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THE ANGLO-EGYPTIAN TREATY OF 1936
WITH SPECIAL REFERENCE TO THE
CONTEMPORARY SITUATION IN
EGYPT AND THE SUDAN

by

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Thesis submitted for the degree
of Doctor of Philosophy in the
University of London, June 1970.

ABSTRACT

Although Anglo-Egyptian negotiations began in 1920, it was only in 1936 that a treaty was concluded. This was mainly due to the radical change of the Wafd's tactics in the 1930's from extremism to moderation. Chapter I suggests the reasons for this and describes the successful attempts of the Wafd to persuade the Egyptian public to accept an alliance with Britain.

Though signs of the Fascist imperialist aims had begun to appear in the mid 1930's, Naḥḥās and his colleagues do not appear to have been convinced of a real and immediate Italian danger, and may have used the Abyssinian crisis as a face-saving pretext. Chapter II discusses these topics and also the reasons for the desire in Britain to have a treaty with Egypt.

Chapter III is devoted to a discussion of the reasons of the Palace and minority parties in Egypt, and of some extreme Conservatives in Britain, for opposing the 1936 negotiations, and their attempts to wreck them.

Chapters IV, V, and VI give a detailed account of the military, Sudan, and the civil clauses of the treaty, and reactions to them in Britain and Egypt.

The Appendix gives the texts of the 1936 treaty (with a map printed at the War Office to illustrate it)

and an important memorandum handed by Maḥḥās, the Prime Minister, to Lampson, the High Commissioner, on 1 June 1936.

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ACKNOWLEDGMENTS

I am deeply indebted to Professor P.M. Holt for directing my attention to this subject and for his stimulating ideas, supervision and continuous encouragement throughout this thesis.

I wish to express my thanks to Mr. H.S. Deighton and Mr. D.C. Watt for their valuable suggestions.

I am grateful to Dr. Muḥammad Ibrahīm Abu Salīm, the Director of the Central Record Office at Khartoum, for giving me a special permission to see some important material which is not yet open to readers, and to Mr. Clifton Child, the Secretary of the Cabinet Office (Historical Section), for allowing me to see some of the papers of the Committee of Imperial Defence. I wish to record my gratitude to Miss Elizabeth Monroe and Dr. Muddathir ^cAbd al-Rahīm for their valuable advice, to Dr. Ga^cfar Bakhīt for allowing me to quote from his thesis and to Mr. Shāṭir al-Buṣayyilī for his help during my visit to Cairo.

I thank the staff of the library of the School of Oriental and African Studies of the University of London, the Public Record Office, the Cabinet Office (Historical Section), the British Museum, the Royal Institute of International Affairs, St. Antony's College at Oxford, the Central Record Office at Khartoum, and Dār al-Kutub's

newspaper library in Cairo. I acknowledge the Research Committee of the University of Khartoum for the scholarship it granted me for this research.

My thanks to Mrs. Williams for typing this thesis.

NOTE ON TRANSLATION AND TRANSLITERATION

In translation from Arabic to English, primary consideration was given to conveying the exact meaning. In transliteration, except for minor variations, the system adopted in the second edition of the Encyclopaedia of Islam was followed. Where Arabic names of places had a form generally accepted in English, they were not altered.

NOTES ON ABBREVIATIONS

Adm.	Admiralty
A.O.C.	Air Officer Commanding
Cab.	Cabinet
C.I.D.	Committee of Imperial Defence
C.I.G.S.	Chief of Imperial General Staff
Col.	Column
C.O.S.	Chiefs of Staff Sub-Committee
C.P.	Cabinet Paper
C.R.C.	Central Record Office at Khartoum
D.M.O. and I.	Director of Military Operations and Intelligence
D.R.C.	Defence Requirements Committee
F.O.	Foreign Office
G.O.C.	General Officer Commanding
H.M.S.O.	Her Majesty's Stationery Office
R.I.I.A.	Royal Institute of International Affairs
Tel.	Telegram
Gaafar Bakiet:	<u>British Administration: British Administration and Sudanese Nationalism 1919-1939.</u>
Muddathir Abd al-Rahim:	<u>Imperialism and Nationalism: Imperialism and Nationalism in the Sudan, a Study in Constitutional and Political Development 1899-1956.</u>
Untitled Note by Hornsby:	Hornsby, Bertram: Untitled Note on Mahmūd-Henderson Draft Treaty.

INTRODUCTION

Britain occupied Egypt in 1882 in order to restore the government from the hands of ^CUrābī, the nationalist leader, as his continuation in power might provoke European powers to interfere and consequently endanger the security of imperial communications. Though she had continuously declared her intention to evacuate Egypt once the Khedive's authority was restored, Britain was actually consolidating her position. In doing this, she did not face any serious opposition from the Egyptians before the First World War. Though there was a great amount of dissatisfaction, there was practically no resistance during the first decade of the British occupation, and even when the nationalist movement was revived in late 1890's, it was too weak to obstruct the British plans. The French recognition of the British position in Egypt in 1904 was a serious blow to the nationalists who had been relying on France to support them in their struggle against Britain. The anti-British Nationalist Party was continuously declining particularly after the death in 1907 of its founder Muṣṭafā Kāmil, and by 1914 it was nothing but a name. To counteract the influence of the extremists, Cromer, the British Agent and Consul-General in Egypt, encouraged the moderates to form in 1907 a pro-British party, the Umma Party, under the leadership of Aḥmad Luṭfī al-Sayyid.

While relying chiefly on the intelligentsia, the Nationalist Party did not address the fallāḥīn who were impressed by the numerous reforms achieved by Cromer and his two immediate successors, Gorst 1907-11 and Kitchener 1911-14.

The declaration of war between Britain and Turkey on 6 November 1914 made the former's position in Egypt very difficult. Egypt was legally at war with Britain since she was still a province of the Ottoman Empire. To evade this illegality, Britain declared a Protectorate over Egypt in December 1914. Khedive ^cAbbās Ḥilmī, who was collaborating with the Turks and Germans, was deposed and his uncle Ḥusayn Kāmīl was appointed with the title of Sultan. Britain assumed for herself the rights of the Ottoman Sultan and former Khedive and the responsibility for the defence of Egypt,¹ while Egyptian foreign policy was to be conducted through the British representative in Cairo.² Though dissatisfied with the Protectorate, the politically conscious Egyptians accepted it quietly as a war measure only, and co-operated actively with Britain's war effort. As a reward for this and in fulfilment of the Allies' promises of freedom

1. Hurewitz, J.C.: Diplomacy in the Near and Middle East, Vol.2, pp.5-6.

2. As a result of the Protectorate, the post of the British Agent and Consul-General was elevated to that of High Commissioner. Kitchener was appointed Secretary of State for War while Sir Henry MacMahon came to Egypt as High Commissioner.

for small nations, they expected the satisfaction of their country's national aspirations at the end of the war. Consequently the Wafd, whose most leaders were moderates and belonged to the old Umma Party, was formed in 1918 under the leadership of Zaghlūl to achieve Egypt's independence by peaceful means, though it was ready to recognise Britain's vital interests.

Believing that the Protectorate had settled Egypt's political future, and against the advice of Wingate, the High Commissioner who succeeded MacMahon in 1917, the British government refused the requests of Zaghlūl and Rushdī, the Prime Minister, to go to London for negotiations, and later turned down another demand by Zaghlūl to go to the Peace Conference in Paris. Alarmed by this attitude, the moderate nationalist movement turned to be extreme and anti-British. Rushdī resigned and Sulta Fu'ād, who had succeeded on the death of Ḥusayn Kāmil, found difficulties to form a new Cabinet owing to the determination of the Wafd not to allow any Egyptian to do this. Faced by this situation, the British government committed another serious error of judgement by deporting Zaghlūl and two of his colleagues to Malta. This was the spark that led to the 1919 revolt and brought the country to a standstill. Only then did the British government admit that there was an Egyptian question, and that it was face to face with a widespread national upheaval. Allenby,

who was appointed as Special High Commissioner in March 1919, released Zaghlūl and his colleagues and allowed them to go to Paris. The British government appointed a mission under the chairmanship of Lord Milner, the Secretary of State for the Colonies, to inquire into the causes of the disturbances and to report on the most suitable constitution for Egypt under the Protectorate. The Milner Mission recommended that no settlement should be imposed on Egypt and suggested a bilateral agreement in the form of treaty of alliance. The hopes of the nationalists that the Powers would persuade Britain to declare Egypt's independence collapsed on their formal recognition of the Protectorate. The Wafd now realized that the only way for a settlement of the Egyptian question was by direct negotiations with Britain.

Anglo-Egyptian negotiations for the conclusion of a treaty began in 1920 when Zaghlūl proceeded to London to start unofficial negotiations with Milner. The result of these negotiations was a memorandum in 1920 which formed the starting point for all subsequent negotiations. It provided for an offensive and defensive alliance by which Britain would defend Egypt. Egypt would freely accept the presence of a British military force, and undertake to give her ally all assistance in her power in case of war, even if her territory were not threatened. Subject to the approval of the Capitulatory Powers, their rights in Egypt

would be transferred to Britain, and Egypt would appoint two British Financial and Judicial Advisers. As for the Sudan, this memorandum said nothing, since, in Milner's view, its status was clearly defined by the Condominium Agreement. Though the majority of the Egyptian delegates supported this proposed settlement, Zaghlūl opposed it, and inspired his followers in Egypt to insist on four reservations to it. The most important of these was the demand for actual Egyptian sovereignty over the Sudan. Milner refused them and the negotiations collapsed.

After Britain's specific declaration that she would accept the abolition of the Protectorate as a basis of treaty negotiations, ḲAdlī formed a new Cabinet in March 1921 and accepted Britain's offer to discuss Milner's suggestions. Though ḲAdlī made every effort to persuade Zaghlūl to participate in these negotiations, the latter insisted on the leadership of the Egyptian delegation. ḲAdlī refused this as, in his view, "according to precedent, the premier [should] preside over an official delegation".¹ In his subsequent negotiations with Curzon, the Foreign Secretary, the latter offered a draft treaty which restricted Egypt's proposed independence more than did the Milner-Zaghlūl memorandum. In fact these negotiations were doomed to

1. Viscount Wavell: Allenby in Egypt, p.64.

failure from the start, as Zaghlūl, with his overwhelming support among the masses, was not ready to accept any treaty negotiated by his rival, ḲAdlī. Besides the resignation of ḲAdlī, the failure of these negotiations resulted in the division of the Wafd and consequently the whole nation into ḲAdlists and Zaghlūlists.

Arguing that it was impossible to form a new ministry without some concessions to Egypt, Allenby persuaded his government to announce the Declaration of Independence on 28 February 1922. While unilaterally abolishing the Protectorate and recognising Egypt's independence, Britain maintained the status quo in the following matters (usually called the Reserved Points) until the conclusion of an agreement with Egypt: the security of imperial communications, the defence of Egypt, the protection of minorities and foreign interests, and the Sudan.¹ On this now basis Tharwat formed a ministry and the Constitution of 1923 was enacted, under which Zaghlūl became the first Prime Minister in January 1924.

The first attempt to settle the Reserved Points was made in the negotiations between Zaghlūl and MacDonald, the British Prime Minister, in September-October 1924. Zaghlūl, however, was not genuinely anxious to conclude a

1. Hurewitz, J.C.: Diplomacy in the Near and Middle East, Vol.2, p.102.

treaty, as was clear from the intransigent demands which he insisted upon at the beginning of these negotiations: the recognition of Egyptian sovereignty over the Sudan, the withdrawal of the British forces and the Financial and Judicial Advisers from Egypt, the end of British control over Egypt's foreign affairs, and the abandonment of the British claims to protect foreigners and share in the defence of the Suez Canal, which should be entrusted to the League of Nations. Naturally MacDonald rejected these demands and the negotiations failed.

Anglo-Egyptian relations were complicated by the assassination of Sir Lee Stack, the Governor-General of the Sudan and the Sirdar of the Egyptian Army, on 19 November 1924. It was followed by Allenby's famous ultimatum,¹ the resignation of Zaghlūl's ministry, and the appointment of a Palace government, which immediately suspended the Constitution. When it revived from this shock, the Wafd allied with the Liberal Constitutional Party, whose then leader was Ḳadlī Pasha, and both launched a strong campaign demanding the restoration of the Constitution. Being dissatisfied with Palace rule, the British government agreed to this, provided that Zaghlūl was not the head of the new ministry. Though the elections of 1926 resulted in an overwhelming major-

1. For the text of this ultimatum see Ibid., pp.130-131.

rity for the Wafd, Lord Lloyd, the High Commissioner, forced Zaghlūl to accept a coalition government under 'Adlī's premiership. When he resigned in April 1927, he was followed by another Liberal leader, Tharwat Pasha.

Against the advice of Lord Lloyd, the British government invited Tharwat to enter into negotiations with Austen Chamberlain, the Foreign Secretary, in July 1927. The Tharwat-Chamberlain draft treaty, however, did not involve any important retreat on Britain's part from the Reserved Points. Both parties agreed that the British troops might remain in any part of Egypt, subject to a review of the position after ten years. In case of disagreement the matter would be referred to the Council of the League of Nations. Britain was to continue to be responsible for the protection of foreigners pending the modification of the Capitulations, the Financial and Judicial Advisers were to continue their functions as before, and the Sudan was left outside the scope of the negotiations. The death of Zaghlūl on 27 August 1927 clouded the prospects of these negotiations, and his successor, Muṣṭafā al-Naḥḥās Pasha, rejected this draft treaty. Tharwat resigned to be followed by Naḥḥās, who remained in office for about three months only. A new Palace government was appointed in June 1928 under the premiership of Maḥmūd Pasha, the leader of the liberal Constitutional Party.

Without the knowledge of Lord Lloyd,¹ the British government entered into negotiations with Maḥmūd in June 1929, and the resulting draft treaty represented a considerable advance on that of Tharwat as far as Egypt was concerned. The British troops were to withdraw from the cities to the Canal Zone, Britain recognised Egypt's responsibility to protect foreigners, and promised to use her influence to abolish the Capitulations, while the problem of the Sudan was reserved for subsequent negotiations, though Egyptian troops were to be allowed to return there. The British government made it clear that it would not recognise this draft treaty unless it was ratified by a freely elected Parliament. In spite of Maḥmūd's attempt to bring the various political parties to accept these proposals, the Wafd refused to express any opinion before the general election. Faced with this difficult situation, Maḥmūd resigned and was followed by Ḳadlī who held the elections in December 1929. The inevitable result was the return of the Wafd to power early in 1930.

The next abortive negotiations, between Naḥḥās and Henderson, took place between 31 March and 8 May 1930.

1. Owing to sharp differences between Lord Lloyd and the British government, Henderson, the Foreign Secretary, asked Lord Lloyd to resign in July 1929. He was followed by Sir Percy Loraine, who arrived in Egypt in early September 1929.

Though the British government emphasized that it would not go beyond the Maḥmūd-Henderson draft treaty, Naḥḥās tried to get more concessions. While agreement was reached on the military and Capitulatory clauses of the treaty, the negotiations broke down over the Sudan question, owing to the Waḥd's insistence on unrestricted Egyptian immigration and the revision of the whole status of the Sudan after one year only. The failure of these negotiations gave King Fu'ād the chance to dismiss Naḥḥās and appoint his own Prime Minister, Ṣidqī Pasha.

When he consolidated his position in Egypt, Ṣidqī naturally turned to treaty negotiations, because he wanted to counteract the opposition's criticism that the British did not regard his government as competent to represent Egypt in any further negotiations. Consequently, through the Egyptian Minister in London, he asked to see Sir John Simon, the Foreign Secretary, at Geneva in September 1932. The British government agreed, because it thought that, after packing the Egyptian Parliament, Ṣidqī would ratify any treaty "by what in name at least was the representative organ of the Egyptian people".¹ In this interview, Simon accepted that any future negotiations should be along the

1. F.O. 371/20100, N. J 1633/2/16, Minute by Ronald Campbell, the head of the Egyptian Department at the Foreign Office, on the raison d'être of the Forthcoming Conversations with the Egyptian Treaty Delegation, 20 February 1936.

main lines of the 1929 and 1930 draft treaties which, in his view, meant the ending of the British occupation, an alliance between the two countries, the modification of the Capitulatory regime, and Britain's assistance for Egypt to join the League of Nations. But he made two important reservations with regard to the military and Sudan clauses. Though he agreed to the removal of the British troops from the cities, he insisted on basic modifications, which he did not define, to the 1929 and 1930 proposals. While agreeing to recognise Egypt's interests in the Sudan, Simon told Şidqī that Britain would not accept any alteration to the existing system and personnel there. As regards the Sudan, Şidqī agreed that the field was clear for discussions, but he insisted on the removal of the British troops from the cities to the Canal Zone. He suggested, however, that preliminary conversations should be held between himself and Sir Percy Loraine in Egypt in the winter of 1932-33. The interview ended with an agreement to avoid "premature and exaggerated publicity on the subject",¹ i.e. to emphasize that this was merely a personal meeting. Simon, however, undertook to consult his colleagues, but no answer was sent to Şidqī's request. Though the British government had

1. F.O. 371/20117, No. J 7128/2/16, Memorandum by H. Godwin of the Foreign Office Concerning Anglo-Egyptian Relations June 1929 - December 1934, 9 April 1936.

offered in 1929 and 1930 the withdrawal of the British garrison to the Canal Zone, it refused to allow this in 1933. It was partly because of this that it refused Ṣidqī's request although it was on the whole favourably disposed to it, since Ṣidqī was felt to be sufficiently strong to impose his treaty on the Egyptians. If it could not offer the Egyptians terms which would have a chance of being accepted, the British government decided to shelve the treaty question rather than to run the risk of another fiasco. The other reason for this refusal was that Ṣidqī had a stroke in February 1933 and lost his grip on the administration. In September 1933 the King dismissed him and replaced him by ^cAbd al-Fattāḥ Yahya. The new Palace government was so deplorable that Britain considered it better not to negotiate at all.¹

1. F.O. 371/20100, No. J 1633/2/16, Minute by Ronald Campbell on the raison d'être of the Forthcoming Conversations with the Egyptian Treaty Delegation, 20 February 1936.

CHAPTER ONE

FACTORS THAT LED TO THE 1936 NEGOTIATIONS (1)

INTERNAL FACTORS

Though the Wafd had accepted the principle of negotiations to settle the Anglo-Egyptian dispute, it made no genuine attempt before the 1930's to reach an agreement. Once a treaty was concluded the party might have expected that its raison d'être would partly disappear, and that it would lose its overwhelming support among the masses. Consequently it insisted on complete Egyptian independence and also on sovereignty over the Sudan, a matter which it knew that Britain would never accept. The leaders of the minority parties who advocated moderation were denounced as stooges of imperialist Britain and the draft treaties negotiated by them were condemned by the Wafdist press as high treason. When Tharwat showed Nahhās the draft treaty he had negotiated with Austen Chamberlain, Nahhās, as was reported at the time, said, "the only place for this is the water-closet".¹

In Egypt there were three centres of power: the Residency, the Wafd and the Palace. Though Sultan (later

1. Delany, G.C.: Lord Lloyd of Dolobran, p. 7.

King) Fu'ād had supported Zaghlūl's movement after the First World War,¹ he hoped to control it and use it "for his own ends, a means of increasing his stature and power, just as Abbas Hilmi had done in the case of Mustafa Kamil and his Nationalist Party before he broke with them in 1904".² But he was soon bitterly disappointed, as Zaghlūl followed an independent path, and was planning, in Fu'ād's view, to overthrow the Monarchy and declare a republic in Egypt. In such circumstances, it was natural that Fu'ād concentrated all his efforts to destroy the Wafd and consequently secure and consolidate his family's position.

Because of the Wafd's extremism before the 1930's, the British government relied in the last resort on Fu'ād, though it distrusted him,³ to act as a buffer between it and the Wafd, and to enforce its wishes. The widespread Wafdist anti-British disturbances, which were particularly violent after the failure of the previous negotiations, compelled the British government on several occasions to ask Fu'ād to

1. In 1917, Fu'ād who had just come to the throne, asked that Zaghlūl and Abd al-Azīz Fahmī should be made ministers. The British government refused, and thereafter they, with a few others, constituted what had been called the King's officine nocturne. Wingate, R.: Wingate of the Sudan, pp. 225-26.
2. Kedourie, E.: The Chatham House Version, pp. 90-91.
3. See below, p. 142.

form a strong government to suppress them. He immediately responded and exploited this to establish his own rule. In less than seven years, Fu'ād suspended the 1923 Constitution thrice: the first constitutional coup d'état was made by Ahmad Fasha Ziwār who dissolved Parliament twice: on 24 December 1924, and 26 March 1925. When he became Prime Minister in 1928, Maḥmūd Fasha was faced by a large Wafdīst majority in Parliament. In a letter to the King, he accused the opposition of "exercising its powers in a dangerous partisan spirit, and of gross maladministration".¹ Fu'ād immediately reacted to this accusation by issuing a Royal Rescript on 19 July 1928 which suspended Parliament for three years. In 1930 Ṣidqī abrogated the 1923 Constitution and promulgated a new and less democratic constitution and electoral law.² During the greater part of the succeeding five years, Egypt lived under anti-Wafdīst governments.

1. R.I.I.A.: Great Britain and Egypt, p. 21.

2. Ṣidqī abrogated the 1923 Constitution on the grounds that it "was framed on lines of liberty far too advanced for a people whose political education was only beginning". Tweedy, O.: "Poor Egypt", The Fortnightly Review, 130, 1931, 198.

Ṣidqī also claimed that by the suspension of the 1923 Constitution and the introduction of that of 1930, he wanted to remove parliamentary autocracy.

The new Constitution, however, decisively tilted the balance of power away from the legislative and towards the executive. The main objective of the new electoral law, as that which Ziwār tried to introduce in 1925, was to keep the Wafd out of power.

Apart from its indirect support of Falace rule, the British government took direct steps to suppress the Wafd's attempt to obstruct its policy. The Wafd's anti-British campaign after the failure of the ^cAdlī-Curzon negotiations compelled the British government to deport Zaghlūl and encourage a general anti-Wafd policy. The murder of Sir Lee Stack in Cairo on 19 November 1924 was exploited by Allenby to humiliate the Wafd and Zaghlūl, whom he threatened with the overwhelming power of the British government. With his government's approval, Lord Lloyd prevented Zaghlūl from becoming Prime Minister in 1926, though the Wafd had obtained a majority in the elections. The British government prepared itself for any attempt by Zaghlūl to resist this veto by sending a battleship to Alexandria. Following the failure of the Tharwat-Chamberlain negotiations, Lord Lloyd demanded that Naḥḥās should take immediate steps to prevent the Assemblies Bill¹ from becoming law. When the Egyptian government proceeded with this Bill, Lord Lloyd warned Naḥḥās,

"I am instructed to request your Excellency

1. At the end of 1927, the Egyptian Chamber of Deputies annulled the law defining and punishing unlawful assemblies. It proceeded with a new Bill which sought to take from the executive all power of preventing, directing, or dispersing public meetings.
 Lord Lloyd: Egypt since Cromer, Vol. 2, p. 268.

to give me a categorical assurance in writing that the above mentioned measure will not be proceeded with. Should this assurance not reach me before 7 p.m. on May 2nd, His Britannic Majesty's government will consider themselves free to take such₁ action as the situation may seem to require".¹

The popularity and prestige of the Wafd suffered much from the successive anti-Wafdist governments particularly from Ṣidqī's rule from 1930 to 1933. By boycotting the general elections, Naḥḥās gave Ṣidqī the chance to win an overwhelming majority and to dominate the political scene in Egypt. It might have been far better for the Wafd to have followed Zaghlūl's precedent by entering the elections of 1925, when Ṣidqī was the man behind Ziwār's Palace government. Like Muḥammad Maḥmūd before him, Ṣidqī used all means to destroy the Wafd. Its newspapers, al-Balāgh and Kawkab al-Sharq were suppressed, and the licence of the Wafdist weekly magazine, Rose al-Yūsuf was indefinitely suspended on August 1930.² The Wafd leaders were sent to prison, and their supporters (including 600 village headmen) were dismissed from their posts in the government and civil service. This was a serious blow for a party like the Wafd which seemed to have gained the support of the electors partly through distinguished and influential personalities

1. Ibid., p. 272.

2. Fāṭima al-Yūsuf: Dhikriyyāt, p. 139.

whose adherence had been obtained through bribery and distribution of government offices.¹

Because of this anti-Wafdist policy, the Wafd had begun gradually but continuously to decline and lose its overwhelming control on the masses, especially after the death on 27 August 1927 of its extremely popular and gifted leader Sa^cd Zaghlūl. He was described by his own countrymen as having "a tongue of gold, a pen of fire and an eye as bright as the stars".² His popularity was not only among the masses, but also among the deputies, and his domination over the Wafd and its leaders was unquestioned.³ Though his successor, Nahhās, had inherited much of his popularity, and much, if not all, of the support of the people, he was less intelligent and impressive than Zaghlūl. He was not

1. Once the Wafd came to power in 1936 it dismissed a number of administrative officials (Mudirs, Mamurs and Jmdas). Lampson advised Nahhās to refrain from this "both for the reputation of the Wafd and in the interests of good administration".
F.O. 371/20108, No. 38 (Saving), Lampson to Eden, 11 May 1936.
2. Tweedy, O.: "Saad Zaghlul" The Fortnightly Review, 120, 1926, 111.
3. Amīn Yūsuf, a relative and close associate of Zaghlūl claimed that he had an interview with Gandhi in the summer of 1931 in which he spoke very highly of Zaghlūl and considered him the father of all nationalist movements in the East.
Amine Youssef: Independent Egypt, p. 199.

able to maintain the prestige and unity of the party because he lacked control over, and the respect of, some of the Wafd leaders. Immediately after the death of Zaghlūl, there was rivalry between Naḥḥās and Faṭḥallāh Barakāt, Zaghlūl's relative, over the leadership of the Wafd. Though the press of the minority parties supported Barakāt, the majority of the Wafd leaders choose Naḥḥās because they feared the former's strong character.¹ A more serious rift in the Wafd happened in October - November 1932. It was alleged that the High Commissioner, Sir Percy Loraine, had suggested the formation of a national Cabinet, under the presidency of ^cAdlī, "in view of the deteriorating security conditions in the country which was [sic] giving rise to some anxiety among the British in Egypt".² The majority of the Wafd executive agreed to this suggestion. If Ṣidqī's rule were not quickly overthrown, they felt that the Wafd, which had completely failed to do so by violence, would soon disintegrate and Ṣidqī would continue indefinitely in power. Supported by some distinguished leaders including Madame Zaghlūl, Naḥḥās opposed this idea and insisted on complete Wafdist government. The result was a division in the Wafd, when Naḥḥās dismissed all who disagreed with him.

1. Fāṭima al-Yūsuf: Dhikriyyāt, pp. 110-11.

2. Vatikiotis, P.J.: The Modern History of Egypt, p. 284.

They included such important Wafd leaders as Ḥamad al-Bāsil and Fathallāh Barakāt.¹

The Wafd's popularity and influence decreased in some sectors of Egyptian society. In the 1930's Prince Ḥabbās Ḥalīm² successfully started, under his own presidency, a Federation of Labour Unions, which was open to workers in all branches of industry. Originally Ḥabbās Ḥalīm was an ally of the Wafd, but, as his influence in the labour world increased, he drifted away from it, and became in a notable degree independent of political parties. To obtain the allegiance of the working class for the Wafd and "to dim the brilliance of Abbas Halim",³ the Wafd leaders tried in 1935 to control this infant movement by imposing on the Federation a Higher Council of Labour consisting mainly of Wafdist politicians under the nominal presidency of Ḥabbās Ḥalīm. According to R.M. Graves, the director of the Egyptian government labour office,⁴ apart from Zuhayr Ṣabrī,

1. Ḥabd al-Rahmān al-Rāfiḥī: Fī Aḥqāb al-Thawra al-Misriyya, Vol. 2, pp. 171-72.

2. Prince Ḥabbās Ḥalīm was an energetic and attractive member of the Royal Family. He had been the Ottoman Minister of Public Works, and had served in the German army during the First World War.

3. F.O. 371/20098, No. 90 (128/3/36), Review of Labour Developments in Egypt during 1935 by R.M. Graves, 23 January 1936.

4. This labour bureau was organised in 1930, by Ṣidqī's government as part of the Ministry of Interior. Vatikiotis, P.J.: The Modern History of Egypt, p. 338.

a lawyer with communist tendencies, none of the Wafdist members of this Council was interested in the defence of the working class, but merely wanted to exploit it to obtain political support for the Wafd.¹ This attempt, however, was unsuccessful, as the Prince publicly declared that the labour movement should be kept away from politics, and he was supported in this by the Council of the Federation in February 1935.²

^cAbbās Ḥalīm had organised this movement to annoy his cousin, King Fu'ād, who had deprived him of his princely title (Nabīl) and reduced his allowances from the Palace as a sign of dissatisfaction with him and his wife "who was considered to be insufficiently orientated in her way of life and demeanour".³ It was not strange, however, for the ruler of Egypt to face opposition from members of his own family.

Though the Wafd was the first party to organise the students and dominate their movement, it gradually lost their support. The change of the Wafd's policy from

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1. F.O. 371/20098, No. 90 (128/3/36), Review of Labour Developments in Egypt during 1935 by R.M. Graves, 23 January 1936,
 2. Times, 15 May 1935.
 3. F.O. 371/20098, No. 90 (128/3/36), Review of Labour Developments in Egypt during 1935 by R.M. Graves, 23 January 1936.

extremism to moderation in the 1930's¹ might have been the main factor for the loss of its popularity among the students. Realizing the importance of the students' political role, the minority parties were quick to take advantage, and had in fact gained some support among them. This growing influence was viewed with favour by Luṭfī al-Sayyid, the Rector of the Egyptian University and a good friend of the Liberals. Owing to his personal grievance with the Prime Minister, Naṣīm, and his connexions with the Palace and the minority parties, Dr. ʿAlī Ibrāhīm, Dean of the Faculty of Medicine, secretly encouraged the students to oppose the Wafd.² To consolidate this newly-won influence, Muḥammad Maḥmūd, whilst himself keeping behind the scenes, induced Prince ʿAbbās Ḥalīm to form a new group among the students of the University, the secondary schools and the unemployed. Under the leadership of Nūr al-Dīn Ṭarrāf, a liberal medical student leader, a new organisation, the National Student Group, was founded. It included followers of the Liberal Party, of the Nationalist Party, and of ʿAbbās Ḥalīm himself. It was organised on military lines and its members had a distinctive uniform

1. See below, pp. 37-39.

2. F.O. 371/20097, No. 34 (1/8/36), Lampson to Eden, 10 January 1936.

and badges, While Muḥammad Maḥmūd helped the Group financially, Ṣidqī sympathised with it and allowed it to meet in his house.¹

Anxious to avoid trouble for its friend Naṣīm, the Wafd asked the students to maintain law and order. Nevertheless, prompted by the minority parties who wanted to get rid of Naṣīm, they were engaged in anti-government and anti-Wafdist demonstrations in late 1935 and early 1936. The continuous decrease of the Wafd's influence among the students reached its nadir at the tenth International Surgical Congress which was held at the Egyptian University on 31 December 1935. While the once-hated Ṣidqī received a warm welcome from the students, that given to Naḥḥās was less cordial, and his appeals to the students to stop riots were totally ignored.²

The Wafd was much worried about the loss of control over its storm-troops and decided to take immediate steps to regain their confidence. In early January 1936, a Congress of Wafdist Youth was called and Muḥammad Bilāl, a medical student, announced the formation of the Blueshirts.

