

CHAPTER XV

THE SARWAT TREATY: FAILURE ONCE MORE

ON November 24 the Secretary of State sent me the following despatch:

FOREIGN OFFICE, *Nov. 24, 1927.*

MY LORD,

When Sarwat Pasha and your Lordship left London to return to Egypt, the discussions between His Excellency and myself were practically completed, but time had not permitted me to obtain the final decision of His Majesty's Government in Great Britain on the draft treaty in the form which had been given to it as the result of our long and friendly exchange of views.

2. I was, however, able to inform you just before you left Marseilles in the same ship in which his Excellency travelled that, subject only to the settlement of a suitable text for the expression of the agreement on a minor point which Sarwat Pasha and I had already reached in principle and to the concurrence of His Majesty's Governments in the Dominions and India (which, as I had already explained to his Excellency, we considered necessary), His Majesty's Government in Great Britain were prepared to accept the Treaty as then proposed. It was understood between us that on each side ratification would be subject to parliamentary approval.

3. I need not say that the treaty thus definitely approved differs in many and important respects from the draft which I had earlier offered to Sarwat Pasha on behalf of His Majesty's Government. It embodies large concessions to his Excellency's own views and to Egyptian sentiment, which, after hearing Sarwat Pasha's explanations, His Majesty's Government have

felt it possible to make in order to reach agreement. His Excellency was good enough to recognise fully on more than one occasion the friendly and sympathetic spirit in which His Majesty's Government has received and considered his representations, and I gladly acknowledge that his Excellency brought a similar friendly spirit, largeness of outlook and earnest desire for agreement to our common deliberations.

4. In its present form the draft treaty must be regarded as expressing on the one side and the other the limit to which each party can advance in his wish to meet the other. It was so understood between us, and it was on this condition only that Sarwat Pasha no less than I could go thus far. It was common ground to us both that no further changes could be made and that the treaty must now be accepted or rejected as it stands.

5. His Excellency will remember that I found great difficulty in giving even a provisional and personal assent to the existing wording of one passage near the beginning of article 7. I refer to the phrase "pending the conclusion at some future date of an agreement by which, etc." I was concerned lest this wording should give rise at some future time to a suggestion that it necessarily implied that at some time, however distant, His Majesty's Government would make such an agreement. I told his Excellency that I had no wish to bar the conclusion of such an agreement should it ever become possible, but that I was unwilling in a document of such importance to both countries to admit any ambiguity, and that His Majesty's Government could come under no engagement, expressed or implied, to withdraw His Majesty's forces from Egypt and to entrust to the Egyptian Government alone the protection of the lines of communication of the British Empire where they pass through or over Egyptian territory. His Excellency was, however, able to assure me that this was not the intention or meaning of the wording which he had proposed to me. He said that it was his hope that if this treaty were ratified a time would come when His Majesty's Government would feel that it was as safe to leave the defence of Egypt and the protection of British interests in that country to the Government of Egypt as they now felt it safe to leave the protection of similar interests in the Dominions to the Governments of those Dominions. He was

well aware that that time was in any case a long way off, and he was content to leave to the absolute discretion of His Majesty's Government the decision as to its possibility. All he asked was that His Majesty's Government should not absolutely bar the possibility of realising an Egyptian aspiration if at some future time His Majesty's Government themselves should become convinced that by the course of Anglo-Egyptian relations the step could then be safely taken.

6. It was on this assurance that I agreed to recommend Sarwat Pasha's proposals to the British Government. I am bound to say that I found my colleagues at first shared my doubts, and for the very reason which I had expressed to his Excellency, namely, their reluctance to use any words which at some future time and by persons unacquainted with what had passed between His Excellency and me might be thought to imply an obligation on His Majesty's Government sooner or later to conclude an agreement of this character. I therefore repeated to His Majesty's Government the explanation which Sarwat Pasha had volunteered to me, and on this understanding and in pursuance of his Excellency's assurance His Majesty's Government have accepted his text.

7. There were other points in the draft which formed the subject of long and anxious consideration by Sarwat Pasha and myself and which went so clearly beyond my instructions that I was obliged to reserve them specifically for decision by the Cabinet. His Excellency will observe that the objections which I raised have not been sustained by His Majesty's Government, who have thus shown their earnest desire to make the treaty such as Sarwat Pasha could recommend confidently and without reserve to the Egyptian Government and nation.

8. His Excellency may wish me to repeat the assurance which I offered him and which he in turn gave to me, that the words "existing", "present", "already established" and their like in the annex refer to the conditions actually in force at the time when we discussed the draft. They preclude a change in these conditions on either side between that time and the date of ratification of the treaty.

9. I have now the pleasure to inform your Lordship that His Majesty's Government in Great Britain, after communications

with His Majesty's Governments in the Dominions and India, accept the draft agreed upon between us of which a copy is attached to this despatch, and that you are authorised to sign the treaty on behalf of His Majesty as soon as His Excellency is in a position to sign for the Egyptian Government. It is our earnest hope that by this treaty, equally honourable to both peoples, ensuring to Egypt her freedom and independence and her due place among the nations of the world, and to the British Empire protection for her vital interests and international obligations, we may have laid the secure foundation of future amity and concord between Egypt and the British Empire.

