

# APPENDIX B

PROPOSALS PUT FORWARD BY BRITISH IN THE VARIOUS ATTEMPTS TO NEGOTIATE A TREATY WITH EGYPT

## I. BRITISH TROOPS.

1921	1924	1927	1930
<p style="text-align: center;"><i>Lord Curzon</i></p> <p>The objects for which the maintenance of British forces in Egypt is required are, as viewed by His Majesty's Government, four in number and may be thus roughly defined:</p> <p>(1) The protection both in peace and war of the imperial lines of communication.</p> <p>(2) Assistance to the Egyptian Government, when required, for the defence of the integrity of Egyptian territory against external attack.</p> <p>(3) The protection of foreign interests in Egypt, as provided for in the new treaty.</p> <p>(4) Assistance to the Egyptian Government, when required, for the suppression of grave disorder or the defence of public security.</p>	<p style="text-align: center;"><i>Mr. MacDonald</i></p> <p>His Majesty's Government will, as in the past, assist the Egyptian Government against aggression.</p> <p>The Egyptian Government will afford the British Government in Egyptian territory at times of strained relations or in case of war, even though the integrity of Egypt may not be menaced, all the facilities and assistance which one ally may properly afford another during a war in which both are engaged.</p> <p>In order to facilitate Anglo-Egyptian co-operation at all times, and particularly in <i>casus foederis</i>, the Egyptian Government will act in consultation and in agreement with His Majesty's Government for the purpose of:</p>	<p style="text-align: center;"><i>Sir Austen Chamberlain</i></p> <p>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.</p> <p style="text-align: right;">After a period of ten years</p>	<p style="text-align: center;"><i>Mr. Henderson</i></p> <p>The military occupation of Egypt by the forces of His Britannic Majesty is terminated.</p> <p>In view of the fact that the Suez Canal, while being an integral part of Egypt, is a universal means of communication, as also an essential means of communication, between the different parts of the British Empire, His Majesty the King of Egypt, until such time as the high contracting parties agree that the Egyptian Army is in a position to ensure by its own resources the liberty and entire security of navigation of the Canal, authorises His Britannic Majesty to station near Ismailia, in the zone specified in the attached note, such forces as do not exceed the number therein</p>

## I. BRITISH TROOPS—(continued)

1921	<p><i>Lord Curzon</i></p> <p>For the discharge of this obligation it is proposed that the British forces shall have free passage through Egypt and shall be maintained at such places in Egypt and for such periods as may from time to time be determined. They shall also at all times have facilities for the acquisition of barracks, exercise grounds, aerodromes, and naval yards and for the free use of naval harbours.</p>	1924	<p><i>Mr MacDonald</i></p> <p>(c) Leasing to His Majesty's Government, in consideration of an annual payment of £ , the territory situated between the Suez Canal and the southwestern frontier of Palestine and comprising the whole of the Sinai Peninsula.</p> <p>In order that the independence of Egypt may not be impaired, His Majesty's Government agree that, except in the circumstances and for the purposes defined above, no British forces or military establishments shall be maintained on Egyptian territory other than that defined in (c) above.</p> <p>The evacuation of the British forces stationed in Cairo to be completed in two years, and at Alexandria in four years.</p>	1927	<p><i>Sir Austen Chamberlain</i></p> <p>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.</p>	1930	<p><i>Mr Henderson</i></p> <p>agreed upon, with a view to ensuring in co-operation with the Egyptian forces the defence of the Canal; for the same purpose the Royal Air Force Depot will be transferred from Abukir to Port Fuad.</p> <p>The presence of these forces shall not constitute in any manner an occupation and will in no way prejudice the sovereign rights of Egypt. It is understood that at the end of the period specified in Article 14 the question whether the presence of British forces is no longer necessary owing to the fact that the Egyptian army is in a position to ensure by its own resources the liberty and entire security of navigation on the Canal may, if there has been any difference between the high contracting parties, be submitted for settlement to the League of Nations.</p>
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1921

*Lord Curzon*

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

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

Great Britain further undertakes to secure for Egypt her fair share of the waters of the Nile, and to this end it is agreed that no new irrigation works on the Nile or its tributaries south of Wadi Halfa shall be undertaken without the concurrence of a board of three conservators, representing Egypt, the Sudan, and Uganda respectively.

1924

*Mr. MacDonald*

The high contracting parties agree that the interests of the inhabitants of the Sudan and the eventual independence of that country will best be promoted by the continuance of the régime as hitherto established in virtue of the Anglo-Egyptian Convention of 1899, and the stipulations of that instrument will accordingly be reviewed on the expiration of twenty-five years from the coming into force of the treaty.

The high contracting parties agree that the defence of the Sudan shall henceforth be entrusted to a locally recruited defence force under the command of the Governor-General, supplemented by one British and one Egyptian battalion and one British and one Egyptian battery of artillery. They further agree to invite the Council of the League of Nations to determine:

(a) The manner in which Egyptian interests in the waters of the Nile shall be safeguarded.

