offrirait toute facilité de transport entre la région où seraient cantonnées les troupes et le port le plus proche."

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5. On the 4th August a further formula was submitted to the delegation in the following terms :—

"The main object for which Great Britain is called upon to maintain a military force in Egypt is for the protection of her Imperial communications.

"In addition, she will require, as indicated in Lord Milner's Report, to assume the obligation of supporting Egypt in defending the integrity of her territory and of safeguarding foreign interests in Egypt, including the safety of the lives and property of foreigners.

"For the due discharge of these obligations, it is proposed that British forces shall have free passage through Egypt, and shall be maintained at such places in Egypt and for such periods as may from time to time be determined. They shall also at all times have facilities for the acquisition and use of barracks, exercise grounds, aerodromes and naval yards, and for the free use of naval harbours.

"It is realised that the numerical strength and the location of these forces are matters which, as time passes, may admit of reconsideration, and accordingly it is proposed that this article of the treaty shall be open to revision by mutual consent at the end of ten years, when the question shall be re-examined in the light of the then existing situation, regard being had to the ability of the Egyptian Government to assume a fuller measure of responsibility for the execution of the objects to which reference has been made."

6. As a result of an exchange of correspondence between the Secretary of State and Adly Pasha, it was decided that the question of the military occupation should be reserved until the delegation had had an opportunity of ascertaining the other points in which, to some extent, it might prove possible to meet their views.

III (3) to (10). *Foreign Relations.*

7. This question was dealt with in the course of the second and third conferences, and the delegation were given a general indication of the views of His Majesty's Government, though no formula in writing was communicated to them.

8. The delegation by a note dated the 28th July gave their reasons for insisting on the claim to full foreign representation abroad, and, for the protection of British interests, suggested that Egypt should undertake not to conclude political treaties prejudicial to Great Britain.

5th Conference, p. 4.

9. The question was again raised at the fifth conference, and it was eventually decided that foreign relations, like the military occupation, should remain in abeyance whilst the delegation discussed other points with Mr. Lindsay.

IV (11). *Employment of Foreign Officials.*

1st Conference, p. 7.

10. This question was considered at the first conference, and the principle was accepted by the delegation, though they preferred that the clause should not appear in the treaty.

V (12) to (14). *Financial Control.*

11. This question was raised at the second conference, and the text of the formula approved by the Cabinet was sent to the delegation on the 14th July.

12. On the 26th July the delegation suggested an alternative text in the following words :—

"Le Gouvernement égyptien nommera, d'accord avec le Gouvernement de Sa Majesté, un Commissaire financier, auquel seront confiés les pouvoirs actuellement exercés par les Commissaires de la Dette. Il aura, à ce titre, droit d'accès auprès du Premier Ministre et du Ministre des Finances. En raison de ses connaissances techniques, le Commissaire financier sera à la disposition du Gouvernement égyptien pour toute mission dont il voudra le charger, ou pour tous avis qu'il voudra lui demander, sans toutefois que les avis qu'il aurait à donner puissent lier en aucune façon ledit Gouvernement."

13. The question was again considered at the sixth conference and subsequently in conversations between Mr. Lindsay and Adly Pasha. Finally, on the 20th August the following formula was sent to Adly Pasha :—

"The Egyptian Government agree that the British Commissioner of the Debt shall at all times enjoy the right of access to the President of the Council of

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Ministers and to the Minister of Finance, and shall be entitled to receive information on any matter within the purview of the Ministry of Finance.

"He shall be entitled more especially to satisfy himself that the following charges are being punctually met :—

"1. The charges for the budget of the Mixed Courts.

"2. All pensions or other annuities payable to retired foreign officials and their heirs.

"3. The service of the Unconsolidated Debt and of the loans charged on the Ottoman Tribute."

14. Adly Pasha, on the 23rd August, suggested an alternative formula, but in the course of several conversations he conveyed the impression that the principle embodied in the text quoted in paragraph 13 above was not altogether unacceptable. The question has been left at this stage.

VI (15) and (16). *Judicial Control.*

15. This question was considered towards the close of the second conference, and on the 14th July the text approved by the Cabinet was sent to the delegation, who, on the 26th July, replied at some length, maintaining that a British Procureur général of the Mixed Courts was all that His Majesty's Government could require or the delegation concede. 2nd Conference, p. 6.

16. In subsequent conferences it was made clear that the judicial reform scheme suggested in the Milner Report could not come into operation for several years, and in the meantime the Egyptian proposal mentioned in the preceding paragraph was unworkable. Finally, after conversation with Adly Pasha, Mr. Lindsay, on the 20th August, sent him the following formula, designed to secure protection for foreigners in Egypt :—

"The Egyptian Government agree that the command of the police forces in Cairo, Alexandria and Port Said shall continue, as at present, to be entrusted to European officers with a sufficient European subordinate staff to ensure efficiency.

"To ensure co-ordination in the work of the police in the said three cities, the Minister of the Interior will, in agreement with the High Commissioner, appoint an official who shall not exercise any executive functions, but shall report to the Minister on matters of police administration, especially those affecting foreigners.

"The Egyptian Government agree to appoint European legal advisers ('conseillers sultaniens') in the Ministries of Justice and of the Interior. These legal advisers ('conseillers sultaniens') shall collaborate in the preparation of all laws or regulations affecting foreigners."

17. Adly Pasha was not ill-disposed towards the first paragraph of this formula, and showed signs of being prepared to accept the last paragraph; but the second paragraph, involving a British official in the Ministry of the Interior, was unpalatable.

18. He suggested eventually that an alternative might be found by creating a bureau in that Ministry under a British chief for watching over police matters affecting foreigners. If this solution was adopted, he was anxious to omit reference in the treaty to the three commandants, though he admitted that in practice they would have to be Englishmen, as Egyptians could not be found willing to take on the job and be made the scapegoats of the Governors in the event of trouble. The matter was left in this stage.

VII (17). *Soudan.*

19. The delegation, beyond a passing reference during the first conference, have avoided any mention of the Soudan. They no doubt feel on weak ground, as the Soudan was specifically excluded by Lord Milner from his recommendations, and its status is defined by the 1899 Convention. Ultimately they will have to mention it, but it would seem to be better tactics to leave the delegation to make the first move. 1st Conference, p. 4.

VIII (18). *Suez Canal.*

20. This proposal was discussed by Mr. Lindsay with Adly Pasha, who was sent on the 19th August the text of the clause suggested by the Board of Trade :—

"During the ten years immediately following the coming into force of this treaty the Egyptian Government will, in consultation with the Suez Canal

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Company and the British High Commissioner, frame proposals for the extension for a further period of fifty years of the concession held by the said company.

"Any question on which the parties are unable to agree with regard to the terms on which the extension shall be granted shall, unless otherwise mutually agreed, be determined by an umpire appointed by the Council of the League of Nations. In the event of the company declining the extension on the terms so settled, the Egyptian Government and His Majesty's Government will determine in concert the status and management of the Canal after the expiration of the concession."

This text was further discussed when Sidky Pasha was also present, and it was arranged that the last named should go into the problems involved with the Board of Trade experts. Neither Adly Pasha nor Sidky Pasha were averse to some action on the lines indicated by the text, but they felt themselves hampered by the fact that the old Legislative Assembly had practically unanimously rejected some ten years ago a proposal to prolong the concession.

Other Points not included in the principal Clauses submitted to the Cabinet.

Cable and Wireless Rights.

21. The text of certain proposals made by the Postmaster-General and concurred in by the Admiralty and India Office was sent to Adly Pasha on the 17th August:—

"For the purpose of safeguarding British Imperial communications—

"(1.) The Egyptian Government agree that they will not grant permission for the landing of submarine cables or the establishment of wireless stations for communication with places outside Egypt without the concurrence of His Majesty's High Commissioner.

"(2.) The Egyptian Government agree that the existing cable-landing rights and wireless concessions granted by the present Egyptian Government or their predecessors shall continue in force.

"(3.) The Egyptian Government accord to His Majesty's Government the right to land additional submarine cables and to establish additional wireless stations for communication with places outside Egypt.

"(4.) The Egyptian Government agree to grant similar facilities to telegraph companies, if so requested by His Majesty's Government and upon such conditions as they may recommend."

Adly Pasha did not appear to be averse to meeting the requirements of the text, but felt some doubt as to whether such stipulations were in place in a political treaty.

Retirement and Compensation of British Officials.

22. The principles on which it is suggested that compensation should be based were communicated to Adly Pasha and discussed with him and Sidky Pasha on the 24th August. They are going to examine the scheme and form an idea of the effect of its application.

Protection of Minorities.

23. A formula taken from the Polish and Roumanian treaties was submitted to Adly and Sidky Pashas, who *primâ facie* appeared to be prepared to accept it.

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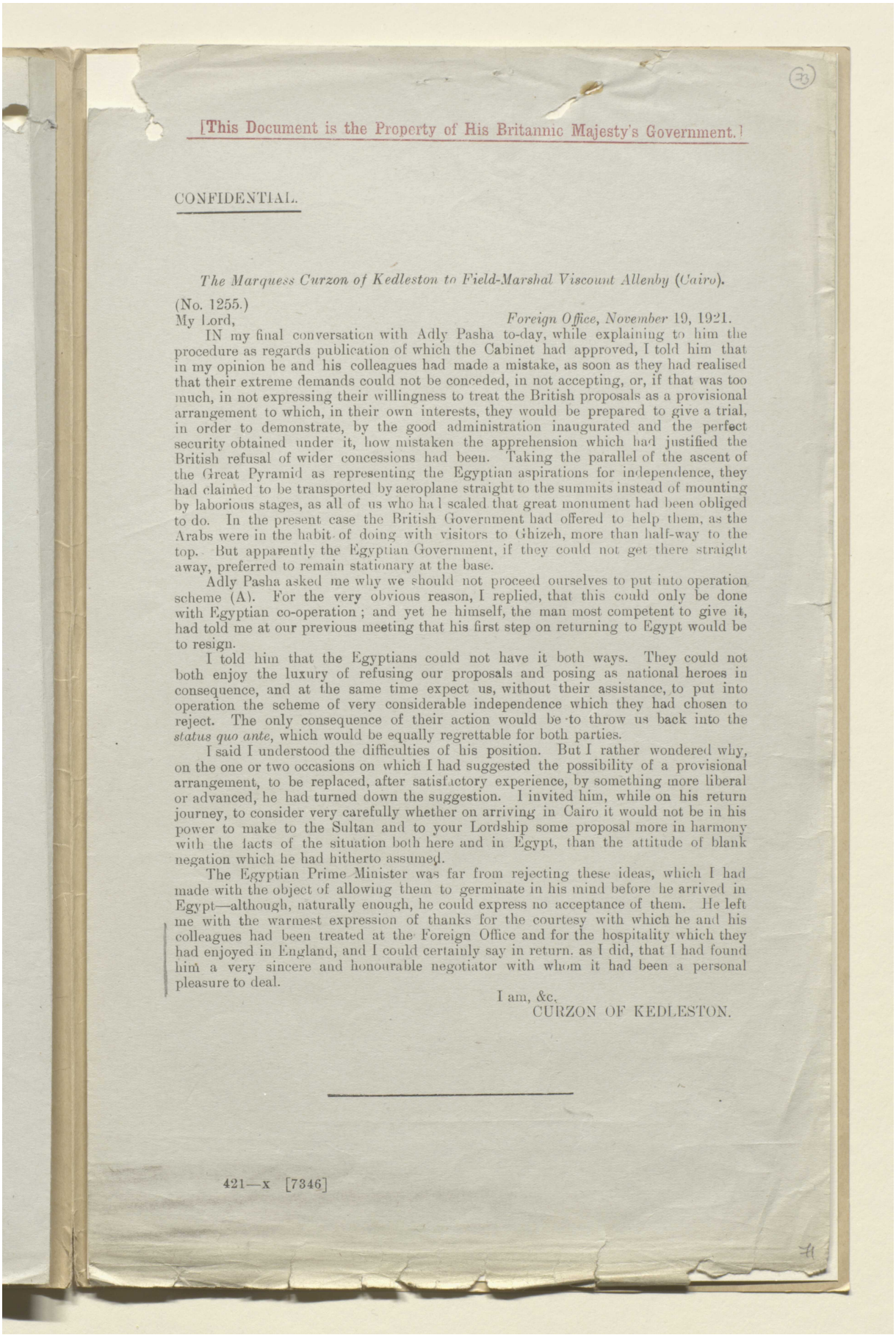

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The Marquess Curzon of Kedleston to Field-Marshal Viscount Allenby (Cairo).

(No. 1255.)

My Lord, *Foreign Office, November* 19, 1921.

IN my final conversation with Adly Pasha to-day, while explaining to him the procedure as regards publication of which the Cabinet had approved, I told him that in my opinion he and his colleagues had made a mistake, as soon as they had realised that their extreme demands could not be conceded, in not accepting, or, if that was too much, in not expressing their willingness to treat the British proposals as a provisional arrangement to which, in their own interests, they would be prepared to give a trial, in order to demonstrate, by the good administration inaugurated and the perfect security obtained under it, how mistaken the apprehension which had justified the British refusal of wider concessions had been. Taking the parallel of the ascent of the Great Pyramid as representing the Egyptian aspirations for independence, they had claimed to be transported by aeroplane straight to the summits instead of mounting by laborious stages, as all of us who had scaled that great monument had been obliged to do. In the present case the British Government had offered to help them, as the Arabs were in the habit of doing with visitors to Ghizeh, more than half-way to the top. But apparently the Egyptian Government, if they could not get there straight away, preferred to remain stationary at the base.

Adly Pasha asked me why we should not proceed ourselves to put into operation scheme (A). For the very obvious reason, I replied, that this could only be done with Egyptian co-operation; and yet he himself, the man most competent to give it, had told me at our previous meeting that his first step on returning to Egypt would be to resign.

I told him that the Egyptians could not have it both ways. They could not both enjoy the luxury of refusing our proposals and posing as national heroes in consequence, and at the same time expect us, without their assistance, to put into operation the scheme of very considerable independence which they had chosen to reject. The only consequence of their action would be to throw us back into the *status quo ante*, which would be equally regrettable for both parties.

I said I understood the difficulties of his position. But I rather wondered why, on the one or two occasions on which I had suggested the possibility of a provisional arrangement, to be replaced, after satisfactory experience, by something more liberal or advanced, he had turned down the suggestion. I invited him, while on his return journey, to consider very carefully whether on arriving in Cairo it would not be in his power to make to the Sultan and to your Lordship some proposal more in harmony with the facts of the situation both here and in Egypt, than the attitude of blank negation which he had hitherto assumed.

The Egyptian Prime Minister was far from rejecting these ideas, which I had made with the object of allowing them to germinate in his mind before he arrived in Egypt—although, naturally enough, he could express no acceptance of them. He left me with the warmest expression of thanks for the courtesy with which he and his colleagues had been treated at the Foreign Office and for the hospitality which they had enjoyed in England, and I could certainly say in return, as I did, that I had found him a very sincere and honourable negotiator with whom it had been a personal pleasure to deal.

I am, &c.
CURZON OF KEDLESTON.

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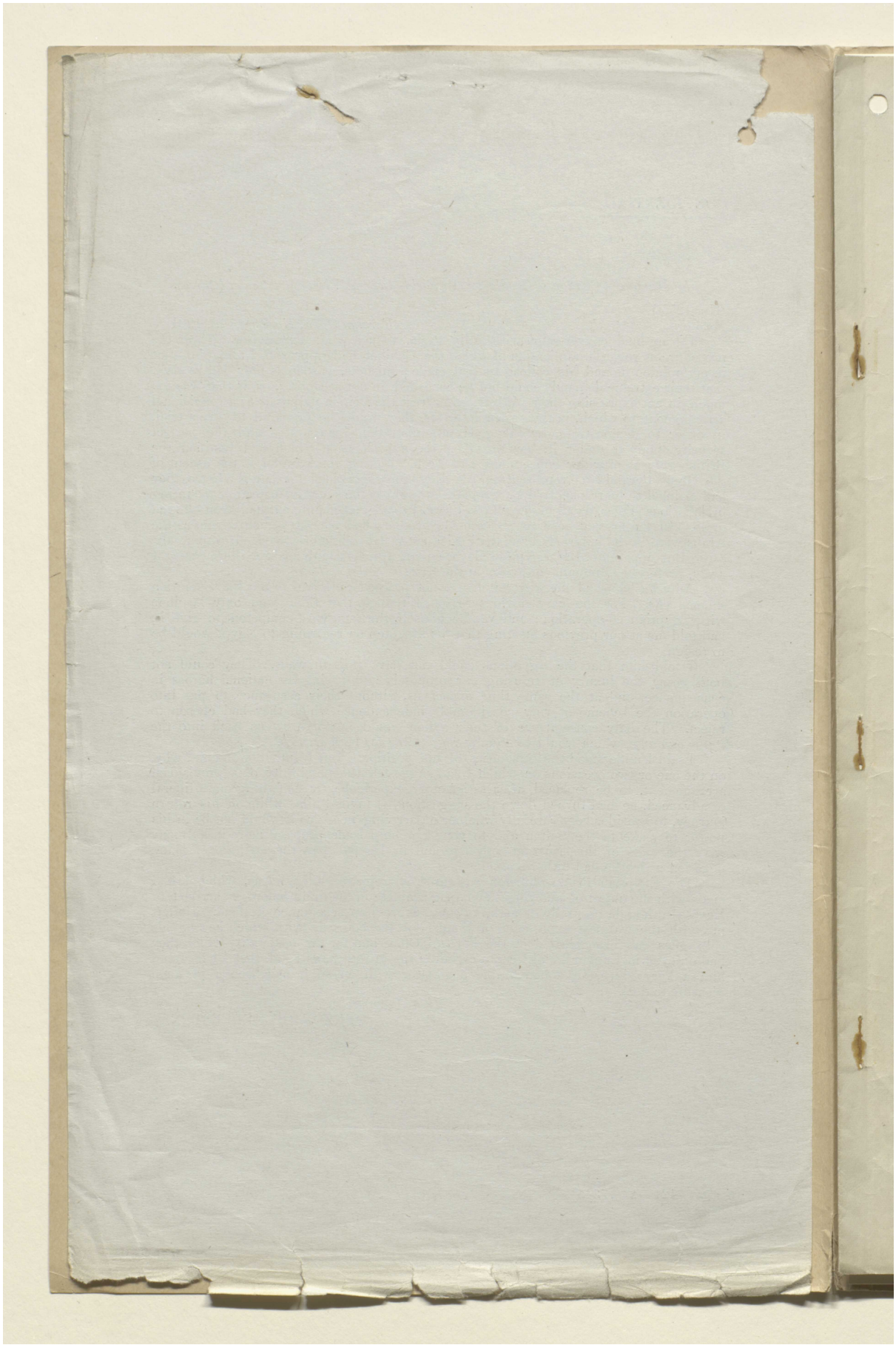