10. I request that you will read this despatch to Sarwat Pasha and leave a copy of it with His Excellency.

I am, etc.,

AUSTEN CHAMBERLAIN.

P.J.—The text of the treaty which I enclose is in English. As agreed by Sarwat Pasha and myself it is this text which should be signed and which alone is authoritative; but for your convenience in discussing the matter with him I also forward you a French translation.

Sir Austen Chamberlain, with no intimate knowledge of Egyptian politics to guide him, was assuming that all that was left to do was the affixing of signatures. Sarwat Pasha had never harboured any such illusion, and knew very well that for him and the treaty the real dangers still lay ahead.

Before proceeding to describe the incidents which led to the final breakdown of the treaty negotiations, and the consequent annihilation of Sarwat Pasha in favour of Nahas and the Wafd—which in its turn was to be followed soon after by the suspension of the Constitution—it is necessary, I think, to summarise some general conclusions which are of extreme importance in this context. This was the third attempt to negotiate a treaty with Egypt which had

taken place since 1920, and since the recommendations of the Milner Commission. The Commission had, it will be remembered, first suggested the idea of a treaty of alliance, and had set out the lines on which such a treaty should run. They were the following:

(I.) In return for Great Britain's undertaking to defend the independence of Egypt, Egypt would agree to be guided by England in her foreign relations.

(II.) Egypt would confer upon Great Britain certain defined rights upon Egyptian Territory: (*a*) to maintain a military force there, (*b*) to control to a limited extent legislation and administration affecting foreigners.

The Mission had itself endeavoured to explore the possibilities of negotiation on these lines, and had described the results as follows: "The idea of a treaty . . . was readily accepted, 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 as having betrayed the national cause." The conclusion which they reached, therefore, was that while the negotiation of such a treaty should be ultimately possible, there was still opposition and rancorous hostility in Egypt, and until that had disappeared successful negotiation was not possible. In fact, what was re-

quired was to wait patiently until reasoned moderation had gained in the mind of Egypt the upper hand over unreasoned extremism. Until that happened, reasonable Egyptian opinion would not dare to express its real views in public; and to persuade or manœuvre any moderate leader into doing so would be merely to sign his political death-warrant.

In 1921 no experienced observer on the spot would have reported that any real change of heart was visible in Egypt; nevertheless, negotiations were begun with Adly Pasha—a moderate—who of course secured as much concession as he could, and then inevitably rejected the terms offered. There followed the natural reaction on the part of the authorities at home, whose resentment at the rejection of their offer expressed itself in a strongly worded warning to Egypt that the last word had been said, that fanaticism and disruptive tactics would no longer be countenanced, and that we were determined to maintain our essential position in Egypt. Very shortly, however, these high-sounding asseverations were again departed from, and an attempt was again made by the Declaration of 1922 to secure the support of Moderate opinion. Again there was no sign of any real change of heart in Egypt, and again the right policy would have been to wait patiently until such a change became clearly visible. But instead, the original mistake was repeated, and the 1924 negotiations were opened with Zaghlul himself, who was utterly unyielding and intransigent. The next incident was the murder of the Sirdar. Once again there was the violent resentment and the stern ultimatum, and it might have been expected that this time at least, Great Britain would have learnt her lesson, would have refused again to eat her words, and would

have settled down to a policy of watchful waiting until the waters should have ceased to be troubled. Equally in 1927 no experienced person in Egypt could have felt that there was any prospect of securing a reasonable treaty, although some would have allowed themselves to hope that matters had begun to improve, and that moderation was getting a little better chance. But surprisingly the lesson had still not been learnt: the same heedless optimism reopened negotiations, the same deep resentment emerged upon their failure, the same unnecessary and deadly blow was dealt to the chances of moderation in Egypt.

Along with all this had gone a steady but very considerable recession from the position which we had taken up in 1922. The points which were definitely reserved in that Declaration began almost immediately to be whittled down in the series of unsuccessful attempts which we had been making to secure a treaty which was in fact impossible to secure. All the time that negotiations were proceeding, the extremist element was in fact completely dominating the internal situation in Egypt. All the time they had maintained a perfectly definite attitude—they had refused to accept the Declaration of 1922, to countenance the reservations contained in it, or to discuss anything short of complete independence. All the time, however much we might justify our concessions as being made in the hope of strengthening Liberal opinion, that had been simply self-deception, and we were steadily surrendering to the Wafd and coming round to their point of view. Although we regarded that point of view as fanatically unreasonable, and grossly detrimental to the true interests of Egypt, we were all the time encouraging it by our actions. In each case it was we who evinced the first eagerness to negotiate:

in each case it was we who made concessions: in each case it was we who gave the impressions of being unstable and uncertain of ourselves—bad friends, and negligible enemies.