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1. F.O. 371/20093, No. 102 (19/15/36), Memorandum by Farid Bashatly Effendi, deputy assistant Director-General of the European Department, 27 January 1936.
 2. Manchester Guardian, 1 January 1936.

It was organised on Fascist lines, and its members were to be the soldiers of the Wafd with the motto "Obedience and struggle". They were to have a distinctive uniform composed of a blue shirt, grey trousers and a ṭarbūsh. The spirit of discipline, love of country, and self-sacrifice were to be strictly observed.¹ Both Makram ^cUbayd and Zuhayr Ṣabrī took a special interest in this organisation which cooperated actively with the Wafdist committees in supporting the Wafdist candidates in the 1936 elections. To counteract this movement, the Palace and minority parties encouraged the Young Egypt Society's Greenshirts. Though this para-military organisation was the first of its kind as it was founded in 1928, it became active only in January 1934.

By the 1930's there were two rival factions of the Wafd: that of Nuqrāshī and Aḥmad Māhir on the one hand, and that of Naḥḥās and Makram ^cUbayd on the other. While the views of the former were expressed in the daily evening paper Kawkab al-Sharq, whose political editor was Aḥmad Māhir himself, the latter controlled the daily morning paper al-Jihād, which was completely under the direction of Makram ^cUbayd. Aḥmad Māhir and Nuqrāshī disliked their rivals' domination over the Wafd, and were

1. Times, 7 January 1936.

particularly worried by the great influence over Naḥḥās of Makram whom they hated. Makram had acquired this influence by exploiting Naḥḥās's weakness, and continuously flattering him to the extent of describing him in one of his speeches as al-Za^cīn al-Muqaddas,¹ i.e. the "Sacred leader". Having more intelligence than Naḥḥās, Makram became the most influential person in the Wafd.

Makram suspected that Nuqrāshī and Aḥmad Māhir encouraged Madame Rose al-Yūsuf to publish in March 1935 a daily morning newspaper, Rose al-Yūsuf, to compete with al-Jihād, and persuaded al-^cAqqād and Maḥmūd ^cAznī, al-Jihād's most important editors to join it.² Nuqrāshī in particular was accused of being responsible for encouraging the strong campaign of this newspaper in the autumn of 1935 against Makram and Naḥḥās, who were accused of having sold themselves to the British. It was reported to the Ministry of the Interior that the Māhir group had contacted the Young Egypt Society and other elements of opposition to intensify their attacks on Naḥḥās and Makram.³ There were rumours,

1. Fātima al-Yūsuf: Dhikriyyāt, pp. 118-19.

2. Madame Rose al-Yusuf, however, claimed that she published both her daily newspaper and weekly magazine voluntarily.

3. F.O. 371/20109, Tel. No. 576, Lampson to Eden, 21 May 1936.

to which the three Regents¹ gave some weight, of a plot inspired by Ahmad Māhir, who was suspected of being in touch with his former terrorist agents, to assassinate Makram, who appeared to have been heavily guarded for the first time just before he left for England to sign the treaty.²

There was considerable friction between the two rival factions of the Wafd over a number of issues. Nuqrāshī and Ahmad Māhir strongly opposed some of Makram's candidates for the 1936 elections, particularly Tawfīq Diāb, the editor of al-Jihād. Because they threatened to renounce their membership of the Wafd if he was nominated as one of its candidates, Makram reluctantly agreed that Diāb should enter the elections as an independent.³ It was originally the intention of Naḥḥās to include in his 1936 Cabinet competent administrators from outside the Wafd. Suspecting ~~that~~ Naḥḥās's real intention behind this might be to exclude them, Nuqrāshī and Ahmad Māhir insisted that the government should be homogeneously Wafdist. Faced by this

1. These were Prince Muḥammad ^cAlī, ^cAzīz ^cIzzat, and Sharīf Ṣabrī.

2. Adm. 116/3591, Tel. No. 1066, Kelly to Eden, 10 September 1936.

3. F.O. 371/20105, No. 420, Report by the Director-General of the European Department, 17 April 1936.

strong opposition, Naḥḥās gave up his idea and formed his Cabinet on strict party lines.¹ According to a secret report of the Ministry of the Interior, Makran, who did not want to have a hostile Auditor-General prying into his management of the Ministry of Finance, persuaded Naḥḥās not to proceed with the creation of this post, to which Aḥmad Māhir was aspiring.² Naḥḥās and Makran showed their mistrust of Aḥmad Māhir and Nuqrāshī by handing over all the Wafd propaganda work, formerly entrusted to them, to Mandūh Riyād and ^CAbd al-Fattāḥ al-Ṭawīl, parliamentary under-secretaries of state for foreign affairs and Palace affairs respectively.³

Though the minority parties expected a Wafd schism and were ready to back the Nuqrāshī group against their rivals, the unity of the Wafd was temporarily maintained. Aḥmad Māhir, though a very intelligent, energetic and capable man, was too preoccupied with gambling.⁴ Moreover, both he and Nuqrāshī, who were not orators and

1. F.O. 371/20109, Tel. No. 576, Lampson to Eden, 21 May 1936.

2. Ibid.

3. Adn. 116/3591, Tel. No. 1084, Kelly to Eden, 17 September 1936.

4. Ibid. The opinion is that of the Regent, Prince Muḥammad Ali.

had no wide popular appeal, did not want at that time to break openly with Naḥḥās, the leader whom they had contributed to impose on the nation. They might have considered it unwise to do so, as Naḥḥās, who had been continuously glorified as Zaghlūl's successor and the people's leader, was still very popular among the masses.¹

The conflict between the two factions of the Wafd manifested itself clearly over the treaty issue. For reasons suggested later,² the small extremist Māhir group wanted to continue the Wafd's old anti-British policy. They aspired to complete independence, which, they claimed, could only be obtained by force. They preached that it was no use pleading with the British and appealing to their sense of justice. It was the Indian terrorists who had gained self-government for India by the Bill of 1935, and it was the revolt of 1919 which had extracted the Declaration of Independence for Egypt. So, it was felt, only the threat of future troubles would induce the British to yield again.³ An informant reported to the Residency that at a meeting

1. F.O. 371/20109, Tel. No. 576, Lampson to Eden, 21 May 1936. The split, however, came in September 1937 when Nuqrashī and Aḥmad Māhir formed the Saḍist Party.

2. See below, p. 153.

3. Times, 1 October 1935.

of the students' committee at the Sa^cdīst club in Cairo on 16 October 1935, Nuqrāshī asked the members to make every effort to boycott British goods. This, he argued, was the only weapon to force the British government to grant Egypt independence.¹

In the 1930's, however, Naḥḥās and the majority of the Wafd leaders were on the side of moderation. Just after the failure of his negotiations with Henderson, Naḥḥās claimed that though he had lost a treaty, he had won Britain's friendship. After its failure to overthrow Ṣidqī, the Wafd conducted a campaign in Britain to persuade her to interfere in the internal affairs of Egypt. A Wafdist leader spent much time in London in 1930 agitating on behalf of intervention by Great Britain on the Wafd's side against Ṣidqī.² Though Nasīm's government was reluctant to give a speedy solution to the constitutional question, which the Wafd anxiously awaited in order to return to power, the Wafdist press stood firmly beside it.³ While discouraging

1. F.O. 371/20096, Tel. No. 1456, Lampson to Eden, 6 January 1936.

2. R.I.I.A.: Great Britain and Egypt, pp.28-29. I could not identify this Wafdist leader.

3. The minority parties severely attacked Nasīm whom they described as a puppet of the British. They particularly criticised his decision to appoint Sir Geoffrey Lathan Corbett as an adviser to the Ministry of Commerce with direct access to the Minister. The real motive behind this was their desire to remove Nasīm from power because he was pro-Wafdist. Manchester Guardian, 26 April 1936.

students from demonstrating against Nasīm, Naḥḥās declared on 8 September 1935 that he would not resign because he had the "support of the nation behind him".¹ It was because of its strong campaign against Nasīm's government that the Wafd branded the daily Rose al-Yūsuf on 29 September 1935 as not representing the party's view,² and later dismissed al-^cAqqād from the Wafd. Since the British government wanted Nasīm to continue in office, the Wafd's support for him might have been a gesture to win Britain's friendship. Moreover, the Wafd wanted to avoid the return to power of any of its declared enemies such as ^cAlī Māhir or Muḥammad Maḥmūd. Although Nasīm was not a member of the Wafd, he was well-disposed towards it, and his government took a number of measures in its favour.³ Anxious to maintain a friendly atmosphere during the 1936 negotiations, the Wafd government tried to persuade the Egyptian press to stop its violent campaign against British policy in Palestine. Naḥḥās himself summoned Tawfiq Diāb, Ḥāfiẓ ^cAwad and ^cAbd al-Qādir Ḥamza, representing al-Jihād, Kawkab al-Sharq and

1. Tines, 9 September 1935.

2. Fāṭima al-Yūsuf: Dhikriyyāt, p. 174. The Wafd government cancelled the licence of the daily Rose al-Yūsuf in 1936 for the ostensible reason that it was not published regularly.

3. Nasīm was a brother-in-law of Zaghlūl and had served as Minister of Finance in his Ministry.

al-Balāgh respectively. In very firm language, he advised them to refrain from criticising British policy in Palestine on the grounds that this was untimely "when the government was trying to come to a friendly settlement with Britain and wished by all means to preserve a friendly atmosphere".¹ The Wafd's new moderation was most evident during the treaty negotiations when it was ready to give the British substantial concessions. Lampson claimed that Naḥḥās told him in a meeting between them on 20 July 1936 that he was prepared to give the British "the substance if [they] could give him the form".²

While no direct evidence explains this complete change in the Wafd's policy, it seems likely that, through hard experience particularly in the last six years, the majority of the Wafd leaders realized that the old extremist policy would not work. It enabled Fu'ād to play politics and frequently to establish his own rule. In spite of Britain's declared policy of neutrality, they claimed that the anti-Wafdist governments of the last few years would not have remained in office but for the moral support of Britain and the army of occupation behind them. Experience

1. F.O. 371/20110, No. 868, Kelly to Eden, 11 June 1936.

2. F.O. 371/20114, No. 713, Lampson to Eden, 20 July 1936.

had shown that it was only Britain who could, if she desired, check the autocratic tendencies of King Fu'ād. Thus, Nash'at Pasha, the chief of the Royal Cabinet and the hand behind the political intrigues of the Palace, had been dismissed from office by the interference of the High Commissioner. In October 1925 Lord Lloyd persuaded King Fu'ād to transfer him to a diplomatic post in Spain.¹ Similarly, Zakī al-Abrāshī, the Director of the Royal Estates and the King's loyal servant and adviser, who was responsible for many unpopular decisions made by him, was forced to resign on 22 April 1935 under pressure from the Residency.² While the Wafd could not tolerate exclusion from office any longer, as Nahhās openly admitted to Madame Rose al-Yūsuf by saying Ihna Ti^cabna³ i.e. "We are tired", the majority of the Wafd leaders probably realized that the only way to return to power, and consequently stop the continuous weakness of their party, was by strengthening themselves against the King through a deal with Britain. To achieve this, they gave up their old extremist doctrine and followed a moderate policy with Britain.

1. ^cAbd al-Rahmān al-Rāfi^cī: Fī A^cqāb al-Thawra al-Miṣriyya, Vol. 1, p. 249.

2. Daily Telegraph, 23 April 1935.

3. Fāṭima al-Yūsuf: Dhikriyyāt, p. 159.

Armed with this new deal with Britain, the Wafd planned to reduce the influence of the Palace and perhaps hoped to overthrow the monarchy itself. The death of the intelligent and experienced Fu'ād leaving a minor son was a valuable chance for this. While planning to omit any member of the Royal house from the Regency, the Wafd suggested that Fārūq's age of majority should be twenty-one and that he should return to England as soon as possible, on the grounds that this was necessary to give him a proper education before assuming the power and responsibility of Kingship. Although the Residency admitted that this argument had some weight, it felt that the Wafd, having got all the power in its own hands during the four years before the King would attain the age of twenty-one, might be tempted "to give an anti-dynastic turn to Egyptian nationalism".¹ On coming to power on 10 May 1936, the Wafdist government took several measures to reduce the power of the Palace. To debar the King from the service of experienced men such as ^cAlī Māhir, it made drastic reductions of Palace expenditure.² Moreover, the Wafd wanted to control the Palace by making the Minister of the

1. F.O. 371/20107, Tel. No. 522, Lampson to Eden, 18 May 1936.

2. F.O. 371/20109, Tel. No. 54 (Saving), Lampson to Eden, 4 June 1936.

Palace a Cabinet appointment. Faced with the strong opposition of Lampson, who considered that this would bring the Palace right down into the arena of internal politics,¹ the Wafd reluctantly accepted a compromise; namely to create a post of parliamentary under-secretary for Palace affairs, to which ^cAbd al-Fattāḥ al-Ṭawīl was appointed. He was to be attached to the Prime Minister's office instead of being in the Palace and would function as his assistant instead of acting on his own responsibility. All documents, whatever their importance, were submitted to the Regents for signature at the last moment, with no attempt at explanation or consultation. The Wafdist press, particularly al-Miṣrī, showed definite hostility to the reigning house. While ostensibly criticising certain Princes for their hostility to the treaty, it praised ^cAbbās Ḥilnī, the ex-Khedive, and his line. The plan was to use him as a weapon of attack against Muḥammad ^cAlī, the First Regent, Fārūq, and perhaps the institution of the monarchy itself.²

Naturally the minority parties and the Palace men stood firmly beside the new King against the Wafd's intrigues.

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1. F.O. 371/20107, Tel. No. 267, Lampson to Eden, 20 May 1936.
 2. F.O. 371/20151, No. 106 (Saving), Lampson to Eden, 3 November 1936.

They insisted that his majority should begin at eighteen and that he should stay in Egypt¹ to establish his position and hold on to the people. They kept him in the public eye by encouraging him to entertain and receive at Abdin Palace, to say his prayers in the public mosques, and to pay ceremonial visits to the members of the Royal family. This tendency provoked the Wafd's resentment, as it did not wish the Palace to take the upper hand over it again. Nahhas complained to Lampson about the way in which King Faruq was "paraded before the public".²

To persuade Britain to support its anti-dynastic policy, the Wafd claimed that the Palace and the young king were anti-British, and Makran/frankly told Lampson, the High Commissioner, that Faruq was completely unfit for his coming responsibilities.³ But the British government made it quite clear to the Wafd that it would not tolerate any attempt to interfere with the succession to the throne,

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1. Though Britain preferred Faruq to return to London to continue his studies, she did not insist on this, as it might be interpreted in Egypt as an attempt to control the young monarch. Faruq, however, finally stayed in Egypt and an English tutor was appointed for him. Later he took a trip abroad to broaden his mind and experience. F.O. 371/20107, No. 441 (R), Lampson to Eden, 17 May 1936.
 2. F.O. 371/20107, No. 419, Lampson to Eden, 13 May 1936.
 3. F.O. 371/20116, No. 77 (Saving), Lampson to Eden, 11 August 1936.

and that it would loyally back Fārūq. While it felt that it had a measure of responsibility for his welfare, it wanted to maintain the monarchy in Egypt "for the degree of stability it can confer on the political life of the nation".¹ It thought that the sooner the Palace became again a real power in Egypt the better, as it represented Britain's best chance of keeping the Wafd in check.

The Wafd had a strong influence on the public opinion in Egypt, thanks to its efficient organisation and strong propaganda, which it directed whenever and wherever it wanted. Now that the Wafd wanted a treaty, it made the Egyptians feel that this was an absolute necessity. For the first time in the history of Anglo-Egyptian relations, they were continuously repeating the statement "Cawzīn Nakhlāṣ" i.e.. "We Want a Solution".²

The Wafdist press launched a strong campaign asserting that agitation would lead nowhere and that it was in Egypt's interests to conclude a treaty with Britain. It was felt that the Egyptians were too weak to force Britain to meet their demands. Since they did not advocate armed resistance, and had decided to settle their dispute with Britain by negotiations, they should know that these meant

1. F.O. 371/20107, No. 419, Lampson to Eden, 13 May 1936.

2. Al-Musawwar, 28 August 1936.

"give and take".¹ While a treaty could recognise Britain's vital interests, Naḥḥās claimed that it could also achieve Egypt's independence.

The Wafd claimed that the absence of a treaty with Britain was a disturbing factor in Egypt's internal policy. It was felt that the treaty issue had been the main factor for the differences between the political parties and groups in Egypt since the beginning of the century. It was the main reason for the division of Egypt into Zaghlūlists and ^cAdlists after the failure of the ^cAdlī-Curzon negotiations. Since that tragic conflict between Zaghlūl and ^cAdlī and until the conclusion of the 1936 treaty, al-Jihād claimed, Egypt lived in a series of party struggles and nasty political intrigues.²

Wafdist propaganda claimed that the treaty issue was the fundamental reason for all the political instability in Egypt. The governments that failed to conclude an agreement with Britain either resigned or were dismissed by the King. Between 1919 and 1936, Egypt had twenty-two governments i.e. an average of less than a year for each.³

1. Kawkab al-Sharq, 3 July 1936.

2. Al-Jihād, 23 September 1936.

3. Mahmūd Zāyid: "Tamhīd li ^cAqd Mu^cāhadat Sanat 1936 bayn Miṣr wa Biriṭānia", al-Abḥath, 16, 1963, 329.

This short tenure of power was detrimental to the welfare of Egypt.

In the period between 1919 and 1935 the economic conditions of Egypt continuously deteriorated, mainly because of the international depression and the fall of the price of raw materials, particularly cotton. Though the Egyptians were generally known for their reluctance to emigrate, some of them showed in the mid-thirties a desire to leave the country. When Italy wanted Egyptian workmen to build roads on the Abyssinian frontier, thousands of them volunteered to go. The wages offered to them were low, but something was better than nothing. As a part of its campaign to persuade the Egyptians to accept a treaty, the Wafd claimed that this difficult economic situation was primarily because Egyptian politics were centred on Anglo-Egyptian affairs and totally neglected the internal problems of the country. Even Zaghlūl, the idol of the people, disregarded the domestic problems of Egypt. In nearly all his speeches, he touched only slightly on social and economic problems, and then only if they were related to British rule in Egypt. In fact, it was asserted, the Egyptian parties differed from one another only in their attitude towards the British occupation. The attitude of the Egyptians towards them was determined by the degree of vigour with which they supported or opposed the foreign

occupation ¹ It was felt that the party making the greatest demands from the British made the greatest appeal to the Egyptian electors.

To the Wafdist press, the entire preoccupation of the Egyptians with the treaty issue was also the reason for their neglect of other pressing domestic problems. While the miserable conditions of the fallāhīn needed immediate care, Egypt was in urgent need of reform in many other directions: education, health, irrigation and the maintenance of public security. It was felt that she could not achieve this unless she rid herself of this ever-recurring Anglo-Egyptian question.²

The Wafd asserted that the continuation of the Anglo-Egyptian dispute meant the retention of the office of the High Commissioner in Egypt. He enjoyed vast powers and privileges. He knew everything about Egypt and interfered in her internal affairs whenever he liked. On behalf of Great Britain, he had often used or threatened to use force to suppress attempts to obstruct British policy in Egypt. He did not usually find effective opposition from the disunited Egyptians. This continuous humiliation and

1. Al-Ahrān, 20 August 1936.

2. Newman, P.: "Egypt, a New Phase", Nineteenth Century and After, 110, 1931, 27.

interference in Egypt's domestic affairs, it was asserted, could only be ended by an agreement with Britain which would abolish this post.¹

1. Al-Ahrān, 24 September 1936.

Egypt and the Capitulations:

The Capitulatory regime in Egypt involved restrictions of two different kinds upon the powers of the Egyptian government with regard to foreigners; namely the judicial and legislative Capitulations. Under the former, foreigners were exempt from the jurisdiction of the Egyptian courts and were subject to two sets of tribunals: the Mixed and Consular Courts. The Mixed Courts, which were formed in 1875 and had a majority of foreign judges, had civil jurisdiction over all cases where a foreigner was involved, except cases between foreigners of the same nationality, and an extremely limited criminal jurisdiction. The Consular Courts had jurisdiction in respect of civil cases between two of their own nationals, and a nearly exclusive criminal jurisdiction. Under the legislative Capitulations, foreigners were exempt from the operation of the Egyptian legislation unless it had been made applicable to them either by the assent of the Capitulatory powers or of the general assembly of the Court of Appeals.¹ Most of the

1. The general assembly of the Court of Appeals was formed in 1906. It consisted of 18 members: the 17 judges of the Court of Appeals, of whom 11 were foreigners and 6 Egyptians, and the foreign Procureur-General. Its scope of action was "limited to an examination of the questions of uniformity of application, compliance with capitulatory and treaty rights, and restriction to police penalties", a limitation which suggested that its functions "was rather more judicial than legislative". Brinton, J.Y.: The Mixed Courts of Egypt, p. 176.

Egyptian legislation which became applicable to foreigners did so by reason of the approval of the Mixed Courts. They had, however, no power to approve certain types of legislation, in particular the imposition of new taxation, for which the assent of the Capitulatory powers was necessary.¹

The nationalists claimed that to try foreigners by one code and nationals by another gave the Egyptians a feeling of inferiority. It implied that their Courts were neither efficient nor just.² Though the Mixed Courts were only to deal with cases in which foreigners were involved, they had in fact dealt with all financial (and particularly bankruptcy) cases including those of many Egyptian institutions, such as Banque Miṣr, whose constitutions forbade them to have non-Egyptian shareholders or to do business with any but Egyptian clients. These institutions had managed to avoid the Native Courts and brought their cases before the Mixed Courts by intentionally employing foreigners.³ Abū Pasha, a distinguished Egyptian contractor, claimed that it would be impossible for him to carry on his

1. Cab. 24/263, A.E.C. (36)3, Annex II to C.P. 184(36), Memorandum by the Foreign Secretary on Anglo-Egyptian Treaty Conversations, the Capitulations, 14 May 1936.

2. Al-Muṣawwar, 26 June 1936.

3. Merton, A.: "The Anglo-Egyptian Treaty of Alliance", Nineteenth Century and After, 120, 1936, 394.

business properly unless the Mixed Courts remained.¹ Foreign circles in Egypt asserted that in spite of their Capitulatory origin, these Courts had won favour in Egyptian eyes. The explanation of this was the remarkable success with which they reconciled the protection of foreign interests with the claims of Egyptian nationality. By guaranteeing security to the foreign capital and enterprise upon which the modern development of Egypt so largely depended, these Courts had contributed to her national prosperity. Moreover, it was felt, the "wider use of their services offered the most practical means of getting rid of the remaining jurisdiction of the Consular Courts".²

The Capitulatory privileges were sometimes exploited by dishonest foreigners in connexion with drug-smuggling, prostitution, the drink trade and gambling houses. The consular regime left the Egyptian government powerless to enforce laws to check such evils which were

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1. F.O. 371/20097, No. 80 (1/29/36), Despatch from the Consul-General at Alexandria on a Conversation with Şidqī and Abūd, 21 January 1936.
 2. Brinton, J.Y.: The Mixed Courts of Egypt, p. 193. A spokesman for the Mixed Courts, Sir Maurice Anos, the Judicial Adviser, said in his farewell address at Alexandria on 25 March 1925, "I have often taken occasion to remark that next to the church, the Mixed Courts are the most successful international institutions in history". Brinton, J.Y.: "The Mixed Courts of Egypt" American Journal of International Law, 20, 1926, 670.

harmful to the health and order of the country.¹

The economic grievances of the Capitulations were a major source of annoyance and complaint in Egypt. Under the Capitulatory regime, direct taxation on foreigners was only possible by the unanimous agreement of the powers. In practice, the preliminary negotiations involved meant that it was not imposed on foreigners; and the Egyptians also escaped since they would not pay a tax from which foreigners were immune. While the only direct taxes were the land-tax, the house-tax, and the ghafar-tax, the government's major source of revenue was from indirect taxation of which the customs duties formed the largest proportion.² Faced by a severe economic crisis, Ṣidqī Fasha, an efficient financier, tried in 1933 to circumvent the Capitulations by imposing new taxes on foreigners, but he was forced to give this up because of official protests from the diplomatic representatives.³ It was unfair for Egypt to be debarred, "from broadening the basis of her revenue as all other modern

1. Brinton, J.Y.: The Mixed Courts of Egypt, p. 124.

2. Marlowe, J.: Anglo-Egyptian Relations, p. 310.

3. Merton, A.: "Egypt Today", The Fortnightly Review, 134, 1933, 438.

states have long since found necessary".¹

Foreigners controlled the economic life of Egypt. Sir Bertram Hornsby, the first Director of the National Bank of Egypt after the First World War, estimated that nine-tenths of the economic life in Egypt was in foreign hands.² By 1930 the foreign capital invested in Egypt was about £400,000,000, i.e. approximately two-thirds of the total value of Egypt's cultivable land.³ Even in land where Egyptians had a natural interest, they were sometimes unable to compete with foreigners. Owing to the scarcity of Egyptian capital, it was only by European capital that thousands of acres of land had been reclaimed from the sandy desert or the salty marsh.⁴ All the important industries and public utility services, gas, electricity and trams were controlled by foreigners. In commerce and trade, they dominated almost every concern of importance. Hotels, cafes, and restaurants were controlled by them. Many Greeks and Italians were small shop-keepers, shop-

1. F.O. 371/20099, No. J. 1425/2/16, Note by Ronald Campbell on the Possible Results of a Failure to Conclude a Treaty with Egypt, 12 February 1936.

2. Untitled Note by Hornsby, P.5.

3. Toynbee, A.J.: Survey of International Affairs, 1937, Vol. 1, p. 581.

4. Untitled Note by Hornsby, P.5.

assistants and even artisans.¹

The reason for this foreign control of the nation's economic life was that Egyptian capital was at first too limited to finance large production units in commerce and industry, and even when it had increased, its owners preferred to exploit it in buying lands and constructing buildings. After the First World War, however, there was a gradual realization that commerce and industry were important fields of profit.² Some graduates, who did not find posts in the government service or in the Banque Miṣr and its subsidiary companies, tried to set up commercial enterprises. But they found the way largely blocked by the privileged situation enjoyed by foreigners. Even if Egyptians had the same business capacity and the same capital resources, it was extremely difficult for them to enter into competition with the foreigners, because of the relatively light taxation and the judicial privileges enjoyed by the latter. It seemed "incongruous and unfair to impose rules upon Egyptian enterprises not applicable

1. Earl Winterton: "England and Egypt", Nineteenth Century and After, 107, 1930, 766.

2. For the reasons of this new tendency see: Rāshid al-Barāwī and Muhammad Hamza Ulaysh: Al-Taṭawwur al-Iqtsādī fī Miṣr, pp. 193-94.

to their foreign rivals".¹

The management of nearly all the industrial and commercial firms in Egypt was controlled by Europeans. The only chance for Egyptians to work in these firms was in humiliating posts such as servants. The heavy burden of the Capitulations was especially felt after 1929 when Egypt was suffering from an economic crisis due mainly to the fall in the price of cotton. Unemployment spread among the working class and particularly among the graduates of the secondary schools and colleges.²

The retention of these "oppressive servitudes", as Sir Valentine Chirol called the Capitulations, greatly affected Egyptian anour-propre. Other nations had been able to put them aside. The Republican government of Turkey abolished them, and its action was recognised by the Treaty of Lausanne in 1923. In Syria-Lebanon, Iraq, Palestine and Transjordan they existed no more.³ They had ceased to run in Tripoli when Italy annexed that Turkish province. They did not apply to the Sudan which had been juridically an

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1. O'Brien, F.: The Revolution in Egypt's Economic System, p. 64.
 2. Mahmūd Zāyid: "Tanhīd li 'Aqd Mu'āhadat Sanat 1936 bayn Miṣr wa Biriṭānia", Al-Ābhāth, 16, 1963, 330-31.
 3. Vatikiotis, F.J.: The Modern History of Egypt, p. 287.

Anglo-Egyptian Condominium since 1899. They were abolished even in Arabia, which the Egyptians had always regarded as "far behind their own half-occidentalised country in civilisation and development".¹ Yet Egypt, which in wealth and general standard of living was more favoured than any of these former dominions of the Ottoman Empire was still "shackled by these anachronistic survivals of the Islamic middle ages".²

The existence of this obsolete system was also resented in Egypt because it had often been the excuse for foreign intervention, particularly by Britain. A special European Department³ under European chiefs in the Egyptian Ministry of the Interior handled matters where foreign personal interests were involved. This Department sometimes directly contacted the provincial governors and conveyed to them the instructions of the High Commissioner with regard to the security of foreign lives.⁴ The Financial and Judicial Advisers were retained in Egypt in 1922 to safeguard Britain's financial and judicial responsibilities as

1. Cnd. 1131, Egypt No. 1 (1921), p. 13.

2. Daily Telegraph, 26 February 1936.

3. See below, pp. 286--87.

4. Shafiq Ghurbāl: Ta'rikh al-Mufāwadāt al-Miṣriyya al-Barīṭaniyya, Vol. 1, p. 164.

provided for in the Capitulations. With the Director of the European Department, they enjoyed vast powers which they often used to interfere in the internal administration of the country.

Among Lord Lloyd's reasons for preventing Zaghlūl from becoming Prime Minister in 1926 was that his return to power would endanger foreign life and property.¹ Britain prevented the Assemblies Bill from becoming law in 1928 on the grounds that it would be likely to endanger the maintenance of order and the protection of foreign life and property in Egypt. After the violent clashes between Ṣidqī's government and the opposition parties, the High Commissioner sent on 17 July 1930 similar notes to Ṣidqī and Naḥḥās which held them responsible for the security of foreign life and property.²

Italy protested vigorously when Egypt decided to apply economic sanctions because of Italian aggression in Abyssinia. The Italian government argued that Egypt had no right to do this because of the existence of the Capitulations. The Egyptian government appointed a committee, consisting of the Ministers of Finance, Justice and Commerce,

1. Lord Lloyd: Egypt since Cromer, Vol. 2, pp. 160-61.

2. ^cAbd al-Rahmān al-Rāfi^cī: Fī A^cqāb al-Thawra al-Misriyya, Vol. 2, pp. 122-23.

and the Judicial Adviser, Sir Arthur Booth, to see how far sanctions could be applied in view of the obstacles found in the Capitulations.¹ It concluded that they would not put any obstacle in the way. "The terms of the original treaties handed down from the Turkish Sultans clearly reserves the Egyptian Government's right to control imports and exports on grounds of public policy".²

The abolition of the Capitulations had not been openly demanded in the original programme of the Wafd in 1918.³ On the contrary, Zaghlūl and other leaders of the Wafd had frequently shown their willingness to respect them. On behalf of the Wafd, Zaghlūl declared on 10 January 1919 that it would be in the interests of Egypt to encourage

1. Tines, 4 November 1935.

2. Ibid., 11 November 1935.

3. al-^cAqqād tried to justify this policy by claiming that it would have been unwise for the Wafd to ask for the removal of the Capitulations at a time when it was demanding the abolition of the Protectorate. This, in al-^cAqqād's view, would unite the Europeans with the British, and would give the latter support for their allegation that the Egyptian nationalist movement was against European civilisation.

