

## APPENDIX A

### MILNER MISSION REPORT

#### 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.

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 Zaghul 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 Zaghul 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 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 Zaghul 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.

Zaghul 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. Zaghul 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-Zaghul 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 him to Zaghul 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 conversa-

"tions 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 memor-  
 "andum, 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 be-  
 "tween 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 in-  
 "jurious to the interests of the country.

"2. These ends cannot be achieved without further negotia-  
 "tions between accredited representatives of the British and  
 "Egyptian Governments respectively in the one case, and be-  
 "tween 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 recog-  
 "nise the independence of Egypt as a constitutional  
 "monarchy with representative institutions, and Egypt  
 "will confer upon Great Britain such rights as are neces-  
 "sary 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 be-  
“tween Great Britain and Egypt, by which Great  
“Britain will undertake to support Egypt in defending  
“the integrity of her territory, and Egypt will under-  
“take, in case of war, even when the integrity of Egypt  
“is not affected, to render to Great Britain all the assist-  
“ance 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 re-  
“presentative. 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 pre-  
“judice 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.

“(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 con-  
 “nected 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 inequit-  
 “ably against foreigners.

“*Alternative:—*

“In view of the contemplated transfer to His Majesty’s Gov-  
 “ernment 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 dis-  
 “criminating against foreigners in the matter of taxa-  
 “tion, 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 posi-  
 “tion 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 com-



“ing 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 arrange-  
“ment existing terms of service will remain unaffected.

“5. This Treaty will be submitted to the approval of a Con-  
“stituent Assembly, but it will not come into force until after  
“the agreements with foreign Powers for the closing of their Con-  
“sular 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 pro-  
“vide 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 Capitu-  
“lations 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 Govern-  
“ments. They will also contain stipulations to the following  
“effect:—

“(a) No attempt will be made to discriminate against the  
“nationals of a Power which agrees to close its Consular  
“Courts, and such nationals shall enjoy in Egypt the  
“same treatment as British subjects.

- “(b) The Egyptian Nationality Law will be founded on the  
 “*jus sanguinis*, so that the children born in Egypt of a  
 “foreigner will enjoy the nationality of their father,  
 “and will not be claimed as Egyptian subjects.
- “(c) Consular officers of the foreign Powers shall be accorded  
 “by Egypt the same status as foreign Consuls enjoy  
 “in England.
- “(d) Existing Treaties and Conventions to which Egypt is a  
 “party on matters of commerce and navigation, includ-  
 “ing 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, etc.,  
 “as also Treaties of a political nature, whether multi-  
 “lateral 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 chari-  
 “table foundations, such as hospitals, etc., will also be  
 “guaranteed.

“The Treaties will also provide for the necessary changes in  
 “the Commission of the Debt and the elimination of the inter-  
 “national 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 Govern-  
 “ment.

“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 Tri-

"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 Zaghul 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 Britain 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 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. 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, etc., 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 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 deals 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 mal-administration 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 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 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.<sup>1</sup>

<sup>1</sup> 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

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, etc., 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

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.2999.

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.1200-£1499 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.

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 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 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. § 5) 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.<sup>1</sup> For that reason the subject of the Sudan

<sup>1</sup> 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.

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:

*August 18, 1920.*

“MY DEAR PASHA,

“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 Zaghul 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 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 com-



partially 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 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.