It will be remembered that in November 1927 the Secretary of State was confidently expecting immediate signature of a Treaty. Instead there supervened prolonged further negotiations, the course of which is officially described in a despatch sent to me by the Secretary of State on February 5, 1928, quoted below. At this date the negotiations were still proceeding, and it had not been possible to bring Sarwat Pasha to the point where he would come out into the open and commit himself. I had been having frequent discussions with him, in regard to the numerous explanations and interpretations which he was constantly demanding. At all these discussions I had been careful to have Mr. Nevile Henderson present with me, not only because of his valuable advice but also in order that no room should be left in Sarwat Pasha's mind for any misunderstanding which might afterwards bear fruit. The Secretary of State's despatch was worded as follows:

FOREIGN OFFICE, *February 5th, 1928.*

MY LORD,

I think it may be useful at the present juncture to set down as succinctly as is compatible with accuracy the general course taken by the negotiations between His Majesty's Government and the Egyptian Prime Minister respecting a Treaty of Alliance, from the date of the receipt of my despatches Nos. 1061 and 1064 of 24th November last.

2. The former despatch contained the text of a draft treaty upon which Sarwat Pasha and I had agreed, and to which the Dominion Governments had given their assent, while the latter contained the text of a draft note respecting capitulatory reform which, it was proposed, should be addressed to the

Egyptian Government on the occasion of the ratification of the main treaty. Your lordship communicated the first-named despatch to Sarwat Pasha on the evening of the 3rd December and handed him a copy. His Excellency then expressed himself optimistically as to the treaty's prospects.

3. Some days later, a parliamentary question was put down in which I was asked when I proposed to make a statement regarding the results of my conversations with Sarwat Pasha. I requested you to inform Sarwat Pasha that I appreciated his wish to ascertain as definitely as possible the degree of support on which he could count, but to point out, on the other hand, that it was difficult to ascertain with any certainty the attitude of individuals or parties towards it without the fact of the existence of the treaty leaking out and more or less incorrect versions of it becoming public. This, in my view, would be neither dignified nor calculated to enhance the prospect of the treaty's acceptance. So far as His Majesty's Government were concerned, it would be convenient if the treaty were signed in the course of the following week and published simultaneously here and in Egypt on about the 20th December. I asked you to ascertain Sarwat Pasha's views upon this proposal.

4. On your communicating with Sarwat Pasha in the above sense, his Excellency showed some surprise that so immediate action on his part should be suggested. He began by saying that his intention was to divulge the contents of the treaty and supplementary notes to his Cabinet colleagues, and to the President of the Wafd, separately, as soon as they had been translated into Arabic. On being asked whether, in the event of the opinions thus elicited being favourable, he would be in a position to sign the treaty shortly, he qualified his previous statement by saying that he felt unable to lay the documents before his colleagues before he had discussed with you certain important issues which had not been cleared up in London. The issues in question were as follows:—

(1) A more precise understanding as to the future of British officers in the Egyptian army after the coming into force of the treaty.

(2) Points connected with the allocation of the waters of the Nile.

(3) Points connected with the reform in the capitulatory system referred to in article 9 of the treaty and the draft note on the subject attached to it. I would observe in this connection that I do not propose, in the course of the present despatch, to deal in any detail with the discussions upon the subsidiary questions of capitulatory reform and the allocation of the Nile waters, but to confine myself to negotiations regarding the treaty itself.

5. In reporting Sarwat Pasha's attitude, you observed that his difficulties were very real and that undue haste on our part might not only drive him to take a false step, for which the blame might fall upon His Majesty's Government, but might also be interpreted as excessive anxiety to secure a treaty in our own interests. With this estimate I was in agreement.

6. On receiving your account of the conversation with Sarwat Pasha just referred to, I asked you to point out to him that, while I did not wish to press immediate signature and publication upon him unduly, I begged him, for his part, to realise the importance, from more than one point of view, of avoiding unnecessary delay, and to add that I should be grateful for a full and frank statement of his views as to the course which he considered events should take and as to the dates on which he thought it likely that he would be in a position to sign and to publish the treaty.

7. On the 14th December you had an interview with Sarwat Pasha, at which his Excellency, after discussing questions arising from the draft note respecting the Capitulations, adverted to Annex II (c)¹ of the draft treaty, which deals with the presence of European officials in the Egyptian Government police force. His Excellency argued that when agreement had been reached regarding capitulatory reform the Egyptian Government would be free, under the clause in question, to dispense with all foreign officials in the police and public security departments other than those required by the Procureur General, the total number of which latter he defined as seven, to cover Cairo, Alexandria and Port Said.