Egypt decided to depend on America and the European powers to support her in the Peace Conference in her dispute with Britain. It was felt that they would not sympathise with the nationalists if they demanded the abolition of the Capitulations. Thus the Wafd decided to concentrate, for the time being, on the abolition of the Protectorate. If it succeeded, al-^cAqqād continued, it would then seek to modify the Capitulations, as other countries did, by bargaining. Abbas Mahmūd al-^cAqqād: Sa'd Zaghlūl, pp. 265-66.

foreigners to stay by maintaining and securing the Capitulations.

In the 1930's, however, the Wafd emphasized the unpopularity of the Capitulations and often exaggerated their harmfulness to Egypt by claiming that they were the chief obstacle to her economic development. Though Egypt had a good legal case to follow the Turkish precedent and abolish the Capitulations by unilateral action,¹ the Wafd claimed that they could only be removed with the support of Great Britain. In all the previous abortive treaty negotiations, the British government had declared that they were no longer in harmony with the development of Egypt. It undertook to use all its influence to modify them and make them conform more closely with the spirit of the times. But to Britain, the Wafdist press claimed, the question of the Capitulations was closely associated with the whole treaty issue. The British government had always been reluctant to help Egypt to end or modify the Capitulatory regime before securing and guaranteeing its own interests in Egypt. It would not lose this unique and valuable bargaining weapon before regularizing its position in Egypt. Consequently, it was felt, the only way for Egypt to rid herself of this humiliating system was by concluding

1. See below, pp. 266-67.

an agreement with Great Britain.¹

1. Al-Jihād, 2 July 1936.

Dr. Hāfiz °Afīfī and the Anglo-Egyptian relations:

Since the Declaration of Independence, relations between Egypt and Britain had continuously deteriorated. Few Englishmen had a personal knowledge of Egyptians. There was a general disinclination in England to respect Egyptian feelings. This attitude, however, was gradually changing in the 1930's, when an increasing number of British people had begun to understand Egypt and realize the importance of a friendly and satisfactory solution of the Egyptian question. This understanding in Britain of Egyptian grievances and aspirations, and the marked improvement of the Anglo-Egyptian relations was partly due to the activities of a number of Egyptians. Chief among these was Dr. °Afīfī.

Dr. °Afīfī, a distinguished surgeon, entered the Egyptian political field in 1918 when Zaghlūl chose him and Nahḥās as representatives of the Nationalist Party. But °Afīfī soon gave up extremism, and supported °Adlī after his conflict with Zaghlūl in 1921. In January 1922 °Afīfī decided to give up politics and concentrate on his profession. But he soon returned to the political field and joined the Liberal Constitutional Party. Though this Party decided in 1930 to oppose Ṣidqī's government, °Afīfī cooperated with it and became its Foreign Minister. Following this conflict °Afīfī resigned from the party

and became an independent. He was familiar with the Egyptian question. He had been the Foreign Minister in Maḥmūd's ministry 1928-29, and was a member of the Egyptian delegation in the Ṣidqī-Simon conversations in 1932.

There were also a few British people who helped to improve Anglo-Egyptian relations. Most important of those were J.A. Spender, a member of the Milner Mission, and Gerald Delany, Reuter's correspondent in Cairo for about thirty years. In his continuous writings in the British press, Spender advocated the necessity of a treaty based on Milner's suggestions. Delany was trusted in Egypt. His writings and contacts with the British politicians helped to explain the Egyptian point of view.¹

During the four years, 1930-34, which Ḥafīfī had spent in England as Egyptian Minister,² he showed an understanding of England and the English people. When he returned to Egypt after his period of duty, he wrote a book entitled Al-Injilīz fī Bilādihīn. He made frequent contacts with commercial and Economic circles in Britain,

1. For more information on the role of Spender and Delany in improving the Anglo-Egyptian relations see: Delany, G.C.: Spender and Egypt, and Delany, G.C.: Lord Lloyd of Dolobran.

2. When Ḥafīfī was chosen as the Egyptian Minister in London, Ḥabd al-Fattāh Yahya became the Foreign Minister in Ṣidqī's Cabinet in July 1930.

and had an extensive knowledge of Anglo-Egyptian trade.¹ All this qualified him to be the head of the economic mission which visited Britain in April 1935. He rendered invaluable service as an intermediary between the Egyptian parties, and was one of those who persuaded the Egyptian leaders to form the United Front.² In recognition of this, his experience as Minister in London, and his reliable knowledge of the Egyptian question, 'Afīfī was chosen as a member of the Egyptian delegation in the 1936 negotiations.

Through his political, economic and social activities, Dr. 'Afīfī contacted a number of distinguished persons. His knowledge and social gifts won him the highest respect of politicians, businessmen, and all who came in contact with him. He was considered by the Residency and the Foreign Office as the most reasonable and balanced member of the Egyptian delegation, and his views were given every consideration.³ His appointment, after the ratification of the 1936 treaty, as the first Egyptian ambassador in Great Britain was welcomed by the British press. The Manchester Guardian introduced him by saying,

1. Financial News, 4 April 1935.

2. F.O. 371/20096, No. J 18/2/16, Personal Message from Cecil Campbell to Sir Vansittart, 18 December 1935.

3. F.O. 371/20109, No. 488, Lampson to Eden, 28 May 1936.

"..... The title will be new, but the man will be welcome and familiar..... Dr. Afifi Pasha's social and diplomatic gifts have previously made a strong impression in London and he understands Britain and the British people as few foreigners do".¹

Dr. Afifi tried to convince the British that the Egyptian nationalist movement was not, as had been generally believed in England, anarchic. He showed that the Egyptians had a genuine cause of grievance. He claimed that they were not anti-British and they desired the friendship of Britain, provided that she would respect their aspirations. He had, in fact, devoted several years' hard work, both during and after his period as Minister in London, to fostering a spirit of friendship and understanding between the two countries. No doubt his "incessant labours, on the economic side as well as politically, did a great deal to prepare the way for the conclusion of this Treaty".²

Cooperation between the Egyptian political parties was a primary condition for the success of the 1936 negotiations. To secure this, the Wafd agreed to leave fifty-eight seats for the minority parties in the

1. Manchester Guardian, 18 December 1936.

2. Newman, P., "Egypt and the Treaty", The Contemporary Review, 150, 1936, 412-13.

general elections. With some of his colleagues, Ḥafīf tried, without success, to effect an agreement with regard to the distribution of these seats.¹

Ḥafīf's desire for a settlement of the Egyptian question was clear during the actual course of the 1936 negotiations. While he believed that the Egyptians should make some military concessions for the sake of a friendly Britain, he sought to persuade the British to be reasonable in their demands.

1. Times, 31 January 1936.

CHAPTER TWOFACTORS THAT LED TO THE 1936 NEGOTIATIONS (2)THE ABYSSINIAN CRISISBritain and the Abyssinian crisis:

The British assessment of the Italian danger in the mid-1930's passed through various stages. To give a complete picture, it may be better to deal with the situation up to the end of 1937, though this goes well beyond the conclusion of the 1936 treaty.

Being particularly vulnerable from both the naval and the economic point of view, Italy constantly adapted her foreign policy to changing circumstances. Nevertheless, before the Abyssinian crisis, "the only matter in which Italian policy had shown any consistency was with regard to the United Kingdom with whom she had steadily maintained friendly relations over a large number of years".¹ Britain's control of both exits of the Medi-^{tal.} terranean, at Suez and Gibraltar, put Italian sea-borne trade with countries outside the Mediterranean at her mercy. The British assumed in 1933 that Italy was one of the great powers with whom there were no present or

1. Cab. 4/25, C.I.D. No. 1305-B, Review of Imperial Defence (1937) by C.O.S., 22 February 1937.

prospective difficulties likely to create serious tension. Consequently, as was the case with France and U.S.A., no expenditure was to be incurred on measures to provide against attack by her. The first rearmament programme, which was drawn up at the end of 1933, was directed to the defence of the British possessions and interests in the Far East, European commitments, and the defence of India against possible Soviet aggression.¹ When suggesting in May 1934 that drastic action should be taken by Britain to seize the Suez Canal in the event of a threat of war, the Chiefs of Staff felt that Mussolini was not likely to impede this.² Italy was considered friendly as late as 8 August 1935 when the Cabinet gave the D.R.C. its terms of reference to re-examine the question of the defence requirements.

British interests in the Mediterranean-Red Sea- Middle East area were extremely vulnerable. British

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1. Cab. 4/22, C.I.D. No. 1113-B, Annual Review (1933) of Defence by C.O.S., 12 October 1933.
 2. Feeling that Japan might attempt to block the Suez Canal in time of strained relations with Britain or even in time of peace, the C.I.D. agreed to this recommendation and instructed the Chiefs of Staff to consider the necessary measures. It was, however, left to the government of the day to declare a state of emergency in the Canal Zone if the situation required this.
Cab. 2/6,¹ Minute 3 on the Defence of the Suez Canal, 267th Meeting of the C.I.D., 18 December 1934.

defensive arrangements in the Mediterranean were in many respects obsolete, and had not "been adjusted to the development of the French and Italian navies, and the increasing range and strength of the French and Italian military aircraft".¹ The British military position in Egypt was unsatisfactory, particularly as regards the defence against air attack and the protection of Alexandria. There were no fighter aircraft, ground anti-aircraft defences, or searchlights, and in wartime no such reinforcements could arrive in less than six weeks. Cairo, Alexandria, and the Suez Canal were all within range of Italian aerodromes in Libya. Neither Gibraltar nor Malta had sufficient docking and repair facilities for damaged ships, and the latter was so inadequately defended that it would have to be evacuated in case of war with Italy. Moreover, Britain's Mediterranean and Middle East army and air garrisons were restricted to the minimum necessary for internal security. All these factors of weakness had existed for years, but were considered of secondary importance so long as Italy showed no sign of aggression

1. Cab. 4/22, C.I.D. No. 1113-B, Annual Review (1933) of Defence by C.O.S., 12 October 1933.

or hostility towards Great Britain.¹ It was in fact mainly because of friendship with Italy that Britain maintained a predominant position in the Mediterranean before the summer of 1935.²

The Abyssinian crisis showed the British government that it was too optimistic in assuming Italy to be a friendly power. Refusing any compromise solution and dissatisfied with anything less than the complete control of Abyssinia, Mussolini was gradually and constantly building up his forces in Eritrea and Italian Somaliland, while formidable Italian forces were concentrated in Libya. Though British interests in Abyssinia were quite secondary,³ Britain, owing to her obligations under the Covenant and as the one great naval power remaining in the League, was bound to play a leading part in stopping Italian aggression. This inevitably led to a serious setback in Anglo-Italian relations. While the Italians had taken several defensive measures in the Sicilian ports

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1. Cab. 4/25, C.O.S. 506, Enclosure 2 to C.I.D. No. 1261-B, Report by the Joint Planning Sub-Committee on the Eastern Mediterranean, Understanding with Turkey and Greece, 21 July 1936.
 2. Other factors were friendship with France and the weakness of Spain.
 3. This was shown in the Maffey Report. See Cab. 24/256, C.P. 161(35), British Interests in Ethiopia: Report by an Inter-Departmental Committee, 16 August 1935.

and despatched surface and submarine craft to the Red Sea, they "began to cherish ideas of dominating the Mediterranean and establishing a predominant position in the Near East to the detriment of British interests".¹ Italian propaganda was most active in Egypt,² Palestine and Malta, and in the latter it became necessary to enact an ordinance against seditious propaganda.

The British government suspected that Mussolini might attempt a 'mad dog' act particularly after the imposition of sanctions in October 1935. Sir Eric Drummond, the British ambassador in Italy, warned in early September 1935 that "In their present mood, both Signor Mussolini and the Italian people are capable of committing suicide if this seems the only alternative to climbing down. Rome today is full of rumours of an impending declaration of war on Great Britain".³ The Chiefs of Staff had repeatedly pointed out that if sanctions proved in any way effective, they were "liable to result in war".⁴

1. Cab. 4/25, C.I.D. No. 1305-B, Review of Imperial Defence (1937) by C.O.S., 22 February 1937.

2. See below, pp. 132-34.

3. Earl of Avon, Eden Memoirs, Facing the Dictators, p. 262.

4. Cab. 4/22, C.I.D. No. 1192-B, Memorandum by the Secretary of the C.I.D. on the Machinery of Sanctions, 11 October 1935.

To meet the contingency of war with Italy, the Cabinet agreed to despatch considerable naval, military, and air reinforcements to the Mediterranean. While a large part of the Home Fleet arrived at Gibraltar on 11 September 1935, the Mediterranean Fleet was reinforced and left Malta for Alexandria late in August 1935. Naval base defences and additional 6-inch and 4-inch guns and searchlights were sent to Alexandria. Defences were also installed in Port Sudan and Haifa. The Commander-in-Chief (Mediterranean) was instructed to make certain precautionary naval preparations to enable the Suez Canal Defence Plan to be put in operation in the event of hostilities.¹ In Egypt the establishments of the Royal Air Force were reinforced. With the approval of the Egyptian government, the British garrison in Egypt, which numbered about 10,000 men in normal times, was reinforced by about 10,000 men, and further strengthened by tanks and mechanized units. To face a possible Italian attack on Egypt from Libya, British and Egyptian troops were sent to the Western Desert where advanced aerodromes were also

1. Cab. 4/24, C.F. 176(35), Enclosure to C.I.D. No. 1193-B, Summary of Precautionary Measures Taken since the Cabinet Meeting of 22 August 1935 by P.A. Hankey, Secretary of the Cabinet, 20 September 1935.

established.¹ Moreover, the British government agreed to the adoption of sanctions only after specific guarantees of military cooperation between the League members, especially France, Yugoslavia and Greece, if Italy attacked any of them.

Tension between the two countries continued in 1936 particularly after Britain's decision on 26 February 1936 to impose oil sanctions if other members of the League did likewise, and her unsuccessful attempts to persuade France to agree to this. In spite of the weak naval position in Home Waters, the C.I.D. refused on 3 April 1936 to withdraw some naval forces from the Mediterranean because it considered the situation vis-à-vis Italy still uncertain.² The Cabinet instructed the Joint Planning Sub-Committee of the C.I.D. on 23 June 1936 to proceed in examining the Foreign Office suggestion for an Eastern Mediterranean understanding with Turkey and Greece³ on the assumption that an understanding with Italy

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1. F.O. 371/20151, No. 545 (435/4/36), Lampson to Eden, 13 May 1936.
 2. Cab. 2/6¹, Minute 2 on the Strategical Situation in the Mediterranean, 276th Meeting of the C.I.D., 3 April 1936.
 3. This proposal is discussed in Cab. 4/25, Enclosure 1 to C.I.D. No. 1261--B, Memorandum by the Foreign Secretary on Problems Facing His Majesty's Government as a Result of the Italo-League Dispute, 10 June 1936.

was not achieved".¹

Faced by dangers from Nazi Germany in the West and aggressive Japan in the East, it was strategically most important for the British government to secure its sea communications through the Mediterranean. This could be achieved either by maintaining friendship with Italy or by the establishment of such military strength as would permanently deter Italy from embarking on war against Great Britain. If the military basis were to be adopted, far-reaching development would be necessary: major increases in Britain's naval strength and her Mediterranean and Middle East army and air garrisons, the strengthening of the defences of the existing bases, the construction of an additional naval base in the Eastern Mediterranean, and the development of overland communications from the south and East to the Eastern Mediterranean. While the development of these measures would take several years, Britain could not afford them at a time when she was already rearming on a very large scale to meet other more urgent and important liabilities. The D.R.C. emphasized this fact by reporting in November 1935, "Our defence require-

1. Cab. 4/25, C.O.S. 506, Enclosure 2 to C.I.D. No. 1261-B, Report by the Joint Planning Sub-Committee on the Eastern Mediterranean, Understanding with Turkey and Greece, 21 July 1936.

ments are so serious that it would be materially improbable, within the period with which this report deals, [i.e. three years] to make additional provisions for the case of a hostile Italy".¹ The Chiefs of Staff asserted in their Annual Review for 1935 that Britain could not fight by her own means a successful war against Japan and Germany simultaneously and might have to depend on allies for assistance.² The embarrassments and dangers to which she would be exposed in the event of war with either of them "would be multiplied by the possibility of a hostile Italy".³ While strained relations with Italy during the Abyssinian crisis had produced reactions on Britain's security for which she was totally unprepared, it left her exposed both in the West and the Far East, as a large proportion of her very limited forces were concentrated in the Mediterranean. Consequently the British government considered it vital to make every diplomatic effort to restore the close relations it had deliberately cultivated

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1. Cab. 4/24, D.R.C. 37, Enclosure No. 2 to C.I.D. No. 1215-B, Report by the D.R.C. on the Programmes of the Defence Services, 21 November 1935. The same Report may also be found in Cab. 24/259.
 2. Cab. 4/23, C.I.D. No. 1181-B, Annual Review (1935) of Defence by C.C.S. 29 April 1935.
 3. Cab. 4/26, C.I.D. No. 1347, Report by C.O.S. on Anglo-Italian Relations, August 1937.

with Italy before the autumn of 1935. Even in the midst of the Abyssinian crisis, the Cabinet excluded Italy from the list of possible enemies.

The collapse of Abyssinia and the withdrawal of sanctions on 15 July 1936 created a more favourable atmosphere for the British government to reduce tension in the Mediterranean and to try to restore the previous cordial Anglo-Italian relations. In late July 1936 it withdrew some of its reinforcements sent to Egypt in the autumn of 1935. Some were transferred to Palestine where the situation was deteriorating continuously, and the British government ended all the precautionary measures it had taken at that time in the Mediterranean.¹ The Foreign Secretary declared in the House of Commons at the end of July 1936 that Britain now considered the period of Mediterranean tension at an end.

Now that Britain no longer intended to rob Mussolini of the victory he had won in Abyssinia, military circles in Britain asserted that he needed better relations with the United Kingdom. Feeling that the Abyssinian war had rendered Italy in some respects more vulnerable than before, the Chiefs of Staff reported in their Review to

1. Cab. 2/6², Minute 4 on Probability of War with Italy, 295th Meeting of the C.I.D., 1 July 1937.

the Imperial Conference of 1937,

"By establishing an "Empire" on the far side of the Suez Canal, Italy has given a hostage to fortune and this increases her nervousness as regards future British policy in the Mediterranean and Red Sea. The development of this new Empire will take time and cost a great deal of money, and meanwhile her economic and financial situation has been severely shaken by the war and shows promise of continued deterioration. This again has temporarily increased her vulnerability".¹

In these circumstances they felt that Mussolini realized the danger of being on bad terms with Britain who had the power to threaten his lines of communications to Abyssinia. It was probably mainly on this account that he had shown an increasing desire for a settlement with London after the Abyssinian war. Moreover, Italy might have been impressed by Britain's determination to rearm, and probably also disliked being, "so to speak, left alone with Germany, with no alternative friendship to fall back on".²

Since July 1936 attempts to obtain an Anglo-Italian understanding had begun. A serious effort, however, to enter into confident friendship began in November when British public opinion had cooled down and a better atmosphere prevailed. Mussolini's offer of

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1. Cab. 4/25, C.I.D./1305-B, Review of Imperial Defence (1937) by C.O.S., 22 February 1937.

2. Ibid.

friendship made in a speech in Milan on 1 November was welcomed by Eden's public reply on 5 November in which he declared that Britain had no intention to threaten or attack any Italian interest in the Mediterranean. Arising out of this interchange of ideas, negotiations started in Rome in early December between Sir Eric Drummond and Count Ciano, the Italian Foreign Minister. The result was the exchange of notes on 31 December and the Anglo-Italian declaration of 2 January 1937. While the notes provided for Italy's undertaking to maintain at all times the integrity of Spain,¹ the Gentleman's Agreement included a statement that "freedom of entry into, exit from and transit through the Mediterranean is a vital interest both to the different parts of the British Empire and to Italy, and that these interests are in no way inconsistent with each other".² This agreement did not achieve complete

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1. It was essential for the maintenance of British interests in the Western Mediterranean, particularly the security of her base at Gibraltar, that Spain should be friendly, or, at worst, strictly neutral. Consequently the British government did not want the struggle following the Spanish Civil War to emerge in a government "inimical to Britain, whether Fascist or Communist".
Cab. 4/24, C.I.D. No. 1259-B, Report by the C.O.S. on the Western Mediterranean: Situation Arising from the Spanish Civil War, 24 August 1936. The same Report is found in C-b. 24/264.
 2. Cab. 4/26, C.I.D. No. 1332-B, Memorandum by the Foreign Secretary on the Probability of War with Italy, 15 June 1937. It is also found in Cab. 24/270.

rapprochement, partly because the British government was not ready to accept any liabilities or to grant concessions to Italy. It vigorously opposed Italy's demand for an agreement in advance for a general international convention to ensure military, naval and air limitation in the Mediterranean. The main Italian desideratum, the recognition of her dejure sovereignty over Abyssinia, was not accepted at that time because it was expected to excite immense criticism in Britain, particularly among the devoted adherents of the League.¹ The British government, however, hoped that the more friendly atmosphere created by this agreement would "bring about a certain degree of cooperation between Italy and the United Kingdom not only in the Mediterranean but elsewhere".²

Even though friendly relations were restored by the Gentleman's Agreement, the British government felt it unwise to count on their continuance. The Fascist regime had given modern Italy ambitions in the realm of foreign affairs, and she was expected to embark upon a policy of

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1. Italy needed such recognition for reasons of prestige and as a means to assist her pacification of the country. So long as the idea prevailed that the Emperor might one day be restored, the Italians would have difficulty in maintaining peace and order.
 2. Cab. 4/25, C.I.D. No. 1305-B, Review of Imperial Defence (1937) by C.O.S., 22 February 1937.

expansion in the Mediterranean, as her future as a great power depended upon the relative degree of sea and air power which she could exercise there as compared with other nations. The Chiefs of Staff reported in February 1937, "The days are past when we could count automatically on a friendly and submissive Italy. From henceforth we will have to look to a rival, though circumstances may periodically make it necessary for her to put her rivalry in the background".¹ The Cabinet decided on 24 February 1937 that Italy could no longer be counted on as a reliable friend, but in the present circumstances need not be regarded as a probable enemy.

Mussolini, however, did not disguise his intentions for long, and early in 1937 he again started to challenge Britain's special position in the Mediterranean and the Near East. The Fascist Grand Council passed a resolution on 1 March adumbrating increased military expenditure, and the greatest possible measure of economic self-sufficiency, which was justified on the grounds that "only with the aid of science, courage, and a spirit ready for any development can peoples less richly endowed resist the possible aggression of countries richer in

1. Ibid.

money and possessors of greater natural resources".¹ On 10 April Italy decided to institute a High Command for North Africa, with control over land, sea, and air forces, and to constitute a white metropolitan army corps in Libya, where first-class communications were to be developed. In spite of her most positive assurances that it would not take any action which might upset the existing balance in the Western Mediterranean, Italy's intervention in Spain had sharply increased in early 1937. While Mussolini remarked at the end of April that "he would match with the United Kingdom gun for gun, ship for ship, areoplane for areoplane", the Italian naval forces were reported to have been considerably increased and her air bases in the Mediterranean, Red Sea and Indian Ocean strengthened. Mussolini claimed to be the protector of Islam. He intensified his propaganda in the Near and Middle East to impress local opinion with the value of Italian friendship and to represent Britain as treacherous and effete. Moreover, close reciprocal relations continued to grow rapidly between Rome and Berlin, and the government-controlled Italian press showed bitter hostility towards the United Kingdom. Eden, the Foreign Secretary, was so

1. Cab. 4/26, C.I.D. No. 1332-B, Memorandum by the Foreign Secretary on the Probability of War with Italy, 15 June 1937.

worried by the Italian danger that he asserted in the meeting of the C.I.D. on 1 July 1937 that "it would be only right to place Italy in the same category as Germany".¹

By mid June 1937, the Foreign Office held the view that Italy was definitely hostile to Britain and that adequate defensive preparations should be provided against her. In a memorandum presented to the C.I.D., Eden argued that there was definite ill-will in the whole trend of Italian policy which might impel her to declare war on the British Empire, particularly if it were involved in strained relations with Germany or extensive civil disturbances in Palestine or India.² While the C.I.D. and the Cabinet agreed that Italy should now be regarded as a potential enemy, it was considered improbable that she would attack without Hitler's support. As the Prime Minister, Neville Chamberlain, put it to the C.I.D. on 1 July 1937,

"We need not be afraid of attack by Italy, either in the Mediterranean or elsewhere unless she was sure of German support. If Germany were contemplating hostile action or became engaged in hostilities against us,

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1. Cab. 2/6², Minute 4 on Probability of War with Italy, 295th Meeting of the C.I.D., 1 July 1937.
 2. Cab. 4/26, C.I.D. No. 1332-B, Memorandum by the Foreign Secretary on the Probability of War with Italy, 15 June 1937.

there was little doubt that Italy would join in and take the opportunity to fish in troubled waters".¹

The British government decided that the first priority should be given to Britain's defensive preparations against Germany, and that no action should be taken to divert Britain's very limited resources from this main objective. Because of this, Eden's suggestion of including Italy in the rearmament programme was not accepted, and it was considered inevitable to accept some risks in the Mediterranean. The Prime Minister supported this by saying,

"The ideal, no doubt, was to be prepared to fight Italy, Germany or Japan, either separately or in combination. That, however, was the counsel of perfection which it was impossible to follow. There were limits to our resources, both physical and financial, and it was vain to contemplate fighting single-handed the three powers in combination".²

France, Britain's only reliable ally, was too weak at that time to give any effective support. By her own action, Britain did not want to provoke Italy to attack her in the Mediterranean, which might lead to a world-wide war at a time when Britain's defensive resources

1. Cab. 2/6,² Minute 4 on Probability of War with Italy, 295th Meeting of the C.I.D., 1 July 1937.

2. Ibid.

were still far below the level required for the fulfilment of her defensive liabilities. The Service Departments needed at least another two years to complete their rearmament. Consequently, while some measures were to be taken to improve the British defences in the Mediterranean, the Prime Minister emphasized at a meeting of the Defence Plans Sub-Committee on 23 July 1937 the importance of "doing nothing which could arouse Italian suspicion or be construed as provocative".¹ On this account it was decided to send net defences to Alexandria and to provide the British garrison in Egypt with sufficient military stores to enable it to operate for two months.

In spite of the Prime Minister's initiative to improve relations with Mussolini in a letter to him on 27 July 1937, the situation rapidly deteriorated in the Mediterranean in late 1937 mainly, in the view of the Foreign Office, owing to the Italian activities in Spain. The British local commanders were extremely worried about the safety of Egypt and the Suez Canal, particularly after Italy's decision in October to send a further three

No.
1. Cab. 4/26, C.O.S. 631, Annex 1 to C.I.D./1364-B, Report by the C.O.S. on the Situation in the Mediterranean and the Middle East, 19 October 1937.

divisions to Libya.¹ Instructed by the Chiefs of Staff, they met in Cairo in early October to examine detailed plans in the event of a single-handed war with Italy. They expressed their anxieties in a telegram to the Chiefs of Staff on 16 October in which they claimed that the international situation had deteriorated considerably during the last few days, and suggested that immediate measures should be taken to strengthen Britain's armament position vis-à-vis Italy. They particularly requested the development of Egypt's air defences by the despatch from the United Kingdom of a complete anti-aircraft brigade and the aircraft carrier H.M.S. Glorious, or the retention of her aircraft at Alexandria. They were supported in this by Kelly, the acting Ambassador in Egypt. Anxious not to weaken Britain's position vis-à-vis Germany, the Chiefs of Staff refused this arguing,

"From a purely military point of view we are aware of no new factor in the situation which leads us to consider that the military situation is such to justify a change in our existing instructions that no obtrusive measures should be taken in connexion with the defence of Egypt or the projected movement of the fleet".²

1. The local commanders also showed anxiety about the appointment of Parini as the Italian Minister in Egypt.

2. Cab. 4/26, C.O.S. 631, Annex 1 to C.I.D./1364-B, Report by the C.O.S. on the Situation in the Mediterranean and the Middle East, 19 October 1937. No.

It was felt that Italy was not prepared at that time to embark single-handed on offensive action against Egypt because of her commitments in Abyssinia and Spain, her adverse economic position, and the unpreparedness of her ground forces in Libya. The Foreign Office, however, persuaded the C.I.D. to agree to take some unspectacular measures to increase Britain's prestige in the Near and Middle East.¹

1. For a good summary of these measures see Cab. 2/6², Minute 6 on Situation in the Mediterranean and the Middle East, 300th Meeting of the C.I.D. on 28 October 1937.

Legal and Political Factors for a treaty:

The British government wanted to conclude a treaty with Egypt in 1936 for both temporary and more permanent reasons. The temporary aim was to secure the safety of its recent military precautions in the Eastern Mediterranean from being jeopardized by an uprising which would divert its forces to the suppression of internal disorder. But the permanent object was to place the British position in Egypt, whose strategic importance was emphasized by the Abyssinian crisis, on a firm unchallenged legal basis.¹ Since 1922, it had been the policy of the British government to seek to settle the Four Reserved Points by a political agreement with Egypt. In spite of the previous unsuccessful attempts, this policy had never been abandoned.

With strong popular support, successive British governments had considered the upholding of the League as the basis of their foreign policy. Britain opposed Japanese aggression on Manchuria in 1931 and the Italian conquest of Abyssinia as being against the principles of the League. But she had been holding Egypt and practically

1. F.O. 371/20099, No. J 1297/2/16, Minute by Campbell on "Some Random and First-sight Comments on the Recent Course of Events with regard to Anglo-Egyptian Relations", 5 February 1936.

controlling her liberty for more than half a century by means of military occupation and without a completely secured legal title.¹ Egypt had never recognised the Declaration of 1922, nor had foreign governments, though they never questioned it. Therefore it was possible that some foreign power, e.g. Italy, might raise the question of the British position in Egypt and the presence of its troops before the Council of the League of Nations, with or without the connivance of Egypt. If the Council of the League at the moment was ill-disposed towards Britain, said the Chairman of the C.I.D. in a memorandum to the Cabinet, "an awkward situation might arise".²

Moreover, there was the question of Egypt's

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1. According to Sir J. Headlam Morley, a former historical adviser to the Foreign Office, the Reserved Points were not in law a sound basis for the British government's claims in Egypt. His argument was that "the British protectorate over Egypt [had] never been legally established, because a protectorate could only be established over a self-governing civilian community if the latter [came] to an agreement to this effect with the protecting state. Egypt in 1914 was such a community and never agreed to the British protectorate. Therefore His Majesty's Government when they purported in 1922 to release Egypt from the protectorate, could not legally reserve anything for themselves except by agreement with Egypt and this they had never obtained". F.O. 371/20100, No. J 1816/G. Minute by Beckett on Anglo-Egyptian Treaty: H.M.G.'s Legal Rights for the Protection of the Suez Canal, 27 February 1936.
 2. Cab. 24/259, C.P. 25(36), Memorandum by the Chairman of the C.I.D. on the Egyptian Treaty, the Political Aspects, 7 February 1936.

desire for membership of the League of Nations, which she had continuously demanded since 1926. Britain had, however, resisted this claim on the grounds that, owing to the Reserved Points, Egypt was not sufficiently independent. But it had been increasingly difficult for Britain to argue this case when countries such as Iraq, Afghanistan, Abyssinia, Turkey and Iran were members of the League. In both the last two, as in Egypt, a capitulatory regime existed. In fact Britain allowed Egypt to send an observer to the League of Nations during the Italo-Abyssinian dispute. So long as Egypt was not a member of the League, she could not bring Britain before the Permanent Court of International Justice under the optional clause.¹ But once she became a member, she might bring the matter of the Sudan before it, and could also take Britain to the Council of the League. In view of

1. This is article 36(2) of the statute of the Permanent Court of International Justice which states that members of the League might "at any time declare that they recognise as compulsory ipso facto, and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning" the interpretation of a treaty, any question of international law, the existence of any fact which, if established, would constitute a breach of international obligation, and the nature or extent of the reparation to be made for the breach of an international obligation.