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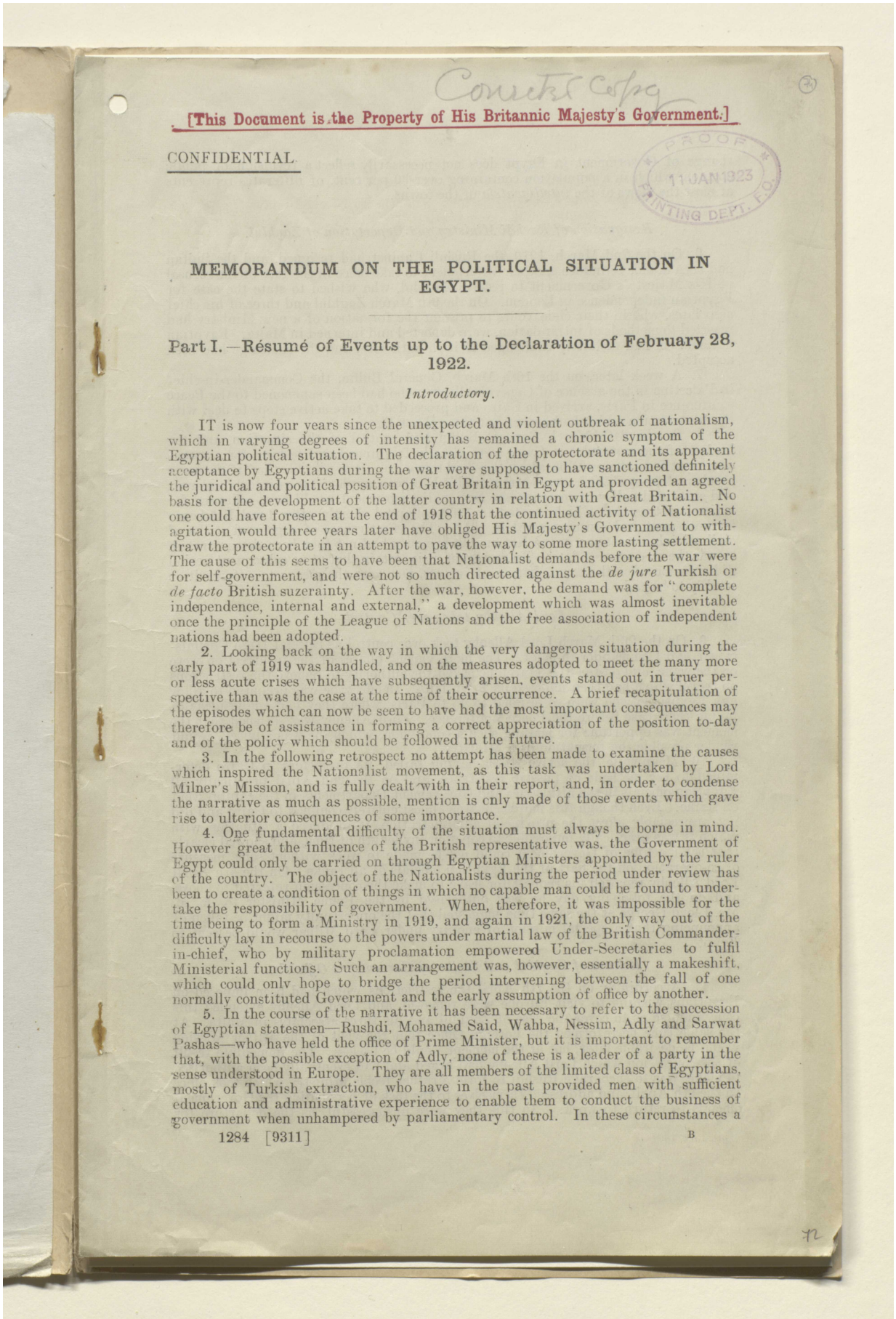

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PROOF 11 JAN 1923 PRINTING DEPT. F.O.

MEMORANDUM ON THE POLITICAL SITUATION IN EGYPT.

Part I.—Résumé of Events up to the Declaration of February 28, 1922.

Introductory.

IT is now four years since the unexpected and violent outbreak of nationalism, which in varying degrees of intensity has remained a chronic symptom of the Egyptian political situation. The declaration of the protectorate and its apparent acceptance by Egyptians during the war were supposed to have sanctioned definitely the juridical and political position of Great Britain in Egypt and provided an agreed basis for the development of the latter country in relation with Great Britain. No one could have foreseen at the end of 1918 that the continued activity of Nationalist agitation would three years later have obliged His Majesty's Government to withdraw the protectorate in an attempt to pave the way to some more lasting settlement. The cause of this seems to have been that Nationalist demands before the war were for self-government, and were not so much directed against the *de jure* Turkish or *de facto* British suzerainty. After the war, however, the demand was for "complete independence, internal and external," a development which was almost inevitable once the principle of the League of Nations and the free association of independent nations had been adopted.

2. Looking back on the way in which the very dangerous situation during the early part of 1919 was handled, and on the measures adopted to meet the many more or less acute crises which have subsequently arisen, events stand out in truer perspective than was the case at the time of their occurrence. A brief recapitulation of the episodes which can now be seen to have had the most important consequences may therefore be of assistance in forming a correct appreciation of the position to-day and of the policy which should be followed in the future.

3. In the following retrospect no attempt has been made to examine the causes which inspired the Nationalist movement, as this task was undertaken by Lord Milner's Mission, and is fully dealt with in their report, and, in order to condense the narrative as much as possible, mention is only made of those events which gave rise to ulterior consequences of some importance.

4. One fundamental difficulty of the situation must always be borne in mind. However great the influence of the British representative was, the Government of Egypt could only be carried on through Egyptian Ministers appointed by the ruler of the country. The object of the Nationalists during the period under review has been to create a condition of things in which no capable man could be found to undertake the responsibility of government. When, therefore, it was impossible for the time being to form a Ministry in 1919, and again in 1921, the only way out of the difficulty lay in recourse to the powers under martial law of the British Commander-in-chief, who by military proclamation empowered Under-Secretaries to fulfil Ministerial functions. Such an arrangement was, however, essentially a makeshift, which could only hope to bridge the period intervening between the fall of one normally constituted Government and the early assumption of office by another.

5. In the course of the narrative it has been necessary to refer to the succession of Egyptian statesmen—Rushdi, Mohamed Said, Wahba, Nessim, Adly and Sarwat Pashas—who have held the office of Prime Minister, but it is important to remember that, with the possible exception of Adly, none of these is a leader of a party in the sense understood in Europe. They are all members of the limited class of Egyptians, mostly of Turkish extraction, who have in the past provided men with sufficient education and administrative experience to enable them to conduct the business of government when unhampered by parliamentary control. In these circumstances a

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change of Government in Egypt does not necessarily reflect a revulsion of public opinion, which in a population containing over 90 per cent. of illiterates represents at most the views of the *intelligentsia* of the towns.

Resignation of Rushdi Ministry and Deportation of Zaghlul.

6. On the 2nd March, 1919, the Rushdi Cabinet had resigned, and the Sultan had been unable to induce another Government to take office in the face of the refusal of His Majesty's Government to receive Zaghlul, who wished to state the case for Egyptian independence in London. On the 9th March Zaghlul and three of his chief associates, who in their endeavours to prevent the formation of a new Ministry had resorted to methods of intimidation, were deported and interned in Malta. Egyptian nationalism had definitely challenged British authority, and the challenge had been accepted.

7. A week later, on the 16th March, General Bulfin, the Commander-in-chief in Palestine in the absence of General Allenby, who had been summoned to the Peace Conference in Paris, arrived in Cairo and proceeded to take active steps to deal with the insurrection which had broken out throughout Egypt.

8. By the 24th March General Bulfin had control of the situation, and the leaders of the movement in Cairo were already frightened and seeking for a means of retreat from the position which they had taken up. It is possible that, if the large number of troops which were then available had been employed to enforce a vigorous and sustained policy of coercion, the Nationalist movement would have collapsed for a time, just as that which started in 1906 collapsed shortly after Lord Kitchener became agent and consul-general in 1911. The effectiveness of a general strike of civil officials as weapon in the Nationalist armoury had not then been demonstrated, as was the case a month later. In any event, it is certain that at no subsequent period did coercion offer the same chances of success, nor were the means to enforce it so readily to be had.

Lord Allenby takes over Control.

9. On the 26th March Lord Allenby took over control as Special High Commissioner and Commander-in-chief. The more violent phases of the insurrection were on the wane, and on the 31st March he asked for authority to remove the restrictions on travel which had been imposed on Egyptians. In effect, he was prepared to allow any Egyptians who were so minded to go to Paris, where they had vague ideas of laying their case before the Peace Conference. Lord Allenby was satisfied that the moment was opportune for making such a concession, which, he was advised, would render possible the formation of a Ministry.

10. Meanwhile, the active revolt having failed, its promoters in Cairo determined to try methods of passive resistance, and on the 2nd April practically all Egyptian officials in the Ministries and Government Departments in the capital went on strike. Even though this movement was almost entirely confined to Cairo and did not appreciably affect the provincial administration, it produced a situation with which is was practically impossible to cope for any length of time, and showed clearly that the machine of Government could not be made to work without some measure of co-operation on the part of the Egyptian officials of all ranks. On the 4th April Lord Allenby renewed his request for leave to make the concession referred to above, and on the following day he was authorised by the Prime Minister to do so. Mr. Lloyd George at the same time suggested that the opportunity might be taken of announcing that a special mission of enquiry under Lord Milner would be sent to Egypt.

Release of Zaghlul and Strike of Government Officials.

11. Accordingly on the 7th April the restrictions which had been imposed on Egyptians wishing to visit Europe were removed, and Lord Allenby extended this concession so as to cover the case of Zaghlul and his three associates in Malta. At the same time he informed the Foreign Office that the visit of the Milner Mission would be desirable later, but at the moment would be useless. The immediate result of the concession which Lord Allenby had urged and had eventually been authorised to make, was to encourage Rushdi to form a rather feeble Ministry which took office on the 9th April, and addressed themselves to the task of persuading the Government officials to return to work. In this they were unsuccessful, as the departure for

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Paris of Zaghlul and his colleagues who were joined by other members of the Zaghlulist Committee from Egypt was regarded as a signal triumph for the Nationalists, who paid scant attention to the admonitions of what was obviously a weak Government. Discouraged by his failure to control the situation, Rushdi resigned on the 22nd April, and simultaneously Lord Allenby determined to put a stop to the strike by methods more radical than those hitherto attempted. A proclamation under martial law was published to the effect that all officials who did not immediately return to work would be dismissed; this proved entirely successful, for the strike ended on the 23rd April.

12. It had lasted for three weeks and had completely paralysed all but the most necessary services which were kept going as far as possible by British military personnel, then fortunately available in large numbers with the essential technical qualifications.

Announcement of forthcoming Milner Mission and their Terms of Reference.

13. On the 15th May the Secretary of State after further consultation with Lord Allenby announced the intention of His Majesty's Government to despatch to Egypt the Milner Mission "to enquire into the causes of the late disorders in Egypt, and to report on the existing situation in the country, and the form of the 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." At the time this announcement was made it was intended that the mission should go to Egypt in June, and no one could then foresee that over a year would elapse before even an interim report could be received from them. During that period the knowledge that the mission was coming had the double effect of calling a halt to any constructive policy which Lord Allenby or the British element in the Egyptian service might otherwise have initiated, whilst, at the same time, it kept Egyptian opinion constantly alive to the possibility of some drastic change in the régime of the country as a result of the enquiry and recommendations of the mission.

Formation of Mohamed Said's Ministry.

14. On the 21st May a Ministry was formed by Mohamed Pasha Said, a former Prime Minister and an old hand in the art of Government as practised in Egypt during the reign of the ex-Khedive, and with this development which was rendered possible by the effective military measures taken to restore order throughout the country, there seemed to be a fair chance of Egypt settling down to something like normal tranquillity. Thus, when on the 22nd May Lord Allenby was informed that Lord Milner did not wish to visit Egypt till the early autumn, he replied that the conditions had altered and that he would like the new Ministry to have time to establish its position. He therefore thought that the mission should come out in September.

15. The summer passed without serious incidents, and as public opinion began to realise the failure of Zaghlul and his "delegation" to achieve anything substantial at Paris, attention was increasingly turned towards the forthcoming mission of enquiry. Towards the end of August it became evident that for some reason or other neither the Sultan nor his Prime Minister wanted the mission; the excuse they urged was that until peace had been made with Turkey and Italy had recognised the protectorate the position of Egypt would not have been sufficiently regularised to warrant the investigations which the mission were to undertake.

16. Mohamed Said's attitude was not wholly prompted by dislike of the idea of the mission. He was being increasingly attacked by the Zaghlulists for not preventing its despatch, and consequently in opposing it he felt that he was disarming his critics whilst indulging his own feelings. Meanwhile, the Nationalists, on Zaghlul's inspiration, were advocating the boycott of the mission, to whose coming the Prime Minister and his colleagues became increasingly opposed, until towards the end of September he informed Sir M. Cheetham, who was acting for Lord Allenby, that if his wishes were disregarded he would resign.

Resignation of Mohamed Said, who is Replaced by Wahba Pasha.

17. After consultation with Lord Allenby, who was then in England, it was decided on the 6th October to postpone the departure of the mission until he had

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returned to Egypt and could himself report on the situation. This he did on the 11th November, and recommended that the mission should start without delay. This action was followed within a week by the resignation of Mohamed Said, who was succeeded by Yussuf Pasha Wahba, an honest and agreeable man if a less forceful personality than his unscrupulous predecessor in office.

Arrival of the Milner Mission.

18. On the 7th December the mission arrived, and in spite of a very complete boycott were able to conclude their enquiry by the beginning of March 1920, when they returned to England.

Submission of their Interim Report.

1920

19. Shortly after their return Lord Milner communicated to the Secretary of State by way of an interim report a document embodying certain general conclusions which the mission had unanimously reached before leaving Egypt. These conclusions advocated a wide extension of self-government and a large reduction in the number of Englishmen in the service of the Egyptian Government. The view was in fact expressed that a satisfactory situation could only be restored when Egyptians could be brought to appreciate that their British colleagues were their true friends and not merely the occupants of highly paid posts at the expense of native talent. But Lord Milner and his colleagues felt that until they had had an opportunity of hearing the views of Zaghlul, to whom they had constantly been referred in Egypt as the true mouthpiece of Egyptian opinion, they would not be in a position to formulate their final recommendations. Moreover, they realised that if Zaghlul's co-operation could be won his personal influence on the mass of Egyptian opinion would greatly facilitate the settlement which it was their object to achieve.

20. In April, Adly Pasha, with whom Lord Milner had been in close relations in Egypt, proceeded to Paris and saw Zaghlul, whom he eventually persuaded to accept Lord Milner's invitation to visit London to discuss the Egyptian question with the members of the mission.

Resignation of Wahba, who is replaced by Nessim Pasha.

21. In Egypt the Nationalists, on the departure of Lord Milner, had turned their attention to making things difficult for the Ministry, and on the 19th May the Prime Minister, Wahba Pasha, whose health had broken down, resigned and was succeeded by Tewfik Nessim Pasha, who took office on the clear understanding that his Cabinet was purely a Ministry of Affairs which would attend to current business, but avoid taking any political decision pending a solution of the problem of the future régime of Egypt.

The Milner–Zaghlul Conversations.

22. Zaghlul and his colleagues came to London early in June and commenced their conversations with Lord Milner and the members of his mission, whilst Adly Pasha played the part of honest broker in attempting to promote agreement between the two parties.

23. The effect in Egypt of Zaghlul's visit to England was immediate. The centre of gravity of Egyptian politics was at once transferred to this country. The Zaghlulists felt that they had scored a great moral victory, and that their policy of boycotting the mission when in Egypt had been amply justified, as, in their eyes, it had compelled Lord Milner to recognise the paramount position occupied by Zaghlul and to sue for peace with him.

24. The negotiations continued during the summer, whilst in Egypt excitement died down and was replaced by a feeling of expectancy. Finally, in the latter half of August, the mission and Zaghlul's "delegation" were not far from agreement on the general terms of a settlement which was to take the form of a treaty of alliance between England and Egypt.

Publication of the Milner Memorandum.