8. Two days after the conversation just described, Sarwat Pasha again visited you with a view to bringing it to a con-

¹ See p. 264.

clusion. His Excellency did not, however, confine himself to the three subjects he had originally raised (see paragraph 4 above), but, taking the treaty clause by clause, sought your concurrence in interpretations he put forward of their meanings. You rightly felt considerable doubt as to the propriety of this procedure in a case where an agreed text had already been decided upon, and refrained from expressing any opinion on the points raised by Sarwat Pasha, merely taking careful note of them for reference to His Majesty's Government. The issues thus raised by Sarwat Pasha included article 2, article 4, article 6 and article 8 of the treaty, as well as Annex I (a).¹

9. You took advantage of this discussion to convey to Sarwat Pasha my views respecting the treaty's signature and publication (see paragraph 6 above). His Excellency, in reply, stated that he contemplated communicating the text of the treaty to his colleagues and to the leader of the Wafd during the first week of January. In agreement with the King, he proposed this date in view of the approaching visit of the King of Afghanistan. Some delay, his Excellency urged, was in any case inevitable in order that he might learn the views of His Majesty's Government on the various interpretations which he had just put forward. These, he said, represented the conclusion of his general observations on the treaty, and he awaited the answer of His Majesty's Government. With regard to signature and publication he anticipated that about a week must elapse after communication of the text to his colleagues before he could induce them to sign or recognise his inability to do so. In the meantime, he repeated, he had not shewn the text to his colleagues or to anyone else.

10. After careful consideration of the various points raised by Sarwat Pasha, and of your observations on them, I requested you to convey to his Excellency in the following terms:—

“Lord Lloyd had communicated to me your Excellency's comments and enquiries in connection with the treaty and the subsidiary note on capitulatory reform.

“Your Excellency will recollect that in the memorandum commenting on the first British counter-draft of the treaty, handed to Mr. Selby in Paris in August last, strong emphasis

¹ See pp. 260-263.

“was laid on the importance of Great Britain relying less upon a
“cut and dried scheme of safeguards than upon the sentiment
“of mutual confidence which the alliance would generate. This
“argument carried considerable weight with me and, as your
“Excellency will admit, is reflected in the final text of the treaty.
“But now to suggest that His Majesty’s Government should
“define in advance what would be their interpretation, in hypo-
“thetical circumstances, of particular provisions of the treaty,
“seems to me to be in conflict with the principle which your
“Excellency yourself invoked. If Great Britain should trust
“Egypt, Egypt should equally trust Great Britain.

“Moreover, unilateral interpretations of the text by either
“party manifestly do not bind the other party in advance. The
“possibility of an occasional divergence of views is common to all
“international engagements of a similar nature and cannot be
“entirely excluded by our treaty, but the treaty itself provides
“the remedy by article 14,¹ which directs that such divergencies
“of interpretation shall be referred to the Council of the League.
“I would like to remind your Excellency that at the time when
“the Locarno treaties were signed apprehensions were very
“generally expressed that the difficult and thorny questions
“with which they dealt would involve such constant reference
“to the League for interpretative rulings as to defeat the whole
“object of the treaties. These apprehensions have not been
“justified, and though two years have elapsed since the treaties
“were signed, the better understanding and more friendly and
“confident relations which they have created amongst the
“Powers concerned have made any appeal to the League un-
“necessary. We are surely entitled to hope that the conclusion
“of our treaty will produce similar consequences.

“I can fully appreciate, however, your Excellency’s natural
“wish to be in a position to explain as far as possible to your
“colleagues the scope and meaning of the treaty and subsidiary
“agreements. I have given Lord Lloyd an indication in general
“terms of the impressions produced upon me by your Excel-
“lency’s comments and enquiries, and I have authorised him to
“convey them to your Excellency, subject always to the con-
“siderations to which I have alluded above.”

¹ See p. 262.

11. At the same time I communicated to you my views on the various issues raised by Sarwat Pasha, rather, as I pointed out, for your own information than for Sarwat Pasha's, and I requested you to avoid giving anything more than general and verbal explanation with regard to the meaning which I considered could be attached to the various articles of the treaty. The position in regard to the subsidiary notes on capitulatory reform and irrigation was, I observed, rather different, since these documents were of a less final nature than the treaty, and I authorised you to deal with them in somewhat greater length and detail.

12. On the 31st December you reported that you had had lengthy conversations with Sarwat Pasha, and that his Excellency now represented that it would be impossible for him to persuade his colleagues in the Cabinet or Parliament to accept the draft treaty until he received in writing certain assurances regarding the interpretation of the text. In addition to points respecting reform of the Capitulations, the assurances for which his Excellency asked were in substance the following:—

Article 2.—That it was not the intention of the treaty to restrict the freedom hitherto enjoyed by Egypt to negotiate commercial treaties.

Article 4.—That under the treaty His Majesty's Government radically limit their claim to intervene on behalf of foreign interests and do not dispute the right of foreign representatives to make appropriate representations to the Egyptian Government when the interests of their nationals are menaced. His Majesty's Government merely reserve the right to intervene when the gravity of any case is such as to create a risk of military intervention.