Bowett, D.W.: The Law of International Institutions, p. 224.

the paramount importance to Britain of her imperial communications and the vulnerability of the Suez Canal, it was felt that this dangerous and weak position should be regularized by a treaty,¹ which would also relieve Britain from the heavy burden of being responsible for the lives and property of foreigners in Egypt.

Without a treaty of friendship, Britain could only secure her vital interest, as experience had shown, by direct interference in Egyptian internal affairs i.e. by creating and supporting autocratic governments. Besides requiring a large further addition to the British occupation forces, this became most difficult after the death of King Fu'ād, which, in the view of the Foreign Office, had "removed not only a factor of general stability from the political scene in Egypt, but the chief element in Egyptian political life which could successfully balance and restrain the extremism of the Wafd".² Such a policy would lead to a complete destruction of the parliamentary system which England had fostered since the

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1. Cab. 24/259, C.P. 25(36), Memorandum by the Chairman of the C.I.D. on the Egyptian Treaty, the Political Aspects, 7 February 1936.
 2. Cab. 24/262, C.P. 131(36), Memorandum by the Foreign Secretary on the Anglo-Egyptian Treaty Conversations, 8 May 1936.

beginning of the occupation.¹ Moreover, it would not be indefinitely tolerated and supported in Britain herself. Since 1914 the British nation had been pledged to the principle that peoples who were fit for self-government were entitled to it. If Britain failed to conclude a treaty, its difficulties in Egypt would inevitably be increased by a tendency, of which there were marked signs on the part of the Egyptians, to turn their eyes towards Italy.²

The influence of events and opinion in Egypt on the rest of the Arab Near East was great. Egyptian newspapers and magazines were widely read in Syria, Palestine, the Arabian states, the Sudan and most regions where Arabic was spoken. Hostility to Egypt meant hostility to the whole East. Consequently it was essential for Britain to secure the alliance of Egypt. In a memorandum to the Cabinet, Eden emphasized this by saying,

"Failure to negotiate a treaty with Egypt, followed by disturbances in that country, their suppression by British force would be represented throughout the Arab Near East possibly as a sign of British bad faith, certainly as a proof of British imperialism

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1. Anos, M.A.: "England and Egypt", Nineteenth Century and After, 105, 1929, 314.
 2. Cab. 24/262, C.F. 156(36), Memorandum by the Foreign Secretary on the Anglo-Egyptian Treaty Negotiations, 8 June 1936.

pursued at the expense of a weaker Mohamedan country. It might well be that, faced with what they regarded as a proof of British hostility to Arabian aims and aspirations, it would be the signal for an outburst in Palestine and Syria. It could hardly fail to have serious repercussions in Iraq and in Saudi Arabia".¹

In 1936, as on previous occasions, Britain might have lost the chance to regularize her position in Egypt had not Anthony Eden become Foreign Secretary in December 1935. Some leading Conservatives were not willing to make concessions to Egypt. This was clear from their violent attack on the Nahhās-Henderson draft treaty of 1930. Winston Churchill attacked the suggested movement of the British troops from Cairo to the Canal Zone. He said,

"The departure of the British troops from Cairo would be a momentous event. If and when it occurs, it will resound through all Asia. It will be noted by history like the recall of the legions many centuries ago. It will mark the point where great organisations slowly built up, exercising an immense pacifying and unifying influence upon the world, have reached their culmination and have begun the course of decline".²

Austen Chamberlain viewed the return of an Egyptian

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1. Cab. 24/262, C.P. 131(36), Memorandum by the Foreign Secretary on the Anglo-Egyptian Treaty Conversations, 8 May 1936.
 2. Parliamentary Debates, Commons, Vol. 233, 1929-30, Col. 2005.

battalion to the Sudan with great apprehension by saying, "There is a contingent promise to allow an Egyptian battalion in certain circumstances, to return into the country [i.e. the Sudan]. I regard this as a dangerous and retrograde step".¹

Unlike some of his colleagues in the Party and the Cabinet, Eden understood the importance for Britain of a treaty with Egypt. In spite of the urgent European problems which demanded his constant and immediate attention, he devoted some of his time to considering the Egyptian question, and was ready to make some concessions to Egypt. In his own words, "I was myself ready to forgo some paper safe-guards for the sake of a helpful and friendly Egypt".² On more than one occasion, Eden had difficulty in persuading his colleagues of the importance to Britain of a treaty with Egypt, which had a triumphant Fascist neighbour. Like Lord Milner sixteen years previously,³ Eden realized that any treaty would

1. Ibid., Col. 1957.

2. Earl of Avon: Eden Memoirs, Facing the Dictators, p. 391.

3. It was said in the Milner Report that Zaghlūl and his associates were the most powerful leaders of public opinion. No "scheme to which they were definitely hostile stood any chance of favourable consideration, much less of general acceptance".
Cmd. 1131, Egypt No. 1 (1921), p. 21.

not be worth the paper it was written on if it was not negotiated by the Wafd. Unlike some of his predecessors, he had confidence in the Wafd, and particularly in Naḥḥās. Cooperation between Naḥḥās and Eden continued after the conclusion of the treaty especially during the Second World War. Eden wrote in his memoirs, "Even in the darkest hour of our joint fortunes, Nahas and I exchanged messages of confidence which brought against me foolish and much applauded charges of complacency in Parliament".¹

1. Earl of Avon: Eden Memoirs, Facing the Dictators, pp. 393-94.

Sir Miles Lampson and Anglo-Egyptian relations:

It was fortunate for the Anglo-Egyptian question that Sir Miles Lampson took up in January 1934 the office of High Commissioner in succession to Sir Percy Lorane. Lampson played a major role in the resumption of negotiations and the solution of the whole Anglo-Egyptian dispute. This may be demonstrated by comparing him with Allenby and Lord Lloyd, the two High Commissioners who were in office when five out of the six previous negotiations failed.

When he was appointed as Special High Commissioner to Egypt in 1919, Allenby had no previous diplomatic experience, and his knowledge of the East and Egypt had been obtained only as Commander-in-Chief of the Expeditionary Force in Egypt and Syria.¹ Lampson arrived in Egypt with much experience in administration and diplomacy acquired from his long service in the Foreign Office.² When he was British Minister in China, he managed to

1. Chirol, V.: The Egyptian Problem, p. 219.

2. Lampson entered the service of the Foreign Office in 1903. He became the Secretary to Grater Mission in Japan in 1906. Between 1908 and 1910, he was the Second Secretary in Tokyo. In 1911, he was the Second Secretary in Sofia. He became the First Secretary in Peking in 1916. In 1920, he was the Acting British High Commissioner in Siberia. In the period 1926-1933, he was the British Minister in China. Who's Who, 1965, p. 1693.

remove the serious obstacles which British influence was facing in the Far East.¹ The complete reversal of China's hostile attitude towards Britain was partly due to his efficiency. From his long service in the Far East, he understood the East and its people. He was "a charmer, a conversationalist, a good diplomat for the East".²

Lord Lloyd had arrived in Egypt in 21 October 1925 with a strong belief that Britain should not show any eagerness to open negotiations with Egypt. He felt that any such attempt would be impolitic and useless. He opposed MacDonald's invitation to Zaghlūl to resume negotiations as being a hasty, unfortunate, and unnecessary step. He was against the Tharwat-Chamberlain negotiations. Lampson, on the other hand, believed that the Anglo-Egyptian dispute could only be solved by friendly negotiations, and had, in fact, persuaded and pressed the Foreign Office to do this. In early January 1936, before the British government had finally decided to respond to the demand of the United Front, Peterson, an official at the Foreign Office, realized, "We appear to be committed to a renewal of the attempt to achieve an Anglo-Egyptian

1. The Observer, 7 April 1936.

2. Viscount Montgomery: Alancin and the Desert War, p. 188.

settlement. In actual fact the Cairo telegrams have for some time past read as though negotiations had begun".¹ With a strong belief that Britain should not lose the chance to legalize her position, Lampson telegraphed Eden on 13 May 1936 at a time when the treaty issue was facing serious difficulties in the British Cabinet,

"Broadly we² all feel that a special opportunity is offered which should be grasped in a bold and constructive spirit. Whereas in previous negotiations, the Egyptian side were thinking only in terms of nationalism and were willing to accept alliance as the price insisted on by us, they now themselves sincerely (at least so we believe) desire alliance, and at present, at any rate, really seem to intend to work it whole-heartedly, provided always it is an alliance and not a camouflage perpetuating existing regime. As we see it, a loss of present opportunity would not be regrettable so much on account of consequent disorders, but rather on account of loss perhaps for years of this new element of goodwill and anxiety for alliance".³

Allenby had the support of the moderates in Egypt in 1922 for his insistence on the Declaration of Independence. But he became unpopular after his famous ultimatum to Zaghlūl in 1924. Lord Lloyd was extremely

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1. F.O. 371/20096, Note by Petersen to Vansittart, 6 January 1936.
 2. By "we", Lampson meant beside himself, the three service advisers, the three civilian advisers, his counsellor, and the Oriental Secretary.
 3. F.O. 371/20107, Tel. No. 418, Lampson to Eden, 13 May 1936.

unpopular in Egypt. He had favoured annexation instead of a protectorate in 1914, and considered that Allenby had "sold the pass"¹ and created a situation of legal chaos in Egypt by his Declaration in 1922. He came to Egypt with the determination to cede nothing more to the Egyptians. He said to Sir Roderick Jones, chairman of Reuters, "I am determined to show these people who is master".²

Both Allenby and Lord Lloyd mistrusted the Wafd. They thought that it was not beyond its leaders to attempt a military coup similar to that of ^CUrābī. While Allenby hated Zaghlūl and used to refer to him as "that wicked old man",³ Lord Lloyd had no confidence in Naḥḥās whom he regarded as an extremist standing for a policy of uncompromising hostility to Britain and the British connexion.⁴ With his strong belief that the Residency should be kept aloof from the usual and frequent intrigues in Egypt, Lampson had good relations with most Egyptian politicians. In a telegram to Eden, he said, "I remain convinced to deal with Egypt as a whole on

1. Delany G.C.: Lord Lloyd of Dolobran, p. 1.

2. Ibid., p. 1.

3. Viscount Wavell: Allenby in Egypt, p. 17.

4. Lord Lloyd: Egypt since Cromer, Vol. 2, p. 169.

general lines dictated by our fundamental interests and reasonable moderation".¹ He was particularly anxious that the question of the treaty should not be dragged into the arena of internal politics for which, in his view, there was absolutely no justification.² Unlike Allenby and Lord Lloyd, Lampson had confidence in the Wafd and its leaders, particularly Naḥḥās. The cooperation between Naḥḥās and Lampson and the confidence which they had in each other was a vital factor for the success of the 1936 negotiations. It was partly because of Lampson that, in contrast to the attitude so often adopted in British quarters in the previous decade, the Wafd's good faith and goodwill were accepted in 1936 in Britain as beyond doubt.³

Lampson understood the realities of the situation in Egypt where the tide of nationalism had swept in so strongly. He showed considerable understanding of and sympathy towards Egyptian aspirations. He believed that their amour-propre would be satisfied by some concessions. While Lord Lloyd opposed the Constitution of 1923 as being

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1. F.O. 371/20097, No. 59, Lampson to Eden, 21 January 1936.
 2. F.O. 371/20097, No. 84, Lampson to Eden, 27 January 1936.
 3. Manchester Guardian, 23 July 1936.

"utterly unsuited to the nature of the people",¹ Sir Miles persuaded the British government to restore it in 1935.

Both Allenby and Lord Lloyd lacked the confidence of the Foreign Office. The British government imposed Neville Henderson on Allenby as political adviser. Sir William Tyrell, the permanent under-secretary at the Foreign Office, visited Egypt in early 1927 to investigate matters for himself. He charged Gerald Delany, head of Reuter's agency in Egypt,

"to go to Adly, the Prime Minister, and to Zaghlul, the Wafd leader, and on his authority to tell them that the Foreign Office had no intention whatever of going back on British policy as embodied in the 1922 Declaration, and that if Lord Lloyd for any reason found himself unable to carry out that policy, he would resign".²

In fact both Allenby and Lord Lloyd resigned because they had no support from the Foreign Office.

Lampson had the full confidence and support of the Foreign Office, particularly of Eden, the Foreign Secretary. For example, though some officials at the Foreign Office opposed the inclusion of Ahmad Māhir in the Egyptian delegation,³ Eden overruled them and agreed

1. Lord Lloyd: Egypt since Cromer, Vol. 2, p. 142.

2. Delany, G.C.: Lord Lloyd of Dolobran, p. 5.

3. See below, pp. 151-53.

with Lampson to allow this. It was because of Lampson's prestige and influence with his own government that he was able to persuade it to make some concessions to Egypt during his visit to London in June 1936.¹

As the leader of the British delegation in the 1936 negotiations, Lampson "showed much skill in keeping the wheels of negotiation oiled and always moving".² The conclusion of the treaty was partly due to the optimism, skill and patience which he displayed through the negotiations. Eden praised him in his speech in the House of Commons on 22 November 1936 by saying, "..... we do owe a very special debt of gratitude to his untiring labours. We could have had no more patient, no more persistent, no more trusted negotiator".³

Lampson improved economic and commercial relations between Britain and Egypt. For the previous fifty years both countries had tended to treat their relations as purely political problems. No serious attempt had been made to assess the great benefits which had accrued to both through their economic ties. Lampson made a genuine attempt to strengthen commercial relations

1. See below, p. 187.

2. Earl of Avon: Eden Memoirs, Facing the Dictators, p. 391.

3. Parliamentary Debates, Commons, 1936-37, Vol. 318, Col. 252.

between the two countries and to explain to the two peoples the material ties between Egypt and Britain.¹ On his initiative, the British government invited the Egyptian government to send an economic mission to England to explore the possibilities of strengthening trade relations between the two countries. This mission arrived in Britain on 4 April 1935. It was headed by Ḥāfiẓ Ḥafīfī and included leading financial experts such as Ṭalḥat Ḥarb Pasha.

The mission created an atmosphere of cordiality between the two countries. After its return to Egypt, Dr. Ḥafīfī and Lieutenant-Colonel J. Colville, from the British Department of Overseas Trade, exchanged friendly letters.² In its report the mission realized that Britain was Egypt's best customer, and suggested the necessity of improving relations between the two countries. It advocated the formation of an Anglo-Egyptian standing committee to meet annually and study questions of interest to both sides.³

Signs of improvement in the commercial relations

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1. The Observer, 7 April 1935.
 2. The texts of these letters are in Cmd. 4896, Egypt No. 1 (1935).
 3. Times, 9 July 1935.

between the two countries immediately appeared. In July 1935, the Egyptian government reduced the customs dues on British goods, especially textiles. This new commercial friendship, no doubt, helped to clear up the political situation and to improve the general relations between the two countries.

Egypt and the Abyssinian crisis:

Though signs of the Fascist imperialist aims had begun to appear in the mid-1930's, Nahḥās and his colleagues do not appear to have been convinced of a real and immediate Italian danger to Egypt. They suggested that the 1930 military clauses should be accepted in principle in 1936, arguing that there was no justification for any major departure from them. Sidqī was reported to have openly told the British Consul in Alexandria, C.E. Heathcote-Smith, on 16 January 1936 that in "his view Great Britain had mistakenly exaggerated the supposed Italian menace, which she had taken too seriously. Mussolini, with his forces exposed in Eritrea, could never have intended to attack Great Britain, and nothing of this nature would occur".¹ Though the G.O.C. tried in an informal meeting with Nahḥās before the beginning of the conversations to explain to him the realities of the military situation, he remained adamant. A memorandum handed by Nahḥās to Lampson on 16 March 1936 stated that no power would dare to attack Egypt since by doing this it would be attacking Great Britain and her allies, and consequently would be

1. F.O. 371/20097, No. 80 (1/29/36), Despatch from the Consul-General at Alexandria on a Conversation with Sidqī and Abūd, 21 January 1936.

exposed to the most severe reprisals. Hence, although Italy had a vast predominance of forces in Libya, it would never attempt or plan this. International agreements and world public opinion would prevent any power from doing this. Moreover, the financial and social interests of most of the powers in Egypt would deter them from attacking her. The memorandum described any external aggression on Egypt as "distant and hypothetical" and cited the case of Belgium "as analogous to that of Egypt".¹ The British service advisers spent long hours at the early stages of the negotiations trying to convince Naḥḥās of the "folly" of his arguments, but "their appeal to facts had fallen on deaf ears".²

The Foreign Office felt that the Egyptian delegates were not qualified to grasp the basis of the British proposals nor to look at the situation in a realistic way. Perhaps this was because they lacked the advice of an Egyptian military expert with a realistic view. Lampson was in fact instructed in mid-March 1936 to explore the possibility of appointing ^cAzīz ^cAlī al-Miṣrī, a distinguished Egyptian and Arab nationalist who was then attached to the person of Prince Fārūq in

1. Adm. 116/3588, Tel. No. 222(R), Lampson to Eden, 17 March 1936.

2. F.O. 371/20102, Tel. No. 227(R), Lampson to Eden, 17 March 1936.

England,¹ as a military adviser to the Egyptian delegation. As a soldier who had a good reputation among the Egyptians, it was expected that al-Misrī would be useful "if he could secure a hearing from Nahas and his colleagues".²

It seems probable that the Wafd's failure to understand the change in the international situation was a major factor in its prolonged reluctance to give Britain the extensive military demands she insisted on. These were in fact reluctantly granted after considerable pressure from the Residency. Nahhās might not have given the most outstanding military concession, the principle of perpetual alliance,³ had not Lampson warned him that it would be disastrous to his position if he did not suggest something "constructive".⁴ Inspired by the High Commiss-

1. For more information about al-Misrī see Majid Khādurī, "Azīz Alī al-Misrī and the Arab Nationalist Movement", St. Antony's Papers: Middle Eastern Affairs, 4, 1965.
2. F.O. 371/20102, No. J 2543/2/16, Minute by Campbell Reporting a Conversation with Nūrī Pasha who Conveyed a Message from Azīz Alī al-Misrī, 17 March 1936.
Through Nūrī Pasha, al-Misrī had in fact offered his service provided that Britain would suggest this to the Egyptian government. Lampson mentioned this idea privately to the Prime Minister, Alī Māhir, but nothing came out of it.
3. See below, p. 189.
4. F.O. 371/20109, Tel. No. 498, Lampson to Eden, 30 May 1936

ioner, the Prince Regent, Muhammad ^cAlī, spoke earnestly to Nahḥās at the end of May 1936 of the necessity to be "conciliatory on the treaty issues in view of the unlikelihood of His Majesty's Government yielding appreciably and the danger of rupture to his own position in the restored constitutional regime".¹

Arguing that Egypt was a peaceful country, had no enemies, and was facing no danger after the Abyssinian war, the Nationalist Party and other extremists claimed that Egypt had no need for offensive or defensive alliances. Consequently they opposed the resumption of negotiations at that time which, in their view, was the worst to do this. Fikrī Abāza, a prominent member of the Nationalist Party and the editor of al-Muṣawwar, argued that Britain would exploit the international situation to extract concessions from Egypt especially on the military side. She would regard the 1930 draft treaty as obsolete and its military clauses as quite inapplicable to the prevailing situation in the Eastern Mediterranean. With such logic, the Egyptian negotiators might be persuaded to make concessions. This, in Abāza's view, would make Egyptian sovereignty and independence nothing but a

1. Adn. 116/3589, Tel. No. 507, Lampson to Eden, 1 June 1936.

name.¹

Though the Wafd was probably convinced that the Abyssinian crisis was not a real factor in the resumption of negotiations, it seemed likely that the party used it as a face-saving pretext. To prepare the public to accept this new development, the Wafd claimed before the beginning of the negotiations that Egypt was involved in a very serious international situation to which she should give all her attention, while internal affairs should be allowed to wait. While supporting Nasīm's government actually because of its pro-Wafdist policy, Naḥḥās claimed that this was due to the grave international situation. The Wafd inspired the Residency to persuade a number of Arabic and British newspapers to launch a campaign asserting that Egypt was facing a real Fascist danger for which the only remedy was a friendly Britain. This helped the Wafd to persuade the public to accept the extensive military concessions it gave to Britain, without which no treaty was possible. Al-Jihād, Kawkab al-Sharq, al-Ahrān, Daily Telegraph, News Chronicle, Manchester Guardian and others participated in this campaign. But the most important of all was a series of articles in the Times by its special correspondent, Philip Graves.

1. Al-Musawwar, 17 July 1936.

Egypt had vital interests in Lake Tana from which seventy per cent of the Nile waters came by the way of the Blue Nile and Sobat rivers.¹ Since 1902 there had been a general understanding between Britain, Egypt, and Abyssinia to construct a dam at this Lake to regulate the flow of its waters for the benefit of agriculture in Egypt and the Sudan.² This was appreciated in Egypt. The Egyptian Cabinet approved in May 1935 the five-year plan sponsored by the Finance Minister, Ahmad ^cAbd al-Wahhāb, which set aside £21 million for irrigation projects, amongst them the building of this dam. On 10 May the Abyssinian government invited the British, Egyptian and Sudan governments to a conference at Addis Ababa to conclude an agreement on this scheme. It was not held, however, as the British government, anxious to avoid any step that might aggravate the controversy between Italy and Abyssinia, suggested its postponement.³ While emphasizing that Lake Tana was absolutely secure under Abyssinian control, the Wafdist press claimed that it would be in real danger under Italian rule. In spite of Italian

1. Muḥammad Lutfī Jun^ca: Bayn al-Asad al-Ifrīqī wa al-Nahir al-Itālī, p. 34.

2. Parliamentary Debates, Commons, Vol. 318, 1936-37, Col. 288.

3. Tines, 10 July 1935.

assurances,¹ al-Jihād claimed that Italy intended to divert its waters to irrigate Abyssinian lands. This, the newspaper continued, was the most serious danger to the Nile Valley in modern times.²

Since early 1935 the Wafd had conducted a strong press campaign asserting that the Italian danger was real and immediate. Al-Ahrān claimed that this was the most direct danger which Egypt had faced since the end of the Roman occupation thirteen centuries before.³ Because of this danger, the Wafd demanded that Egypt should settle all her differences with the Arabic-speaking nations of the Near East. Consequently it welcomed ^cAlī Māhir's initiative to end Egypt's ten-year long dispute with Saudi Arabia⁴ by concluding a treaty with Shaykh Fu'ād Hanza, the Saudi under-secretary of state for foreign affairs, on 8 May 1936.⁵

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1. The Egyptian and Italian governments exchanged notes in April 1936 guaranteeing the safety of Lake Tana.
 2. Al-Jihād, 4 April 1936.
 3. Al-Ahrān, 7 August 1936.
 4. For reasons of this dispute which started in 1926 see Muhammad Husayn Haykal: Mudhakkarāt fi'l Siyāsa al-Misriyya, Vol. 1, pp. 401-3.
 5. The terms of this treaty are found in the Times 11 May 1935.

The sharp Italian protest against the Egyptian decision to apply sanctions¹ was well exploited by the Wafdist organs to arouse Egyptian fears of the possibility of an Italian attack. When an Italian aircraft crashed on 6 April 1935 near al-Māza airport, it was claimed that plans for an Italian attack were found among the wreckage. By continuously reinforcing her defences in Libya, Italy, it was asserted, was preparing for an invasion of Egypt, and her troops had sometimes actually crossed the frontiers, ostensibly because Sanūsī refugees were assembled on the Egyptian-Cyrenaican frontier and were in contact with the Anglo-Egyptian authorities to foment trouble. In spite of the categorical denial of the British and Egyptian governments, Gayada, Mussolini's chief propagandist, claimed that Sayyid Ṣāfī al-Dīn al-Sanūsī, former chief of the armed Sanūsiyya in the guerrilla war against Italy, had met the Egyptian Minister of War and the British Inspector of the Egyptian army at Marsā Matrūh.² ʿAbd al-Jalīl Sayf al-Nagr, another well known

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1. The Co-ordination Committee of the League of Nations recommended to the member-states of the League the application of economic and financial sanctions against Italy. Egypt was the only non-member of the League which agreed to this.
 2. This was in a long article in Voce d'Italia on 15 September 1935.

head of the rebel Sanūsiyya, had also offered his services, Gayada continued, to the Anglo-Egyptian authorities.¹

Wafdist propaganda asserted that the tension between Italy and Britain resulting from the Abyssinian crisis would definitely lead to war. Rose al-Yūsuf claimed that it had had an interview with a distinguished foreigner who was well acquainted with the international situation. He asserted that war was at the gate, and that both Italy and Britain were ready to face it. The same magazine alleged that the British government had sent the Duke of Westminster to Egypt to negotiate agreements with the Arab Shaykhs to secure their co-operation to repel the expected Italian attack. Lord Lloyd, the ex-High Commissioner who had friendly relations with those Shaykhs, was sent to Egypt in early 1936, Rose al-Yūsuf continued, to complete the agreements.²

Some states proposed the closure of the Suez Canal to Italy,³ while in Britain Attlee, Sir Norman

1. Times, 16 September 1935.

2. Weekly Rose al-Yūsuf, 13 January 1936.

3. The Geneva Research Centre published on 28 August 1935 a paper on the closure of the Suez Canal by Raymond Leslie Buell, President of the American Foreign Policy Association. He said that this question was controversial. Article 16 of the Covenant imposed

Angell, and some members of the House of Commons strongly supported this, especially since Italy "had used poison gas and had broken all the conventions of the modern world".¹ The Wafdist press claimed that the Canal would definitely be closed to Italy,² to which she would react by entering into war with Britain. Even if war broke out, 'Abd al-Rahmān 'Azzām, an independent Egyptian politician and journalist, argued that Egypt could stay neutral. However weak Egypt was, the Wafd emphasized that Egypt could not afford this, for she would actually be the theatre of war, as Italy would immediately attack Egypt to destroy Britain's imperial communications.³

Footnote 3 contd. from previous page

upon the League members an obligation to institute a complete embargo on the commerce of a state which went to war in violation of the Covenant. On the other hand, the Convention of 1888 provided that the Suez Canal should always be free and open in time of war as in time of peace to every vessel of commerce or of war.

Times, 28 August 1935.

1. Parliamentary Debates, Commons, Vol. 311, 1935-36, Col. 1787.
2. Britain had in fact strongly opposed the suggestion of "some hot-headed states" to close the Suez Canal to Italy. This would entail military action and would amount in practice to a declaration of war, which Britain was trying to avoid.
Viscount Templewood: Nine Troubled Years, p. 171.
3. Al-Jihād, 7 August 1935.

The Wafd claimed that Mussolini's assurances that he threatened no danger to Egypt should not be taken seriously, and that, as with Abyssinia, he would not respect any non-aggression treaty with Egypt.¹ It was felt that the Egyptians should not place any confidence in the promise of a government which in less than twelve months had virtually repudiated its signature of the League Covenant, the Kellogg Pact,² of the international Convention of 1925 against the use of poisonous gas in war, and the Italo-Abyssinian Treaty of 2 August 1928. The first article of the last laid down that "there shall be continual peace and perpetual friendship between the Ethiopian Empire and the Kingdom of Italy".³

In arousing mistrust of, and enmity towards, Italy, the Wafd encouraged the campaign in Egypt of sympathy and support for Abyssinia against the Italian invasion. The Wafdist propaganda emphasized that Abyssinia was a fellow African country, bound to Egypt by special ties. There was a religious and ecclesiastical link between the Coptic Christian minority in Egypt and the

1. See below, p. 162.

2. The signatories of this Pact undertook to settle all their differences by peaceful means.

3. Times, 26 May 1936.

Amharas. They were co-religionists and had acquired their Monophysite Christianity from an Egyptian source.¹ By long established tradition, the Abūna, or Patriarch of the Abyssinian Church, was chosen from among the Coptic monks in Egypt. This was "a source of not little gratification to Egyptian amour-propre".² This close relation between the Copts and the Amharas had the effect of a general link between the peoples of the two countries. With her deep respect and love of freedom and independence, Egypt, Kawkab al-Sharq claimed, should help Abyssinia, the last African state to preserve her independence.³

In fact this campaign achieved considerable success, and the sympathy with Abyssinia was expressed in various ways. On Italian initiative, the Egyptian government concluded an agreement with Italy in April 1935, by which seven thousand Egyptian labourers were to be recruited for road-making and other works in Eritrea. It was clearly stated in the contract that they should not

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1. Toynbee, A.J.: Survey of International Affairs, 1935, Vol. 2, p. 96.
 2. Gibbs, H.A.R.: "The Situation in Egypt", International Affairs, 15, 1936, 351.
 3. Beside Abyssinia, there were in 1935 two other independent African states: Liberia and the Union of South Africa. But both the Liberians and the Whites of South Africa were recent arrivals in Africa.

be employed in military zones, or on any purely military works. They were to be repatriated immediately on the outbreak of any hostilities. An Egyptian inspector was to accompany the Labour gangs to see that these agreed conditions were carried out. In spite of these safeguards, this agreement met a strong public protest and Nasīm's Cabinet was forced to cancel it.¹

Mass meetings were held in Egypt to support the Abyssinian cause. In late July 1935, the Coptic Patriarch called a meeting of the Coptic Community Council in support of Abyssinia. The Young Men's Moslem Association held a mass meeting of Moslems and Copts to form a committee to defend the cause of Abyssinian independence. A joint Muslim and Christian committee was formed under the direction of Prince ^cUmar Ṭūsūn and the Coptic Patriarch. It issued an appeal to the nation to subscribe to a fund for helping Abyssinia.² When hostilities broke out between Italy and Abyssinia, this committee sent an ambulance service with Egyptian doctors and nurses to

1. Times, 10 July 1935.

2. The Prince headed the subscription list with a gift of £500 while the Patriarch paid £400.

help the Abyssinian victims.¹ Many retired Egyptian officers and some Egyptian volunteers joined the Abyssinian army.²

Nahhās emphasized before a meeting of Alexandria lawyers that Egypt, whether attacked by Italy or as a theatre of war, was faced with dreadful calamities. At any moment Alexandria might be bombarded from the sea, Cairo bombed from the air, and the Delta invaded from the desert. The Aswan Dam might be destroyed, and petrol stores at Suez burned. With weak armed forces, numbering only about ten thousand, Egypt would be incapable of defending herself.³ By arousing and stirring public alarm at the results of this danger, the Wafd perhaps wanted to cover its own political manoeuvres, and justify its new desire for a settlement with Britain. Consequently it launched a strong press campaign asserting that the only way to avoid such disasters was by allying with Britain, the strongest power in the world.⁴ For those who advocated alliance with Italy instead of Britain,

1. This medical help irritated Italy. It was reported that the Italian planes bombed the Egyptian hospital at Addis Ababa.