25. Zaghlul himself, when it came to the point, feared to commit himself to this agreement until it had been submitted to the "nation." Consequently on the

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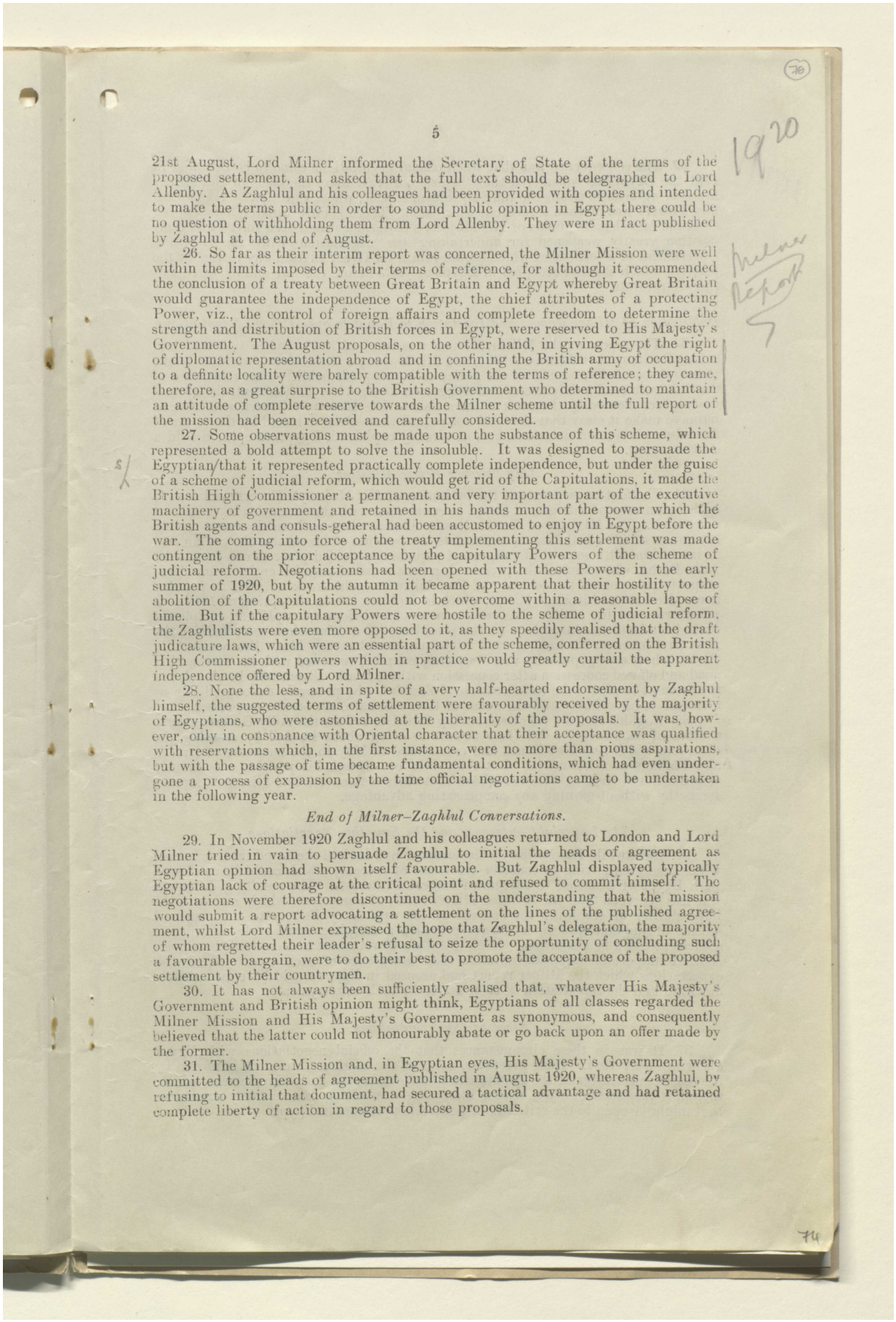

21st August, Lord Milner informed the Secretary of State of the terms of the proposed settlement, and asked that the full text should be telegraphed to Lord Allenby. As Zaghlul and his colleagues had been provided with copies and intended to make the terms public in order to sound public opinion in Egypt there could be no question of withholding them from Lord Allenby. They were in fact published by Zaghlul at the end of August.

26. So far as their interim report was concerned, the Milner Mission were well within the limits imposed by their terms of reference, for although it recommended the conclusion of a treaty between Great Britain and Egypt whereby Great Britain would guarantee the independence of Egypt, the chief attributes of a protecting Power, viz., the control of foreign affairs and complete freedom to determine the strength and distribution of British forces in Egypt, were reserved to His Majesty's Government. The August proposals, on the other hand, in giving Egypt the right of diplomatic representation abroad and in confining the British army of occupation to a definite locality were barely compatible with the terms of reference; they came, therefore, as a great surprise to the British Government who determined to maintain an attitude of complete reserve towards the Milner scheme until the full report of the mission had been received and carefully considered.

27. Some observations must be made upon the substance of this scheme, which represented a bold attempt to solve the insoluble. It was designed to persuade the Egyptian that it represented practically complete independence, but under the guise of a scheme of judicial reform, which would get rid of the Capitulations, it made the British High Commissioner a permanent and very important part of the executive machinery of government and retained in his hands much of the power which the British agents and consuls-general had been accustomed to enjoy in Egypt before the war. The coming into force of the treaty implementing this settlement was made contingent on the prior acceptance by the capitulary Powers of the scheme of judicial reform. Negotiations had been opened with these Powers in the early summer of 1920, but by the autumn it became apparent that their hostility to the abolition of the Capitulations could not be overcome within a reasonable lapse of time. But if the capitulary Powers were hostile to the scheme of judicial reform, the Zaghlulists were even more opposed to it, as they speedily realised that the draft judicature laws, which were an essential part of the scheme, conferred on the British High Commissioner powers which in practice would greatly curtail the apparent independence offered by Lord Milner.

28. None the less, and in spite of a very half-hearted endorsement by Zaghlul himself, the suggested terms of settlement were favourably received by the majority of Egyptians, who were astonished at the liberality of the proposals. It was, however, only in consonance with Oriental character that their acceptance was qualified with reservations which, in the first instance, were no more than pious aspirations, but with the passage of time became fundamental conditions, which had even undergone a process of expansion by the time official negotiations came to be undertaken in the following year.

End of Milner–Zaghlul Conversations.

29. In November 1920 Zaghlul and his colleagues returned to London and Lord Milner tried in vain to persuade Zaghlul to initial the heads of agreement as Egyptian opinion had shown itself favourable. But Zaghlul displayed typically Egyptian lack of courage at the critical point and refused to commit himself. The negotiations were therefore discontinued on the understanding that the mission would submit a report advocating a settlement on the lines of the published agreement, whilst Lord Milner expressed the hope that Zaghlul's delegation, the majority of whom regretted their leader's refusal to seize the opportunity of concluding such a favourable bargain, were to do their best to promote the acceptance of the proposed settlement by their countrymen.

30. It has not always been sufficiently realised that, whatever His Majesty's Government and British opinion might think, Egyptians of all classes regarded the Milner Mission and His Majesty's Government as synonymous, and consequently believed that the latter could not honourably abate or go back upon an offer made by the former.

31. The Milner Mission and, in Egyptian eyes, His Majesty's Government were committed to the heads of agreement published in August 1920, whereas Zaghlul, by refusing to initial that document, had secured a tactical advantage and had retained complete liberty of action in regard to those proposals.

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32. The consequence was that when official negotiations came to be initiated in 1921 the Egyptians considered that they should start upon the basis of the Milner heads of agreement minus the judicial reform scheme, whose rejection by the capitulary Powers was by then a foregone conclusion. There is unfortunately no escaping from the fact that the hands of His Majesty's Government had been forced and their position greatly weakened for undertaking the negotiation with the Egyptian Government of a settlement which should retain for Great Britain any vestige of the position which she had occupied in Egypt *de facto* before the war and *de jure* since the protectorate.

Publication of Milner Report and Invitation to Egypt to open Official Negotiations.

33. The report of the Milner Mission was received in December 1920 and laid before Parliament in February 1921, and His Majesty's Government, who had in the meantime carefully considered the policy to be adopted, published an invitation to the Sultan to send a duly accredited delegation to negotiate a settlement, the ground having been cleared by the work of the mission. His Majesty's Government were at pains to make it clear that they did not regard themselves as bound by the terms of the mission's recommendations, but, as already explained, Egyptian opinion held a contrary view.

Adly becomes Prime Minister.

34. The first consequence of the invitation of His Majesty's Government was to let loose an orgy of intrigue in Egypt in connection with the formation of an official delegation. The Ministry of Tewfik Nessim Pasha, whose main achievement during his tenure of office had been to consolidate the position of his master the Sultan and to invest him with some slight degree of popularity, yielded place to one formed by Adly Pasha, who assumed the premiership on a wave of popular enthusiasm. This immediately aroused the jealousy of Zaghlul, who could brook no rival as popular hero. He hastened home to Egypt, which he had last left in the spring of 1919 as a prisoner bound for Malta. His reception was a delirious triumph, and completely turned his head; nothing short of the presidency of a delegation, recruited for the most part amongst his most trusted adherents, would satisfy him. For weeks Adly Pasha, whose own popularity was completely eclipsed, reasoned with his overbearing rival and offered concession after concession without avail. Eventually he abandoned the attempt to secure the collaboration of Zaghlul, who promptly denounced him as a traitor to his country and the agent of Great Britain, the secular oppressor.

35. Zaghlul and his followers having failed to reduce the Adly Government to a state of subserviency, did their utmost to bring about its fall by creating the disorders which began at Tanta and culminated in May in the massacre of Greeks and Italians at Alexandria. But Adly held on, though his position was greatly weakened, and the Zaghlulists realised that their manœuvres had alienated foreign sympathy without gaining any compensating advantage.

The Imperial Conference and the Egyptian Negotiations.

36. Meanwhile His Majesty's Government had invited the Imperial Conference which was then sitting to consider the terms of a treaty which could be concluded with Egypt of a nature to safeguard Imperial interests. The resulting document was less generous than the ill-fated Milner heads of agreement, which, owing to the impossibility of obtaining the consent of the capitulary Powers to the proposed scheme of judicial reform, no longer provided a complete framework on which a settlement could be elaborated. Even if Adly's Government had enjoyed the whole-hearted support of Egyptian opinion, their acceptance of such a treaty after the expectations which the Milner report had aroused in Egypt would have meant their downfall and the repudiation of their action by their countrymen.

Start of the Negotiations.

37. It was in these circumstances that the official negotiations with Egypt opened in July 1921. Their prospects, never of the brightest, were not improved by the ceaseless attempts of the Zaghlulists to undermine the Adly Government, which, though it remained in office, became increasingly unwilling to accept any agreement that might be open to the criticism of political opponents in Egypt.

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Breakdown of Negotiations and Resignation of Adly Pasha.

38. Negotiations were protracted over a couple of months, when it became evident that no agreement could possibly be reached on the basis of the terms approved by the Dominion Premiers, whose sole preoccupation was to perpetuate and strengthen the British hold on the Suez Canal. In the Government itself certain elements which had never grasped the true position in Egypt were resolutely opposed to anything in the nature of compromise. The result was the breakdown of the negotiations. It had been found impossible to reach agreement on any section of the proposed treaty save that relating to the protection of minorities, for which purpose the phraseology and provisions of the Roumanian and Polish treaties had been adopted. In these circumstances Adly Pasha returned to Egypt at the end of November and his resignation was announced immediately after his arrival.

Deportation of Zaghlul.

39. The publication of the terms which Adly had rejected spurred the Zaghlulists to fresh exertions. They roused popular opinion to an extent that made the formation of a new Ministry impossible, and by the end of 1921 their activities had become so threatening that Lord Allenby, with the consent of His Majesty's Government, deported Zaghlul and his principal associates to the Seychelles. But Lord Allenby fully realised that this drastic measure was merely a palliative for a situation which could only be met by coercion or concession. The former policy was far less practicable than had been the case in March 1919; the latter involved the abandonment of the protectorate.

The Declaration of February 28, 1922.

40. Lord Allenby, with the unanimous support of his local advisers, had no hesitation in pronouncing for the second alternative, and after personal consultation with the Secretary of State and the Prime Minister, the policy embodied in the declaration to Egypt of the 28th February, 1922, was finally adopted. The text of this declaration is given in Appendix (A).

Part II.—The Situation during 1922.

Sarwat Pasha becomes Prime Minister.

41. The declaration of the 28th February, 1922, was regarded in Egypt as indicative that His Majesty's Government had abandoned the attitude which they had taken up in the autumn of 1921 when the negotiations with Adly Pasha had broken down. Another crisis had been conjured by concession, and Sarwat Pasha, who had been Adly's second-in-command and *locum tenens* during the latter's absence in England in 1921, became Prime Minister. The chief points of the programme which the new Government published on taking office were the elaboration of a democratic constitution establishing the principle of Ministerial responsibility and parliamentary control, and the withdrawal of martial law.

Proclamation of Egyptian Monarchy.

42. On the 14th March the House of Commons devoted seven hours to the discussion of the declaration to Egypt, and on a division it was approved by 202 votes to 77. The next day the Sultan assumed the title of His Majesty King Fouad and proclaimed Egypt a monarchy.

Declaration of a British "Monroe Doctrine."

43. Simultaneously His Majesty's Government informed all Powers with whom they were in diplomatic relations that the British protectorate over Egypt was terminated. At the same time a virtual "Monroe Doctrine" in regard to Egypt was declared by the formal communication to these Powers of the following notification:—

"When the peace and prosperity of Egypt were menaced in December 1914 by the intervention of Turkey in the great war in alliance with the Central

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Powers, His Majesty's Government terminated the suzerainty of Turkey over Egypt, took the country under their protection and declared it to be a British protectorate.

"The situation is now changed. Egypt has emerged from the war prosperous and unscathed, and His Majesty's Government, after grave consideration and in accordance with their traditional policy, have decided to terminate the protectorate by a declaration in which they recognise Egypt as an independent sovereign State, while preserving for future agreements between Egypt and themselves certain matters in which the interests and obligations of the British Empire are specially involved. Pending such agreements, the *status quo* as regards these matters will remain unchanged.

"The Egyptian Government will be at liberty to re-establish a Ministry for Foreign Affairs and thus to prepare the way for the diplomatic and consular representation of Egypt abroad.

"Great Britain will not in future accord protection to Egyptians in foreign countries, except in so far as may be desired by the Egyptian Government and pending the representation of Egypt in the country concerned.

"The termination of the British protectorate over Egypt involves, however, no change in the *status quo* as regards the position of other Powers in Egypt itself.

"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 recognised by other Governments. These special relations are defined in the declaration recognising 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 attempts 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."

General Recognition of Egyptian Independence.

44. During the ensuing weeks almost all Powers who had hitherto maintained in Egypt only agents and consuls-general raised their representatives to the rank of Minister and accorded a varying degree of recognition to the new Egyptian monarchy.

45. The achievements and failures of the Sarwat Ministry are fully described in Lord Allenby's despatches of the 30th September and the 15th October, which are reproduced *in extenso* in Appendix (B).

The Egyptianisation of the Services.

46. One of the first acts of the new Ministry was the "Egyptianisation" of the public services by the appointment of native Under-Secretaries, whose executive authority overshadowed that of their English colleagues of the same rank. The process was carried out so rapidly as in many cases to impair efficiency, but the Ministry of Finance formed a notable exception. Here the Minister, Ismail Sidky Pasha, himself directed the policy with great ability and success and relied for its execution on the higher British officials whose functions in consequence underwent but little change.

Retirement of British Officials.

47. Lord Allenby tried hard, but unsuccessfully, to induce Sarwat to conclude a definite agreement in regard to the retirement and compensation of those British officials who found their position and prospects so impaired under the new régime that they felt unable to continue in the Egyptian service. Eventually an unofficial understanding was reached whereby Sarwat would allow to retire with special compensation any officials whom Lord Allenby might recommend to him. This arrangement is actually in operation, though up to the present not more than a few dozen officials have left the service on these conditions, owing to the dilatoriness of the Egyptian Government in dealing with the cases submitted to them by Lord Allenby.

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48. In the domain of purely internal administration the Ministry gave way to the vice of nepotism and in their attempts to find Government posts for their friends and relatives they earned great unpopularity and provoked discontent amongst the important administrative officials in the provinces on whose exertions the maintenance of public security depends.

The Indemnity Law.

49. The text of an indemnity law, whose enactment should prelude the abolition of martial law, was prepared in consultation with Lord Allenby. In order to ensure that this measure should not be regarded as of a transitory nature and liable to repeal at the discretion of the future Egyptian Parliament, its enactment was to be accompanied by the conclusion between the British and Egyptian Governments of a special agreement the text of which was also agreed upon after reference to the Foreign Office.

The Draft Constitution.

50. In the political sphere an important and fairly representative commission was appointed to draft a constitution and prosecuted their labours throughout the summer. By October they had completed their task and a draft Constitution, the text of which the commission had allowed to become public, was submitted to the Government for final revision and eventual presentation to the King, who, it was intended, should promulgate the new charter.

51. Meanwhile King Fouad viewed with increasing misgivings the elaboration by this commission of a constitution on liberal lines modelled upon continental practice. The King is not a believer in democratic institutions for Oriental countries and regards a benevolent despotism as the only form of Government which is suited to the present state of Egyptian society. The Ministers in common with all Egyptians of the upper classes are no more enamoured of democratic ideals than King Fouad, nor would they evince any enthusiasm for the doctrine of Ministerial responsibility and parliamentary control if it were not for their fear of the caprice and licence with which the King would probably administer the country were he to wield absolute power.

Friction between King Fouad and his Ministers.

52. In these circumstances it is not surprising that the relations between Sarwat and his sovereign showed signs of increasing friction throughout the summer. King Fouad realising that his personal ambitions would find no support from Lord Allenby, attempted to strengthen his own position by weakening that of the Government. This he did by paying court to the Zaghlulist opposition who met his overtures more than half way.

53. The Ministry who were constantly libelled in the press as the mere puppets of the British Government were in turn attempting to strengthen themselves by the creation of a Liberal Constitutional Party under the leadership of Adly Pasha, whose honesty and integrity had gained for him a well-deserved reputation amongst his fellow countrymen.

Genesis of the Liberal Constitutional Party.