Article 6.—That His Majesty's Government have no wish to insist on the declaration of Egyptian martial law, provided that the help and facilities promised to Great Britain under the treaty are forthcoming without it.

Article 8.—That His Majesty's Government, not having opposed in the past the engagement of foreign experts when suitable Englishmen were not available, do not propose to modify this policy or to press for an unreasonably narrow interpretation of the treaty in this respect.

Article 11 (a).—That His Majesty's Government agree that this article does not impose any obligation upon Egypt after the coming into force of a reform of the capitulatory system.

13. Sarwat Pasha further raised two new points. He argued that Annex I (a) should be regarded as applying only to those two officers who were dealt with in the notes exchanged last summer (*i.e.* the Inspector-General and his deputy) and not to the remaining British officers in the Egyptian army. With regard to Annex II (c) Sarwat contended that the real intention of this clause could not be to bind Egypt permanently to retain the existing British police officials if the proposed conference regarding capitulatory reform broke down. These two points, as you observed, could not be classified as mere interpretations of the text, which could not bear the meaning suggested by Sarwat Pasha, but as modifications of its sense. In transmitting Sarwat Pasha's remarks to me you pointed out that to refuse his Excellency's requests for written interpretations appeared to involve an immediate breakdown in the negotiations, and, although you were most reluctant in principle to embark upon any interpretations in writing of the agreed text, in the circumstances you were of opinion that an effort should be made to meet the Prime Minister so far as this was practicable. To accept his interpretation of Annex I (a) was, you held, on the merits of the question impolitic and on the wording of the treaty impossible. Any satisfaction, therefore, to be given to Sarwat Pasha in connection with this annex would have to be secured by some means other than by placing on the actual wording an interpretation which it obviously could not bear. I shared your views in this respect and authorised you to inform Sarwat Pasha that on the occasion of the treaty's ratification His Majesty's Government would be prepared to give him certain assurances in writing.

14. Generally speaking, I was of opinion that the assurances in question would not be found to depart widely, if at all, from those which would be given were the question referred to the Council of the League of Nations for settlement under the provisions of the treaty itself. The message which I requested you to convey to the Prime Minister was as follows:—

“Your Excellency has felt it necessary to enquire the mean-

“ing which His Britannic Majesty’s Government attach to certain provisions of the treaty which we have just signed. As your Excellency is aware, the possibility of an occasional divergence of view is common to all international engagements such as that we have just signed, but the treaty itself provides the remedy by article 14 which directs that such divergencies of interpretation shall be referred to the Council of the League of Nations.

“Subject to these considerations, I am authorised by His Majesty’s Government to inform your Excellency that in their view article 2 was not intended to restrict the freedom hitherto enjoyed by Egypt to negotiate commercial treaties.

“As regards article 4, the obligation which it imposes on His Majesty the King of Egypt to consult with His Britannic Majesty in certain eventualities does not exclude and is not intended to exclude the right of foreign representatives to make appropriate representations to the Egyptian Government when the interests of their States or subjects are menaced.

“In such cases, His Britannic Majesty’s Government merely reserve to themselves the right to intervene when direct negotiations between the parties have failed to provide a solution and the circumstances of any particular case are of such gravity as to imperil the good relations between His Majesty the King of Egypt and the Power whose interests are concerned. Your Excellency will no doubt realise that the general effect of the treaty taken as a whole is that the right of His Britannic Majesty’s Government to intervene on behalf of foreign interests is greatly restricted, and this was clearly understood and intended by His Britannic Majesty’s Government.

“His Majesty’s Government have no wish to insist upon the introduction of Egyptian martial law provided that the help and facilities promised to Great Britain in the circumstances contemplated by the treaty are forthcoming without it.

“His Majesty’s Government have not opposed in the past the engagements of foreign experts when suitable British candidates were not available, and they do not propose to modify this policy or to press for an unreasonably narrow interpretation of article 8 in this respect.

“His Majesty’s Government agree with your Excellency’s view that Annex II (c) does not impose any obligation on Egypt

"after the coming into force of the reform of the capitulatory system in the manner therein prescribed."

15. With regard to Annex I (a), I informed your Lordship that I regarded Sarwat's suggested interpretation as obviously untenable, but I observed that the opening words of this clause, namely, "In default of previous agreement between 'the high contracting parties'", were designed specifically to permit of a modification of the *status quo*, for example, by the conversion of the existing British personnel into a military mission being effected as soon as the treaty had come into force. I remarked that Sarwat Pasha was perfectly at liberty to make suggestions on these lines, which, *prima facie*, appeared unobjectionable. This, I considered, might enable his Excellency to satisfy his colleagues on this particular point.