2. Times, 8 August 1935.

3. Al-Jihād, 7 August 1935.

4. Ibid., 22 May 1935.

the Wafd's answer was: "it is better to have the devil whom we know rather than the devil whom we do not know".¹

Well aware that its previous anti-British policy was largely responsible for the deep-rooted hatred in Egypt to Britain, the Wafd persuaded the Egyptians to accept Britain's friendship in 1936 by claiming that she had radically changed her previous imperialist policy after the Abyssinian crisis. While before this crisis she depended on force to suppress small nations, the Italian success in Abyssinia had weakened her international position. In that state of weakness, Kawkab al-Sharq claimed, Britain particularly wanted to befriend the Arab nations and would naturally be most eager to do this with their leader, Egypt.² The Wafd asserted that since the Italians were a real danger to the Sudan,³ Britain had

1. Personal information.

2. Kawkab al-Sharq, 1 June 1936.

3. The Maffey Report pointed out that the continuous raids on the Sudan by uncontrolled tribes and outlaws from Abyssinia was a source of worry to the Sudan government. Though the Abyssinian government showed its goodwill in this matter, it was too weak to control these insubordinate tribes. In these circumstances, like neighbouring British colonies, the Sudan would obtain advantages from an efficient Italian administration in Abyssinia.

Cab. 24/256, C.P. 161(35), British Interests in Ethiopia: Report by an Inter-Departmental Committee, 16 August 1935.

completely changed her previous policy there, which aimed at its separation from Egypt, and was most anxious to cooperate with Egypt in its administration and defence. It was felt that the appointment of Lampson in January 1934 as High Commissioner, and that of Eden in December 1935 as Foreign Secretary, were clear evidence of this alleged radical change in British foreign policy. While Eden was described by the Wafdist press as Rajul al-^cUsba,¹ i.e. the Man of the League of Nations, who wanted to establish peace in the whole world, Lampson was praised as Rasūl al-Salām,² i.e. the Apostle of Peace, who had completely won the confidence of the Egyptians. After his departure to London in June 1936, Lampson was nicknamed by the Wafdist organs Rasūl al-Istiqlāl li-Miṣr,³ i.e. the Apostle of Egyptian Independence. If the Egyptians lost this chance to negotiate, Britain might soon restore her control over the international politics, and consequently would be unwilling to compromise. The leading part taken by Britain to restrain Italy in Abyssinia showed that she was a worthy ally, and the British, yesterday denounced as dishonest enemies, were praised today by the Wafdist

1. Al-Jihād, 2 January 1936.

2. Kawkab al-Sharq, 15 May 1936.

3. Al-Muṣawwar, 17 June 1936.

press as honest, sincere and straightforward.¹

With its overwhelming control over public opinion, the Wafd in fact succeeded in radically changing the Egyptian attitude from enmity to admiration and confidence in Britain. Signs of this newly found friendship appeared in many directions. The Egyptians now asserted that there was no difference between Egypt and Britain that could not be solved. What Great Britain required, Egypt would willingly grant, and what Egypt wanted, Britain would not refuse. Encouraged by the Wafd, the Egyptians welcomed for the first time the presence of the British troops, and the general co-operation of the two countries in defence matters. On 11 October 1935 the Egyptian premier, Nasīm Fasha, and the High Commissioner reviewed the Egyptian and British units amid the applause of a large gathering.²

To stimulate a positive desire in Egypt to settle her relations with Britain, the Wafd asserted that if she did not do this, she would face, as in 1914, a war

1. Al-Jihād, 22 May 1935,

2. Gibb, H.A.R.: "The Situation in Egypt", International Affairs, 15, 1936, 351.

While the minority parties criticised Nasīm for his cooperation with the British without extracting some quid pro quo from them, the Wafd encouraged him to do this, particularly in defence matters.

in a position of tutelage to Great Britain. The Egyptians would not be treated as an independent nation, able and willing to defend their country with the co-operation of Britain, but would be regarded merely as the inhabitants of an occupied territory. Britain, it was felt, would then exploit the Abyssinian crisis to strengthen her hold in Egypt without giving her any guarantee for the future. She might enforce measures on Egypt by which she would ignore her status under the Declaration of Independence or even modify it.¹

1. Al-Jihād, 21 August 1935,

CHAPTER THREEDIFFICULTIES IN THE WAY OF THE 1936 NEGOTIATIONSDifficultues in Egypt:

It was only because of the sharp hostility between the Wafd and the Residency that King Fu'ād, who had a natural tendency towards autocracy, was able to play them off against each other and frequently establish his own rule in the last fourteen years of his reign. Consequently it was natural that he should oppose any treaty negotiated by the Wafd, as this would be followed by an undiluted Wafd government and the Wafd would continue indefinitely in power with the support of the British.¹ Such a situation was also unacceptable to the minority parties, for this would mean their permanent exclusion from power. King Fu'ād had other reasons for refusing any settlement with Britain. No treaty would be acceptable to the Egyptians unless it provided for the removal of British troops from the cities, which might endanger his

1. Major-General Dill, D.M.O. and I., who visited Egypt in February 1936, believed that Fu'ād wanted a treaty as the surest means of handing over a stable Egypt to his son.
Cab. 24/260, Enclosure in C.F. 64(36), Notes by Major-General Dill on his Personal Impressions about Egyptian Opinion on the Treaty, 24 March 1936.

family's rule, as the troops' presence there had been a powerful deterrent against any Wafdist attempt to overthrow the Monarchy. A treaty would inevitably establish the parliamentary system which Fu'ād, believing "like other old Turks, that the Egyptians understand only the Kourbash",¹ considered completely unsuitable to Egypt. With his deep affections for Italy, where he had been educated and had spent most of his early years, Fu'ād was likely to oppose any treaty with Britain at that time of strained British relations with Italy. He had never forgiven the British for exiling his loyal servant Abrāshī Pasha,² and upsetting his favourite ministry of 'Abd al-Fattāḥ Yaḥya by imposing on him a pro-Wafdist Prime Minister, Nasīn Pasha, in November 1934.

While joining with the Wafd in demanding immediate negotiations,³ Fu'ād and the minority leaders

1. Adm. 116/3591, Tel. No. 1059, Kelly to Eden, 9 September 1936.

2. Abrāshī, the director of the Royal Estates, who had been responsible for most of the unpopular decisions made by the King, resigned that post on April 1935 and was appointed Minister at Brussels.

3. With its usual slogan of no negotiations before complete evacuation of the Nile Valley, the Nationalist Party opposed the 1936 negotiations with Britain. It asserted that the British were devoid of honour and that the Egyptians should not trust them, but should work hard to drive them from their country.

wanted to wreck them. They may have calculated that their failure would be followed by widespread Wafdist agitation and that the Residency would be compelled, as in the previous abortive negotiations, to co-operate with the Palace to postpone elections and form a strong government to maintain law and order. Ṣidqī, Maḥnūd, and ʿAlī Māhir all hoped to form such a ministry. Following Hoare's declaration of 9 November 1935 that the 1923 and 1930 Constitutions were unsuitable to Egypt, the Egyptians judges submitted a petition to the Minister of Justice condemning this as British interference in Egypt's internal affairs.¹ In showing this political bias, they were partly inspired by ʿAlī Māhir who was alarmed by Britain's support for Naṣīn. If ʿAlī Māhir was objectionable to the Residency because of this, Fu'ād was prepared to choose Maḥnūd as Prime Minister. In spite of the temporary nature of ʿAlī Māhir's government in 1936, he embarked on an extensive programme of reform and administrative measures, as he may have hoped that the negotiations would break down and he would be asked to continue in power.²

1. Times, 23 November 1935.

2. ʿAlī Māhir claimed that the motive behind all this activity was to establish his reputation as a good

Well aware of this danger of another return of Palace dictatorship, the Wafd insisted that the 1923 Constitution should be restored before the treaty negotiations and reluctantly accepted 'Alī Māhir's new government on condition that it held a general election on 2 May 1936.¹ The Wafd, however, embarked seriously on the negotiations only after the elections, when it was firmly in office. Moreover, it demanded that Britain should give a definite undertaking that, even if the negotiations failed, the existing situation would be maintained, and there would be no British interference in Egyptian constitutional life. Consequently it strongly opposed Lampson's verbal statement (which accompanied the British note agreeing to the resumption of negotiations) in which he said that in the event of a failure of the conversations, the British government might reconsider its policy in Egypt. Though it did not intend by this warning any drastic change of policy, such as a return to Cronerism or a protectorate, the British government refused to give

Footnote 2 contd. from previous page

Prime Minister so that in future, when the opportunity might occur, he would be recalled to power.
F.O. 371/20103, Tel. No. 333, Lampson to Eden,
31 March 1936.

1. The Wafd preferred the elections to be held under the government of its friend, Nasīm Pasha.

the Wafd the assurances it wanted because "it was felt that, with a view to prevent an intransigent attitude on the part of the Egyptians in general and the Wafd in particular, it would probably be a good thing that they should feel a certain amount of uncertainty about the consequences of an abortive negotiation ".¹ The British government, however, agreed to address a further note to the Egyptian government, declaring that while it reserved its liberty of action, the failure of the negotiations need not necessarily affect the good relations between the two countries. This statement, however, did not give the Wafd the impression that all would necessarily be the same if the negotiations failed.²

Since the Declaration of Independence in 1922, the minority parties had been well disposed towards Britain, as this served their interests in excluding the

1. F.O. 371/20098, No. J 1221/2/16, Note by Campbell to Eden on the Anglo-Egyptian Treaty Conversations, 10 February 1936.

2. F.O. 371/20099, Enclosure in Tel. No. 143, Comment by Campbell, 14 February 1936.

Even after the conclusion of the treaty, the Wafd was still afraid that Britain might again co-operate with the minority parties to remove it from power. Nahhās was particularly worried because of a long meeting between Mahnūd and Eden in London after the signature of the treaty on 26 August 1936. It was, however, in the interests of the British government that the Wafd should continue in power to implement the treaty, and Lampson assured Nahhās of Britain's continuing support.

Wafd from power. But in 1936 the Wafd changed its policy and became pro-British for the sake of a treaty.¹ Consequently it seems likely that they too changed their tactics from moderation to extremism in order to wreck the negotiations and thus prevent any understanding between the Wafd and the British. This policy, they may have hoped, would also enable them to steal the nationalist thunder of the Wafd by showing it as co-operating with Britain against Egypt's interests.

Before the beginning of the negotiations, the minority parties conducted a strong anti-British press campaign, particularly in al-Siyāsa, al-Sha^cb, and al-Balāgh,² in which they claimed that Britain never trusted Egypt, and did not sincerely intend to conclude a treaty with her, but wanted to maintain the status quo. In a conversation with C.E. Heathcote-Smith, the British Consul at Alexandria, Ṣidqī went further than this, accusing Britain of intending to go to her role of before 1922 when she was directly controlling the affairs of Egypt.³

1. See above, pp. 37-40.

2. Al-Siyāsa was the organ of the Liberal Party, al-Sha^cb of the Sha^b Party, and al-Balāgh was closely associated with the Palace.

3. F.O. 371/20097, Enclosure in 80 (1/29/36), Despatch from the Consul-General in Alexandria on a Conversation with Ṣidqī and Abūd, 9 January 1936.

Eden's demand for time to study the Egyptian question was considered only an excuse, as every British politician was well acquainted with this subject, on which there had been a number of abortive negotiations. Being unable flatly to reject the Egyptian offer to negotiate, the British government, they asserted, put conditions which it knew that the Egyptians would not accept, and consequently there would be no negotiations at all. It was for this reason, they claimed, that Britain insisted on excessive military demands, and threatened the Egyptians that she would revise her policy if the negotiations failed.¹

Knowing that disorder was fatal to all prospects of agreement, the minority parties instigated anti-British demonstrations by the students by telling them that no treaty would be concluded without the threat of violence. Besides this, they encouraged them to strike and demonstrate about their own private problems, such as the duration of courses and examinations. Ṣidqī was mainly responsible for this, while Maḥmūd frequently met the students leaders, offered them money, promised them high posts in the government and the patronage of the Liberal

1. Al-Balāgh, 10 February 1936.

Party.¹ The writings of al-^cAqqād, a very popular writer among the students, in the daily Rose al-Yūsuf, a former Wafdist organ,² encouraging the students to make trouble, found a welcome echo in their breasts. It alian agents were also active in this direction, and it was reported that they supplied the students with arms, gave them military training in the Italian athletic clubs, and prompted them to form groups on Fascist lines.³

In spite of the Wafd's appeals,⁴ unrest continued in most of the Egyptian schools and the University. During the disorders at Damanhūr at the end of January 1936, the British flag over the British Consular Agent's residence was pulled down and destroyed. In Cairo certain English ladies were subjected to violent and insulting behaviour from the students, and there were attacks upon members of the British forces. On the advice of the Residency, which was greatly worried by this students'

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1. F.O. 371/20097, Enclosure in Tel. No. 17 (19/3/36), Letter from the Director-General of European Department to the Oriental Secretary, 4 January 1936.
 2. See above, p. 38.
 3. F.O. 371/20098, Enclosure in Tel. No. 102 (19/15/36), Memorandum on the Student Movement in Egypt by Farīd Bashatly Effendi, deputy assistant Director-General of the European Department, 23 January 1936.
 4. The Wafd had lost its overwhelming control over the students. See above, pp. 29-31.

disorder, a conference was held on 15 February 1936 between the under-secretary of the Ministry of the Interior, representatives of the Public Security Department, and the Rector of the Egyptian university to consider the question. The presence of Muhammad ^ḤAlī ^ḤAlūba at that time as Minister of Education was anomalous, as he was a member of the Nationalist Party and encouraged the movement of Egyptian youth in the belief that the old parties had failed to liberate Egypt.¹

The minority parties intensified propaganda among the workers and fallāhīn to join the disturbances. Taking advantage of the dissatisfaction among the workers by certain labour legislations, they encouraged them, particularly those of Prince ^ḤAbbās Ḥalīm's Federation of Labour Unions,² to go on strike. With the object of spreading revolutionary and anti-British propaganda, Ahmad Ḥusayn, the leader of the Young Egypt Society, who was in close touch with the Palace,³ made a number of

1. F.O. 371/20098, Despatch No. 124 (1/69/36), Note by Lampson to Eden on the Political Situation in Egypt, 1 February 1936.

2. See above, pp. 28-29.

3. Well informed quarters suggested to the Residency that the Palace financed the Young Egypt Society because it wanted to use it with its Greenshirts as a counterpoise to the Wafd and its Blueshirts. F.O. 371/20107, Tel. No. 491 (19/41/36), Lampson to Eden, 2 May 1936.

tours in Upper Egypt.¹ An unsuccessful attempt was made to induce the public to boycott British goods. The Young Egypt Society distributed circulars, and al-Siyāsa claimed that this was the only method to force the British to yield to Egypt's demands.²

The situation in Palestine was exploited by the minority parties to undermine Anglo-Egyptian relations. They denounced British policy there, which, they claimed, caused tremendous injustice to the Arabs. In a leading article on 14 July 1936, al-Siyāsa claimed,

"the Arab Moslem nation had been strongly, patiently and intrepidly fighting the greatest, the most cruel and malicious power of the world. She is suffering intolerable atrocities which are disgusting to humanity and will be condemned by future generations. The English are vigorously slaying the nation and ruining their lands".³

The Residency drew the attention of Mahmūd Pasha to this

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1. According to a report from the provinces, these attempts to stir up the fallāhīn were unsuccessful because they argued that "political trouble would lead only to loss of employment and trade and consequent misery and privation".
F.O. 371/20096, Tel. No. 699, Lampson to Eden, 31 December 1935.
 2. Al-Siyāsa, 18 December 1935.
 3. F.O. 371/20116, Despatch No. 857, Lampson to the High Commissioner of Palestine on Offensive Articles in the Egyptian Press Regarding the Palestinian Disturbances, 21 July 1936. The F.O. translation is quoted.

offensive campaign, but he refused to stop it, arguing that he was an Arab himself and could not help sympathizing with the Arabs in Palestine.

With these activities in Egypt, the Palace and minority parties encouraged the Young Egypt Society to send an anti-British propaganda mission to Europe. Subsidized by the Palace and possibly by Italy,¹ Ahmad Husayn and Fathī Ruḍwān, the president and secretary of this Society, left in early December 1935 for a tour in Europe in which they visited London, Paris, and Geneva. For more than two months, they tried "to impress influential circles abroad with the alleged inequity of Great Britain's policy in Egypt".² Failing to meet the Foreign Secretary,³ they organised several public meetings in London, and contacted some prominent persons who were known for their sympathy towards Egyptian aspirations:

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1. According to a secret police report, Italy contributed £500 towards the expenses of this journey. F.O. 371/20151, Despatch No. 545 (435/4/36). Annual Report on Egypt for 1935, 13 May 1935.
 2. Ibid.
 3. The Foreign Office refused to grant them an interview with Eden because it believed that their tour was partly financed by Italy, and they "might distort anything said to them and misuse the fact that an interview was granted to them". F.O. 371/20096, Enclosure in despatch No. J 41/2/6, Comment by Macks of the Foreign Office, 31 December 1935.

Lord Lamington, a former governor of Queensland, who was deeply interested in promoting good understanding between Britain and oriental nations, Fenner Brockway, secretary of the Independent Labour Party, and George Lansbury, the leader of the Labour Party.

It was reported to the Residency that the minority leaders, particularly ^cAlī Māhir and Ṣidqī, cooperated with Italy which, seeking to secure predominance in the Mediterranean, conducted a strong anti-British campaign in Egypt. Italian propaganda was vigorously intensified in 1935 and 1936, when a large sum of money¹ was paid to the local newspapers, particularly al-Ahrām and al-Balāgh, to publish articles condemning the British policy in Egypt and emphasizing Italo-Egyptian friendship. The well-organised Italian colony in Egypt numbering about 65,000 mainly located in towns, was a useful weapon to Italian propaganda. An important part of it was played by the Agence d'Egypte et d'Orient, a news agency recently set up in Cairo under the management of Ugo Dodone, a former editor of the Local Italian newspaper Giornale

1. Keown Boyd, the Director-General of the European Department, estimated that Italy used to spend £35,000 in a normal year on propaganda in Egypt, and in 1935 she spent several hundred thousand pounds. F.O. 371/20113, No. 981 (534/28/36), Lampson to Eden, 20 August 1936.

d'Oriente. With a monthly budget of about £800, it distributed to the press and other sources of influence free copies of bulletins containing much anti-British propaganda.

In late 1935 and during the period of greatest tension over the agitation for the 1923 Constitution, the Italian Minister assured Naḥḥās of his country's support for Egypt, and of Italian action in the League to embarrass England.¹ The Italians contacted leading Copts such as Tawfīq Dūs to win over the Copts who had been anti-Italian owing to their religious connexion with Abyssinia. Moreover, misleading reports and inflammatory speeches denouncing British policy in the Near East were broadcast daily in Arabic by the Italian station at Bari.²

The British government was greatly alarmed by this Italian propaganda and took immediate steps to counteract it by articles in the local and British press,³

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1. With its strong desire to have a treaty, the Wafd organised a strong anti-Italian campaign in its press, particularly in al-Jihād. The Italian propaganda in Egypt was far less effective than in other parts of the Near East probably mainly because Italy failed to gain the support of the Wafd.
 2. F.O. 371/20151, Despatch No. 545 (435/4/36), Annual Report on Egypt for 1935, 13 May 1935.
 3. Al-Ahrān, al-Jihād, Daily Telegraph, and the Times participated in this campaign.

and by widespread ocular demonstration in Egypt, e.g. films, of British naval, military and air strength to show Britain's intention and capacity to prevent an external aggression on Egypt particularly from Italy. Moreover, the British government increased the strength of its military and air position in the Mediterranean.

The Residency suspected that the minority leaders in their efforts to disturb the atmosphere of the negotiations were cooperating with the Cairo correspondents of the Times (Mr. Lumby) and the Daily Telegraph,¹ who sympathized with their desire to prevent the Waḡd from succeeding in any treaty negotiations. Lumby, who was believed to be under Maḡmūd's influence, supported his idea that Nasīn should be replaced "by a strong Prime Minister to maintain public order and promote Anglo-Egyptian military cooperation until the international situation was cleared and the way was open to the return of constitutional life in Egypt".² Naḡḡās complained to the Director-General of the European Department that Lumby published on 19 December 1935 a private conversation he

1. I could not identify him.

2. F.O. 371/20096, Despatch No. J 18/2/16, A Personal Letter from Cecil Campbell to Vansittart, 18 December 1935.

had with him¹ in which he put a "fierce" interpretation upon, and gave "a false impression of, his attitude", a matter which caused him difficulties both in Egypt and Britain.² In the summer of 1935 he publicised Maḥmūd's idea of a military alliance rather than a treaty. Moreover, Lunby sent other unhelpful reports such as that the British reply to the United Front was disappointing to the Egyptians because it did not commit the British government on the civil clauses of the 1930 draft treaty. Knowing the importance attached in Egypt to every word in the Times, the Residency was extremely worried by Lunby's reports. Lampson, Kelly and Smart saw him in late January 1936 and requested him to be helpful. But he remained adamant, claiming that he was only doing his job.³ The

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1. In this interview Nahhās was reported to have said that the Wafd would not allow the minority parties to participate in the negotiations and added "that the negotiations were almost unnecessary as all parties had agreed to accept the 1930 draft treaty without amendment". Lunby claimed that Nahhās was perfectly firm in maintaining the letters and terms agreed in 1930, and if the British government declined to approve them, "the Wafd will denounce them for breaking their word and will resume the violent street agitation". Times, 19 December 1935.
 2. F.O. 371/20096, Enclosure in despatch No. 1458 (621/18/35), Letter from the Director-General of the European Department to the Residency, 24 December 1935.
 3. F.O. 371/20099, Despatch No. 58/5/36, Kelly to Houston Boswall of the Foreign Office, 29 January 1936.

correspondent of the Daily Telegraph, who was in close touch with Ṣidqī and was believed to have been subsidized by him during his term of office as Prime Minister, wrongly represented on 28 March 1936 the situation as deadlock because of the Wafd's intransigence.¹ ḤAnīn Ḥ Uthmān, the secretary-general of the Egyptian delegation, complained to a member of the Residency's staff about this "indiscretion",² and, on the request of Lampson, the news department at the Foreign Office advised the Daily Telegraph to avoid such remarks.

Even after the signature of the treaty, the minority parties continued their campaign against it, in the hope that if they roused public opinion, Parliament might refuse to ratify it. They opposed the Wafd's decision to discuss it in an extraordinary session of Parliament on 2 November 1936, and suggested that this should be in its ordinary meeting in the third week of November, ostensibly to give the Egyptians a reasonable chance to understand the treaty. The real motive behind this may have been to have more time to attack it and to

1. F.O. 371/20102, Tel. No. 252(R), Lampson to Eden, 29 March 1936.

2. Adn. 116/3588, Tel. No. 257, Lampson to Eden, 30 March 1936.

await the debate in the House of Commons, in the hope that there might be a true interpretation of it in which the Egyptian concessions would be clearly shown. Arguing that the present Parliament had been elected to achieve complete independence and that the treaty did not offer this, the Liberal Party advocated a national plebiscite as in Iraq before the parliamentary ratification of the treaty.¹ The Wafd, however, refused this suggestion on the grounds that the case of Iraq was completely different from that of Egypt. While the Iraqi Parliament had been elected long before the Anglo-Iraqi treaty of 1930, it was asserted, the Egyptian elections for Parliament synchronized with the negotiation of the treaty.²

Dissatisfied elements, specially the Nationalist Party and the Young Egypt Society, organised meetings for the delivery of anti-treaty speeches, issued pamphlets, and published articles in the Arabic press in which they particularly exaggerated the harm to Egypt from her military concessions to Britain, which, they claimed, would reimpose the protectorate and legalise the British occupation. A vocal minority of students, under the leadership of Nūr al-Dīn Ṭarrāf, was instigated by the

1. Al-Muṣawwar, 18 September 1936.

2. Maḥmūd Ghannām: Al-Mu^cāhada al-Misriyya al-Ingli-ziyya wa Dirāsatha min al-Wujha al-Amaliyya, p. 366.

Nationalists and some members of the Liberal Party to organise an anti-treaty movement when the school opened in October 1936. ^cAbūd Fasha and Abrāshī joined the opposition, and it was reported to the Residency that the latter financed al-Balāgh, whose editor, Maḥmūd ^cAzmī, published unsigned articles strongly criticising the treaty. Certain foreign quarters and Prince ^cUmar Ṭūsūn were asserted to have promised financial support to the opposition,¹ and the Italian agents took every opportunity to attack the treaty.

The opposition tried to consolidate itself by forming a united front and brought considerable pressure upon ^cAbd al-^cAzīz Fahmī to head it. As he was the only survivor of the three Egyptians who had demanded the independence of their country in the historic interview with Wingate in 1917, and as a man of acknowledged integrity, it was felt that his re-entry to politics would give the opposition a much needed impetus. Fahmī, however, refused and this open movement against the treaty collapsed

1. Adm. 116/3591, Tel. No. 1066, Kelly to Eden, 10 September 1936. Kelly, the acting High Commissioner, claimed that while Ṭūsūn was known not to favour the treaty and had made several indiscreet remarks about it, he did not "appear to be prepared to take an active interest in the opposition movement". Adm. 116/3591, Tel. No. 1090, Kelly to Eden, 17 September 1936.

because it failed to find a popular politician to head it.¹

Though they were not pleased with the treaty, the minority parties, apart from the Nationalist Party, soon realized that their tactics to wreck the treaty had failed, and that it was in their own interests to stop opposing it, as they knew that the Wafdist government might stay indefinitely in power, and that the British would no longer help anybody to evict it. On 15 October 1936 the Sha^cb Party passed a long noncommittal resolution tantamount to an expression of support for the treaty, and Ṣidqī, who had an unlimited capacity for adaptability to circumstances, suddenly appeared as an ardent admirer of Naḥḥās. The majority of the Liberal leaders, led by Maḥmūd, thought that it was in the interests of their party to support the treaty as "a step towards independence", and concentrate on criticising the Wafd in administrative and other matters. Led by Maḥmūd ^cAbd al-Rāziq, the party's vice-president, a minority of the Liberal leaders, however, believed that the party should oppose the treaty and went to the extent of dismissing Maḥmūd for his signature to it.²

1. F.O. 371/20119, Tel. No. 1090, Kelly to Eden, 17 September 1936.

2. Al-Musawwar, 20 September 1936.

The opposition to the treaty was ineffective because the Wafd, with its efficient organisation and overwhelming support among the masses, conducted a strong campaign to support it. Naḥḥās described it as "the treaty of honour and independence", and the Wafdist press claimed that opposition would be equivalent to high treason.¹ The Wafdist government, possibly by offering money and promising high posts to the state, induced some journalists, politicians, and university lecturers to publish books and articles claiming that the Wafd had forced the British to yield to Egypt's demands and that the treaty would achieve her full independence. At the same time the Wafd used its Blueshirts² to frighten the opposition and threaten anyone who criticised the treaty. Mr. Hamilton, the acting Director-General of the European Department, claimed that the editor of al-Balāgh was told that if he opposed the treaty, the premises and printing press of his paper would be attacked and smashed.³ The Greenshirts were barred from carrying on anti-treaty propaganda in the country because, Naḥḥās claimed in

1. Al-Ahrān, 15 September 1936.

2. See above, pp. 31-32,

3. F.O. 371/20119, Tel. No. 1090, Kelly to Eden, 17 September 1936.

Parliament, they were in the pay of a foreign government.¹ The Wafdist government forbade anti-treaty meetings and promptly confiscated newspapers and pamphlets issued by the Nationalist Party and Young Egypt Society. Ḥalūba Pasha, a former Liberal leader, arranged to address a meeting criticising the treaty in a cinema at Cairo on 9 October 1936. Though the government permitted the meeting, it inspired the cinema proprietor to refuse at the last minute to hire his building.² The meeting was abandoned and Ḥalūba published the text of his speech in al-Balāgh and al-Siyāsa.

The long disease³ and subsequent death of King

L. Strenuous efforts were made by certain deputies and the press to make the government disclose the ground on which this allegation was made, but Nahhās held that it was impolitic. Supported by the non-Wafdist press, Ahmad Husayn, the Greenshirt leader, immediately demanded that if the government statement was correct, he should be prosecuted, but the government refused the challenge. The immediate consequence of this charge was serious street-fighting between the Blueshirts and Greenshirts in which a number on both sides were injured. In most cases, although the Blueshirts were the aggressors, it was the Greenshirts who suffered at the hands of the police, because the authorities hesitated to arrest the Blueshirts for fear of the Wafd government.

Manchester Guardian, 21 July 1936.

2. Ibid., 15 October 1936.

3. Since 1934, Fu'ād was suffering from a serious illness which ultimately proved fatal.

Fu'ād was the best portent for the success of the treaty negotiations.¹ Well aware of the intelligence and capacity for intrigue of the "old fox", as Fu'ād was known in the Foreign Office, the British government warned him from the start that it relied on "his co-operation to induce a reasonable frame of mind among Egyptian leaders,"² and that it would not allow an unsatisfactory ending to be turned to his advantage as in the past. However, both the Wafd and the British were relieved by his death leaving a minor, inexperienced, and ill-educated son.³ The three Regents accepted Egypt's complete

1. The Foreign Office accused Fu'ād of attempting in his last days to make a quick breakdown of the negotiations. See below, p. 164.
2. F.O. 371/20096, Tel. No. 25, Eden to Lampson, 16 January 1936.
3. The death of Fu'ād on 28 April raised a delicate constitutional problem as, according to the succession act of 1922, a Council of Regency was to be formed until Prince Fārūq attained his majority on completion of 18 lunar years, i.e. until August 1937. Parliament was to meet within ten days after Fu'ād's death to approve his nominees or appoint new ones. Since the Egyptian Parliament was due to meet at the end of May 1936, the Wafd suggested the recall of the Parliament dissolved in 1930 to settle the question. The minority parties refused and a compromise was finally agreed to by which the dates of the elections were changed in such a way to allow Parliament to meet on 8 May 1936. Two of Fu'ād's nominees, Nasīm and Mahnūd Fakhri, were unacceptable to Parliament, and the third, Adli Pasha, died. It finally chose Prince Muhammad Ali (first cousin of Fu'ād), Azīz Pasha Izzat (the first Egyptian Minister in London in 1923), and Sharīf Sabri Pasha (the Queen's brother).
Times, 9 May 1936.

dependence on Britain and were ready to consult and follow her advice in all matters.

Difficulties in Britain:

Since the Declaration of Independence, a group of vocal Conservative peers and M.P.s, of whom Lord Lloyd and Churchill were the most active, were strongly against any settlement with Egypt.¹ Their influence on policy was, however, slight.² They wanted, at least, to maintain the existing British military occupation and control over the Egyptian government. It was most likely that a treaty would relax this occupation. This, they believed, would be disastrous to imperial communications, and would give other powers a chance to challenge the British position in Egypt. The security of these communications could not be assured by military dispositions alone, but depended to a large extent upon the existence of a strong stable government in Egypt. If Britain gave the Egyptians the right to run their own internal affairs, it was felt that the result would be widespread disturbances throughout the country since it was extremely ill-suited to any representative government.³ No treaty would be acceptable to the Egyptians unless it gave them substantial conces-

1. In fact those peers and M.P.s opposed the Declaration of Independence and preferred Egypt to be part of the British Empire.

2. See below, pp. 195-96.

3. Morning Post, 29 April 1936.

sions in regard to the Capitulations and a wider latitude in the military occupation and administration of the Sudan. Though they admitted that the Capitulatory regime needed slight modifications, those Conservative peers and M.P.s opposed any fundamental change that affected the privileged status of foreigners, particularly the British residents in Egypt. As for the Sudan they claimed that any concessions to Egypt would endanger the maintenance of law and order, and destroy the British character of the administration there.