54. The new party though enjoying the tacit and unofficial support of the Government fell rather flat, and their sole newspaper was quite unable to make itself heard effectively above the clamour of the Nationalist press. Such backing as the Government may have hoped to derive from the Adly Party was further weakened when its leaders adopted an attitude frankly critical of the Sarwat Ministry, whom they accused of subserviency to British interests in the matter of Egyptian claims to the Soudan and of Egyptian representation at the Lausanne Conference. This change of tone was the result of the fear engendered by the murder in the streets of Cairo of two prominent members of the party by a gang of gunmen who were probably students of ultra Nationalist views.

55. On the whole, however, the Sarwat Ministry had grappled courageously and not altogether unsuccessfully with the very difficult situation which confronted them when they took office, and despite their undoubted unpopularity they regarded the future with optimism and felt confident of achieving their programme. A constitution had been drafted, providing for a democratic system of government on European

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lines, in a form unobjectionable to His Majesty's Government, apart from references to King Fouad as "King of Egypt and the Soudan" and to the Soudan as "belonging to the Egyptian Kingdom." Sarwat, however, informed Lord Allenby that he was quite prepared to modify or even to omit these particular clauses.

Egypt and the Lausanne Conference.

56. Shortly after the 15th October Sarwat expressed the wish to send an Egyptian delegation to the Lausanne Conference, which was then about to assemble, to take part in the discussions when the clauses relating to Egypt in the Turkish Treaty were under consideration.

57. There ensued a complicated series of negotiations between Lord Allenby and Sarwat Pasha, as a result of which a general measure of agreement was reached regarding the articles of the new treaty which should replace articles 101 to 114 of the Treaty of Sèvres.

58. His Majesty's Government felt justified in going far to meet the wishes of the Egyptian Government in regard to the form of the new articles, as they had every reason to hope that Egypt would then formally accede to the treaty on its signature. The effect of this accession would have been to invest the unilateral declaration of the 28th February, 1922, with the force of a bilateral agreement between Great Britain and Egypt. With such an agreement His Majesty's Government could have afforded to regard the future relationship of the two countries with equanimity, as treaty sanction would have been secured to the reservation for future settlement of the four questions described in the declaration as being vital British interests, viz.:—

(1.) The protection of Imperial communications.
(2.) The defence of Egypt against external aggression.
(3.) The protection of foreign interests and of minorities.
(4.) The Soudan.

As satisfactory arrangements for Egyptian participation in the conference had been reached with Sarwat, the French and Italian Governments were asked to join with His Majesty's Government in inviting a duly accredited Egyptian delegation to proceed to Lausanne.

Fall of the Sarwat Ministry.

59. This was the position when at the end of November the following telegram was received from Lord Allenby:—

"Sarwat has informed me that he proposes to place his resignation in the hands of the King on 30th November.

"He stated his relations with His Majesty, which had long been strained, had recently become impossible; that King not only obstructed conduct of Government, but lost no opportunity to weaken Cabinet's position, and openly sided with elements hostile to it.

"I asked him whether he was not willing to stay in office until Constitution was passed by King, since he knew he could count on my full support.

"He replied that this was impossible because the King, even if forced to sign Constitution, would make it known through his press that whole responsibility rested on Sarwat, whom, *à propos* of Soudan articles, His Majesty had gone so far as to describe as a traitor, who was trying to force His Majesty to assent to a document that deprived latter of half of his dominions.

"Sarwat went on to say that in these circumstances it was impossible to remain in office, and he made it clear that his decision to resign was definite.

"I fear there is much justification for Sarwat's statements about King, whose attitude has lately swung towards Zaghlul. Although Sarwat was insistent that his relations with the King were his only reasons for wishing to resign, I think it possible that he has been moved by—

"(1.) Decision taken two days ago by Adly Party to withhold their support if he met my wishes in regard to Soudan clauses of Constitution;

"(2.) Growing apprehension of criticism of line he has taken in accord with His Majesty's Government with regard to revision of Treaty of Sèvres; and perhaps also

"(3.) The recent political murders (of members of the new Liberal Constitutional Party).

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"If Sarwat does not feel strong enough to alter or remove Soudan articles of Constitution, it is not easy to see how to help him, and it seems to me that nothing is to be gained by trying to induce him to remain in office.

"It seems probable that King may nominate Tewfik Pasha Nessim in Sarwat's place, and as things stand at present I am not disposed to endeavour to influence His Majesty's choice.

"I propose, however, to speak sharply to King, pointing out to him—

"(1.) That he has allowed to become widespread belief that he regards with favour a group who are our declared enemies;

"(2.) That fact that he has used every means in his power to bring about fall of a Government that enjoyed my support implies hostility to policy that commanded sympathy of His Majesty's Government;

"(3.) That I consider particularly unfortunate that his attitude should have forced Government out of office at a moment immediately after assassination of two members of a political party friendly to Sarwat; and

"(4.) That in these circumstances it will be with considerable misgiving that I shall watch development of policy for which His Majesty is responsible.

"In a subsequent telegram I shall endeavour to explore believed implications of Sarwat's resignation."

60. The Sarwat Government, though supported by Lord Allenby, did not feel able to stand up against the combined forces of the Palace and the Opposition, and resigned office on the 29th November.

Nessim Pasha becomes Prime Minister.

61. King Fouad had undoubtedly scored a signal success, which was made more complete when Tewfik Nessim Pasha, who early in 1922 had become the King's "chef du cabinet," formed a Government whose chief characteristic was that individual Ministers were acceptable to their Sovereign if not otherwise specially qualified for their position.

62. Lord Allenby, whose support had not availed to prevent the fall of the late Government, had no part in the formation of that which is now in office, though he has a high opinion of the present Prime Minister personally and is on good terms with his colleagues.

63. In the meantime His Majesty's Government were able to prevent the despatch to the Egyptian Government of the invitation to the Lausanne Conference until it was ascertained whether the Ministry of Nessim Pasha would be prepared to accept the Egyptian articles in the form agreed upon with Sarwat. Lord Allenby immediately opened negotiations with the new Government, but up to the present their fear of exposing themselves to hostile criticism by accepting anything less than formulæ likely to find favour with extreme Nationalist opinion has rendered any agreement on this subject impossible of attainment. In consequence, the issue of the invitation to Egypt remains suspended.

Part III.—The Soudan.

Reconquest and Anglo-Egyptian Convention of 1899.

64. When in 1898 the Soudan was rescued by an Anglo-Egyptian military expedition from the barbarism into which the conquest of the Mahdi had plunged the entire country, its status was determined by the convention concluded between Great Britain and Egypt in 1899, establishing an Anglo-Egyptian condominium. The terms of that instrument, which is reproduced as Appendix (C), show that the British title was based on the right of conquest, and they are so drawn as to make Great Britain the predominant partner in the Administration of the Soudan. The Egyptian title is based partly upon the fact that the Soudan was an Egyptian province which had successfully rebelled, and partly upon the military and financial share taken by Egypt in its reconquest.

Why Egypt wants the Soudan.

65. There is no ethnical affinity between Egypt and the Soudan, and, though the northern half of the latter country is populated by Mahommedan Arabs their aversion

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for Egyptians is quite as great as that of the negroid pagans who inhabit the southern provinces. The Soudanese, whether black or Arabs, despise the Egyptians as cowards, whilst the latter look down upon the Soudanese as barbarians and regard service in the Soudan as tantamount to exile. But in spite of this complete lack of sympathy between the two peoples, the Nationalist agitators in Egypt have succeeded during the last four years in making the essential unity of the Soudan with Egypt almost the chief plank in their political platform. Their success is attributable to the two motives which are most powerful with Egyptians, love of money and anxiety for their water supply. Since 1899 the Egyptian taxpayer has balanced the Soudan budget, whilst British officials have controlled the policy and administration of the country. Apart from a loan for railway development of over 5,000,000*l.*, on which no interest has yet been paid, the Egyptian Treasury has contributed directly and indirectly very large sums to the Soudan. Thus it is the Egyptian army which plays the part of a police force and is entirely paid for by Egypt, who similarly defrays the cost of any military operations which the vast size and necessarily loose administration of the territory may necessitate.

66. It is true that in return for all this expenditure Egypt has enjoyed complete immunity from any threat to her water supply or to the peace of her southern frontier, but of the value of the services thus rendered by the Soudan Government will never be appreciated in Egypt by a generation which has forgotten the fate of the Egyptian military expedition led by Hicks Pasha. This force was almost entirely annihilated by the Dervish hordes in 1883.

67. Anxiety about the water supply is only justifiable on the hypothesis that Anglo-Egyptian relations will not always be friendly. Egyptian Nationalists, however, are unceasing in their efforts to convert this hypothesis into a fact. Consequently their knowledge that an increased water supply for Egypt is dependent on the goodwill of the Soudan Government, who at any time can imperil the prosperity of Egypt by inconsiderate schemes of development in the Soudan, cannot fail to occasion them misgivings.

68. There is, therefore, a perfectly genuine desire on the part of Egyptians to eliminate British influence in the Soudan in order that they may have a free hand to make use of the whole volume of the Nile discharge for their own country, and to recover, at the expense of the Soudanese, the money advanced by Egypt since the reconquest.

Egyptian Propaganda in the Soudan.

69. Egyptian Nationalist propaganda has made some impression in the Soudan during the last four years, particularly in the towns where Egyptian clerks and subordinate officials are fairly numerous. Even in the country districts the Soudanese, whose loyalty to the British connection is inspired more by dislike of Egyptians than by any other consideration, are uneasy lest His Majesty's Government should attempt to placate Nationalist opinion in Egypt by allowing Egyptians to take a growing share in the control and administration of the Soudan. This uneasiness is bound to increase, and thus the ground will be prepared for Nationalist propaganda to take firm root. The generation which can remember the miseries of the Mahdi régime is fast disappearing, and with them will go all gratitude for the peace and prosperity which British administration has produced.

70. Lord Milner and his colleagues were impressed by the danger of the Nationalist demand that the Soudan should be regarded as an essential part of Egypt, and it was therefore made unmistakably clear during their negotiations with Zaghlul that the recommendation of the mission did not apply to the Soudan. But this, in itself, was sufficient to make the Egyptian demand more insistent and *pari passu* with British concessions in regard to the status of Egypt the Nationalist clamour for the complete control of the Soudan has grown in extravagance.

The Soudan is not at present a Burden on the British Treasury.

71. Beyond a share in the cost of the military operations, which culminated in the battle of Omdurman, and the expense of keeping a single British battalion in Khartoum, the British taxpayer has not had to contribute anything towards the administration and development of the country, though it is true that Soudan loans under the guarantee of His Majesty's Treasury have been raised in London for about 10,000,000*l.* Hitherto it has in fact been possible through the tacit acquiescence

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of Egypt to run the Soudan on the cheap. It is scarcely likely that such a policy would prove feasible when an Egyptian Parliament meets and demands the repayment, or at least the interest, on Egyptian advances.

Financial Pressure which Egypt could Exercise on the Soudan.

72. It is, therefore, quite possible that in order to maintain their control over the Soudan, His Majesty's Government will have to adopt a definitely irreconcilable attitude towards Egyptian pretensions. The Egyptian Government might conceivably retort by cutting off supplies of money. This could be effected, firstly, by a refusal to remit to the Soudan Government customs dues collected at Egyptian ports on goods in transit to the Soudan, and, secondly, by the withdrawal from the Soudan of the native Egyptian battalions and the Egyptian officers of Soudanese battalions, and by a refusal to make any contribution towards the defence of the Soudan.

73. The first method would involve a loss to the Soudan of about 400,000*l.* per annum; it could be adopted without a definite breach with His Majesty's Government over the Soudan question, as under the terms of article 7 of the Anglo-Egyptian Agreement it is not certain whether Egypt is under any obligation to make such payments.

74. The second step, however, would mean the withdrawal by Egypt of the only striking symbol of her sovereignty in the Soudan. The cost of defence thus thrown upon the Soudan Government would amount to about 1,250,000*l.* per annum, and as under present conditions Soudan revenues barely balance expenditure, the country, which is not yet self-supporting, would become bankrupt unless the British Treasury could see their way to helping with a grant-in-aid of about 1,500,000*l.* to 2,000,000*l.* per annum.

Strategic Importance of the Soudan.

75. The Soudan, however, will in time be self-supporting, and apart from its financial prosperity it is strategically the key position for the whole north-eastern corner of Africa. The Power which holds the Soudan has Egypt at its mercy, and through Egypt can dominate the Suez Canal. The Anglo-Egyptian Convention of 1899 was, as its author, Lord Cromer, was the first to admit, a diplomatic expedient designed to establish a temporary *modus vivendi*, which would safeguard British interests without calling for a large expenditure of British revenue. This purpose it has fulfilled, but with Egypt "an independent sovereign State" in the words of the declaration of the 28th February, 1922, the attitude of an Egyptian Government responsible to a popularly elected Parliament may, at any moment, render difficult, if not impossible, the administration of the Soudan on present lines in accordance with the terms of the 1899 convention. In Lord Cromer's own words, that instrument "was of necessity, to some extent, the child of opportunism. Should it eventually die and make place for some more robust, because more real, political creation, its authors need not bewail its fate."

Eventual Revision of the Anglo-Egyptian Convention.

76. When this prophecy is fulfilled it is essential that His Majesty's Government should not be exposed to the charge of having been the first to tear up a convention to which a British Government was a party. On the other hand, if Egypt should denounce or repudiate that convention it must be remembered that annexation of the Soudan by Great Britain would to-day be welcomed by a majority of the population. Ten years hence this majority may have shrunk or even disappeared, twenty years hence it will almost certainly have done so, as by then a Soudanese nationalism will have come into being.

J. MURRAY.

January 4, 1923.

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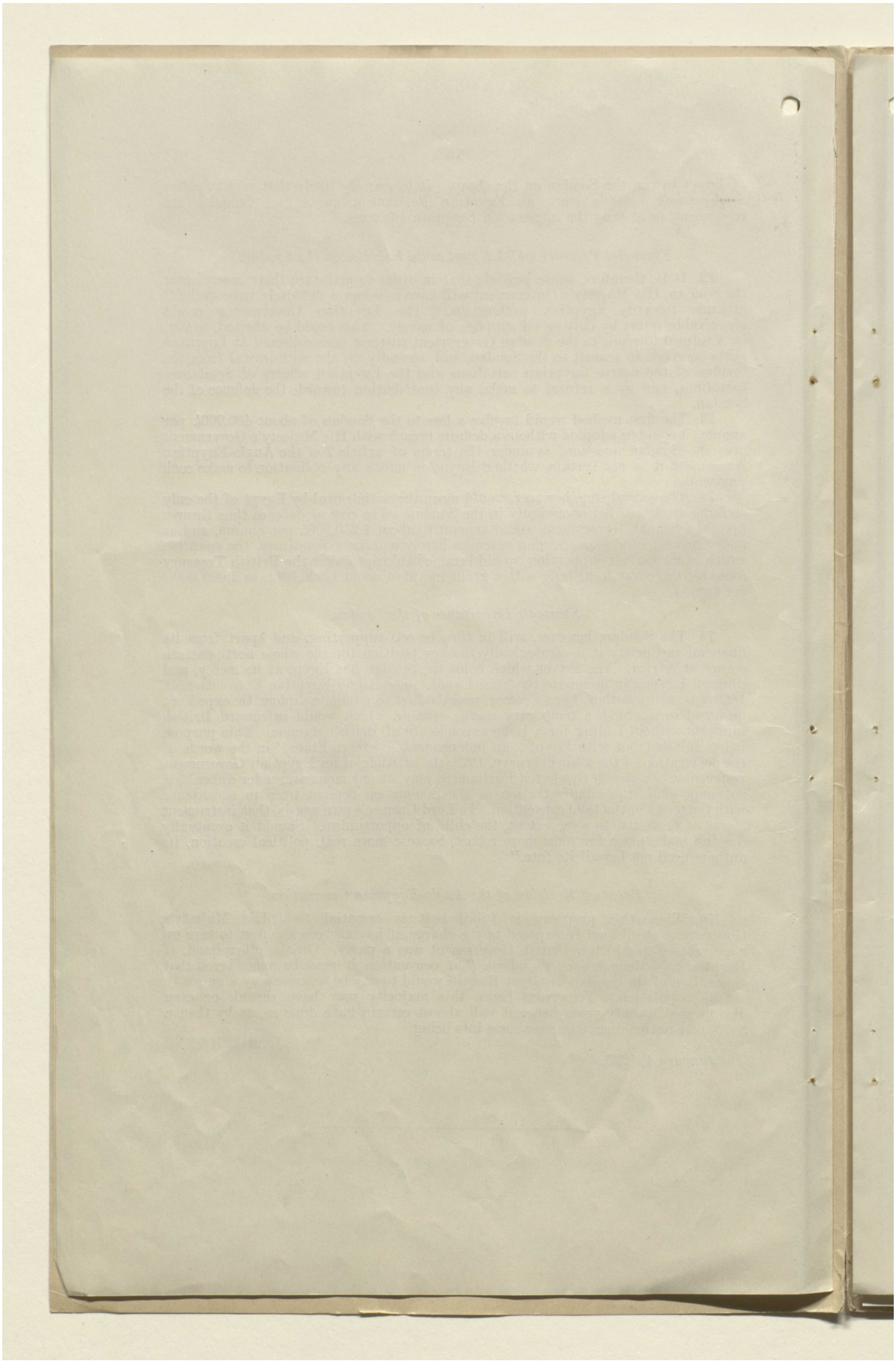