16. With regard to Annex II (c), I indicated to you that I was not altogether satisfied that the continued existence of the European Department, at least in its present form, after the coming into force of the treaty, would really be in consonance with the régime which would then be established, but I pointed out that if the Egyptian Government wished to secure its desiderata as regards capitulatory reform, they would be well advised to satisfy the Powers that the Procurator-General would be able to count on an adequate number of Europeans in the city police forces, and on some suitable liaison with the Public Security Department. In all the circumstances, I authorised you to give Sarwat Pasha the assurance that, in the event of a breakdown in the Capitulations Conference, His Majesty's Government would not regard the continuance of the European Department and of the retention of the foreign members of the police force in their present functions and numbers as a *chose jugée*; but that, whilst reserving their rights under Annex II (c), His Majesty's Government would be ready, if asked to do so by the Egyptian Government, to examine the question afresh and on its merits at that time. I requested your Lordship, in giving this assurance, to mention to the Prime Minister that the British Delegation would raise this question at the Capitulations Conference if the Egyptian representatives did not themselves do so.

17. Little progress was made in the course of interviews

“Britannic Majesty’s Government and the Egyptian Govern-
 “ment for the modification of the provisions of that clause, His
 “Britannic Majesty’s Government will join with the Egyptian
 “Government in inviting the Council of the League of Nations
 “to give a decision as to the numbers, status and functions of
 “the British officials henceforth to be employed in the public
 “security and police services in the light of the conditions then
 “obtaining in regard thereto. It is understood that the two
 “Governments shall adopt this decision as an agreement come
 “to between them as provided for in Annex II (c) of the treaty.”

19. After having conveyed to Sarwat the offers just described,
 I requested your Lordship to convey to him the following per-
 sonal message from me:—

“(1) Your Excellency will now have learned from Lord
 “Lloyd the views of His Majesty’s Government upon the points
 “raised by your Excellency regarding the Annex to the draft
 “treaty. Your Excellency will, I am confident, recognise that
 “upon these points, as upon a number of others arising from the
 “text of the treaty, His Majesty’s Government have given evi-
 “dence of a spirit of moderation and liberality, to the point of
 “agreeing in some respects to offer interpretations which cannot
 “be said to be implicit in the text upon which your Excellency
 “and I agreed not long since. But I must emphasise that this
 “process cannot be further continued and that so far as His
 “Majesty’s Government are concerned, the last word has now
 “been said. I am ready to continue negotiations, before and after
 “the treaty has been signed, regarding the composition and
 “functions of a British military mission to Egypt, the allocation
 “of the Nile waters, and upon any minor questions which may
 “be still outstanding respecting capitulatory reform. But as to
 “the text of the treaty itself, I would impress upon your Excel-
 “lency that His Majesty’s Government cannot contemplate
 “further discussion.

“(2) Your Excellency agreed with me that the settlement
 “embodied in the treaty afforded an equitable adjustment of the
 “differences which have at times unhappily disturbed the good
 “relations which should prevail between Egypt and Great
 “Britain. It was our hope that by this treaty we should secure to
 “Egypt her freedom and independence and her proper position

“in the comity of nations, whilst safeguarding the essential
“interests and obligations of Great Britain and the British
“Empire.

“(3) The freedom of action which Egypt will acquire under
“the treaty will, however, impose upon her corresponding re-
“sponsibilities. I must remind your Excellency that at present
“no small share of these responsibilities falls upon His Majesty’s
“Government under the Declaration of February 1922. If Egypt
“now refuses this settlement, His Majesty’s Government will be
“obliged to insist upon a strict observance of the rights which
“they reserved to themselves by that Declaration.

“(4) But I am reluctant to believe that Egypt will fail to
“support your Excellency in your endeavour to establish an
“alliance between our two countries, and I urge your Excellency
“to place the treaty before your colleagues without delay and
“to proceed at the earliest possible moment to its signature.
“Your Excellency will readily understand that with the re-
“assembly of Parliament I cannot consistently with my obliga-
“tions avoid giving a full account of our negotiations, which
“will necessitate the publication of the whole correspondence in
“the near future.”

20. I trust that you will be able to report to me that Sarwat
Pasha has recognised the force of these representations, and
has decided to communicate the text of the treaty to his col-
leagues with a view to securing their approval of its early
signature and publication.

I am, etc.,

AUSTEN CHAMBERLAIN.

The Secretary of State’s final message did not fail
of its effect, for on February 8, somewhat to my
surprise, Sarwat Pasha informed me that he had
decided to lay the draft before Nahas Pasha and the
Cabinet immediately. The starting-gun had at last
been fired, and in a short time we should know once
for all the fate of the treaty. The Secretary of State’s
anxieties were at once inflamed by the news, and
I received instructions to interview the King, the