Naturally this opposition to a treaty with Egypt^t was wholeheartedly supported by the dominions, particularly Australia and New Zealand, and the British colony in Egypt. The former viewed the whole question from the point of view of the security of the Suez Canal only, which they felt would be endangered by any military concessions to Egypt. In fact their opposition was an important factor that delayed the conclusion of a treaty, since the British government had undertaken not to do anything that affected imperial communications except after consultation and in agreement with them.¹ It was

1. Cab. 24/262, A.E.C. 36, Appendix II to C.F. 129(36), Draft Conclusions of the First Meeting of the Anglo-Egyptian Conversations Committee on 7 May 1936. In all previous negotiations, the British government

only after a number of meetings between Eden and the representatives of the dominions that the latter reluctantly accepted some slight military risks for the sake of a treaty.¹ The British residents in Egypt correctly expected that Britain would make great concessions on the Capitulations in return for her military demands, which were more extensive than those in the 1930 negotiations, and that Egypt would accept this. They were particularly worried by the possibility of unilateral Egyptian denunciation of the Capitulations, especially after Nahhās's declaration of late January 1936 that the Wafd would not discuss them until after the conclusion of a treaty.²

With its influence in Parliament, the British Chamber of Commerce³ tried by a series of memoranda to

Footnote 1 contd. from previous page

had given due consideration to the views of the dominions. Britain accepted the 1927 draft treaty only after their consent, and in 1930 negotiations representatives of Australia, New Zealand, and India attended as observers.

1. These risks related mainly to two major military questions: the location of the British troops in Egypt, and the time-limit of the treaty. See below, pp. 165-69 and pp. 177-82.
2. F.O. 371/20097, Enclosure in despatch No. 75/7/26/36, Letter from the British Chamber of Commerce to Lampson, 16 January 1936.
3. This was an association of British residents in Egypt which had two branches in Cairo and Alexandria.

the British government to prevent Capitulatory and other concessions to Egypt. The Chamber suggested the formation of a permanent standing committee of British residents in Egypt to advise Lampson on how the treaty would affect British interests; such a method had been followed recently in India in connection with the India Bill.¹ Though the British government outwardly treated the Chamber with increasing deference since 1928, it was not swayed by its intransigent views. It believed that the British occupation of Egypt, with all the risks and difficulties it implied "should not be retained at all costs for the benefit of private commercial interests which in other countries receive no such support from His Majesty's Government".² In fact many points were settled by the treaty in a sense contrary to the wishes of the Chamber,³ and the only thing which the British government was prepared to do for all the foreigners in Egypt was to attempt to obtain some concessions at the capitulatory conference, without endangering the smooth working of the arrangements resulting from the abolition of the

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1. Eden refused this suggestion as the motive behind it was to advise against concessions to Egypt.
 2. F.O. 371/20131, Despatch No. 1061 (7/687/36), Kelly to Eden, 9 September 1936.
 3. See below, pp. 287-88.

Capitulations.¹

Through the British Conservative press, particularly the Morning Post and the Daily Mail, and by special meetings with the Prime Minister and Foreign Secretary, the opponents of the treaty persistently advised the British government to postpone indefinitely its offer to negotiate, on the grounds that the time was even more inopportune than in 1933.² Lampson and his advisers argued that the British government could not, even if it so desired, refuse the formal request of the United Front for immediate treaty negotiations, as it faced the position it had postulated since 1929, namely a body representative of all parties.³ With considerable justification,⁴ Lord Lloyd and his colleagues rejected this argument as the United Front was not a genuine union

1. F.O. 371/20131, Despatch No. 1061 (7/687/36), Kelly to Eden, 9 September 1936.

2. Saturday Review, 21 September 1936.

3. The British government's demand was stigmatized by the British opposition as undemocratic and they suggested that the British government should deal with the Egyptian government of the day. Eden refused this suggestion as he was "convinced that all known Egyptian public figures should have their part in the Treaty and therefore be without pretext to go back upon it in a critical hour".
Earl of Avon: Eden Memoirs, Facing the Dictators, p. 393.

4. See above, pp. 39-40 and pp. 122-23.

for a treaty, but a mere desire for power. He wrote: "Nothing had occurred in the last five years to bridge over the deep differences between, or allay the mutual hostility of, the rival party leaders in Egypt save a general hunger for office sharpened by years of impotence and deprivation".¹ They also rejected the Residency's view that a treaty was necessary to keep law and order in Egypt,² as the British forces in their present numbers and dispositions would have no difficulty in doing so, and even if a treaty were concluded, there was no guarantee that law and order would be maintained in future. The request of the United Front came after a series of violent anti-British demonstrations demanding immediate negotiations.³ They claimed that if the British government accepted it, it would appear to have yielded to the forces of violence, and the Egyptians would feel that rioting would bring them all they wanted from Britain.⁴ Whatever concessions Britain might make, the conversations, like the previous ones, were doomed to failure from the

1. Evening Standard, 19 February 1936.

2. See below, p. 156.

3. These demonstrations were particularly violent after the Guildhall speech of Hoare, the Foreign Secretary. See above, p. 123.

4. Evening Standard, 19 February 1936.

start, an outcome which Britain could not then afford.

It was felt that the Wafd never genuinely wished to conclude a treaty, as this would ipso facto mean its end because its life had always "depended upon keeping an open sore".¹ It would repeat its usual tactics of pushing demands to the furthest possible point, then breaking off negotiations, and its leaders would appear as national heroes who refused to surrender the rights of their country.² The British government, it was asserted, would not be justified in embarking on such a sterile adventure, and any concessions it might make would be regarded by the Egyptians as acquired rights and a starting point for further demands in any subsequent negotiations.³ Even if a treaty were successfully concluded, there was always the danger that it would be repudiated by future governments in Egypt.

The opponents of the treaty in Britain did not lose hope of wrecking it even after the British government

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1. F.O. 371/20096, Enclosure in despatch No. J 484/2/16, Letter from Various European Residents in Cairo to Sir J. Wardlaw-Milne, 3 January 1936.
 2. But in the 1930's the Wafd had radically changed its tactics from extremism to moderation and was keen to have a treaty with Britain. See above, pp. 37-40.
 3. F.O. 371/20096, Enclosure in despatch No. J 484/2/16, Letter from Various European Residents in Cairo to Sir J. Wardlaw-Milne, 3 January 1936.

had overruled their advice and had decided to enter forthwith into conversations. The Anglo-Egyptian Committee¹ suggested that the British government should not start them unless the United Front issued a statement that it would maintain order and stop anti-British agitation. It was felt impossible to conduct friendly negotiations in an excited atmosphere, where the Egyptian government was unable or unwilling to curb violent and persistent student agitation. It was impossible, however, to obtain such a statement, and the British government thought it inadvisable to suspend the conversations pending its receipt. It was satisfied by a warning to Naḥḥās and Ḥalī Māhir, the Prime Minister, that it would not continue the conversations if there were any riots or disorder.

The inclusion of Aḥmad Māhir and Nuqrāshī in the Egyptian delegation was another chance for some Conservative M.P.s to attempt to prevent the negotiations. They claimed that it would be an insult to Britain if they were accepted as representatives of Egypt, since they were accomplices in the murder of Sir Lee Stack. Their acquittal in 1926 was so directly contrary to the evidence

1. Composed of about forty M.P.s and under the presidency of Sir John Cardlaw-Milne, this unofficial committee of the House of Commons had always been against concessions to Egypt.

that the British member of the bench, Judge Kershaw, immediately resigned, and the British government informed the Egyptian government on 2 June 1926 that it would not accept this verdict as a proof of innocence.¹ It was difficult for the British government to raise any objection to Nuqrāshī as it had approved his appointment in 1930 as Minister of Communications,² and he was actually one of the members of the 1930 Egyptian delegation. The case of Ahmad Māhir was, however, different, as Britain had refused to negotiate with him in 1930, and accepted him only as an expert adviser to the Egyptian delegation. Though the British government preferred that he should not be one of the negotiators, it did not insist on his total exclusion,³ as his presence was a part of an internal combination, namely the maintenance of a Wafdist majority and adequate representation of rival tendencies

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1. F.O. 371/20101, Despatch No. J 184/2/16, J. Wardlaw-Milne to Eden, 24 February 1936.
 2. Nuqrāshī was regarded as a good Minister by the British officials who dealt with him.
 3. In fact the British government attempted to exclude Ahmad Māhir by suggesting a reduction of the Egyptian delegation to a similar number to that of Britain. But this was not accepted by the Egyptian parties, as they did not trust each other. Nahhas, however, guaranteed that he alone would speak for the whole delegation.
F.O. 371/20101, Tel. No. 190(R), Lampson to Eden, 2 March 1936.

in the Wafd.¹ Moreover, it did not want to offend his brother ^ʿAlī Māhir, the Prime Minister. It instructed Lampson, however, to avoid any contact with him, as in 1930. Nevertheless Ahmad Māhir participated actively in the conversations and was sometimes very helpful. While the Nahḥās-Makran group of the Wafd was anxious from the beginning to resume negotiations in 1936, the Māhir-Nuqrāshī group opposed this,² perhaps because they planned to discredit the former by accusing them of cooperating with Britain to sell the country's independence. Once they realized that a treaty was inevitable, the Māhir group quickly changed their tactics. They may have expected that Nahḥās and Makran, with Britain's help and friendship, would dominate the political scene, which they would not tolerate.

The most serious crux in the whole negotiations was the excessive demands of the technical advisers of the British government, who recommended a military alliance that would achieve an ideal security for Britain's interests in Egypt. They claimed that the defence of

1. There were two rival factions of the Wafd: that of Nahḥās and Makran ^ʿUbayd on the one hand and that of Nuqrāshī and Ahmad Māhir on the other hand. For these see above, pp. 32-37.

2. See above, pp. 36-37.

the Suez Canal was so vital to the British Empire, as emphasized by the trend of world events since 1934, that Britain should maintain the fullest freedom of action now and in the future on its banks. On the other hand, the Foreign Office claimed that a treaty was politically most important¹ and worth a slight military risk to satisfy the Egyptian amour propre. The gap between the two views was particularly wide over two major military issues: the location of the British troops in Egypt and the duration of a treaty. This will be discussed later.²

1. See above pp. 86-91.

2. See below, pp. 165-68 and pp. 177-82.

CHAPTER FOURTHE OPENING OF NEGOTIATIONS: THE MILITARY CLAUSES

The Egyptian department at the Foreign Office felt that the general disposition of the Egyptians towards Britain after the Abyssinian crisis had created a more favourable atmosphere for the conclusion of a treaty. But it considered that early 1936 was not the best time to take advantage of this. The British government was too preoccupied by the international situation to study the question in the light of the changed circumstances. Moreover, Egyptian politics were in a very fluid state. The restoration of the 1923 Constitution was the "worst possible portent for the chances of a treaty settlement".¹ It would be premature to undertake negotiations in such an excited atmosphere. It was felt that the new friendliness in Egypt would probably last for some time so long as Britain declared her readiness to start discussions in a few months.

While agreeing that the moment was not ideal for undertaking negotiations, Lampson and his staff

L. F.O. 371/20096, No. 391/2/16, Minute by Peterson of the Foreign Office on the Political Situation in Egypt, 6 January 1936.

opposed their postponement. He emphasized the existence of a disturbed state of mind in Egypt. He would not guarantee the maintenance of public law and order by the Egyptian government unless early satisfaction was given to the request of the United Front. If the British government was not ready to negotiate immediately, he asserted, it should be prepared to take control of Egypt in the face of a hostile population and government.¹

The British government reluctantly accepted Lampson's advice and decided to enter forthwith into conversations provided that they were confidential and preliminary. The failure of all previous negotiations had been followed by widespread and violent anti-British disturbances in Egypt. Britain did not want to give the 1936 conversations any official character so as not "to enhance the misfortune of a breakdown in them".²

Both the Wafd and the opposition in Britain wanted to hold these conversations, like previous ones,

1. The "holding down of Egypt by the might of British bayonets would have most unfavourable repercussions both on British and on world opinion and would have been represented as an example of British imperialist hypocrisy".

F.O. 371/30100, No. J 1633/2116, Minute by Campbell on the raison d'être of the Forthcoming Conversations with the Egyptian Delegation, 20 February 1936.

2. F.O. 371/20099, Enclosure in despatch No. J 1344/2/16, Comment by Campbell, 16 February 1936.

in London. But the British government insisted that they should be in Cairo. To hold them in London would give them more importance than it intended, and, says Eden, "There was always the danger that any Minister who came to London, and signed, would be overthrown on his return, so compelling was our power of seduction thought to be".¹ In the early stages of the negotiations and in spite of Nahḥās's pressure, Lampson avoided all discussions of where the treaty would be signed. If the Egyptians knew that this would be in London, they might regard it as a further opportunity to try to extract concessions. It was only after the agreement on the military and Sudan clauses that Lampson was instructed to tell Nahḥās that Britain would agree with him to sign the treaty in London.²

The holding of the conversations in Cairo had, however, obvious disadvantages. It caused inevitable delay as Lampson had to refer to London on all matters. If they were in London, the Foreign Office would be in closest touch with the defence and other departments

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1. Earl of Avon: The Eden Memoirs, Facing the Dictators, p. 393.
 2. Cab. 24/263, C.F. 183(36), Memorandum by Eden on the Question whether the Egyptian Delegation should Come to London, 25 June 1936.

concerned. In Cairo it was impossible to keep the conversations secret. ^CAlī Māhir had warned the press "that there would be no publicity save any communiqués issued either by the Government or treaty delegation. If any organ of the press transgressed, the rigour of the press law would be invoked".¹ Nevertheless, the Egyptian press obtained some information from various Egyptian delegates, much of it highly coloured.

The Egyptian delegates, particularly the Wafdists, did not like this idea of preliminary conversations. Anxious to exploit them to advertise their political sentiments and to appear as the real leaders of the country, they did their best to invest them with all the character of negotiations. They arranged to hold them in the Za^Cfarān Palace where a secretariat was installed, insisted on the exchange of benedictory speeches at the opening ceremony on 2 March, and set the Egyptian delegates on a "a maximum of publicity and splash".²

All these attempts alarmed the British government which regarded them as contrary to the spirit of the

1. F.O. 371/20099, Tel. No. 134(R), Lampson to Eden, 10 February 1936.

2. F.O. 371/20099, Tel. No. 132, Lampson to Eden, 10 February 1936.

conversations and likely to vitiate them. From the start Lampson warned both the Prime Minister, ^CAlī Māhir, and Nahhās that these were only informal and confidential conversations. If that character was not understood and maintained, it would be difficult to maintain them. He added, "should there at any moment be student agitation or riots, I should refuse at once any further meeting until it had completely stopped".¹

To the British government, the whole treaty depended upon agreement on the strategic issues. Once they were settled, the rest of the treaty would not present difficulties. Consequently it suggested that they should be settled first. By such a course, Britain would not commit herself to concessions on the non-military terms of the treaty only to find that the conversations thereafter broke down on the military clauses.² Moreover, this course would impress the Egyptians of the paramount importance of the military provisions to Britain.

1. Ibid.

2. F.O. 371/20096, Tel. No. 24, Lampson to Eden, 8 January 1936.

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The military clauses: reactions in Britain and Egypt:

"We have to deal with semi-orientals and the tactics of the bazaar".¹ With this idea in mind, Lampson started the military conversations by asking for the maximum desiderata of the British government. At the first session on 9 March, he offered the following:

"Until such time as Egypt, to the satisfaction of both parties, is in a position adequately to assume protection of her own territory, it should be agreed that forces (military, naval and air) of the two parties should be regarded as pooled in the common interest with the corollary of no limitation as to numbers, dispositions and so forth".²

To make this suggestion more palatable, the British government declared its readiness to give Egypt a free hand in the increase and modernization of her army. Egypt, on her part, should undertake to attach a British military mission to her army and purchase all its equipment from Britain. The British government had always been reluctant to strengthen the Egyptian army because there was a danger (which, however, was not considered to be serious in the 1930's) that, through lack of discipline, it, "might be induced to join the

1. F.O. 371/20098, Tel. No. 125, Lampson to Eden, 8 February 1936.

2. F.O. 371/20101, Despatch No. J 2245/G., Lampson to Sir Oliphant of the Foreign Office, 5 March 1936.

mob and give them sufficient armed assistance to create a very serious situation, or, as [had] happened in the past, the Egyptian army might again become the instrument of personal or party ambition".¹ If a friendly treaty was concluded with Egypt, Britain was, however, prepared to give this concession in the hope that the Egyptian army might then be a valuable ally to cooperate with the British forces in the defence of Egypt and the Suez Canal.

To justify these increased British military demands, Lampson emphasized that the Italian threat to Egypt rendered the 1930 draft military clauses obsolete, and called for a more extensive Anglo-Egyptian military cooperation. Anxious to wreck the treaty, the minority parties conducted a strong press campaign in which they claimed that there was no real Italian danger to Egypt. The British government learned from a highly secret and reliable source² that Ṣidqī, the cleverest of the Egyptian politicians, nicknamed in the Foreign Office "the dirty dog", directly inspired the Italian under-secretary for foreign affairs to hand a declaration to the Egyptian

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1. Cab. 4/22, C.O.S. 309, Enclosure 3 to C.I.D. No. 1113-B, Report by the C.O.S. on the Military Aspects of the Anglo-Egyptian Treaty Proposals (1933), 19 May 1933.
 2. F.O. 371/20103, No. J 2962/G., Campbell to Lampson, 22 April 1936. The name of the source is not given.

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"to the effect that the Italian Government had no intention of attacking or in any way threatening Egypt, and that Italy was always disposed to conclude with Egypt agreements guaranteeing the maintenance of the common frontier and a policy inspired by feelings of profound friendship".¹

There were reports in the anti-Wafdist press that secret negotiations were actually taking place for the conclusion of a non-aggression pact between Italy and Egypt. Monsieur Gallad, the editor of the Journal d'Egypte, told the Oriental Secretary that this rumour was based on a suggestion made by Şidqī to Nahḥās at an early stage of the military conversations that the conclusion of such a pact "would cut the ground from beneath the feet of the British negotiators and make it difficult for them to maintain their present military demands which were largely based on requirements for the defence of Egypt against Italy".² Though ^cAlī Māhir totally denied these reports, al-Sha^cb, Şidqī's organ, continued to argue that such a pact would be of advantage to Egypt.

With the help of the Italian propagandists, the Palace and the minority parties described the whole

1. Parliamentary Debates, Commons, 1935-36, Vol. 312, Col. 2211-12.

2. F.O. 371/20104, Tel. No. 367 (534/1/36), Lampson to Eden, 4 April 1936.

international situation created by the invasion of Abyssinia as a trial of strength between Italy and Britain. The Italian victory left Britain in a critically weak position and in urgent need of the friendship of Egypt to face the strong Italian challenge. Consequently, they asserted, rather than make concessions to Britain, the time was most propitious for Egypt to extract her national demands. The Egyptians need only be intransigent to secure whatever concessions they wished from Britain. While Britain needed the alliance of Egypt, al-Balāgh claimed that Egypt did not need Britain, as she could recruit by her own resources a strong army to protect her territories against any danger.¹

While accepting the British military mission, the Egyptian Delegation categorically refused the pooling of forces, which, they felt, involved encroachment on their sovereignty. It meant more than association of British troops with theirs, and amounted in practice to a continued occupation of Egypt by British troops. They maintained that "except in time of war no sovereign could accept an equal partnership with an allied army on its territory".² The pooling suggestion, in fact, created

1. Al-Balāgh, 20 February 1936.

2. F.O. 371/20103, Tel. No. 290, Lampson to Eden, 9 April 1936.

bad feeling among the Egyptian delegates. According to a secret police report, Makran ^cUbayd declared that, "although he had been optimistic beforehand, he thought after the first meeting that the chances of success were only 2^o/_o".¹

Though illness had lost Fu'ād the control over the government and deprived him of much of his energy, the Foreign Office suspected that he was attempting in his last days to cause a quick breakdown of the negotiations. After learning the unreceptive attitude of the Egyptian negotiators to the British pooling formula, Fu'ād blamed Lampson for his indulgence in generalities in the first session on military clauses, and advised him to get down as soon as possible to definite business and concrete proposals.² He also inspired ^cAlī Māhir to hint to Lampson that the British should not worry over failure of the negotiations, as they could adopt a temporary military alliance with Egypt leaving the larger questions for later negotiations.³

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1. F.O. 371/20101, No. 212, Lampson to Eden, 9 March 1936.
 2. F.O. 371/20102, Tel. No. 223, Lampson to Eden, 17 March 1936.
 3. F.O. 371/20102, Tel. No. 231, Lampson to Eden, 20 March 1936.

The Egyptian delegation, however, suggested that the framework of discussion should be within that of Lampson's verbal communications of January 1936 i.e. the effect of recent developments on the military clauses of the 1930 draft treaty. The pooling formula was something new and far from the spirit conceived in 1930. In their view the practical course was to "take the clauses of the 1930 draft and examine each in turn seeking whenever to adapt them to the changed circumstances of today".¹ On 16 March Nahhās suggested that the heads of the two delegations should meet to come to an understanding on suggestions leading to definite proposals. Lampson agreed and the first meeting was held on 17 March.²

The first serious issue facing the negotiators was the location of the British troops in Egypt, a matter which had been a cause of sharp differences between the

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1. F.O. 371/20102, Tel. No. 222, Lampson to Eden, 16 March 1936.
 2. In his meeting with Nahhās, Lampson was assisted by his three service advisers: the G.O.C., Lieutenant General Weir, A.O.C., Sir Robert Brooke Popham, and the Commander-in-Chief (Mediterranean), Admiral Sir W.E. Fisher. Nahhās was advised by Amin Uthman, the secretary-general of the Egyptian delegation. Amin was well acquainted with the Egyptian question and was most helpful in these conversations. More than once he persuaded Nahhās and other members of the Egyptian delegation to make concessions to Britain.

Foreign Office and the service departments. The Foreign Office had always stated categorically that no Egyptian government would accept any treaty which would permanently maintain the British troops in, or in the immediate neighbourhood of, Cairo and Alexandria, and advised the British government to agree to their transfer to the Canal Zone. Depending on the advice of the military authorities in Egypt, the Foreign Office claimed that this transfer would not involve a great military risk as a British garrison could ensure the safety of the Suez Canal, and, if necessary, resume control over Egypt, as well from the Canal Zone as from their present positions in the cities.¹ Such a transfer, it was felt, would be politically most desirable, as the presence of the British troops in the cities not only reflected on Britain's acknowledgement of Egyptian independence, but also sapped the responsibility of the Egyptian government for keeping

1. This view was first stated by General Burnett-Stuart, the immediate predecessor of General Weir, and later supported in June 1934 by the latter and the A.O.C. After a short visit to Egypt in late February 1936, General Deverell, who became C.I.G.S. on 7 April 1936, claimed that the withdrawal of the British troops from Cairo to the Canal Zone would be better from a military point of view. He telegraphed this view to the War Office, but he was told to mind his own business.

F.O. 371/20101, Tel. No. 210, Lampson to Sir Oliphant of the Foreign Office, 10 March 1936.

law and order; and enabled the Egyptians to throw back on Britain the blame of everything that went wrong in their internal affairs.¹

But the fighting departments had persistently objected to this as a grave danger to imperial communications. All plans for attempts to commit acts of sabotage on the Canal and engineer internal unrest in Egypt would be hatched in Cairo, and the presence of British troops in or near would be a powerful deterrent. From the Canal Zone, it was felt most difficult for Britain to send forces to Cairo to quell any trouble that endangered the life and property of foreigners. It might even be necessary to reoccupy Cairo in the face of a dissatisfied Egyptian army, trained and equipped by Britain herself. Moreover, this would be a good excuse for foreign powers, such as Italy,² to send forces to Cairo to defend their own nationals. In case of trouble at Alexandria, it would be much easier and safer to send reinforcements from Cairo than from the Canal Zone.

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1. F.O. 371/20118, No. J 7423/2/16, Text of a Talk on the Anglo-Egyptian Treaty by J.A. Spender broadcast by the B.B.C. on 31 August 1936.
 2. Italy had recently sent troops in support of her own nationals at Hodeida.
Cab. 4/22, C.I.D. No. 1137-B. Report by the C.O.S. on the Defence of the Suez Canal against Blocking Attack and Sabotage, 18 May 1934.

While the road from Cairo running across the Delta would permit such reinforcements in a day, they would be uncertain from the Canal Zone owing to the vulnerability of communications across the Nile Delta, even if improved. The desired connection between the Egyptian and British armies, so that they could be regarded as one force to meet external aggression, would be lost if the British troops were transferred from Cairo to the Canal Zone.¹ The British troops should remain in or near Alexandria to cope with any threat to Egypt from Libya and the Mediterranean. Until recently the possibility of such an attack had been remote, but the recent Italian strength in Libya constituted a potential threat to Egypt. British plans, it was felt, should be based on the possibility of a hostile Italy.

The location of the British troops in Egypt was thoroughly discussed in the Cabinet before the beginning of the negotiations. While well aware that it was unlikely to obtain the pooling formula, the Cabinet decided to offer it so as to give the service advisers a chance to explain the strategic situation. Faced by its complete refusal, Lampson was instructed to declare

No.
1. Cab. 24/262, C.I.D./1225-B. Report by the C.O.S. on the Military Aspects of an Anglo-Egyptian Treaty, 1 April 1936.

Britain's readiness to withdraw her forces from the centre of Cairo to the outskirts of the city, i.e. from Kasr al-Nil and the Citadel to Abbasia and al-Helmieh. With this mobile reserve in the suburbs of Cairo, the British troops should be maintained in the Canal Zone and at, or in the neighbourhood of, Alexandria. The transfer of British troops from the cities would take place when the Egyptian army, to the satisfaction of both parties, was efficient enough to take over.

While agreeing to the stationing of British troops in the Canal Zone, Nahhās refused to sanction the occupation of Cairo and Alexandria.¹ Owing to the presence of the British fleet, he claimed that the danger of a sudden attack was just as impossible as a sudden descent upon Alexandria. In case of danger, Britain could send reinforcements in a few hours from Ismailia. Even if not properly trained, he asserted, the Egyptian troops could hold positions adequately at Alexandria and in the ~~Western~~

1. The Egyptian negotiators did not agree to the retention of the British troops in Alexandria because they thought that Britain intended to make the port a permanent British naval base. Though the British government emphasized that it was only anxious for permanent coastal defences to be set up there in Egyptian hands, the Egyptians strongly opposed the occupation of Alexandria.
F.O. 371/20102, Tel. No. 295, Lampson to Eden, 12 March 1936.

Western Desert until such reinforcements arrived. He rejected the phrase "to the satisfaction of both parties", as, in his view, it "would be interpreted in Egypt as a loophole enabling British troops to stay in Cairo and Alexandria regardless of any time limit on the pretext that Egyptian troops were not fit to take over".¹

Nahḥās, however, made a number of important concessions over and above the 1930 draft military clauses. While in 1930 the peace-time garrison in the Canal Zone was to be 8,000, Nahḥās offered to increase it to 10,000 land forces, with 400 pilots and ancillary personnel for administrative and technical duties. The 1930 draft had given Britain the right to send reinforcements to Egypt in case of war or imminent menace of war. In addition Nahḥās was ready to accept Britain's right to send reinforcements in the case of apprehended emergency and before a state of acute crisis was reached.² Nahḥās also offered extensive training facilities south of Ismailia for the British army in the Suez Canal Zone. Britain was given the right to pass her troops across the Delta to manoeuvre in the Western Desert whenever necessary. The Royal Air

1. F.O. 371/20103, Tel. No. 258, Lampson to Eden, 31 March 1936.

2. F.O. 371/20104, Tel. No. 305(R), Lampson to Eden, 16 April 1936.

Force would have landing grounds in Egypt wherever it wanted and freedom to fly to them whenever it wished.¹ Another concession over and above the 1930 draft was the provision of new, and the improvement of existing, means of communications from the Canal Zone to the interior of Egypt.² Egypt would also build alternative accommodation for the British troops in the Canal Zone. The British troops would stay in their positions in the cities until the new communications and accommodation had been provided for them to the satisfaction of the British military mission.³

Though all agreed on the complete secrecy of the conversations, the non-Wafdist delegates disclosed the

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1. The principle of liberty of flight was finally accepted on condition that reciprocal facilities would be granted to the Egyptian air force in British territory. It was fully understood that this would not include Palestine. Moreover, flights for training purposes would take place mostly over desert areas. Populated areas would only be flown over where necessity so demanded.
F.O. 371/20102, Tel. No. 245, Lampson to Eden, 9 July 1936.
 2. Besides increasing and improving the railway facilities in the Canal Zone, Egypt agreed to double the line between Zagazig and Tanta, and to improve that from Alexandria to Marsa Matruh. Egypt was also to construct and maintain seven roads and to improve three others.
 3. F.O. 371/20102, Tel. No. 245, Lampson to Eden, 26 March 1936.

nature and extent of Nahḥās's concessions. While realizing that they were "a very bitter pill to make the public swallow",¹ the Wafdist press strongly supported them. It asserted that the road programme was essential to encourage tourism in Egypt and would be profitable to Egyptian workers and contractors. The disclosure of these concessions led to an outcry in the non-Wafdist press which regarded them as incompatible with Egyptian independence. It particularly criticised the heavy expenditure on roads, railways and barracks, which was expected to delay Egypt's economic development and hinder the progress of the urgently needed social services in education and health.² It was felt that the 1930 military clauses were the maximum Egyptian concessions, which had been accepted by Britain as the basis of any subsequent negotiations,³ and that any departure from them should be rejected even at the

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1. F.C. 371/20104, Enclosure in No. 7/257/36, Minute by Williamson-Nepier on a Conversation with Tawfiq Diāb and Ḥāfiẓ Ḥawaḍ, proprietors of al-Jihād and Kawkab al-Sharq respectively, 1 April 1936.
 2. Al-Siyāsa, 26 July 1936.
 3. Following the failure of the 1930 negotiations, Mr. Hnederson, then Foreign Secretary, stated that if the Egyptians accepted in the future the 1930 draft military clauses, they would still be available, and the British government would be prepared to try to reach an agreement on the Capitulatory and Sudan clauses. Cmd. 3575, Egypt No. 1 (1930), p. 8.

expense of breaking off the negotiations.