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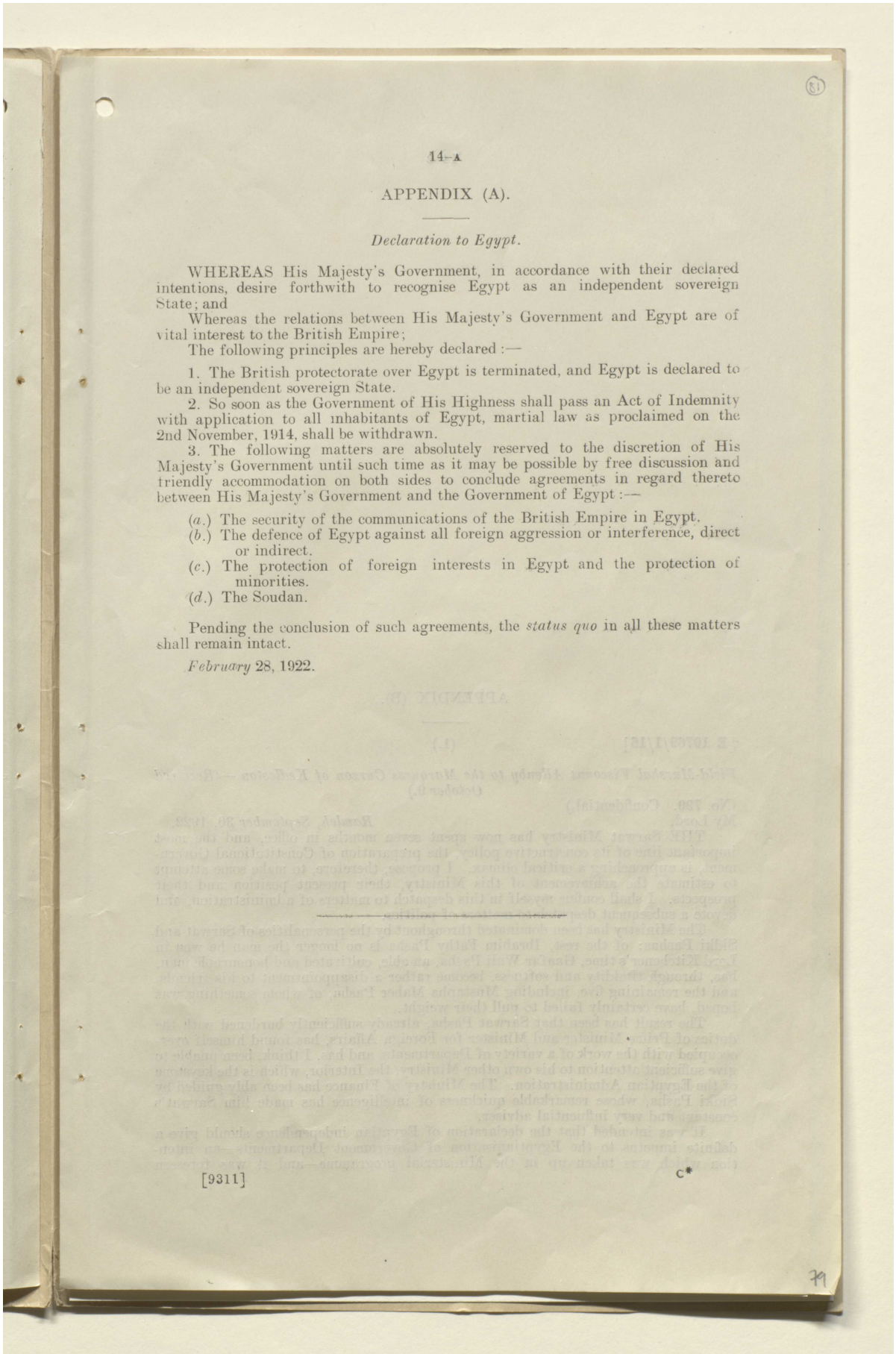

APPENDIX (A).

Declaration to Egypt.

WHEREAS His Majesty's Government, in accordance with their declared intentions, desire forthwith to recognise 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 on the 2nd 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 Soudan.

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

February 28, 1922.

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APPENDIX (B).

[E 10769/1/16] (1.)

Field-Marshal Viscount Allenby to the Marquess Curzon of Kedleston.—(*Received October* 9.)

(No. 799. Confidential.)

My Lord, *Ramleh, September* 30, 1922.

THE Sarwat Ministry has now spent seven months in office, and the most important line of its constructive policy, the preparation of Constitutional Government, is approaching a critical climax. I propose, therefore, to make some attempt to estimate the achievement of this Ministry, their present position and their prospects. I shall confine myself in this despatch to matters of administration, and devote a subsequent despatch to matters of politics.

The Ministry has been dominated throughout by the personalities of Sarwat and Sidki Pashas; of the rest, Ibrahim Fathy Pasha is no longer the man he was in Lord Kitchener's time, Gaafar Wali Pasha, an able, cultivated and honourable man, has, through timidity and softness, become rather a disappointment to his friends, and the remaining five, including Mustapha Maher Pasha, of whom something was hoped, have certainly failed to pull their weight.

The result has been that Sarwat Pasha, already sufficiently burdened with the duties of Prime Minister and Minister for Foreign Affairs, has found himself overoccupied with the work of a variety of Departments, and has, I think, been unable to give sufficient attention to his own other Ministry, the Interior, which is the keystone of the Egyptian Administration. The Ministry of Finance has been ably guided by Sidki Pasha, whose remarkable quickness of intelligence has made him Sarwat's constant and very influential adviser.

It was intended that the declaration of Egyptian independence should give a definite impetus to the Egyptianisation of Government Departments—an intention which was taken up in the Ministerial programme—and it was foreseen

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that the Administration might deteriorate in the process. When one remembers the perturbations of the preceding years, the absorption of officials in politics, the financial strain to which many of them were subjected, the intermittent strikes and the constant impatience of discipline, I do not think that there is cause for much dissatisfaction. There have been no strikes, and officials have been to a great extent freed from the intrusion of politics—at least opposition politics—into their work, and have almost settled down into the mild routine which they prefer. In so far as they are discontented, since the passing of the regrading proposals largely removed a long-standing grievance, it is because of acts of nepotism and favouritism on the part of Ministers or high Egyptian officials, which have been more frequent and flagrant than I anticipated.

In point of efficiency there has been much variation between different Departments. In the Ministry of Finance, I understand, little change is perceptible. The Minister is most anxious to prove his capacity to the world, his Egyptian Under-Secretary, Abdul Hamid Pasha Mustafa, is exceptionally competent, and full use is made of the British staff. A scheme for the gradual replacement of Englishmen by Egyptians in the Survey Department of this Ministry has been agreed upon between Sidki Pasha and Mr. Dowson. An economic council has been set up, consisting of well-selected members, of various nationalities. The financial results of the current year's working are expected to be very satisfactory.

It is otherwise in the Ministry of the Interior. The organisation of this Ministry has been much criticised in the past, and several abortive attempts have been made to reform it; its present state is, by all accounts, one of great disorder; the Under-Secretary, Ahmed Ali Pasha, is on bad terms with the Minister, and barely on speaking terms with the Egyptian Director-General of Public Security, Mohammed Badr-ed-Din Bey, who, though keen, courageous and in many ways able, has no capacity for organisation. An additional Under-Secretary of State has recently been appointed in the person of Ali Gamal-ed-Din Pasha, late Mudir of Gharbia; he is agreeable and sufficiently intelligent, and has a good record as a mudir, but it remains to be seen if he will take a proper interest in that part of his work which deals with public security.

The disorderliness of the Ministry of the Interior is reflected in provincial administration, where mudirs (in some cases through disappointment at receiving no promotion when the present Ministry took office) have been inclined to go easy and to loosen their authority. Crime is very prevalent, but the statistics show some improvement as against last year. The position has recently been changed by a series of promotions and transfers among mudirs and sub-mudirs, affecting nearly every province; two notoriously incompetent mudirs have disappeared, but others of very doubtful administrative value have been promoted for political reasons. The most interesting appointment is that of Hilmi Issa Pasha, who has become Mudir of Gharbia. He was a judge in the Native Court of Appeal, and has had a rapid career. He is reputed to be a very able man; though without administrative experience, and is likely to be heard of in the future. Reports which have reached me indicate the turbulent town of Tanta is at present well in hand.

The position of the inspectors of the interior has been much canvassed in the past, and various opinions have been held as to whether they should reside in their provinces or in Cairo, and whether their local powers should be great or small. The main dilemma has been that if their powers are widened they interfere with the authority and prestige of the mudirs, while if they are narrowed they cannot check abuses. Sarwat Pasha has decided to make them entirely non-executive. They will make at intervals complete tours of their provinces, and, while taking no action locally, furnish elaborate reports to the Ministry. To what extent the Ministry will act upon these reports remains to be seen, but I have little doubt that the present scheme, though it is one of many which have already been tried and abandoned, is most suitable for the present time.

The Department of Public Health seems to be one of those in which a rapid deterioration has set in. The Under-Secretary of State has been somewhat inconsiderate in his treatment of English officials, and his attitude has been imitated, I learn, by his subordinates; this, combined with a considerable loss of the efficiency in which they had taken a keen pride, has naturally disheartened the English officials in this administration. Among the many stories which I have heard illustrating irregularities in the Department of Public Health I may perhaps recount to your Lordship how one of two doctors at the Anti-Rabic Institute refused to take his turn of duty on Fridays, and, after alleging successively pretexts of health and of

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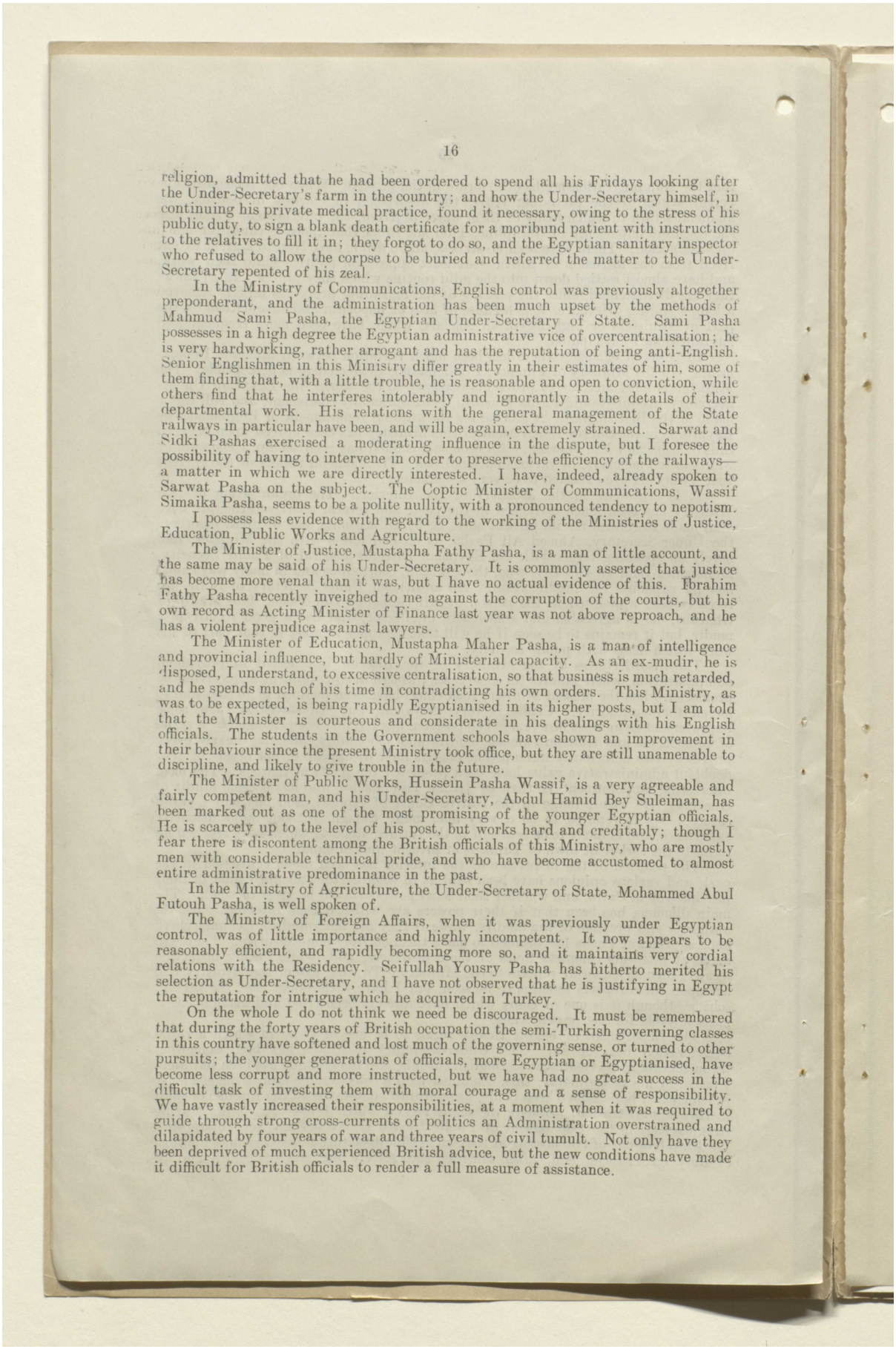

religion, admitted that he had been ordered to spend all his Fridays looking after the Under-Secretary's farm in the country; and how the Under-Secretary himself, in continuing his private medical practice, found it necessary, owing to the stress of his public duty, to sign a blank death certificate for a moribund patient with instructions to the relatives to fill it in; they forgot to do so, and the Egyptian sanitary inspector who refused to allow the corpse to be buried and referred the matter to the Under-Secretary repented of his zeal.

In the Ministry of Communications, English control was previously altogether preponderant, and the administration has been much upset by the methods of Mahmud Sami Pasha, the Egyptian Under-Secretary of State. Sami Pasha possesses in a high degree the Egyptian administrative vice of overcentralisation; he is very hardworking, rather arrogant and has the reputation of being anti-English. Senior Englishmen in this Ministry differ greatly in their estimates of him, some of them finding that, with a little trouble, he is reasonable and open to conviction, while others find that he interferes intolerably and ignorantly in the details of their departmental work. His relations with the general management of the State railways in particular have been, and will be again, extremely strained. Sarwat and Sidki Pashas exercised a moderating influence in the dispute, but I foresee the possibility of having to intervene in order to preserve the efficiency of the railways—a matter in which we are directly interested. I have, indeed, already spoken to Sarwat Pasha on the subject. The Coptic Minister of Communications, Wassif Simaika Pasha, seems to be a polite nullity, with a pronounced tendency to nepotism.

I possess less evidence with regard to the working of the Ministries of Justice, Education, Public Works and Agriculture.

The Minister of Justice, Mustapha Fathy Pasha, is a man of little account, and the same may be said of his Under-Secretary. It is commonly asserted that justice has become more venal than it was, but I have no actual evidence of this. Ibrahim Fathy Pasha recently inveighed to me against the corruption of the courts, but his own record as Acting Minister of Finance last year was not above reproach, and he has a violent prejudice against lawyers.

The Minister of Education, Mustapha Maher Pasha, is a man of intelligence and provincial influence, but hardly of Ministerial capacity. As an ex-mudir, he is disposed, I understand, to excessive centralisation, so that business is much retarded, and he spends much of his time in contradicting his own orders. This Ministry, as was to be expected, is being rapidly Egyptianised in its higher posts, but I am told that the Minister is courteous and considerate in his dealings with his English officials. The students in the Government schools have shown an improvement in their behaviour since the present Ministry took office, but they are still unamenable to discipline, and likely to give trouble in the future.

The Minister of Public Works, Hussein Pasha Wassif, is a very agreeable and fairly competent man, and his Under-Secretary, Abdul Hamid Bey Suleiman, has been marked out as one of the most promising of the younger Egyptian officials. He is scarcely up to the level of his post, but works hard and creditably; though I fear there is discontent among the British officials of this Ministry, who are mostly men with considerable technical pride, and who have become accustomed to almost entire administrative predominance in the past.

In the Ministry of Agriculture, the Under-Secretary of State, Mohammed Abul Futouh Pasha, is well spoken of.

The Ministry of Foreign Affairs, when it was previously under Egyptian control, was of little importance and highly incompetent. It now appears to be reasonably efficient, and rapidly becoming more so, and it maintains very cordial relations with the Residency. Seifullah Yousry Pasha has hitherto merited his selection as Under-Secretary, and I have not observed that he is justifying in Egypt the reputation for intrigue which he acquired in Turkey.

On the whole I do not think we need be discouraged. It must be remembered that during the forty years of British occupation the semi-Turkish governing classes in this country have softened and lost much of the governing sense, or turned to other pursuits; the younger generations of officials, more Egyptian or Egyptianised, have become less corrupt and more instructed, but we have had no great success in the difficult task of investing them with moral courage and a sense of responsibility. We have vastly increased their responsibilities, at a moment when it was required to guide through strong cross-currents of politics an Administration overstrained and dilapidated by four years of war and three years of civil tumult. Not only have they been deprived of much experienced British advice, but the new conditions have made it difficult for British officials to render a full measure of assistance.

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If the machinery of government has worked slowly, it must not be forgotten that this is a constant phenomenon during the Egyptian summer, and that for six weeks all the business of the Council of Ministers was held up by the King.

The faults of ignorance, vanity, moral cowardice and favouritism have been apparent, but I hope that a nucleus has been found of hardworking, honest and capable officials, who will not be above learning by experience, and that the forecasts of a rapidly developing chaos in Egyptian administration, which were made in some quarters when we abolished the protectorate, will be falsified.

The despatch in which I shall endeavour to survey the political situation will reach your Lordship by the next bag.

I have, &c.
ALLENBY, *F.M.*,
High Commissioner.

[**E 11477/1/16**] (2.)

Field-Marshal Viscount Allenby to the Marquess Curzon of Kedleston.—(Received October 23.)

(No. 836. Confidential.)

My Lord, *Ramleh, October 15, 1922.*

I HAVE the honour to refer to my despatch No. 799 of the 30th September. In the present despatch I shall endeavour to give some account of the political progress of the Sarwat Ministry and of the political situation in this country.