Prime Minister and Nahas Pasha without delay, and to impress upon them the gravity of the decision which was now to be taken. The Secretary of State was in particular concerned with the two facts; on the one hand that the Prime Minister was now very naturally endeavouring to manœuvre so that the treaty could be jettisoned without involving his resignation, and on the other that the King, far from seeing anything horrifying in this suggestion, was inclined to think it rather a good one. Meanwhile Nahas Pasha was in a strong and comfortable position. Under cover of the negotiations, the delicate health of which naturally precluded His Majesty's Government from any action which might be construed as provocative or domineering, he had been pushing forward preparations for a vigorous legislative offensive. The previously described and most mischievous Omdeh's Law had been revived, an equally mischievous Arms Law was already in the Committee stage, the effect of which would be to make it impossible for the executive authority effectively to control the carrying of dangerous weapons; and finally, an Assemblies Law was about to be passed through Parliament, which would deprive the Police of all right to interfere with or to prevent public meetings, thus securing a fair field for all who were riotously inclined. He was getting along well with these measures during the time that our hands were tied by the treaty negotiations, and if they were made law the Wafd would be put into a position where they would shortly be able to proceed to revolution with every hope of success. As to the treaty, he had no responsibility, and was sure of public support, however unreasonable the attitude he might take up. In obedience to the Secretary of State's instructions I invited Nahas Pasha

to meet me on February 26, and in the meanwhile I had full discussions with His Majesty and with the Prime Minister. The King informed me that he had endeavoured to the best of his ability to bring Sarwat Pasha to the breach, but that the latter had been as elusive as ever and was still proposing to keep negotiations open: had not in fact yet shown the treaty to his colleagues in the Cabinet. The Prime Minister did not disguise his failure to communicate the treaty to his colleagues, or his intense reluctance to do so. He begged once more for further time, and was opposed to any action that might bring about a definite issue. Nahas Pasha, when I saw him, confined himself to asserting with a damnable iteration that it was quite useless to discuss this or any other treaty which did not provide for the complete evacuation of Egyptian territory by the British Army. He would not permit a British soldier to remain on Egyptian soil, be it Suez or Sinai. Without their removal, he said, we could expect nothing: with it we would buy Egyptian friendship, which would be an absolute guarantee of all our interests in Egypt.

Only a few days were now to intervene before the treaty and Sarwat Pasha together met their inevitable fate. On March 4 Sarwat handed me the official reply of the Egyptian Government to the proposals which he had put before them, and at the same time informed me that he had tendered his own resignation to the King. "My colleagues have reached the conclusion "that the draft, by reason both of its basic principles "and its actual provisions, is incompatible with the "independence and sovereignty of Egypt, and more- "over that it legalises occupation of the country by "British forces."

Nothing could have been clearer, more uncompromising, and more remote, both from the truth and from the genuine interests of Egypt.

APPENDIX TO CHAPTER XIV

DRAFT OF TREATY, 1927-8

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

Being anxious to consolidate the friendship and to maintain and perpetuate the relations of good understanding between their respective countries,

And considering that in order to secure this object it is desirable to give precision to the relationship between the two countries by resolving and defining the outstanding questions at issue which formed the subject of the reservations which His Britannic Majesty's Government considered it necessary to make on the occasion of the Declaration of the 28th February, 1922,

Being anxious to eliminate the possibility of interference in the internal administration of Egypt,

And considering that these objects will best be achieved by the conclusion of a treaty of friendship and alliance, which in their common interest will provide for effective co-operation in the joint task of ensuring the defence and independence of Egypt;

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

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

Article 1

An alliance is established between the high contracting parties in consecration of their friendship, their cordial understanding and their good relations.

Article 2

His Majesty the King of Egypt undertakes not to adopt in foreign countries an attitude incompatible with the alliance or liable to create difficulties for His Britannic Majesty; not to oppose in foreign countries the policy followed by His Britannic Majesty and not to conclude with a foreign power any agreement which might be prejudicial to British interests.

Article 3

If, by reason of any attack or act of aggression whatsoever, His Majesty the King of Egypt should be involved in war for the defence of his territory or for the protection of the interests of his country, His Britannic Majesty will, subject always to the provisions of the Covenant of the League of Nations, come immediately to his aid in the capacity of belligerent.

Article 4

Should circumstances arise likely to imperil the good relations between His Majesty the King of Egypt and a foreign Power or threaten the lives or property of foreigners in Egypt, His Majesty will at once consult with His Britannic Majesty with a view to the adoption of the measures best calculated to solve the difficulty.

Article 5

In view of the co-operation between the two armies as contemplated in Article 3, the Egyptian Government pledge them-

selves to carry out the instruction and training of the Egyptian army in accordance with the methods of the British army; should the Egyptian Government deem it necessary to have recourse to the services of foreign officers, or instructors, they will choose them from among British subjects.

Article 6

In the event of His Britannic Majesty being menaced with or engaged in war, even though such war should in no way affect the rights and interests of Egypt, His Majesty the King of Egypt undertakes to furnish to His Britannic Majesty in Egyptian territory all the facilities and assistance in his power, including the use of his ports, aerodromes and all means of communication.

Article 7

In order to facilitate and secure to His Britannic Majesty the protection of the lines of communication of the British Empire, and pending the conclusion at some future date of an agreement by which His Britannic Majesty entrusts His Majesty the King of Egypt with the task of ensuring this protection, His Majesty the King of Egypt authorises His Britannic Majesty to maintain upon Egyptian territory such armed forces as His Britannic Majesty's Government consider necessary for this purpose. The presence of these forces shall not constitute in any manner an occupation and will in no way prejudice the sovereign rights of Egypt.