The service departments disliked the movement of the British troops from Cairo to Helouan, some fifteen miles south of Cairo, as any necessary reinforcements to the western frontier or the Suez Canal would have to pass through Cairo, which would be very disadvantageous in cases of serious disaffection there. The British government, however, overruled them and offered this. But Naḥḥās refused arguing that "the Egyptian people would never be able to understand or acquiesce in the change of site and would regard it as another or even a more pronounced form of perpetuation of the present occupation".¹

The conversations now reached their first deadlock. While Lampson had to refer to his government for new instructions, Naḥḥās wanted to adjourn the conversations owing to the approach of elections.² On 20 April 1936 the two delegations agreed to adjourn the conversations till 5 May, when they met to adjourn again till 15 May. This delay was inevitable, as the British government had not yet decided on two major issues: the location of the

1. F.O. 371/20104, Tel. No. 303(R), Lampson to Eden, 16 April 1936.

2. The elections were held on 2 May 1936.

British troops in Egypt and the question of the time-limit.¹ This adjournment was rather opportune to Naḥḥās as it gave him time to settle his "other numerous occupations"² e.g. the formation of his Cabinet and so forth. Moreover, it enabled him "to be more firmly in the saddle or at any rate have had more opportunity of seeing how he stands with his own party and whether he can safely make concessions to H.M.G. or had better stick out against their demands".³

The treaty question was facing serious difficulties in the British Cabinet. Eden, who had been in Geneva, felt it essential to be present in Cabinet when the matter was discussed. In a personal message he asked Naḥḥās to agree to another adjournment. Naḥḥās agreed provided that he [Naḥḥās] took the responsibility and issued a statement alleging his preoccupation with questions of internal politics. To give the real reason, he correctly expected "would afford certain quarters an excuse to accuse His Majesty's Government of wilful procrastination".⁴

1. See below, pp. 177-85.

2. F.O. 371/20106, Tel. No. 387(R), Lampson to Eden, 5 May 1936.

3. F.O. 371/20107, Enclosure in Tel. No. 407(R), Comment by Campbell, 11 May 1936.

4. F.O. 371/20107, Tel. No. 407(R), Lampson to Eden, 9 May 1936.

Lampson agreed and the Egyptian delegation issued the following communiqué to the press:

"Owing to the pressure of work in connexion with questions of internal politics, the head of the Egyptian delegation has arranged with the head of the British delegation that their meeting which was to have taken place on May¹ 13th should be postponed until May 25th".

These frequent adjournments were deliberately interpreted by the anti-Wafdists as a proof of the reluctance of Britain to have a treaty, and her intention to spin out negotiations until the international situation made it easier for her to defy the Egyptians. It was felt that if she were not ready to concede Egypt's demands immediately, the Egyptians should ally with Italy, whose victory over Abyssinia proved that she was the superior power and that British power was on the wane. Britain, they asserted, would be unable to protect Egypt from a gas attack,² as was the case in Abyssinia which Britain had originally encouraged to resist. It would be far better for Egypt, they claimed, to seek the friendship

1. Ibid.

2. The ruthless use of this gas in Abyssinia inspired profound fear among the Egyptians who realized that they would have a hard time if they were at war with Italy.

of a power as strong and ruthless as Italy.¹ Alarmed by this campaign, the British government instructed Lampson on 5 May 1936 to warn ^cAlī Māhir, then Prime Minister, "against any tendency in interested Egyptian quarters to use these Italian manoeuvres to stir up anti-British feeling to hinder the course of the present Anglo-Egyptian discussions".² Lampson also reminded Nahḥās, who became Prime Minister on 10 May, that treaty or no treaty, the only safe policy for Egypt would be friendship with Britain, and that any rapprochement with Italy at the expense of this friendship would be harmful to Egypt.³

Conversations were resumed on 26 May. Responding to Nahḥās's counter-proposals and strongly advised by Eden, the British government was now ready to do without a base in or near Cairo, but it insisted on the retention of its troops in or near Alexandria until both parties were satisfied that the Egyptian army was fit to take over. As in the case of Cairo, Nahḥās firmly refused to accept an indefinite period for the withdrawal from

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1. F.O. 371/20107, Enclosure 1 to despatch No. 511 (534/14/36). Report by Mr. Wellesey of the Ministry of the Interior to the Residency, 6 May 1936.
 2. F.O. 371/20133, Tel. No. 235, Eden to Lampson, 6 May 1936.
 3. F.O. 371/20107, Tel. No. 250, Eden to Lampson, 13 May 1936.

Alexandria.¹ He was, however, ready to fix a larger term than for Cairo, provided that it was clearly defined and not too extensive. No agreement was reached on this question.

The conversations turned to a more difficult issue: the protection of the Suez Canal and the question of the time-limit. This had been another source of conflict between the Foreign Office and the service departments. Before the beginning of the negotiations, the Residency and the Foreign Office had stated clearly that there would be no prospect of obtaining any treaty which did not provide for a time-limit, after which the question of its duration and revision should, if necessary, be referred to the League of Nations. Both the 1928 and 1930 draft treaties had provided for this,² and it was felt most unlikely that the Egyptians would agree to an indefinite treaty in 1936, since they did not admit that Britain was legally in possession of the right to protect

1. F.O. 371/20108, Tel. No. 472, Lampson to Eden, 26 May 1936.

2. In the 1930 negotiations, the Egyptian delegation was induced with the utmost difficulty to agree that the retention of the British troops in the Canal Zone should remain unquestioned for twenty years.
F.O. 371/20100, Tel. No. 169, Lampson to Eden, 26 February 1936.

the Suez Canal.¹ The Egyptians wanted in this respect parity of treatment with Iraq. Article 11 of the Anglo-Iraqi treaty of 1930 had put a definite time-limit,² and there was no justification for refusing Egypt the same concession. Rather than allow the negotiations to break down over this issue, Eden advised his colleagues to agree to an article in the terms of article 14 of the 1930 draft treaty: viz., at any time after the expiration of twenty years, the two countries, at the request of either of them, would enter into negotiations to revise the treaty. If they disagreed, the matter would be submitted to the Concil of the League. Nevertheless negotiations for such a revision could start with the consent of both parties at any time after ten years.³ Such an article,

1 See below, pp. 185-87.

2. This article provided that the treaty should continue for twenty-five years. At any time after twenty years the two countries would, at the request of either of them, conclude a new treaty which should provide for the continued maintenance and protection of the essential communications of the British Empire. If they disagreed, the matter would be referred to the Council of the League.

F.O. 371/20104, No. J 3027/2X16, Appendix IV of a Report by the C.O.S. on the Question of Time-limit, 9 April, 1936.

3. The C.I.D. recommended that the treaty should not include any provision referring to its duration, as a time-limit would be a temporary and dubious

in the view of the Foreign Office, would not involve a great military risk to the security of the Suez Canal as, according to article 8 of the treaty, the British forces would withdraw from the Canal Zone after twenty years only if Egypt were able by her own resources to ensure the liberty and entire security of navigation in the Canal. Financially, it was felt, Egypt could not afford to build a strong army, and however efficient it might be, she could not ensure the security of the Canal as a fleet would be needed for this purpose. Since it had never been suggested in the treaty that Egypt would have a navy, Britain could retain her forces after twenty years on the grounds that the Egyptian army had not yet attained the necessary state of efficiency.¹ After twenty years, the

Footnote 3 contd. from previous page

safeguard which might be open to later challenge by Egypt. But Eden argued that if this suggestion were adopted, the legal position would be somewhat uncertain. Apart from the possible termination of the treaty under article 19 of the Covenant (according to this article, the Assembly "may from time to time advise the reconsideration by members of the League of treaties which had become inapplicable"), it might be open for Egypt to argue that she could terminate it unilaterally at any time after giving reasonable notice.

F.O. 371/20102, No. J 2667/2/16, Minute from the Foreign Office to the Service Departments on the Duration of the Treaty, 27 March 1936.

1. F.O. 371/20110, No. J 5400/2/16, Draft Conclusions of the Second Meeting of the Anglo-Egyptian Conversations Committee on 12 June 1936.

British troops would not leave the Canal Zone unless the Council of the League decided unanimously¹ that they were no longer necessary to protect the Canal and imperial communications. With Britain's strong influence in the League, it was difficult to conceive such a situation, and the existing treaty would go on unchanged, a situation which would suit the British government very well. The refusal of Britain to allow any reference in the treaty to the League would be exploited embarrassingly against her, as her critics would make a contrast between this attitude and her recent championship of the League during the Abyssinian crisis.² If Britain insisted on an indefinite treaty, it was asserted, this would lead to a rupture of negotiations with dangerous consequences in Egypt and the whole Near East.

Only a small minority of the Cabinet, particularly Ramsay Macdonald, the Lord President, and the Marquis of Zetland, the Secretary of State for India, had supported Eden over this complicated issue. Though well aware that Eden's proposal entailed an element of risk after twenty years, they thought it would be worth

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1. Under article 15 of the Covenant, the Council could only act unanimously.
 2. F.O. 371/20100, Tel. No. 179, Lampson to Eden, 28 February 1936.

taking in order to secure a treaty. The Egyptians might then be glad to allow the British forces to remain in Egypt, if, during the next twenty years, Britain obtained a close treaty relationship and won their confidence.¹ But the majority of the Cabinet² strongly upheld the service departments' view that it would be most dangerous for the Empire's communications for such a vital British interest to be put in the hands of the League at a time when the international situation had entirely changed owing to the rise of Italy as a Mediterranean and North African power. In twenty years time, the League's composition, rules and functions might have fundamentally changed, or it might be completely abolished.³ Possibly the powers would be jealous of Britain as a colonial power

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1. Cab. 23/84, No. 35(36), Conclusion 1, 11 May 1936.
 2. The following ministers were most active in their opposition to any reference to the League: Oliver Stanley (President of the Board of Education), Hoare (First Lord of the Admiralty), Simon (Home Secretary), Viscount Hailsham (Lord Chancellor), Thomas Inskip (Minister for the Co-ordination of Defence), Kingsley Wood (Minister of Health), Chamberlain (Chancellor of the Exchequer), Viscount Halifax (Lord Privy Seal).
 3. According to the legal advisers of the Foreign Office, if the Council of the League ceased to exist in twenty years time, the British government could argue that the treaty position would be maintained. Possibly, however, some other form of arbitration might be found. Cab. 23/84, No. 38(36), Conclusion 3, 20 May 1936.

and might decide against her. Parliament, it was asserted, could not be induced to agree to such a settlement,¹ which would be unacceptable to the dominions and public opinion in Britain. In fact the representatives of Australia, New Zealand and South Africa strongly objected to any suggestion that might at any time weaken British control over the Canal.² If the British government used its majority to secure the passage through Parliament of the provision for reference to the League, this would impose a very grave strain on imperial relations. Rather than have a treaty with a time-limit, the Cabinet preferred not to have a treaty at all.

Eden attempted to prevent a breakdown of the conversations by putting forward a new proposal in which he suggested that in return for Britain's acceptance of a reference to the League, Egypt should recognise Britain's independent and perpetual right to protect the Suez Canal. Though the C.I.G.S. advised against this proposal, the

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1. The Prime Minister, Stanley Baldwin, thought that on a question of this importance, the Cabinet should take its decision purely on the merits of the case and not be influenced by the House of Commons. If the Cabinet were convinced of what was the right course, the House of Commons would accept it.
Ibid.
 2. Cab. 24/262, A.E.C. (36), Appendix II to C.P. 129, Draft Conclusions of the First Meeting of the Anglo-Egyptian Conversations Committee on 7 May 1936.

Cabinet reluctantly accepted it on 20 May 1936.¹ To cover Britain's claim for undisputed right to protect the Canal, Lampson was instructed to offer the following:

"In view of the position of His Britannic Majesty in relation to the Canal, His Majesty the King of Egypt recognises that His Britannic Majesty may, through the Commanders of his forces, take all steps necessary for the maintenance of the security and freedom of navigation in the said Canal. The Egyptian authorities will cooperate in all measures for the purposes aforesaid".²

Lampson emphasized that Britain's right to protect the Suez Canal should be within the meaning of Article 9 of the Canal Convention of 1888,³ i.e. by assuming the

1. In fact the Cabinet had at first refused this proposal on 30 April 1936 on the grounds that the British position in relation to the Suez Canal should be recognised by Egypt beyond any possibility of doubt. It strongly held the view that any difference between the two parties should not be referred to the Council, but to a conciliation commission whose decisions should be recommendations only. Since its functions were advisory only, it could not be said in Parliament that the government had handed over a vital matter to the decision of a third party. But Eden pointed out that such a procedure would not be acceptable to the Egyptians, "and would involve political difficulties owing to its implications of doubt in the future of the League".
Cab 23/84, No. 38(36), Conclusion 3, 20 May 1936.
2. Cab. 24/262, C.P. 136(36), Memorandum by the Foreign Secretary on Anglo-Egyptian Treaty Negotiations, 16 May 1936.
3. Article 9 gave Egypt the primary right of defending the Canal and enforcing the provisions of the Convention. Turkey was only entitled to cooperate in its defence if Egypt lacked adequate means of defence and called upon her to partake in such defence.

residual rights of both Turkey and Egypt. He claimed that most other powers had already recognised that Britain possessed these residual rights. Britain had acquired Turkey's rights through the treaty of Lausanne and Egypt's rights through the Protectorate. On the Declaration of Independence, these rights were vested in the British government under the second Reserved Point. It was felt that the weak link in this chain was Egypt, and it was her recognition that Britain was seeking to obtain by a treaty.

Britain insisted that her claims in relations to the Suez Canal should be permanent. In this respect the actual British offer was as follows:

"His Majesty the King of Egypt recognises that the Suez Canal and adjacent territories, while being an integral part of Egypt, form an essential artery of all forms of communications between different parts of the British Empire, the permanent maintenance and protection of which is in the interests of both the High Contracting Parties, and accordingly authorises His Britannic Majesty to maintain on Egyptian territory in the vicinity of the Canal such forces as His Britannic Majesty considers necessary to ensure the protection of this artery of communications".¹

Instructed by his government, Lampson frankly told Nahḥās that Britain was not ready to hand over to a third party

1. Cab. 24/262, C.P. 136(36), Memorandum by the Foreign Secretary on Anglo-Egyptian Treaty Negotiations, 16 May 1936.

the decision as to the title to defend the Canal. The only question which could after twenty years be referred to the Council of the League would be the number and siting of the troops required for this purpose. Even after this period, they should not be reduced to a token force. If appealed to, the Council could only decide what the substantial numbers would be.¹

The Egyptian delegates categorically rejected both proposals which they regarded as deliberately designed by Britain to wreck the treaty. Lampson took immediate steps to disabuse their minds of this belief. He pointed out that the recent international developments and problems arising therefrom had made necessary for Britain "to put forward proposals covering gaps revealed in earlier draft arrangements".² Naḥḥās, who was extremely upset and disappointed, argued that these proposals had completely changed the whole basis of discussion. If a breakdown were to be avoided, he asserted, Britain should withdraw them and accept those of the 1930 draft treaty. Nothing could better explain the Egyptian point of view than a document prepared by Makram Ubayḍ, which was

1. F.O. 371/20108, Tel. No. 269, Eden to Lampson 21 May 1936.

2. F.O. 371/20108, Tel. No. 477(R), Lampson to Eden, 26 May 1936.

praised by the Residency as being well-argued and restrained. Nahhās handed it to Lampson on 1 June 1936, and its main points are as follows:¹

According to the Suez Canal Convention of 1888, the defence of the Canal belonged to Egypt as it generally recognised the sovereign rights of the Sultan and Khedive, and article 12 specifically reserved Turkey's territorial rights which had devolved exclusively upon independent Egypt. Since article 9 of this Convention gave Egypt the primary right to defend the Canal, the British proposals, which claimed this for Britain, would place Egypt in an inferior position as an ally of Britain to what she had held as a vassal of Turkey. While the 1930 draft treaty recognised the principles of the Convention, it gave Britain an extensive right to co-operate in the defence of the Canal. It allowed her to station her forces in the Canal Zone, which could be unrestrictedly increased in case of war, menace of war, or, as recently suggested, emergency, and even after the withdrawal of her forces from Egypt, she could do this in such cases. The British claim for a permanent occupation of the Suez Canal failed to solve the principal Anglo-Egyptian problem

1. For the full text of this memorandum see Appendix II.

of the presence of British troops in Egypt, and infringed Egypt's sovereignty since the Canal was an integral part of her territory. While the 1930 draft treaty provided for the future evacuation of Egypt, it made this dependent on her ability to defend the Canal. Since Britain would train the Egyptian army, she would be in a singular position to judge this, and in the unexpected case of difference, the matter would be submitted to the League. This solution would be fair to Egypt and Britain, and would not be foreign to the Canal Convention, which provided for Egypt to call on Turkey if she were unable to defend the Canal, and in case of difference to refer the question to the Signatory Powers.

Lampson tried Nahhās with the suggestion of some form of assurance outside the treaty to cover both points. But Nahhās remained adamant. An impasse was reached and the chances of a treaty became slender.

Eden saved the conversations from failure by instructing Lampson to come immediately to London for consultation.¹ While the minority leaders argued that the conversations were doomed to failure and there was

1. Eden hoped that Lampson's return would prove to the Egyptian delegation that they were mistaken in assuming that Britain made her latest proposals to ensure a breakdown. No.
F.O. 371/20108, Tel./288, Eden to Lampson, 28 May 1936.

no justification for any further adjournment, Nahhās, who was anxious to avoid a breakdown, warmly welcomed this move. He guaranteed that there would be no danger whatsoever of its being misread or causing trouble.

Lampson arrived in London on 4 June. He was accompanied by the A.O.C. and the Oriental Secretary, Mr. Smart.¹

The latter was brought because "he [had] been present in all meetings with Nahas Pasha, [was] fully conversant with the whole military situation and [had] also the advantage of participating in Iraqi negotiations".² His local knowledge and historical background would be of great benefit.³

1. Sir Walter Alexander Smart entered the Levant Consular Service in 1903 and served in Persia, Morocco, U.S.A., Greece, Syria, and Egypt. He became the Oriental Secretary at Tehran 1920-22, Oriental Secretary at Cairo 1926, Oriental Counsellor at Cairo 1929-45, and Oriental Minister to the British embassy at Cairo in 1945. Who's Who, 1961, p. 2813.

2. F.O. 371/20109, Tel. No. 492, Lampson to Eden, 28 May 1936.

3. The Foreign Office did not want Smart to come to London, but Lampson persuaded it to agree. He telegraphed: "I would very much prefer to bring Oriental Secretary as well. His specialized knowledge is unique and would be most helpful and there are many other points beyond purely military clauses, discussions of which in department would be most valuable with a view to subsequent Cabinet decision which may be necessary. Furthermore Oriental Secretary being in close touch with Egyptian feeling could advise upon probable effect of any proposed course of action". F.O. 371/20109, Tel. No. 496, Lampson to Eden, 29 May 1936.

While Lampson was in London, Naḥḥās put a new complexion on the whole matter. On 4 June 1936, he told Mr. Kelly, the acting High Commissioner,¹ that even after the withdrawal of her troops from Cairo and Alexandria, Britain could send them back without limit in an apprehended emergency. On 6 June, Makram ^cUbayd, Naḥḥās's right hand and the most powerful influence in the Wafd, repeated the same offer to Kelly.

This in effect provided Britain with a continuing military alliance. With this new principle, Eden persuaded his colleagues to abandon their demands for independent action by Great Britain for the protection of the Canal, and the recognition of her rights to its permanent military occupation. In a memorandum to the Cabinet, Eden argued that this important new principle

"would remove one of the grave objections to our admission of the possibility of our evacuation of the Canal Zone. It would also render far less important the inclusion in the Treaty of a recognition by Egypt of

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1. Sir David Kelly entered the Foreign Office in 1914 and served in France between 1915-19. He entered the Diplomatic service in 1919 and served in Buenos Aires, the Foreign Office, Lisbon, Mexico, Brussels, Stockholm, Foreign Office 1931, Cairo 1934, Minister in Egypt (local rank) 1937, Counsellor in Foreign Office 1938-39, Minister in Berno 1940-42, Ambassador in Buenos Aires 1942, Ambassador to Turkey 1946-49, Ambassador to U.S.S.R. 1949-51, and Knight of Malta 1954. He wrote: Thirty Nine Months (1930), The Ruling Few (1952), Beyond the Iron Curtain (1954), The Hungry Sheep (1955). Who was Who, 1951-60, p. 606.

a permanent British right to protect the Suez Canal. Indeed, it may be argued that a permanent alliance is such a recognition, since the whole raison d'être of the alliance from our point of view is to¹ provide security for British communications".

On this new basis, the British government agreed that either country could refer the question of the Canal and its defence to the League after twenty years, if, at that time, they were at odds upon the subject. In persuading his colleagues to accept this, Eden was helped by a strong campaign in the British press² which warned the government that it would incur heavy blame if it lost this chance to conclude a treaty. In its leader on 10 June 1936, the Times said,³

"..... but it would be deplorable if the Cabinet, whose duty is to survey their experts' advice in a wider perspective, were on that account to lose a great opportunity which may never recur. To throw away the chance for an agreement, which may prove of

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1. Cab. 24/262, C.F. 156(36), Memorandum by the Foreign Secretary on Anglo-Egyptian Treaty Negotiations, 8 June 1936.
 2. The Times, Manchester Guardian, and the Spectator participated in this campaign.
 3. Instructed by the Cabinet, the Foreign Office made an inquiry on the origin of this article which showed that it had been produced, without any official inspiration, by the Times special correspondent who had just come back from Egypt. Eden, however, warned the Times and other newspapers on the need for caution in any expression of opinion on Anglo-Egyptian relations. Cab. 23/84, No. 41(36), Conclusion 3, 10 June 1936.

inestimable value to both countries during the next twenty years, through the vague fear that it may lead to embarrassment twenty years hence, would indeed make caution the excuse for timidity".¹

The C.I.G.S. advised the Cabinet that once the Cairo position was abandoned, the maintenance of the British troops at Alexandria would be militarily unsound. The Cabinet, however, felt that the new principle of perpetual alliance rendered the continued occupation of Alexandria far less necessary. At her own discretion, Britain could send her forces at any time to any part of Egypt. Consequently the British government agreed to fix a time-limit for the occupation of Alexandria, i.e. ten years as maximum and seven as minimum.²

The perpetual character of the alliance was the most unacceptable clause of the treaty to the Egyptians. Even some of the Wafdists criticised it,³ while the

1. Times, 10 June 1936.

2. Cab. 23/84, No. 43(36), Conclusion 1, 23 June 1936.

3. Mahmūd Ghannām, a prominent Wafdist M.P., criticised this as, in his view, it admitted Egypt's continuing inability to protect herself, and might make her subject to British occupation at times when her own interests were not directly involved.
 Mahmūd Ghannām: Al-Mu ahada al-Misriyya al-Inglīziyya wa Dirāsathā min al-Wujha al-Amaliyya, pp. 149-50.
 This view was further expressed to me by Ghannām in Cairo in late September 1968.

Liberal Constitutional Party condemned it as incompatible with Egyptian sovereignty and called for its amendment as soon as possible. The Wafd, however, asserted that it was in the interests of both countries. While the security of the Suez Canal was a permanent British interest that could not be ensured by Egypt alone, Egypt would continue to be too weak to defend herself against any foreign aggression without the support of a strong faithful ally like Britain.¹ Though international law recognised perpetual alliances, Makram ^CUbayd asserted, it permitted their termination on the basis of rebus sic stantibus.²

Though the treaty had provided that the British troops should withdraw from Egypt after twenty years if the Egyptian army was in a position to defend the Suez Canal, the Nationalist Party asserted that this would never happen, as Egypt, faced with a formidable expenditure on barracks, railways and roads, could not afford to train such a strong army. Moreover, the League, which

1. Muhammad al-Maghribī: Al-Mu^Cāhada min al-Wujha al-Qanūniyya, p. 73.

2. Makram ^CUbayd: Baḥth Tahlīlī Muqāran li'l-Mu^Cāhada al-Miṣriyya al-Inglišiyya, pp. 63-64. Rebus sic stantibus refers to a tacit condition believed by some to apply to all treaties that "they should cease to be obligatory as soon as the state of facts and conditions upon which they were founded had substantially changed".
Mahmud Zayid: Egypt's Struggle for Independence, p. 184.

was to decide whether or not the Egyptian army had attained the necessary efficiency, would never decide in favour of Egypt, as it was solely created to serve the interests of the imperial powers.

Both the British government and opposition regarded the military provisions as satisfactory. With those extensive concessions to Britain, the treaty was in fact felt to be a step out of the old imperial age which would bring Egypt to a dominion level. While Eden regarded it as "one of the very few worthwhile settlements negotiated in that time of international lawlessness",¹ Dalton, speaking for the opposition, hoped that it would open a new chapter in Anglo-Egyptian relations "based upon mutual respect, sincere cooperation and abiding friendship, not merely between governments but between the British and the Egyptian peoples themselves".²

With the intention of depriving the National government of the credit of a settlement with Egypt, the Labour opposition, however, claimed that though the 1936 military clauses were substantially similar to those negotiated by them in 1930, the latter were then severely

1. Earl of Avon: Eden Memoirs, Facing the Dictators, p. 394.

2. Parliamentary Debates, Commons, Vol. 318, 1936-37, Col. 268-69.

criticised by the Conservative opposition. Dalton pointed out that Chamberlain, Churchill and even Eden, though in much more moderate words, had attacked them when the 1930 draft treaty was debated before the House of Commons. Lord Snell, leader of the Labour peers, followed Dalton's line by saying in the House of Lords,

"I should like to remind them [i.e. the National government] that when Labour was in office it proposed similar agreements to this Treaty and its efforts broke down on the question of the Sudan. There was the most hearty applause and happiness among the Opposition of that period that Labour had failed to bring peace to Egypt. I cannot, therefore, to-day let His Majesty's Government "get away", as we say, with the idea that all this was born out of their own head; they really inherited it from a previous generation".¹

Though agreeing that some of the 1936 military clauses were almost identical with those of 1930, the government emphasized the essential differences in favour of Britain. It particularly asserted that the new roads and railway facilities would make Geneifa, the new cantonment of the British forces, about 80 miles by road from Cairo and 150 miles from Alexandria.² Consequently the British forces, which consisted mainly of highly mobile forces,

1. Parliamentary Debates, Lords, Vol. 103, 1936-37,
Col. 372.

2. Ibid., Col. 363.

could be rushed in a few hours to any part of Egypt if emergency arose.

A small group of obstinate British Conservatives, however, thought that the 1936 military provisions would still weaken Britain's capacity to protect Egypt at the very moment when it ought to be strengthened. In fact they never trusted the Egyptians and did not want a treaty. This attitude was clearly shown in a leading article in the Morning Post on 28 August 1936 which asserted,

"What we most dislike, however, is the basic idea of the whole treaty, which is to commit our vital imperial interests to the mercy of Egyptian good faith. We do not for a moment doubt the personal good faith of Nahas and his fellow negotiators, but it would be imprudent to overlook the fact that their present mutual harmony is dictated solely by the exigencies of treaty making. It affords no assurance of a permanent unity of feeling among the Egyptian people, still less does it afford the assurance that five, ten or twenty years hence the contract will be honoured by their successors. Plenty of mischief lurks, too, in the impending acceptance of Egypt into membership of the League of Nations. In fact this much-heralded treaty looks to us more like the beginning than the end of trouble".¹

Though this group of "Tory toughs"² expressed their

1. Morning Post, 28 August 1936.

2. This phrase is used by Harold Nicolson. See Nicolson, H.: Diaries and Letters 1930-39, p. 86.

views in the press and in parliament with unequalled eloquence, their influence in the party and the government was negligible. It was felt that there was nothing constructive in what they said. Harold Nicolson said in his memoirs that they "were more bitter than determined, and more out for a fight than for reform".¹ Churchill, the leader of this group had virtually no influence. Baldwin, as Prime Minister from November 1935 to May 1937, did not offer him any Cabinet office,² while Eden³ and the younger Tories would have nothing to do with him.

Conversations over minor military matters:

Lampson returned to Cairo on 30 June 1936. On 6 July a drafting committee was set up.⁴ Though the two

1. Ibid., pp. 371-72.

2. Harold Nicolson claimed that Mrs. Winston Churchill told him that her husband wanted to have the Admiralty. Ibid., p. 221.

3. Eden claimed that his appointment in May 1935 as Minister for the League of Nations was "heavily battered by Mr. Churchill from below the gangway in the House of Commons".
Earl of Avon, Eden Memoirs, Facing the Dictators, p. 219.