(b) The amount which the Sudan shall in reason and equity be deemed to owe to Egypt and the manner in which the debt as fixed should be funded and repaid, regard being had to the advantages secured to Egypt in respect of security from invasion and freedom of access to the sources of her water supply.

1927

*Sir Austen Chamberlain*

The subject of the Sudan is not referred to either in the preamble or in any of the clauses of the draft treaty discussed between Sir A. Chamberlain and Sarwat Pasha.

The omission was due to the difficulties surrounding the subject. These were early in the discussion found to be so great that it was decided to defer negotiation upon them until a later date.

1930

*Mr. Henderson*

In the British draft the question of the future of the Sudan was reserved for subsequent discussion as in 1927. The Egyptian delegation, however, under Nahas Pasha made demands in regard to the Sudan, which amounted to a return to the *status quo ante* 1924, with the right reserved to Egypt of reopening within a year and without any restrictions, negotiations as to the Sudan's future. It was upon this question of the Sudan that negotiations broke down, in spite of the immense concessions, in this and other respects, made by the British Government.

## III. PROTECTION OF FOREIGN INTERESTS

1921

*Lord Curzon*

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

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

A special bureau shall be set up in the department of Public Security in the Ministry of the Interior under the direction of a European official to report to the Minister on matters of police administration affecting foreigners.

The command of the police forces in Cairo, Alexandria and Port Said shall continue to be entrusted to European officers with a sufficient staff to ensure efficiency.

European legal advisers to be

1924

*Mr. MacDonald*

Jusqu'à ce qu'un accord soit intervenu entre les deux gouvernements au sujet de la protection des intérêts étrangers en Égypte, le gouvernement égyptien maintiendra les postes de Conseiller financier et de Conseiller judiciaire et respectera leurs pouvoirs et privilèges tels qu'ils étaient prévus lors de l'abolition du protectorat; il respectera également le statut et les attributions actuelles du Bureau européen du Ministère de l'Intérieur ainsi qu'elles ont été déjà définies par arrêté ministériel et il tiendra arrêté compte des recommandations que pourra faire le Directeur général relativement aux matières de sa compétence.

*N.B.*—The above is the text of the ultimatum presented to Zaghul Pasha after the murder of Sir Lee Stack. The subject of the protection of foreign interests was not touched upon in the abortive treaty discussions which took place between Mr. Ramsay MacDonald and Zaghul Pasha earlier in the same year.

1927

*Sir Austen Chamberlain*

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.

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 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.

Having regard to future changes in the judicial organisation as envisaged in Article 9 of the Treaty (para. 1 above), the Egyptian Government will name in agreement with His Majesty's Government a judicial

1930

*Mr. Henderson*

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

His Britannic Majesty recognises that the capitulatory régime now existing in Egypt is no longer in accordance with the spirit of the times and with the present state of Egypt. His Britannic Majesty accordingly undertakes to use all his influence with the Powers possessing capitulatory rights in Egypt to obtain, in conditions which will safeguard the legitimate interests of foreigners, the transfer to the Mixed Tribunals of the jurisdiction of the existing Consular Courts, and the application of Egyptian legislation to foreigners.

1921

*Lord Curzon*

appointed in the Ministries of Justice and of the Interior to collaborate in the preparation of all laws or regulations affecting foreigners.

The Egyptian Government agree that the British Commissioner of the debt shall at all times enjoy the right of access to the President of the Council of Ministers and to the Minister of Finance and shall be entitled to receive information on any matter within the purview of the Ministry of Finance, especially to satisfy himself that the charges for the Mixed Courts, pensions payable to retired foreign officials, and the service of the Unconsolidated Debt and the loans charged on the Ottoman Tribute are being punctually paid.

1927

*Sir Austen Chamberlain*

advise. 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.

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 Art. 9, the Egyptian Government will not modify, except in agreement with His Majesty's Government, the number, status, and functions of the British officials engaged at the moment in the public security and police services.

Note.—The four points called "reserved points", which by the Declaration of 1922 had been "absolutely reserved to the discretion of His Majesty's Government until such time as it may be possible by free discussion and friendly accommodation on both sides to conclude agreements in regard thereto between His Majesty's Government and the Government of Egypt", were as follows:

- (a) The security of the communications of the British Empire in Egypt.
- (b) The defence of Egypt against all foreign aggression or interference direct or indirect.
- (c) The protection of foreign interests in Egypt and the protection of minorities.
- (d) The Sudan.

It was added that "pending the conclusion of such agreements the *status quo* in all these matters shall remain intact". The first two points were dealt with in the various attempts at negotiation, under the provisions relating to British troops in Egypt and to the Egyptian Army. From the third the protection of minorities was tacitly but completely dropped in all discussions with Egypt. The fourth point—the Sudan—formed, together with the question of British troops in Egypt, the obstacle past which the negotiations never succeeded in moving. The negotiations of 1927 attempted to solve this difficult problem by the convenient method of making no reference to it, direct or indirect. This method served to postpone failure, but not to mitigate it when at last it came.

It is instructive to observe how rapidly, in the negotiations regarding the presence of British troops in Egypt, the question of their being required for the protection of foreign interests was dropped.