After a period of ten years from the coming into force of the present treaty the high contracting parties will reconsider, in the light of their experience of the operation of the provisions of the present treaty, the question of the localities in which the said forces are to be stationed. Should no agreement be reached on this point, the question may be submitted to the Council of the League of Nations. Should the decision of the League of Nations be adverse to the claims of the Egyptian Government, the question can, at their request and under the same conditions be reinvestigated at intervals of five years from the date of the League's decision.

Article 8

In view of the friendship of the two countries and of the alliance established by this treaty, the Egyptian Government when engaging the services of foreign officials will as a rule give preference to British subjects.

Nationals of other Powers will only be engaged if no British subjects possessing the necessary qualifications and fulfilling the requisite conditions are available.

Article 9

His Britannic Majesty undertakes to use all his influence with the Powers possessing capitulatory rights in Egypt to obtain the modification of the capitulatory régime now existing in Egypt so as to make it conform more closely with the spirit of the times and with the present state of Egypt.

Article 10

His Britannic Majesty will use his good offices for the admission of Egypt to the League of Nations, and will support the request which Egypt will present to this effect. Egypt for her part declares herself ready to accept the conditions prescribed for admission to the League.

Article 11

In view of the special relations created between the high contracting parties by the alliance, His Britannic Majesty will be represented at the Court of His Majesty the King of Egypt by an Ambassador, duly accredited, to whom His Majesty the King of Egypt will grant precedence over all other foreign representatives.

Article 12

Nothing in the present treaty is intended to or shall in any way prejudice the rights and obligations which devolve or may devolve upon either of the high contracting parties under the Covenant of the League of Nations.

Article 13

The arrangements for carrying certain provisions of the present treaty into effect form the annex to the present treaty, which shall have the same validity and duration as the treaty.

Article 14

The high contracting parties, although convinced that by reason of the precise definitions laid down above as to the nature of the relations between the two countries no misunderstanding is to be anticipated between them, agree, nevertheless, in their anxiety to maintain their good relations, that any disagreement on the subject of the application or of the interpretation of these provisions which they are unable to settle by direct negotiation shall be dealt with in accordance with the provisions of the Covenant of the League of Nations.

ANNEX

I

(a) In default of previous agreement between the high contracting parties to the contrary, British personnel on the existing scale shall be maintained in the Egyptian Army with their present functions and on the conditions of the existing contracts during the period of ten years provided for in Article 7 of the treaty.

(b) The Egyptian army will not cause the personnel of the Egyptian army to be trained abroad elsewhere than in Great Britain. The Government of His Britannic Majesty for their part undertake to receive any mission which the Egyptian Government may send to Great Britain for this purpose.

(c) The armament employed by the Egyptian army shall not differ in type from that of the British army. His Britannic Majesty's Government undertake to use their good offices, whenever so desired by the Egyptian Government, to facilitate its supply from Great Britain.

(d) The privileges and immunities at present enjoyed by the British forces in Egypt shall continue. The Egyptian Government will continue to place at the disposal of the said forces, free of charge, the land and buildings at present occupied by them until such time as an alteration is made, in accordance with the second paragraph of Article 7 of the treaty, in the localities in which the said forces are stationed. When any such alteration is made, the land and buildings vacated shall revert to the Egyptian Government, who will provide, free of charge, in the localities to which the forces are transferred, equivalent accommodation to that provided by the land and buildings vacated.

(e) Unless the high contracting parties shall previously have agreed to the contrary, the Egyptian Government will prohibit the passage of air-craft over the territory situated on either side of the Suez Canal, and within 20 kilom. of it. This prohibition will not, however, apply to the forces of the high contracting parties or to services already established under existing agreements.

II

(a) The Egyptian Government, in agreement with His Britannic Majesty's Government, will appoint a financial adviser. When it shall be so desired, the Powers at present exercised by the Commissioners of the Debt shall be conferred upon him. He will be kept informed of all legislative proposals, of such a nature that, to be applicable to foreigners, they would require in present circumstances the consent of the capitulatory powers. He shall be at the disposal of the Egyptian Government for all other matters in regard to which they may wish to consult him.

(b) Having regard to future changes in the judicial organization as envisaged in Article 9 of the treaty, the Egyptian Government will name, in agreement with His Britannic Majesty's Government, a judicial adviser. He shall be kept informed of all matters concerning the administration of justice in which foreigners are concerned, and will be at the disposal of the Egyptian Government for all other matters in regard to which they may wish to consult him.

(c) Until the coming into force, as the result of agreements between Egypt and the Powers concerned, of the reform of the capitulatory system contemplated in Article 9 of the treaty, the Egyptian Government will not modify, except in agreement with His Britannic Majesty's Government, the number, status and functions of the British officials engaged at the moment in the public security and police services.