When the Ministry took office the breakdown of the negotiations with the Egyptian delegation and the resignation of Adly Pasha had been followed by a period of political tension with no Ministry, and His Majesty's Government had decided that the only feasible way of proceeding with their policy of establishing normal and orderly government in an independent Egypt, with security for Imperial necessities, was to make a unilateral declaration terminating the protectorate and reserving British rights in respect of four essential requirements.

This declaration enabled a Ministry to be formed of those elements of Egyptian Nationalism which repudiated methods of violence or pure obstruction, and the Ministry undertook, while respecting the reservations, to establish an Administration genuinely under Egyptian control, to prepare for the abolition of martial law, and in particular to elaborate a Constitution providing for Ministerial responsibility to a Parliament whose creation was a necessary antecedent to any fruitful renewal of negotiations with His Majesty's Government. They had sufficient sense of reality to know that the half was more than the whole, and sufficient patriotism and courage to act upon their knowledge.

Some of their difficulties were already obvious. They commanded no great personal popularity, they were deprived of the active assistance of Adly Pasha, and the respect and prestige attaching to him, and of a group of able and rising men who were his partisans, and they were certain to encounter the bitter hostility of the Zaghlulist and Watanist parties. Of the Zaghlulists some held political views not greatly differing from those of the Ministry, but were passionately attached to their own leader; while others, as well as the Watanists, falsely held that Great Britain was the enemy, and imagined that the profitable policy was to refuse any sort of compromise, and to repudiate the suggestion that we had any sort of rights in Egypt or the Soudan.

The general line of attack which the opponents of the Ministry would take were also evident. They would pretend that Sarwat Pasha had treacherously accepted a fallacious shadow of independence, that he was the creature of Great Britain, that he intended not to secure the abolition of martial law, but to exist by its support; and, ignoring the fact that the main object of his programme was to prepare a Constitution, to summon a Parliament and to make Ministers responsible to it, they would accuse him of being irresponsible and unrepresentative. The extremists among them would provoke or commit acts of violence either out of blind political passion or with the more subtle object of provoking the use of martial law, and thus discrediting the Ministry's intention of procuring its removal.

The Ministry has, on the whole, faced such attacks, and even considerable personal danger, with courage. They have pursued their policy obstinately, and if they have pursued it more slowly than might have been hoped, it is to be remembered that they have had to proceed warily in the face of watchful and unscrupulous opponents.

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Allowing the press almost every licence of political abuse, they have been obliged to spend much of their time in forestalling, diverting or countering attack.

The Ministry have converted—too quickly for purposes of efficiency—an administration in which, speaking generally, there was a preponderantly foreign guidance into one which is genuinely under Egyptian control.

They have not yet fully prepared the ground for the withdrawal of martial law. It may be believed by critics in England of the Egyptian Government, and it is pretended by critics here, that martial law is little else than an instrument by which we still impose our will upon a country we have professed to make independent. If Sarwat Pasha, they say, had truly desired independence, he would have performed the easy act of passing an Indemnity Law, and we should immediately have been obliged to withdraw martial law. It is not such a simple matter as that. British martial law in Egypt is in the nature of an Egyptian Defence of the Realm Act, and only by its help could the Egyptian Government, during an abnormal period, overcome, as it was obliged to overcome, its legislative weakness in the face of capitulary privileges. Martial law was thus used extensively for economic purposes, and economic conditions are not yet normal; it is through martial law that the import of sugar is controlled, and that landlords are prevented from exacting exorbitant house-rents. No other means have yet been found of making foreign subjects contribute towards the provision of night-watchmen, or of regulating through passport control the admission of persons into Egypt. In other respects, martial law has supplemented the native Penal Code of which a revision was compiled two years ago, but is now not entirely suitable for promulgation. Nor is the preparation of an Act of Indemnity without its technical difficulties, for, as your Lordship is aware, the most eminent legal opinions in this country are divided upon the question whether it is necessary, in order that the validity of such an Act should be recognised by the Mixed Courts, that it should have received the approval of the Capitulary Powers.

It is true, none the less, that the existence of martial law has been of political value to the present Ministry. The Zaghlulist "Wafd" issued a manifesto which constituted an offence against the Native Penal Code; the Government might have prosecuted the authors, but would probably have avoided a prosecution of such political importance. The manifesto was directed not only against the Ministry, but also against His Majesty's Government and the British military authority in Egypt, and constituted equally an offence against a military proclamation. The authors were therefore quite properly prosecuted under martial law, but the incidental advantage to the Ministry was such as to give rise, not unnaturally, to allegations that the Ministry could not stand without the support of martial law and that I was interfering in party politics.

The Ministry will reap further political advantage from martial law should it be shown that their opponents have been concerned in outrages upon Englishmen, for the investigation of which the use of martial law has proved indispensable.

It is hoped, however, that the withdrawal of martial law need not now be long delayed; for us it is, politically, rather an impediment than otherwise, for it makes it most difficult for us to disentangle ourselves from internal politics and from invitations to support, in the interest of order, whatever Ministry may be in office. I shall revert to this point later.

The third and principal plank in Sarwat Pasha's programme was the preparation of a democratic Constitution, to be followed by a general election. One of the first acts of the Ministry was to appoint a Constitution Committee under the presidency of Rushdy Pasha; opponents of the Ministry were invited to sit on the commission, but refused, and the members, though representative men otherwise, are not representative in variety of political opinion. This commission has sat persistently through the greater part of the summer, when official business in Egypt usually becomes almost stagnant, and is now on the verge of finishing its work. The Constitution will be criticised by the Opposition, less on its merits than as being made by the Government and not by Parliament. On the other hand, before Sarwat Pasha will be able to complete this part of the programme, which he submitted to King Fuad upon accepting office, it is probable that he will have to overcome strong opposition from the King himself, who is expected to be unwilling to accept the Constitution in the form in which it is likely to be presented by Sarwat Pasha.

Meanwhile, Sarwat Pasha seems to have sufficiently redeemed this third undertaking also.

There is, however, another ground for discontent with the Sarwat Ministry which seems to me to have ample justification. Partly with a view to increasing their personal popularity and obtaining political support, and partly, I suppose, owing to a

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prevalent reluctance to deny the demands of relatives and protégés, they have made a great number of highly arbitrary appointments and promotions. Though some of these may bring them political advantage and provide convenient channels for the exercise of power, there can be no doubt that in earning the thanks of one man they have incurred the resentment of fifty, and that, while they have become unpopular among their officials, they have not established at large the respect which accompanies a reputation for justice.

The relations of the Egyptian Government with foreign representatives here appear to be friendly and correct. I am not aware that any difficulties of importance have arisen, but I shall observe with interest the negotiations with the German Minister regarding the Egyptian articles of the Treaty of Versailles and the western frontier negotiations with Italy.

Their relations with myself have been most cordial, and, in spite of their refusal to accept my scheme for the retirement and compensation of British officials, they have, in general, shown a friendly willingness to meet our views and to accept suggestions, and where matters of principle were at stake they have been ready to seek some provisional and practical way out of a difficulty. Some patience, however, is often required to pass the time between Sarwat Pasha's very prompt verbal acquiescences and their practical application.

The Egyptian Government have, I think, been unwise in appointing no diplomatic or consular representatives abroad; such appointments would have emphasised the reality of Egyptian independence, and would have afforded a means of countering anti-Ministerial propaganda in England and elsewhere. They are, perhaps, more interested in diplomatic than in consular representation, and they have been precluded from making any appointment to London by the King's desire to appoint Adly Pasha, who, for his part, is determined to remain in Egypt. Seifullah Yousri Pasha, Mahmud Fakhry Pasha (ex-Minister of Finance and the King's son-in-law) and Ismail Sidky Pasha have been proposed, and successively refused by His Majesty; Mahmud Fakhry Pasha has recently been proposed again, but has himself refused the appointment.

The course of the relations between King Fuad and his Prime Minister has been interesting. Until eighteen months ago the King was known to entertain an acute personal dislike for Sarwat Pasha, and he did not easily acquiesce in Sarwat's inclusion in the Adly Ministry of last year. During that summer and autumn, however, while Sarwat was acting as Prime Minister, their relations appeared to improve—helped, one may presume, by the King's acquisition at that time of certain valuable properties of the ex-Khedive—and that your Lordship will remember that by December His Majesty had become most anxious that Sarwat should succeed Adly as Prime Minister. It may be supposed that Sarwat regulated his behaviour towards the King with an eye to this eventuality.

The advent of Sarwat Pasha to power, with a constitutional programme, introduced the elements of certain discord, and during the summer the King and his Prime Minister have been drifting apart, the former towards the consolidation of royal prerogatives, the latter towards the constitutional limitation of the monarchy. The crisis of July and August, reported to you in my despatches No. 671 of the 21st August and No. 799 of the 30th September, were a phase of this constitutional struggle, and the more recent disagreement over the King's *lèse-majesté* law had the same origin.

I now pass from summarising the progress of the Ministry since it took office to considering the political conditions prevalent in Egypt to-day.

The commonest general charge against the Sarwat Ministry is that it is unrepresentative. It is, of course, like all preceding Egyptian Ministries, unrepresentative in the sense that it does not represent any electoral or otherwise ascertained expression of majority opinion, but the charge is also true in the sense that the Ministry is not really representative of that large section of opinion which in the main shares its views. It is a group in a loosely arranged party of practical Constitutional Nationalists, which had the courage to come forward when, upon the rupture of Anglo-Egyptian negotiations, the most prominent representative of these views was driven into retirement, and another group, largely composed of ex-Zaghlulists, from motives of prudence and of personal attachment to Adly Pasha, preferred to remain in the background. The party, if it can be called by that name, draws its strength from its constitutional principles, and the belief that it is the party of order. It finds its support among the more level-headed of the professional classes, and, especially on the second of these two grounds, among the land-owners large and small, who are not, however, a politically-minded class. I have seen it alleged in certain English papers, with reference to our difficulties in Turkey, that this is a party of Turkish pashas; such a nomenclature is many years out of date.

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The Sarwat group look upon themselves, and are regarded by the party, as a detachment holding and consolidating a position until the proper moment arrives for the main body of their friends to come to their support and to absorb them. They have met with a fair measure of success. They inspire the respect which is associated with fear, but not the veneration in which Zaghlul Pasha is held by his supporters, or the respect which Adly Pasha enjoys for his probity and dignity. They have not the qualities which command popular favour, and their equivocal and petty methods of administration have alienated the personal sympathies of many of the party, and aroused discontent among the Government officials.

The moment when they will merge into the main body of the party has been intended, if I rightly understand their plans, to be after the elections, though there is a recent tendency to believe that a more opportune time might be upon the King's signature of the Constitution. What I have hitherto loosely termed a "party" is intended to become more organic under the leadership of Adly Pasha, who is already maturing his plans, in association with such men as Mohammed Mahmud Pasha, Hassan Abdul Razik Pasha, Lutfi Bey-el-Sayed, Dr. Hafiz Afifi and Mohammed Ali Bey, four of them members of the original Zaghlulist Wafd. They have founded a newspaper, which, it is stated, already has 15,000 shareholders, and which is expected to start publication on the 23rd October. The details of the party programme will then become known. I observe that in some quarters in England the assumption is made that because Adly Pasha is founding a party he is withdrawing his support from the Sarwat Ministry. I believe there is no ground for this assumption. The scheme, I am given to understand, is for the party to make its electoral campaign in collaboration with the Government, and, if their anticipations are fulfilled, for Sarwat Pasha to resign after the elections, with a view to Adly Pasha, as the leader of the victorious party, becoming Prime Minister and presumably finding an important place in his Ministry for Sarwat. They count, through the backing of the landed classes, upon the election and support of the strong country candidate in all or nearly all the rural constituencies, and upon a sweeping victory over the Zaghlulists.

They are, I suspect, over-confident; and indeed Adly Pasha himself, who is always more prone to see his difficulties than the way out of them, seemed in a recent conversation with me to be less happy than, for instance, the Ministers or Mohammed Mahmud Pasha, and was seeking for some possible means of conciliating the more moderate Zaghlulists. But, on the whole, unless any important new factor is introduced, the omens seem favourable. I should here observe that Mohammed Mahmud Pasha's future attitude is open to some doubt. He is on the wing of the Adly Party and noticeably critical, in conversation, of the Sarwat Administration.

The Zaghlulist Party is no longer what it was. Its men of mark are in exile and their feebler successors are in prison. The existence of a "Wafd" is now hardly felt, and though money is found for engaging counsel in England to contest the legality of Zaghlul Pasha's detention, it is supposed that the party funds are much depleted. All the hopes of the party are centred in the return of Zaghlul Pasha to Egypt. He is still the idol of the populace, the beloved leader of a great part of the professional classes, and to the wilder students a martyr. To most landowners, on the other hand, he is still a bogey, and to the fellaheen either a vague hero of their race or an ominous destroyer of the foundations of their existence. And yet he is a little faded. To some of his followers, such as Amin Bey Yusuf and M. Louis Fanous, it now seems desirable to paint him in new colours as the true partisan of an understanding with Great Britain; but they have been disowned by the managers of the party in Egypt for painting a picture which contrasts too violently with the hostility to Great Britain unremittingly expressed by the party organs in Egypt.

There is evidence, however, of a tendency in the Zaghlulist Party to divide into two wings—united by their veneration of Zaghlul and their animosity to the present Ministry, but divided in their view of the relations of Egypt to Great Britain. A large proportion of prominent Copts appear to remain faithful to Zaghlul, presumably on the strength of the guarantees which he is believed to have personally given to them, and many of these are to be found on the more moderate wing.

Not only has the party lost much of its active force through the absence of its leaders, but the public mind seems to have become gradually less responsive to its activities; even among the students the high political tension of the last four years has appreciably relaxed. Annual occasions which the Zaghlulists are accustomed to celebrate have this year been more tamely recognised; the majority of the telegrams which poured out of Egypt when Zaghlul arrived at Gibraltar were signed, though nominally sometimes on behalf of large bodies of people, by individuals of little

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significance or repute; and I am told by competent observers that the departure of Mme. Zaghlul from Cairo last week, when the Government did nothing to forestall any display of spontaneous or mercenary zeal, though it was very largely attended, was generally viewed as a public show rather than as a political event. Propaganda in favour of Zaghlulism has, except on special occasions, largely given place to abuse of the present Government, and, indeed, Sarwat Pasha's chief danger now lies rather in dislike for his administration (and in another cause, to which I shall presently allude) than in enthusiasm for another party.

This is not to say that if Zaghlul Pasha returned to Egypt to-morrow he could not do what he liked with the country. I do not know what his inclinations as an exile may be, but I have no doubt that, once restored, he would be a disruptive and not a constructive force.

The old Nationalist, or Watanist, Party has been swamped by Zaghlulism. Whereas Zaghlulism is a genuine Egyptian nationalist movement which has over-reached itself and lost many of its saner representatives, through the reciprocal incitations of its more arrogant or malicious leaders and its more turbulent supporters, the Watanist Party maintains its Turkish affinities, its more Islamic than Egyptian outlook and its contact with the ex-Khedive. It finds, however, many points of common ground with the extremer Zaghlulists; they share its uncompromising rejection of any British connection whatever, and are indistinguishable from the Watanists in their enthusiasm for the achievements of Mustapha Kemal Pasha, whose name received a full share of ovation from the crowds which watched the departure of Mme. Zaghlul. The Watanists may applaud Zaghlul for their own purposes, but their leaders are naturally glad to be rid of a predominant rival. This party is probably relatively stronger among Egyptians abroad than in Egypt itself, but it draws strength naturally from Al Azhar University and from the Alexandria district, where there is much Turkish blood, and where the prestige of Prince Omar Toussoun and Mohammed Pasha Said is particularly felt. It is largely under Watanist influence (and in accordance with the traditional policy of the party) that preparations are being made for a demonstration in honour of the Minister of France, whom it is convenient at the present juncture to take at her own valuation as the friend and protector of Islam.

Above these parties, as His Majesty is fond of reiterating, stands King Fuad; his attitude is interesting and, I am bound to add, somewhat equivocal.

Until the time of the Tewfik Nessim Ministry, Sultan Fuad had remained almost a cypher, scarcely exerting himself publicly except to repress a bid for political influence on moderate lines by Prince Omar Toussoun, but the retirement which a lack of personal courage enforced upon him must have been distasteful to a man possessing the love of power which has characterised his family. Tewfik Nessim Pasha, with loyalty and prudence, brought his Sovereign into public notice; and this policy was continued by Adly and Sarwat Pashas, who have made persistent and successful efforts to bring the Palace into contact with the Egyptian people and to ensure large and representative attendances at receptions.

Already in the spring of 1921 the Sultan felt himself strong enough to attempt to oppose the formation of the Adly Ministry, but it was not until the summer of 1922 that he settled into the practice of endeavouring to dictate to his Council of Ministers in matters other than those affecting his own finances I have mentioned already in this despatch, and recounted more fully elsewhere, the salient instances of this practice, and I may add that a new issue has just arisen, reminiscent of the reign of Abbas Hilmi, concerning decorations. The King desires to alter the statutes regulating the award of the "Étoile militaire" in such a way as to place this decoration wholly in his own gift, and to institute a new order, which he has elected to call the Order of Ismail, to take precedence over the Order of the Nile, and also to be wholly in his own gift. Sarwat Pasha, mindful, perhaps, of the declaration of King Fuad's autocratic father, "Dorénavant je veux gouverner avec et par mon Conseil des Ministres," is intending to stand out against this proposal, and in so doing he has my approval.

The King has not thus declared himself without bringing about relations of persistent and acute tension with a Ministry pledged, with his own sanction, to constitutionalism. He tells me frankly that all his Ministers hate him, and what Sarwat Pasha now feels about the King is indicated by some remarks, a copy of which I transmit herewith for your Lordship's information, which he made last month to a member of my staff. These feelings are at present shared by the leading adherents of Adly Pasha.

This open display of autocracy dates from the appointment of Tewfik Nessim Pasha

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to be chief of the King's Cabinet. The King had desired to appoint him last year, but I understand that Adly Pasha prevented it, foreseeing that the result might be to shift the political centre from the Ministry to the Palace. When, after Sarwat Pasha took office, the King renewed his offer to Nessim Pasha, the latter was most unwilling to accept, and proposed conditions which he imagined would not be entertained; they were, however, agreed to (though I am told that they have not in fact been fulfilled), and Nessim Pasha entered the King's service. His Majesty has made full use of the loyalty of this strict and conservative statesman. I have reason to know that Nessim Pasha feels the embarrassment of his position, but he is supported by his devotion to the throne and his genuine d slike for the favouritism which characterises the Sarwat Administration, and from which, when Prime Minister, he was himself sternly averse.

About the time when the Sarwat Ministry took office there were indications that the Zaghlulists, deprived of any weighty leadership, were attempting to establish contact with Adly Pasha; they met with no success and then made overtures to Nessim Pasha, but there is no reason to suppose that he gave them any encouragement. When, however, he was appointed to the Palace, it was part of his duty of establishing the position of the throne to place the King in contact with all sections of opinion, and during the latter part of the summer deputations and petitions to the Palace by members of the Zaghlulist Party became noticeably frequent. I was assured that, though the King, being above parties, could not turn away any Egyptians from his door, no encouragement was being given to the Zaghlulists.

I regret that, in the face of cumulative evidence to the contrary, I am no longer able to accept these assurances. At the King's accession-day reception on the 9th October, His Majesty took occasion openly to rebuke mudirs for having, as he alleged, used their influence in favour of the Adly Party, and I understand that he received the present so-called leader of the Wafd, a certain Saadi-el-Masri Bey, with marked cordiality. I hear on all hands that emissaries of the Palace proclaim pro-Zaghlulist sentiments and are in close touch with Zaghlulist newspapers; in a recent issue of the Zaghlulist "Liberté," whose suspension by the Ministry was the chief immediate cause of a recent crisis, the photographs of the King and Mme. Zaghlul appeared in conspicuous juxtaposition, and an evidently inspired article congratulated His Majesty on the courage which he must have required in order, for political reasons, to have concealed so long from the people his real opinions.

His Majesty, of course, has no Zaghlulist sympathies; Zaghlul Pasha, he is confident, is well out of the way, and the moment he has chosen for encouraging Zaghlul's Party is significantly the moment when the party's fortunes are clearly waning and those of the Adly Party are in the ascendant.

The logic of events forces me to the conclusion that the dominant motive of the King's actions has been jealousy of any rival power, whether in an organ of Government, an individual statesman, or a member of his own family, and that, for him, to be above parties is to ride upon their nicely-balanced dissensions.

It is in these circumstances that Sarwat Pasha is about to ask the King to sign a Constitution. I understand that the King's present intention is to reply that he is unable to sign a Constitution drawn up by an unrepresentative body of men, and that he proposes to refer the matter to another body, representative of all shades of political opinion and of every liberal profession, having only this in common, that they will all be nominated by His Majesty, or, more correctly speaking, by the Ministry which he intends to bring into office. This refusal would have the double result of Sarwat's resigning and the promulgation of the Constitution being delayed. I am informed by Mohammed Sherei'i Pasha, who was recently charged by the King to form a Court or Conservative Party, but failed to discover its elements, that the view which he was to expound was that Egypt is not yet ripe for parliamentary institutions, and that a year or two of firm autocracy is still required. There is indeed much to be said for this view, but I see little prospect of a firm autocracy maintaining itself in the Egypt of to-day without external support, and our experience of the exercise of personal power by other rulers of the dynasty of Mohammed Aly suggests that it would not be used for the benefit of the people of Egypt.

The resignation of Sarwat Pasha would be followed, I understand, according to the King's intentions, by a Tewfik Nessim Ministry, formed of very much the same group which composed his previous Ministry. Administratively they might well be better than the present Government, but I distrust the political implications.

A vicious element in the present situation in Egypt, so far as we are directly concerned, appears to me to lie in the maintenance of martial law, which in itself seems most

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anomalous to outside observers, and which involves us in using it in an independent country to support a Government which rests on no representative sanction, and, in effect, to help the Ministerial party against the Opposition.

The condition of escaping from this situation, and also the condition of establishing on a treaty basis those relations with an independent Egypt which it is the aim of the policy of His Majesty's Government to achieve, is, it seems to me, the setting up of constitutional government. The accession to power of a Court party means delay of unknown duration. The necessity of obtaining pledges in regard to matters of detail implied by the reservations, and our ultimate responsibility for maintaining order, are calculated to entangle us with the new Ministry, which, so far as can be foreseen, would either find very little support in the country, or would be forced to look for support to Zaghlulist elements, whose desires they would hardly wish or be able to satisfy. In most hostile opposition to the King and to such a Ministry, and, by implication, it is to be feared, also to us, would be found the very strong party of reasonable and progressive views which centres about Adly Pasha, Sarwat Pasha and their associates.

In my opinion, therefore, it would be advantageous for us, for Egypt, and, I may add, for the King himself that the promulgation of the Constitution should not be delayed.

I have just received from the Prime Minister an advance copy of the draft Constitution, which has been handed to him, not yet officially, by the Constitution Commission. I will send copies to your Lordship by the next bag.

I have, &c.

ALLENBY, *F.M.*,
High Commissioner.

Enclosure in (2).

Remarks by Sarwat Pasha.

SARWAT *loquitur*:—

"I am going to tell you plainly what my plans are as far as I have formulated them. The Constitution will be finished and ready by the end of September. I shall take a fortnight or so to consider it; I shall then discuss it with the King, and, presuming that we arrive at a satisfactory decision, the Constitution will be promulgated at the end of October; November and December will be taken up with the preliminaries of the elections; the elections will be held in January, and Parliament will meet, say, in February.

"The one difficulty lies in the discussions with the King. I have always been respectful to him. I have done what he wanted whenever I could without harm to the principles for which I am working. I have given way on all matters not of vital importance. His Majesty has at times made it very difficult for me to keep my temper, but I have only failed once: that was when he sent for me and presented me with the law about the Khedive. I was a little hurt, naturally, at having a ready-made law thrust at me over the table; but when it was accompanied by the words 'There, take that; see that it passes quickly, and no changes,' it was too much for me, and I said: 'I presume your Majesty will at least allow me to read it.' I also said to Said Zulfikar: 'Please tell His Majesty that I am a Prime Minister, not a functionary, and that I come here to give advice, not to receive orders.' Otherwise I have always been as pleasant as it lies in me to be.

"Don't make any mistake about the King. He is nice enough and intelligent enough, but he has much too high an opinion of his own mental powers and he has no idea of the rôle of a constitutional monarch. He is an intriguer—I could forgive him much if he intrigued well, but everything that he does shows clearly the end he has in view—and he talks too much. It must be as clear to you as it is to me that all these petty incidents that arise every few days are only of importance in so far as they are connected with his main idea, which is to avoid by any possible means the inclusion in the Constitution of ministerial responsibility to Parliament. This is a point on which I shall never give way. It is the one thing for which we have fought, the one thing about which there is unanimity in Egypt; and further, not only in the agreement of the 28th February, but in all the preliminary negotiations, it is a clear condition of the grant by the British Government of independence. Personally, I would rather go back to direct British rule than be subject to an autocratic despotism of the type which the King wishes to create for himself. In the old days we used to play off the Khedive against the British and the British against the Khedive. The King is trying that same

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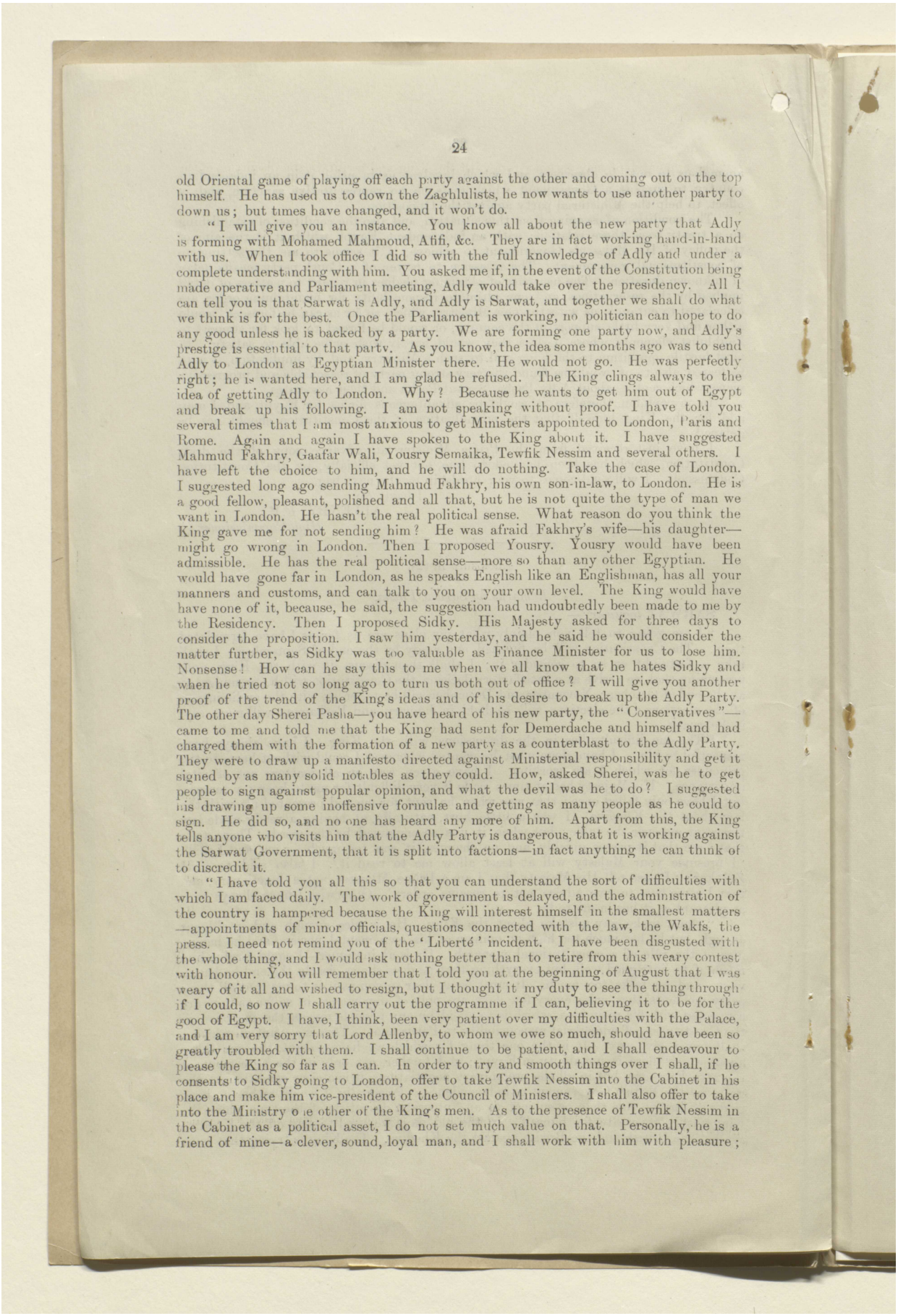

old Oriental game of playing off each party against the other and coming out on the top himself. He has used us to down the Zaghlulists, he now wants to use another party to down us; but times have changed, and it won't do.

"I will give you an instance. You know all about the new party that Adly is forming with Mohamed Mahmoud, Afifi, &c. They are in fact working hand-in-hand with us. When I took office I did so with the full knowledge of Adly and under a complete understanding with him. You asked me if, in the event of the Constitution being made operative and Parliament meeting, Adly would take over the presidency. All I can tell you is that Sarwat is Adly, and Adly is Sarwat, and together we shall do what we think is for the best. Once the Parliament is working, no politician can hope to do any good unless he is backed by a party. We are forming one party now, and Adly's prestige is essential to that party. As you know, the idea some months ago was to send Adly to London as Egyptian Minister there. He would not go. He was perfectly right; he is wanted here, and I am glad he refused. The King clings always to the idea of getting Adly to London. Why? Because he wants to get him out of Egypt and break up his following. I am not speaking without proof. I have told you several times that I am most anxious to get Ministers appointed to London, Paris and Rome. Again and again I have spoken to the King about it. I have suggested Mahmud Fakhry, Gaafar Wali, Yousry Semaika, Tewfik Nessim and several others. I have left the choice to him, and he will do nothing. Take the case of London. I suggested long ago sending Mahmud Fakhry, his own son-in-law, to London. He is a good fellow, pleasant, polished and all that, but he is not quite the type of man we want in London. He hasn't the real political sense. What reason do you think the King gave me for not sending him? He was afraid Fakhry's wife—his daughter—might go wrong in London. Then I proposed Yousry. Yousry would have been admissible. He has the real political sense—more so than any other Egyptian. He would have gone far in London, as he speaks English like an Englishman, has all your manners and customs, and can talk to you on your own level. The King would have have none of it, because, he said, the suggestion had undoubtedly been made to me by the Residency. Then I proposed Sidky. His Majesty asked for three days to consider the proposition. I saw him yesterday, and he said he would consider the matter further, as Sidky was too valuable as Finance Minister for us to lose him. Nonsense! How can he say this to me when we all know that he hates Sidky and when he tried not so long ago to turn us both out of office? I will give you another proof of the trend of the King's ideas and of his desire to break up the Adly Party. The other day Sherei Pasha—you have heard of his new party, the "Conservatives"—came to me and told me that the King had sent for Demerdache and himself and had charged them with the formation of a new party as a counterblast to the Adly Party. They were to draw up a manifesto directed against Ministerial responsibility and get it signed by as many solid notables as they could. How, asked Sherei, was he to get people to sign against popular opinion, and what the devil was he to do? I suggested his drawing up some inoffensive formulæ and getting as many people as he could to sign. He did so, and no one has heard any more of him. Apart from this, the King tells anyone who visits him that the Adly Party is dangerous, that it is working against the Sarwat Government, that it is split into factions—in fact anything he can think of to discredit it.

"I have told you all this so that you can understand the sort of difficulties with which I am faced daily. The work of government is delayed, and the administration of the country is hampered because the King will interest himself in the smallest matters—appointments of minor officials, questions connected with the law, the Wakfs, the press. I need not remind you of the 'Liberté' incident. I have been disgusted with the whole thing, and I would ask nothing better than to retire from this weary contest with honour. You will remember that I told you at the beginning of August that I was weary of it all and wished to resign, but I thought it my duty to see the thing through if I could, so now I shall carry out the programme if I can, believing it to be for the good of Egypt. I have, I think, been very patient over my difficulties with the Palace, and I am very sorry that Lord Allenby, to whom we owe so much, should have been so greatly troubled with them. I shall continue to be patient, and I shall endeavour to please the King so far as I can. In order to try and smooth things over I shall, if he consents to Sidky going to London, offer to take Tewfik Nessim into the Cabinet in his place and make him vice-president of the Council of Ministers. I shall also offer to take into the Ministry one other of the King's men. As to the presence of Tewfik Nessim in the Cabinet as a political asset, I do not set much value on that. Personally, he is a friend of mine—a clever, sound, loyal man, and I shall work with him with pleasure;

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but the appointment may ease matters with the King and facilitate the discussion of the Constitution. If the King would only tell me the points on which he is dissatisfied with the Constitution I think I could meet him on most of them except the question of Ministerial responsibility. Adly, by the way, is very confident that we shall succeed on that point, as popular feeling is so strong and the wishes of the British Government are clear. I am not quite so hopeful, but I do feel that I have one very strong weapon, in that it would be extremely awkward for His Majesty if the Ministry resigned, because he would not agree to a Liberal Constitution. I do not at all want to take that step, but I shall take it if necessary.

"As to the immediate situation, I don't think there is much to be done in the next few days. It is for the King to move. I have left entirely in his hands the question of the appointments abroad. Let us await events."

September 8, 1922.

APPENDIX (C).

Agreement between Her Britannic Majesty's Government and the Government of His Highness the Khedive of Egypt relative to the Future Administration of the Soudan.

WHEREAS certain provinces in the Soudan which were in rebellion against the authority of His Highness the Khedive have now been reconquered by the joint military and financial efforts of Her Britannic Majesty's Government and the Government of His Highness the Khedive;

And whereas it has become necessary to decide upon a system for the administration of, and for the making of, laws for the said reconquered provinces, under which due allowance may be made for the backward and unsettled condition of large portions thereof, and the varying requirements of different localities;

And whereas it is desired to give effect to the claims which have accrued to Her Britannic Majesty's Government, by right of conquest, to share in the present settlement and future working and development of the said system of administration and legislation;

And whereas it is conceived that for many purposes Wadi Halfa and Suakin may be most effectively administered in conjunction with the reconquered provinces to which they are respectively adjacent;

Now, is is hereby agreed and declared by and between the undersigned, duly authorised for that purpose, as follows:—

Article 1.

The word "Soudan" in this agreement means all the territories south of the 22nd parallel of latitude, which—

1. Have never been evacuated by Egyptian troops since the year 1882; or
2. Which, having before the late rebellion in the Soudan been administered by the Government of His Highness the Khedive, were temporarily lost to Egypt, and have been reconquered by Her Britannic Majesty's Government and the Egyptian Government, acting in concert; or
3. Which may hereafter be reconquered by the two Governments acting in concert.

Article 2.

The British and Egyptian flags shall be used together, both on land and water, throughout the Soudan [except in the town of Suakin, in which locality the Egyptian flag alone shall be used].*

Article 3.

The supreme military and civil command in the Soudan shall be vested in one officer, termed the "Governor-General of the Soudan." He shall be appointed by Khedivial decree on the recommendation of Her Britannic Majesty's Government, and shall be removed only by Khedivial decree, with the consent of Her Britannic Majesty's Government.

* The passages in square brackets were cancelled by a subsequent convention concluded on the 10th July, 1899.

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ARTICLE 4.

Laws, as also orders and regulations, with the full force of law, for the good government of the Soudan, and for regulating the holding, disposal, and devolution of property of every kind therein situate, may from time to time be made, altered, or abrogated by proclamation of the Governor-General. Such laws, orders and regulations may apply to the whole or any named part of the Soudan, and may, either explicitly or by necessary implication, alter or abrogate any existing law or regulation.

All such proclamations shall be forthwith notified to Her Britannic Majesty's agent and consul-general in Cairo, and to the President of the Council of Ministers of His Highness the Khedive.

ARTICLE 5.

No Egyptian law, decree, Ministerial arrêté, or other enactment hereafter to be made or promulgated, shall apply to the Soudan or any part thereof, save in so far as the same shall be applied by proclamation of the Governor-General in manner hereinbefore provided.

ARTICLE 6.

In the definition by proclamation of the conditions under which Europeans, of whatever nationality, shall be at liberty to trade with or reside in the Soudan, or to hold property within its limits, no special privileges shall be accorded to the subjects of any one or more Power.

ARTICLE 7.

Import duties on entering the Soudan shall not be payable on goods coming from Egyptian territory. Such duties may, however, be levied on goods coming from elsewhere than Egyptian territory; but in the case of goods entering the Soudan at Suakin, or any other port on the Red Sea littoral, they shall not exceed the corresponding duties for the time being leviable on goods entering Egypt from abroad. Duties may be levied on goods leaving the Soudan at such rates as may from time to time be prescribed by proclamation.

ARTICLE 8.

The jurisdiction of the Mixed Tribunals shall not extend, nor be recognised for any purpose whatsoever, in any part of the Soudan [except in the town of Suakin].*

ARTICLE 9.

Until, and save so far as it shall be otherwise determined by proclamation, the Soudan [with the exception of the town of Suakin]* shall be and remain under martial law.

ARTICLE 10.

No consuls, vice-consuls or consular agents shall be accredited in respect of, nor allowed to reside in, the Soudan without the previous consent of Her Britannic Majesty's Government.

ARTICLE 11.

The importation of slaves into the Soudan, as also their exportation, is absolutely prohibited. Provision shall be made by proclamation for the enforcement of this regulation.

ARTICLE 12.

It is agreed between the two Governments that special attention shall be paid to the enforcement of the Brussels Act of the 2nd July, 1890, in respect of the import, sale and manufacture of firearms and their munitions, and distilled or spirituous liquors.

Done in Cairo, the 19th January, 1899.

(Signed) CROMER.
BOUTROS GHALI.

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* The passages in square brackets were cancelled by a subsequent convention concluded on the 10th July, 1899.

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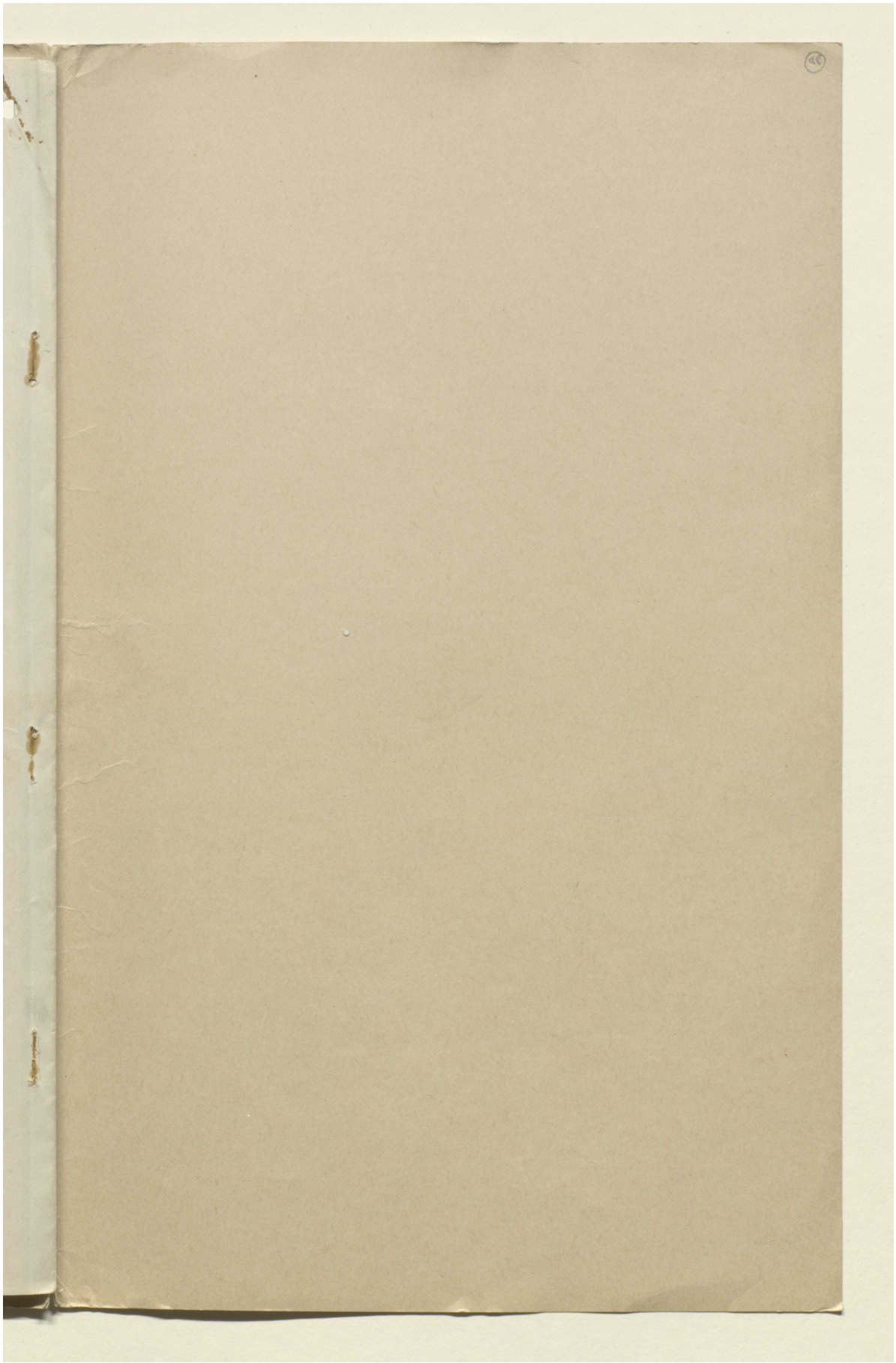

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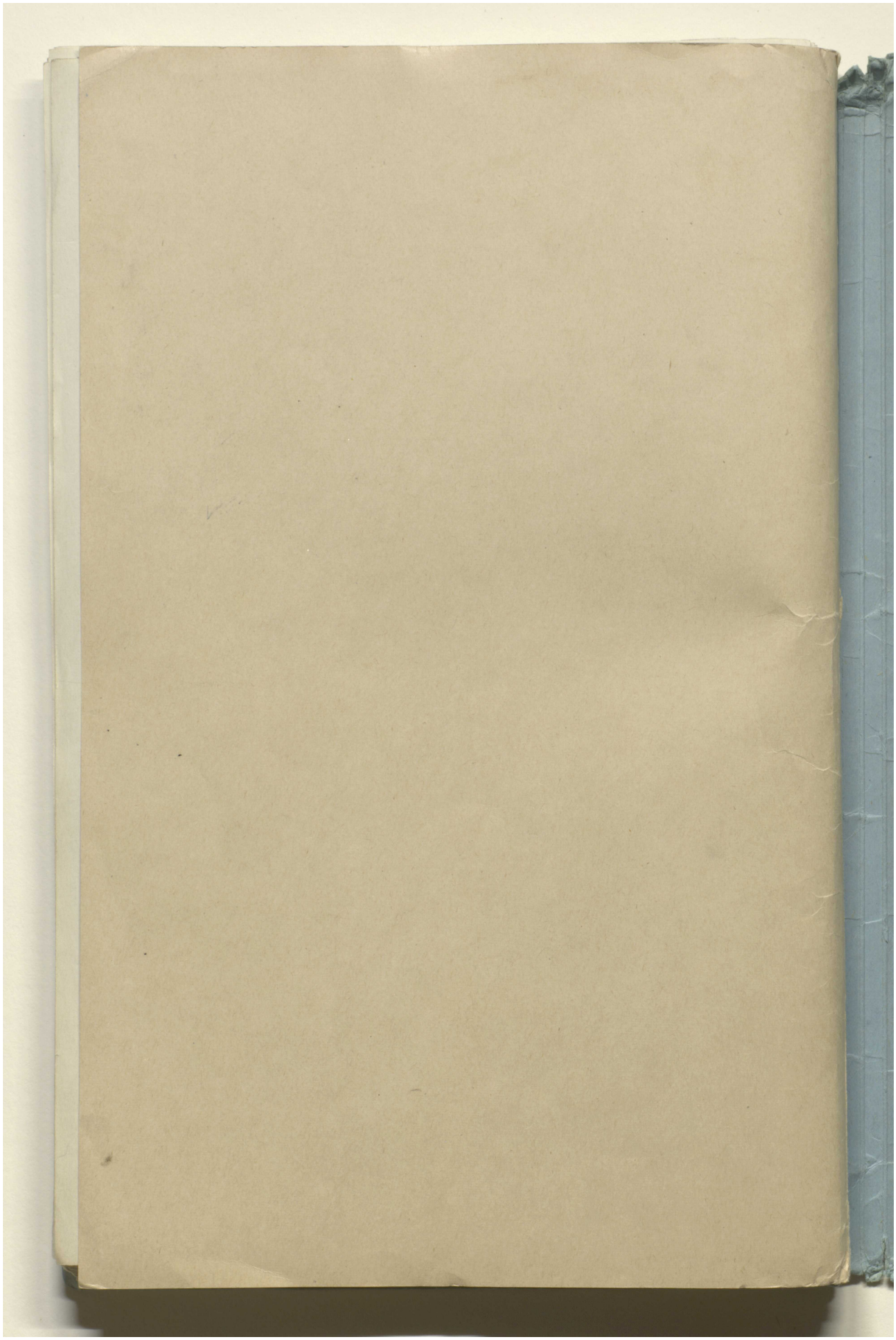

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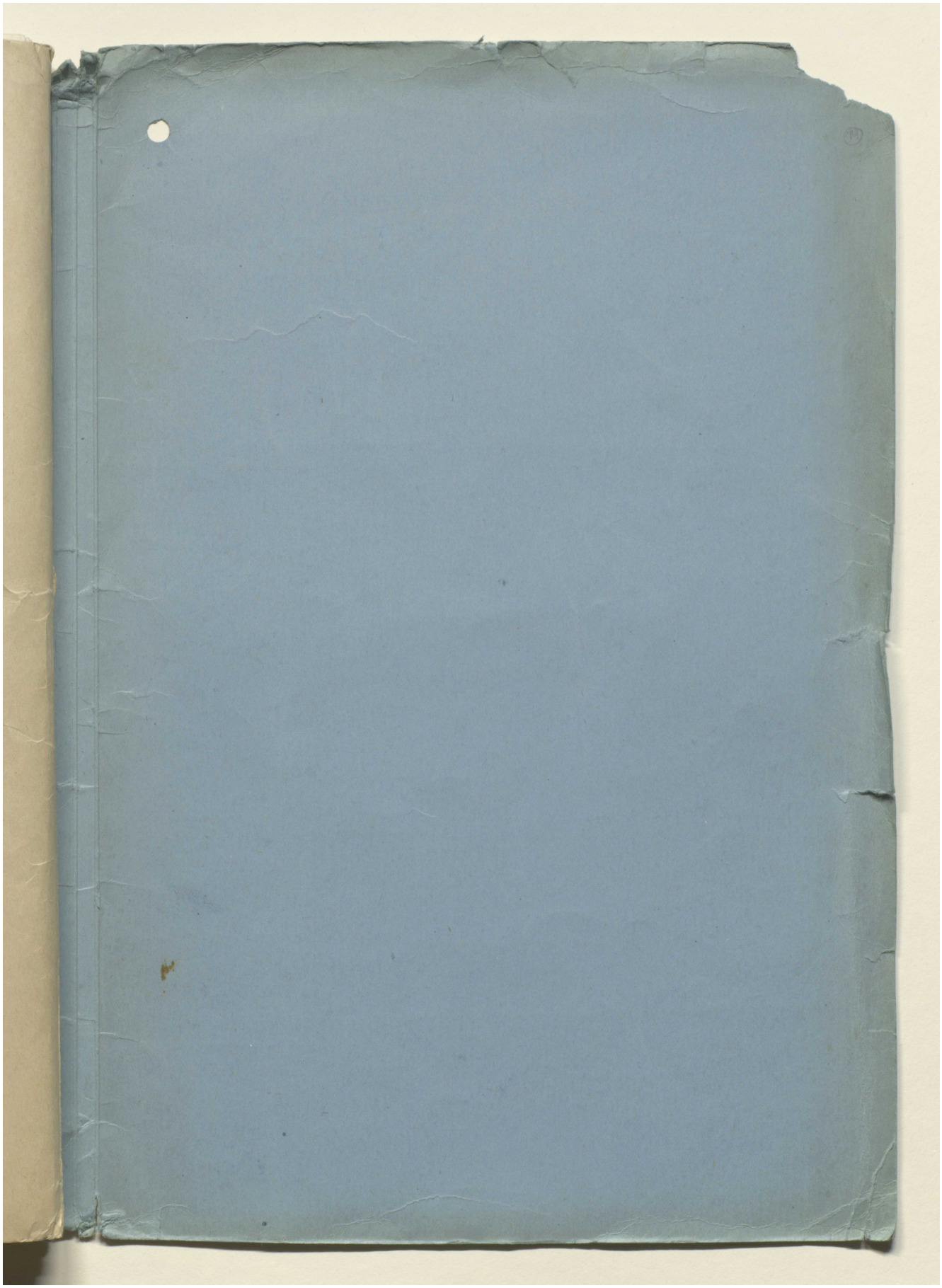

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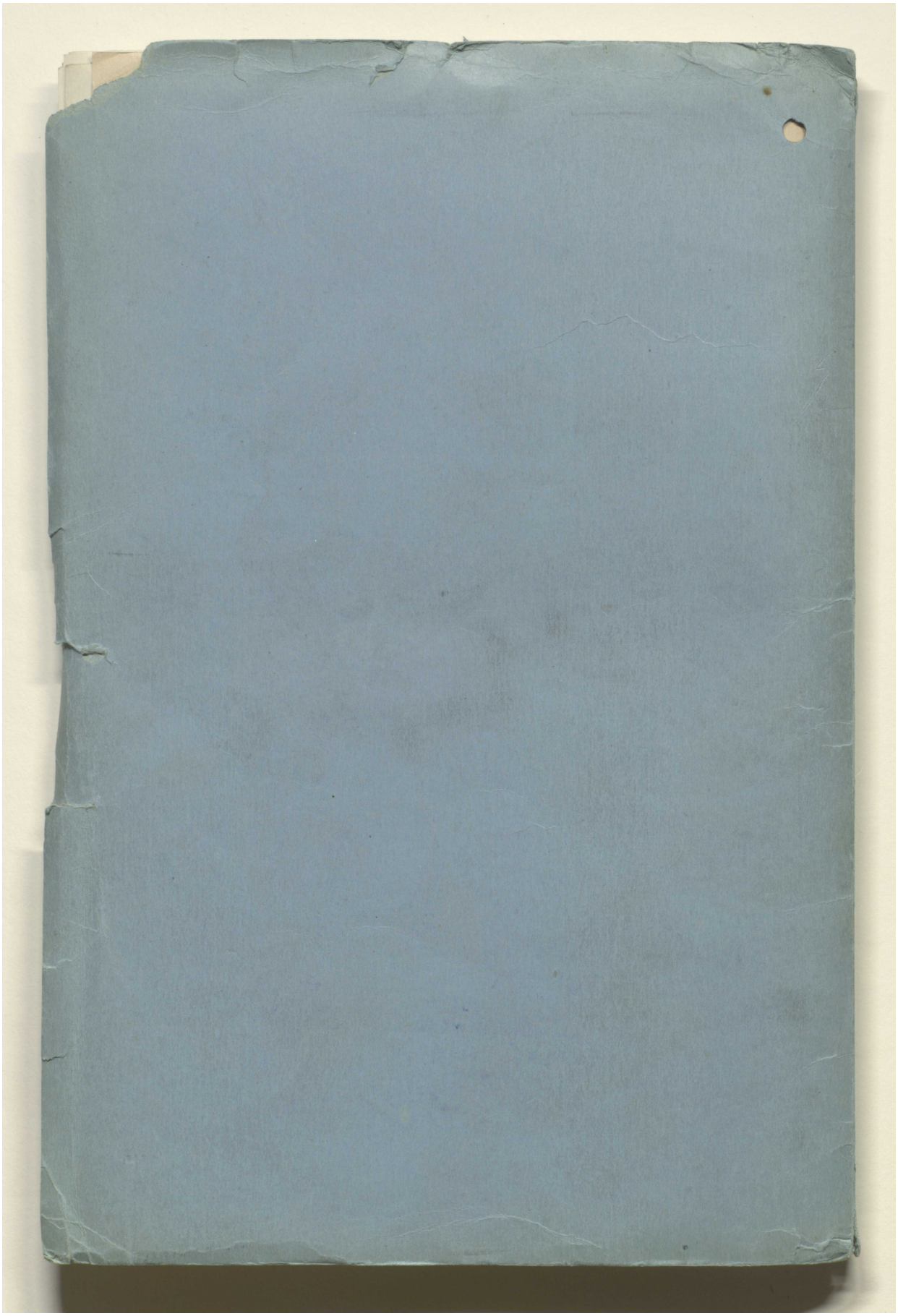

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