4. Egypt was represented by Muhammad Mahmūd, Ahmad Mahir, Hafiz Afifi and Amin Uthman. Britain's representatives were the A.O.C., the G.O.C., Beckett, the second legal adviser at the Foreign Office, and Hopkinson and Smart from the Residency.

delegations were now in agreement on the principal issues, it was only on 24 July that the text of the military clauses was initialled by the heads of the two delegations. This was mainly due to the obstructive attitude of the non-Wafdist delegates. In spite of Nahḥās's appeal, Ṣidqī left Egypt in mid-June 1936 to operate in the background against the treaty. Nahḥās asked him to come to Egypt, but he refused and his supporters claimed that he resigned in protest at the excessive British military demands. The others, particularly Maḥmūd and ^cAbd al-Fattāḥ Yahya, remained in Egypt to do their best to deprive the Wafd of the credit of a settlement. Though he was a party to every material text agreed upon, either inside the Egyptian delegation or the drafting committee, Maḥmūd at the last minute objected to the military clauses on a number of specific points and on the general ground that they went into too much detail and showed Britain's distrust of the Egyptians. It was because of these manoeuvres that Nahḥās attempted on 6 July 1936 to secure modifications on almost every point on which agreement had previously been reached. Alarmed by this attitude and realizing that an exhibition of further patience would not prevent the plotters from continuing their activities, the British government instructed Lampson on 8 July to warn Nahḥās that this method of the Egyptian

delegation was intolerable and

"would, if persisted in, reduce negotiations to a farce If the Egyptians now start haggling and trying to wriggle out of the undertakings on matters of principle, the whole question may well be thrown into the melting pot".¹

This sharp reaction was also intended to strengthen the hands of Nahhās and his colleagues who wished for a treaty, and to stiffen their resistance to the obstreperous attitude of Mahmūd. Nevertheless, after a long stormy meeting of the Egyptian delegation, Makram and Amīn Uthmān, at the request of their colleagues, came to Alexandria on 12 July to see Mr. Beckett in order to obtain certain drafting amendments, to prevent the secession of Mahmūd and other non-Wafdist delegates. Though Nahhās and Lampson were anxious to avoid this, they were prepared to face it, if necessary, to get a treaty through. They urged the British government to hasten the conclusion of the military clauses, as the continued delay would enable the minority leaders to play upon the impatience of the public and wreck the treaty. In persuading his government to give him wider discretion

1. F.O. 371/20112, Tel. No. 416, Eden to Lampson, 8 July 1936.

in matters of secondary importance Lampson telephoned¹ the Foreign Office on 10 July 1936, "This is a very critical time. All sorts of wheels are revolving. All sorts of people are out for sabotage of Treaty. We risk missing the bus if we delay".²

The military discussions had dragged on so long on five matters of secondary importance. The first of these was the occupation of Alexandria. The British delegation attempted to get the maximum desiderata of their government. They claimed that this was a matter of vital importance which the British government had to defend before Parliament and public opinion. The Egyptian delegation protested that ten years was impossible. It would not take the Egyptian army so long to become capable of taking over from the British troops. Moreover, they claimed, such a long period would suggest that a continuation of the occupation was intended.³ They offered six years. A compromise period of eight years was finally

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1. This is the only example which I know in which Lampson telephoned the Foreign Office, and he was reproved for it.
F.O. 371/20113, Tel. No. 430, Vansittart to Lampson, 11 July 1936.
 2. F.O. 371/20113, No. J 6221/2/16, Telephone Message from Lampson to Campbell, 10 July 1936.
 3. F.O. 371/20112, Tel. No. 626(R), Lampson to Eden, 2 July 1936.

agreed upon. As a face-saving provision for the Egyptian delegation, a sentence was added that both sides considered this to be the approximate time required for completion of accommodation and improvement of railway facilities between the Canal Zone and Alexandria.¹

The second point at issue concerned the "apprehended emergency". On this question, the Egyptian delegation tried at first to go back on what they had already offered, and claimed that the "apprehended emergency" formula should not be incorporated in the permanent alliance terms. But the British delegation firmly rejected this. The Cabinet had abandoned two important issues in return for this Egyptian offer. It would be, Lampson asserted, "most unfortunate if His Majesty's Government had now to be informed that their previous understanding was mistaken".²

The Egyptians finally agreed to the inclusion of the formula in the immutable alliance terms on two conditions: It should read "apprehended international emergency". The word "international" was deliberately introduced to exclude the use of this article as a basis

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1. F.O. 371/20113, Tel. No. 671, Lampson to Eden, 9 July 1936.
 2. F.O. 371/20112, Tel. No. 649, Lampson to Eden, 7 July 1936.

for British interference in the internal affairs of Egypt. Moreover, in this case, as in the case of menace of war, there should be mutual consultation between the two governments. They argued that Britain should meet them on this point

"otherwise it would be represented in Egypt that the new treaty while terminating military occupation in one article in fact gave His Majesty's Government a permanent right to reoccupy the country at any time when in their unilateral judgement they chose to say that there was an emergency".¹

The British delegation agreed to the first condition as completely harmless. They accepted consultation only after Nahhās assured them that it would be purely formal and that the British discretion as to the extent and nature of the reinforcements to be sent to Egypt would be absolutely unfettered. Since the treaty did not state whether Britain or Egypt would be the judge of such an emergency, the British government, however, felt that it could reinforce at its own discretion without consultation with Egypt. If the Egyptian government disputed the existence of such an emergency, the only remedy would be to appeal to the League. The reinforcements would arrive before the Council of the League would decide, by which time "either the emergency would be over

1. Ibid.

or it would be increased into a menace of war or war".¹ Moreover, it was felt improbable that the Council would unanimously decide against Britain, and the Egyptian government, if properly handled, would not wish to embark upon a serious dispute with the British government upon such a matter.²

It had been agreed that the British troops would leave Cairo and Alexandria as soon as alternative accommodation had been provided for them in the Canal Zone. But a third difficulty had arisen as to which government should be responsible for their construction. The Egyptian delegation considered it a question of principle that their government should build the barracks. They would not allow the British government to build them, since this would mean that the decision as to the date of departure of British troops to the Canal Zone would be left in Britain's hands.³ Moreover, they asserted, as

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1. F.O. 371/20122, Enclosure in J 8708/2/16, Note by the Foreign Office on Consultation in the Case of War, Menace of War, and Apprehended International Emergency, Undated.
 2. F.O. 371/20105, No. J 3420/2/16, Letter from Campbell to the Under-Secretary of State, War Office, 25 May 1936. The British government did not publicly declare these views in Parliament because it was afraid of their possible repercussions in Egypt.
 3. F.O. 371/20114, Tel. No. 713, Lampson to Eden, 20 July 1936.

the British forces might only be temporary occupants, the barracks would be the permanent property of the Egyptian Government, which should naturally be responsible for their construction.¹

Nahhās was prepared to accept that the plans and specifications should be prepared by British authorities and submitted to the Egyptian government. These plans would be subject to any modifications arising from military and other requirements during the actual construction period. Control and supervision of work would be carried out by a joint committee set up by the two governments.²

Lampson and his staff were of the opinion that it would be in Britain's interest that Egypt should build.³ He telegraphed, "I believe that if we are building and barracks have not been finished in three or four years effect here would be deplorable".⁴ Any delay would be

1. F.O. 371/20113, Tel. No. 675, Lampson to Eden, 10 July 1936.

2. F.O. 371/20114, Tel. No. 713, Lampson to Eden, 20 July 1936.

3. The A.O.C., however, did not like the responsibility of building to be left to Egypt.

4. F.O. 371/20113, Tel. No. 684, Lampson to Eden, 13 July 1936.

bound to be blamed on Britain as an act of bad faith.¹ For practical and political reasons, the British government, however, strongly held the view that it should build the barracks. On the practical side, it was felt difficult for the Egyptian Public Works Department to understand the War Office regulations and to maintain the buildings. If Egypt built the barracks, it would be difficult for Britain to ask for any necessary change to the type of technical accommodation during the construction period, as Egypt would complain that this would cost more. Moreover such and other demands would lead to political difficulties, as Egypt would accuse Britain of intentionally making them to delay the buildings and consequently stay longer in Cairo.²

The British government's proposal was that Egypt should provide the necessary sites free of charge, and Britain would be responsible for the entire programme of building. As regards the possibility of delay, the Egyptian government would be given the right to investigate

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1. General Weir thought that if Egypt build, the British troops would get more generous accommodation and amenities than if Britain did.
F.O. 371/20114, Tel. No. 715, Lampson to Eden, 20 July 1936.
 2. F.O. 371/20113, Tel. No. 448, Eden to Lampson, 18 July 1936.

any such delay. To persuade Nahhās to accept this proposal, the British government made a number of concessions. It was ready to accept a liability of £4 million. Egypt's share, £5 million,¹ would be paid to Britain by equal annual instalments, subject to a fair rate of interest, over a period of five or six years. The British government also offered to reduce the period of its occupation of Alexandria to six years.²

But Nahhās maintained that this could not be a matter of bargaining. He told Lampson that even

"if he were to give way on the point himself against his own convictions he would never be able to justify it in the face of public opinion. Damage which that would cause to his own position and consequently to his ability to secure the general acceptance of the treaty and its numerous concessions in the face of hostile intrigues would be disastrous".³

He would only allow the British government to build if

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1. While the British government estimated the total cost of the barracks as £9 million, the Egyptian Minister of Public Works claimed that, with the facilities at his department, he would construct them for three to five millions. This provided Nahhās with a further reason to reject the British proposal.
F.O. 371/20114, Tel. No. 713, Lampson to Eden, 20 July 1936.
 2. F.O. 371/20113, Tel. No. 449, Eden to Lampson, 18 July 1936.
 3. F.O. 371/20114, Tel. No. 713, Lampson to Eden, 20 July 1936.

it were ready to pay the whole cost of the barracks. It would then "sell them to the Egyptian government at their estimated value if and when the British forces evacuate them".¹ The British government refused this suggestion as it would entail a great financial concession on its part. It was felt that this would be a gamble as Britain might never recover the money.²

Anxious not to break off negotiations on this issue and strongly advised by Lampson,³ the British government finally gave way. It allowed Egypt to build provided that she would accept Britain's plans and specifications, and her right of supervision. Moreover, out of the 10,000 troops which were to stay in the Canal Zone, she was to provide accommodation for only 2,000, and to contribute only £390,000⁴ towards the cost of the

1. F.O. 371/20115, No. J 6539/2/16, Note by Campbell for Eden on the Barrack Accommodation, 21 July 1936.

2. Ibid.

3. Lampson telegraphed Eden, "I believe we are making a great mistake over this question of our building We are making Nahas position difficult and we may well have reasons later to regret it".
F.O. 371/20114, Tel. No. 715, Lampson to Eden, 20 July 1936.

4. This was the estimated sum spent by the Egyptian government before 1914 on the construction of new barracks for the British troops at Abbasia and Bab

barracks for the rest. This was so heavy a financial burden on Egypt that Britain herself responded to Maḥmūd's appeal in the summer of 1938¹ to undertake a portion of it, though the treaty had been in force for only two years and there were objections in Britain to the revision of any of its terms at this stage.²

The two delegations agreed that all the Egyptian ports, aerodromes, and means of communications should be furnished to the British government in case of war, imminent menace of war, or apprehended international emergency. The Egyptian government would take all administrative and legislative measures to render these facilities and assistance effective, but the British government wanted it to be specifically stated that these measures included "effective censorship". This formed a fourth crux in the negotiations. The British reasons for this desire were explained in a letter from the War Office to the Foreign Office:

Footnote 4 contd. from previous page

al-Hadid as an alternative to their accommodation at Kasr al-Nil.
Parliamentary Debates, Lords, 1936-37, Vol. 103,
 Col. 397-98.

1. At the end of 1937 King Fārūq dismissed Naḥḥās and appointed Maḥmūd to be the new Prime Minister.
2. For this agreement see Cmd. 5861, Egypt No. 1 (1938).

"We attach particular importance to the adjective "effective" as it means that we can keep the Egyptians up to scratch. We particularly wanted the censorship mentioned so that we can discuss proposed measures with the Egyptians in peace time".¹

Lampson offered the following agreed minute to deal with the matter: "The facilities and assistance referred to in the second sentence of Article G² will include if required by His Majesty's Government in the United Kingdom the imposition of an effective censorship".³

While declining to deal with the matter in an agreed minute, the Egyptian delegation offered to incorporate effective censorship in the main article provided that martial law was mentioned too. The motive behind this was to establish the right of the Egyptian government to declare martial law in future. The Egyptian had never forgotten the memory of the war years when Britain had assumed for herself the right to declare martial law in Egypt.

The British government had originally intended to secure in the treaty the right to declare martial law

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1. F.O. 371/20113, Enclosure in No. J 6204/2/16, Letter from the War Office to the Foreign Office, 16 July 1936.
 2. Article 7 in the treaty as signed.
 3. F.O. 371/20113, Despatch No. 790 (7/432/36), Lampson to Eden, 4 July 1936.

in Egypt. This was essential to its original claim of independent action for the protection of the Suez Canal. But with the abandonment of this claim, it agreed to the Egyptian proposal.¹ Moreover, for censorship to be effective, martial law would probably be necessary.

Finally there was the question of telecommunications² in and through Egypt. Though well aware of the vital importance of British control of these, Lampson thought that there would be no justification for the British government to insist on their settlement in the treaty as they were not covered by the Four Reserved Points. The best tactics, in his view, were to deal with them separately by exchange of notes with the Egyptian government.³ Believing that they were undoubtedly covered within the Reserved Points, the British government overruled him and wanted them to be settled in the treaty.

1. F.O. 371/20113, Tel. No. 675, Lampson to Eden, 10 July 1936.

2. Telecommunications were defined in the International Telecommunication Convention as "any telegraphic or telephonic communication of signs, signals, writing, facsimiles, and sounds of any kind by wire, wireless or other system of processes of electrical signalling or visual signalling".
F.O. 371/20149, No. J 6060/2247/16, Extracts from the Minutes of the 98th Meeting of the Imperial Communications Committee, 30 June 1936.

3. F.O. 371/20148, Tel. No. 237, Lampson to Eden, 23 March 1936.

It, however, did not ask for the monopoly¹ of cable and wireless communications in and through Egypt, but merely demanded for some form of reaffirmation of the 1932 exchange of letters. In these Ṣidqī, then Prime Minister, gave assurances to Sir Percy Loraine, then High Commissioner, that, "the principle of Anglo-Egyptian cooperation in regard to cable and wireless communications in and through Egypt would be adhered to in a genuine spirit of cooperation and to the furtherance of common Anglo-Egyptian interests".² The British government felt that

"in the event of failure to obtain some recognition in the treaty of the present de facto position, the British interest in question would result in a possibly insecure basis, since there is no engagement towards His Majesty's Government by the Egyptian government which₃ operates after the conclusion of a treaty".³

Moreover, "the absence of any such provisions from a treaty might afford an opportunity, if not an invitation, to competing foreign interests to renew their previous

1. See below, pp. 213-14.

2. F.O. 371/20148, Enclosure in No. J 2247/2247/16, Untitled, 13 February 1936.

3. F.O. 371/20148, No. J 3316, 2247/16, Memorandum by the Foreign Office to the Imperial Communications Committee on Cable and Wireless Communications in Egypt, 13 February 1936.

attempts to obtain a footing in Egypt".¹

Against his own convictions, Lampson was instructed to offer the following agreed minute to cover the question of telecommunications:

"The means of communications referred to in the second sentence of Article G² include telecommunications (Cables, telegraphs and wireless). In view of the possibility of the necessity arising out of the use of Egyptian telecommunications for the purpose of the alliance, there would be consultation between the Egyptian and United Kingdom Governments with regard to any important measures affecting such communications".³

The Egyptian delegation completely refused this agreed minute. Naḥḥās assured Lampson that he was neither able nor willing to accept any provision in the treaty regarding telecommunications. They were not covered in the 1930 draft and he would not allow them in the 1936 treaty.

Through Anīn ^CUthmān, Lampson modified the British formula to read as follows:

"The principle of consultation (or alternatively collaboration) between High Contracting Parties regarding military affairs which is inherent in the treaty of alliance extends to field of telecommunications which

1. Ibid.

2. Article 7 in the treaty as signed.

3. F.O. 371/20113, Despatch No. 790 (7/432/36), Lampson to Eden, 4 July 1936.

under modern conditions play so important in this connexion".¹

But Nahhās remained adamant. In view of this, Lampson informed his government that it would be most unwise to insist on its point of view. He persuaded it to fall back on his original idea, i.e. to deal with the matter outside the treaty.

The question was finally settled by exchange of letters dated 12 August 1936 between Lampson and Nahhās, as the Egyptian Prime Minister.² The agreement reached was only to enter into force on the date at which the treaty would be signed. The letter of the Egyptian Prime Minister to the High Commissioner, says, inter alia,

"I have the honour to inform Your Excellency that the Egyptian Government are impressed with the importance of telecommunications to and from or in Egypt in connexion with their Alliance with the United Kingdom and the extent to which unforeseen changes with regard to these matters made in time of peace may affect plans in time of war. They propose that both Governments should follow the principle that such communications should be in the hands of exclusively Egyptian or

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1. F.O. 371/20114, Tel. No. 705, Lampson to Eden, 19 July 1936.
 2. These letters were ostensibly not to be part of the treaty negotiations. But there was no agreement that they should be kept confidential.

British or Anglo-Egyptian concerns".¹

The arrangements made in 1932 by the Eastern Telegraph Company and the Marconi Radio Telegraph Company of Egypt with Sidqī's government ensured a British monopoly of wireless and cable communications in and through Egypt pending the final settlement of the matter in a treaty with Egypt. These two companies demanded that this position should be expressly confirmed in the 1936 treaty owing to the strategic importance of such communications for British interests. Apart from the attempts of foreign powers to get a footing in Egypt's telecommunications, they argued, the Egyptians themselves might try to control them completely. Since this monopoly was not covered by the Four Reserved Points, the British government thought it illogical to insist on obtaining it in a treaty whose raison d'être was to settle them. It, however, planned to bring diplomatic pressure on the Egyptian government to grant such monopoly. Since this question was not settled in the treaty, there was always the danger that

1. F.O. 371/20117, Enclosure in No. J 7193/2/16, Note by Nahhās to Lampson, 12 August 1936. The first sentence of this letter was intended to imply consultation without saying so in specific terms. Nahhās planned to show this letter to the whole Egyptian déléation. The word consultation was intentionally avoided as it might create much difficulty there. F.O. 371/20149, Tel. No. 730(R), Lampson to Eden, 23 July 1936.

the Egyptian government "might argue that the exclusive position had gone by default",¹ and might even grant concessions to other foreign companies.

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1. F.O. 371/20148, No. J 2398/2247/16, Personal Letter from Sir Norman Leslie of Cable and Wireless Ltd., to Campbell, 16 March 1936.

CHAPTER FIVETHE SUDAN CLAUSES

There were anxieties in the British government that in spite of concessions on the military side, negotiations might break down, as in 1930, over the Sudan question. In such a case Britain would be in a much worse position, as these concessions would hereafter be used against her. The Cabinet had actually asked Lampson about the possibility of postponing the military conversations until some progress was made in the Sudan question.¹ But these apprehensions were groundless, as the Sudan question was settled in a week, in conversations which took place at the Antoniades Palace in Alexandria between 27 July and 2 August 1936. This was mainly due to the change of Egyptian policy in this respect in the previous six years. While the Egyptian negotiators had claimed in 1930 that the Sudan should return to its normal position as an

1. In the Cabinet meeting of 23 June 1936, Lampson, who was present, answered these inquiries by saying that this might be possible, but it would be contrary to the principles on which the conversations had so far proceeded on Britain's own propositions, that they should deal first with the military clauses, secondly the Sudan, and the remainder of the treaty thereafter. Cab. 23/84, No. 43 (36), Conclusion 1, 23 June 1936.

ordinary Egyptian province,¹ they accepted in 1936 the British view of the mandatory character of the administration in the Sudan² provided that they had a share in it on the basis of the Condominium Agreement. Britain met this desire by giving them some concessions, mainly of publicity value, which did not affect the existing position of the Sudan as an Anglo-Egyptian Condominium in which Britain was the active and Egypt the passive partner.

Without the presence of Sir Stewart Symes, the Governor-General of the Sudan, the Sudan provisions might not have been settled as quickly as they were. His meeting with the Egyptian delegation and his explanation of the issues in question were most helpful.³ Another reason for this quick settlement was that Lampson did not need to

1. In a conversation on 1 April 1930 between Makram and Cecil Campbell, a member of the 1930 British delegation, the former defined the Egyptian nationalist view as being that the Sudan "was a rebellious province of Egypt which had been reconquered by Egyptian troops with such assistance from British troops as the British Government would have rendered in similar conditions to any other foreign power in whom they were interested; on the reconquest of the Sudan, the British Government had taken advantage of their strength and Egypt's weakness to impose upon Egypt an unequal and unfair agreement, namely the 1899 convention".
F.O. 371/20114, Enclosure in No. J 6375/2/16, Note by C.E. Sandars, Symes's private secretary, on the Historical Antecedents of the Proposal for the Appointment of an Egyptian Deputy Governor-General, 17 July 1936.

2. See below, p. 217.

3. See below, pp. 231-32.

refer to London on every detail as he had done during the military conversations. While he had been in London, the Sudan question was fully studied and final instructions were given to him.

The Sudan clauses: reactions in Egypt and Britain:

As in 1930, the British proposals were based on the primary consideration that the Sudan Conventions of 1899 had led to the establishment of an autonomous government exercising conjoint sovereignty in the form of a mandatory administration for the welfare of the Sudanese people. This trusteeship should continue to be exercised by the present, predominantly British, regime under the authority of the Governor-General. With this in mind, the British government suggested that the two governments should agree that the primary aim of the administration in the Sudan was the welfare of the Sudanese. The establishment of this principle of trusteeship in the interests of the Sudanese was desirable, as Sudanese nationalism, though still embryonic, was felt to be an important factor providing an argument against any excessive Egyptianisation. While both co-dominions reserved liberty to modify the 1899 Agreements in the future, the status of the Sudan should continue to be that resulting from them. Accordingly the Governor-General would exercise on behalf of both countries

the powers conferred upon him by the agreements. As the sole authority for the appointment and promoting of officials in the Sudan, he could select British and Egyptian candidates for posts for which there were no qualified Sudanese.¹ He could, however, occasionally appoint to special posts persons who were neither British, Egyptian, nor Sudanese.² This last provision was made at Symes's suggestion in case he should wish to appoint a specially qualified person for a temporary mission, e.g., the organisation of anti-locust measures, or to appoint persons to minor technical posts for which no suitable Egyptians were available, e.g. Greek artisans to be employed on pump schemes.³

The extreme Conservatives in Britain opposed the return of Egyptian troops to the Sudan as, in their view, they would undoubtedly easily incite Sudanese soldiers to revolt on religious grounds.⁴ But the British government was prepared to offer this provided that the Governor-

1. See below, pp. 228-30.

2. Cab. 24/263, C.P. 176(36) Memorandum by the Foreign Secretary on Anglo-Egyptian Negotiations, the Sudan, 19 June 1936.

3. Cab. 24/263, C.P. 192(36), Memorandum by Lord Halifax, Lord Privy Seal and Acting Foreign Secretary, on Anglo-Egyptian Conversations, the Sudan, 8 July 1936.

4. Morning Post, 28 August 1936.

General would decide the number of the troops and their localities. The Times, however, asserted that in view of the new situation in north-east Africa, the association of Egyptian troops with the British and Sudanese forces for the common defence of Anglo-Egyptian sovereignty would be more advisable than ever.¹

After the 1924 crisis, the British government's policy of regarding the Sudan as an Anglo-Egyptian condominium had been radically changed when it claimed that

"the effect of the 1899 Cromer-Boutros Chali Agreement was to constitute the Sudan as a new state, distinct and independent from Egypt and enjoying all administrative, legislative and judicial rights. On this basis the policy of His Majesty's Government since 1925 had been to regard the Governor-General as in many respects a Head of State with the power of concluding international agreements of his own".²

The Egyptian government had sometimes expressed reserves about this,³ but it had never delivered any effective

1. Times, 30 June 1936.

2. F.O. 371/20108, No. J 4731/2/16, Memorandum by Pink of the Foreign Office on the Sudan and International Conventions, 3 March 1936.

3. On the Sudan Government's ratification of the international convention for preservation of Fauna and Flora, the Egyptian government sent a note to Lampson in which it expressed its reserves about the whole subject of the participation of the Sudan in international conventions. The British government rejected this note

protest, and, in Britain's view, this method was fairly well established in the eyes of the world.

In the 1930 negotiations, however, the two delegations had agreed that in future the Sudan Government could only participate in, or terminate its membership of international conventions by virtue of a declaration signed on behalf of the British and Egyptian governments.¹ This joint action should be specifically taken in respect of the Sudan, and should not merely follow from the fact that Britain and Egypt were both parties to, or had both denounced, a convention. Lampson and Symes in 1936 objected to this arrangement and suggested that the existing practice of direct accession and adherence to international conventions should continue. They asserted that any departure from this procedure would weaken the British argument that the Condominium Agreements had

Footnote 3 contd. from previous page

on the grounds that the existing method should continue until the two governments agreed on some other procedure.
F.O. 371/20099, Tel. No. 362, Eden to Lampson, 23 April 1936.

1. If this formula were adopted, the Sudan would also lose its current "practice of negotiating bilateral agreements as a Separate State".
F.O. 371/20108, No. J 4731/2/16, Memorandum by Pink of the Foreign Office on the Sudan and International Conventions, 3 March 1936.

resulted de jure as well as de facto in the establishment of an autonomous government of the Sudan, "and would in any case pave the way to further piecemeal challenging of the principle of autonomy in other directions, e.g. the allegiance of the Sudan Defence Force".¹ While agreeing that it would be more convenient to maintain the present practice, the British government felt that certain concessions should be made if agreement was to be reached. The 1930 formula, put forward by Britain herself, had then been accepted by the Egyptian delegation, and it would be difficult for Britain to refuse it in 1936.² Consequently the British government offered this formula in 1936, with slight modifications,³ which it thought would still preserve for the Sudan the status of a territory with a separate entity of its own.

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1. F.O. 371/20102, Despatch No. 59 (91.A.7), Enclosure in No. 301(7/163/36), Despatch from Symes on the Position of the Sudan Government in Regard to International Agreements and Conferences, 1 March 1936.
 2. F.O. 371/20108, Tel. No. 637, Eden to Lampson, 14 July 1936.
 3. These modifications, which were embodied in the 1933 draft treaty, did not change the principle on which the 1930 formula was based, but avoided certain technical difficulties which appeared likely to result from their practical application.
F.O. 371/20108, No. J 4731/2/16, Memorandum by Fink of the Foreign Office on the Sudan and International Conventions, 3 March 1936.

The 1930 negotiations had collapsed over the Sudan question partly because the British government refused to give the Egyptians the right of unrestricted immigration in the Sudan. According to enquiries made by the British government since 1930, there would for a generation be no danger of mass Egyptian immigration to the Sudan, as its adverse climatic conditions and poverty of natural resources would prove an effective barrier. This was confirmed by the report of the Egyptian economic mission which visited the Sudan in January 1935.¹ Unlike the Gezira, Gash and Tokar irrigation schemes, which were already fully cultivated by the Sudanese, the rain-grown cultivation of the Sudan was uncongenial to the Egyptians. The Egyptian non-agricultural classes, in the view of the British government, were also unwilling to go to the Sudan, and there were cases where it was impossible to obtain the services of Egyptian doctors for the medical supervision of gangs of Egyptian labourers recruited for temporary work in the Sudan.² Moreover, for a period of twenty years at least, there would be sufficient available

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1. Maḥmūd Ghannām: Al-Mu^cāhada al-Misriyya al-Ingiliziyya wa-Dirasathā min al-Wujha al-Amaliyya, p. 337.
 2. F.O. 371/20110, Despatch No. 7/394/36, Kelly to Campbell, 11 June 1936.

land in Egypt itself. Though in actual practice since 1930 no bar had been put in the way of any bona fide Egyptian who wanted to go to the Sudan for purposes either of trade or settlement, the Egyptians, it was asserted, had not shown the slightest desire for this. While the British government was not afraid of intensive Egyptian immigration,¹ it objected to the entry of undesirables such as political agitators and drug traffickers. Consequently, when offering in 1936 unrestricted Egyptian immigration, it insisted on the Governor-General's undisputed right to refuse entry to any person for reasons of public order and health.

The British government, however, firmly refused Egypt's claim to preferential treatment under the guise of exceptional facilities for Egyptian immigration, as this, in its view, "would be a serious derogation from the autonomy of the Sudan Government and from their trustee obligations".² For this reason Britain refused to go beyond her offer in 1930, namely an affirmation that there

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1. In fact there was a pronounced migration from the Sudan to Egypt, and it was said that three provinces in the Sudan were "living very largely on the remittances, in money and kind, sent back to them by the emigrants". Ibid.
 2. F.O. 371/20104, No. J 3238/2/16, Memorandum by the Foreign Office on the Sudan Question in the Forthcoming Treaty Conversations, 18 April 1936.

should be no discrimination between British and Egyptians in matters of commerce, immigration, or the possession of property. It was felt that this formula did not offer any advantage to Egypt, as article 6 of the Condominium Agreement provided that no special privileges should be given to the nationals of any European power in the matter of trade, residence, or the holding of property in the Sudan. But there was nothing in the Agreement to prevent such privileges being given to the Egyptians, though there was equally nothing which stated that they should be given. By assimilating Egyptian to British subjects and thus to other Europeans who could not be placed in a privileged position, this formula, in the British view, was actually a "retrograde step from the Egyptian point of view".¹

In their counter-proposals, the Egyptians accepted the British proposals about immigration, equality between British and Egyptians, and the method by which international conventions would be applied to the Sudan. But they tried to obtain a clear statement of what they claimed to be their rights in the Sudan, particularly as regards sovereignty and participation in the administration. These alleged rights followed partly from the Egyptian assertion that the Condominium Agreements were not justly

1. Ibid.

applied, but more particularly from their thesis of a residual Egyptian sovereignty over the Sudan, i.e. a sovereignty deriving from the original Egyptian conquest of the Sudan, and the undivided administration up to the time of the Mahdist revolution.¹

Nahhās withdrew the 1930 Egyptian demand for renewed discussion of the Sudan question within a year, but he asked that the whole question should be settled in the near future. The British government rejected Nahhās's proposal as it gave a much more temporary aspect to its suggested Sudan clause. The Egyptians also proposed that this agreement should not "prejudice Egypt's rights and interests"² in the Sudan, by which they intended to cover a residuary right to sole sovereignty over the Sudan. Under Egyptian pressure and as a last hope of reaching agreement, the British government had accepted this phrase in 1930. But in 1936 it considered this highly dangerous to its position in the Sudan, as it implied that Egypt had unspecified rights and interests "other than those flowing from the terms of the condominium or the articles of the

1. Cab. 24/263, C.P. 176(36), Memorandum by the Foreign Secretary on Anglo-Egyptian Treaty Negotiations, the Sudan, 19 June 1936.

2. F.O. 371/20115, No. 1(R), Lampson to Eden, 28 July 1936.

treaty, or that the condominium [was] in some ways inimical to those rights and interests".¹

The British government suggested that the status of the Sudan should continue to be that resulting from the Condominium Agreements. The words "continue to" were an addition to the 1930 proposals. Their object was partly to ensure that there was no material change in the Sudan, but more particularly to secure the British interpretation that the post-1924 developments were in accordance with the 1899 Conventions. Britain strongly opposed the Egyptian demand for their omission, as without them it would be open to the Egyptians to claim the restoration of the status quo ante 1924, and might take the British government to arbitration on this point under the general arbitration clause of the treaty. Britain wanted to secure that the existing situation in the Sudan would continue except insofar as it had been modified by the treaty itself.²

In 1930 the Egyptians were unimpressed by the value of the return of the Egyptian troops to the Sudan as a concession, and they omitted it from their counter-

1. Cab. 24/263, C.P. 176(36), Memorandum by the Foreign Secretary on Anglo-Egyptian Treaty Negotiations, the Sudan, 19 June 1936.

2. F.O. 371/20115, No. 480, Eden to Lampson, 31 July 1936.

draft. Their idea was that as this was an Egyptian right, mention in the treaty would appear to limit it.¹ While the Nationalist Party argued that Britain allowed this in 1936 only to safeguard her imperial interests in the Sudan and to protect it against any attack from the East,² the Egyptian delegation regarded it an important concession to which their public attached great importance. They accepted the return of their troops in principle, but they suggested the substitution of "stationed in the Sudan" for "placed" in the following British proposal: "In addition to Sudanese troops, both British and Egyptian troops shall be placed at the disposal of the Governor-General for the defence of the Sudan".³ They also asked for an agreed minute to the effect that the Egyptian government would send its forces to the Sudan as soon as the treaty came into force. The British government never

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1. F.O. 371/20104, No. J 3238/2/16, Memorandum by the Foreign Office on the Sudan Question in the Forthcoming Treaty Conversations, 18 April 1936.
 2. While Britain got sufficient guarantees and facilities for her troops in the Canal Zone (see annex to article 8 of the treaty), the Nationalist Party emphasized that similar concessions were not given to the Egyptian troops in the Sudan.
Qanun Thamain li-Sanat 1936, p. 95.
 3. Cab. 24/263, Annex A to C.P. 176(36), Memorandum by the Foreign Secretary on Anglo-Egyptian Treaty Negotiations, the Sudan, 19 June 1936.

accepted this as it felt that while the word "placed" implied that the Governor-General would choose whether he would have Egyptian troops in the Sudan, and in what numbers and where, "stationed in the Sudan" removed this idea of discretion lying with him. The phraseology suggested for the agreed minute seemed to give to the Egyptians the discretion to send their troops and perhaps to decide their numbers.¹

In the belief that Egypt should actually participate in the administration of the Sudan, Nahḥās suggested that Egyptians should be appointed to all posts forthwith and in adequate proportions, and that an Egyptian deputy Governor-General with the right to sit in the Council should also be appointed. This would mean that a comparatively large number of Egyptian officials would be appointed to the Sudan administration, an eventuality which the British government ruled out, as it would destroy the British character of the administration and would make its functioning impossible. It also refused the proposal to appoint an Egyptian deputy Governor-General² or a

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1. F.O. 371/20115, Enclosure in Tel. No. 1(R), Comment by Campbell, 29 July 1936.
 2. This Egyptian deputy Governor-General would be the acting Governor-General if the latter was on leave, which Britain would not tolerate.

member of the Council. The work of a member of the Governor-General's Council was normally discharged by a head of department, and actually occupied a minimum of his time. An Egyptian member without portfolio would be likely either to resign on discovering this, or to spend his protracted spare time in intrigues. It was felt that his appointment would revive the Sudanese demand for representation on the Council, which Britain regarded as undesirable at the time, and would be exceedingly unpopular among the Sudanese and British members of the political and other services in the Sudan. Incidentally the appointment of an Egyptian Grand Qādī to the Sudan four years previously had aroused bad feeling among the Sudanese.¹ The British government was, however, prepared to appoint Egyptian officials in the Sudan provided that there was no unfair competition with the Sudanese and no ousting of British occupants of posts. They were, however, not to be appointed to the political service, as their avowed administrative policy to restore the Sudan to its former status as a province of Egypt, was irreconcilable with the British view of the mandatory character of the

1. F.O. 371/20115, Tel. No. 480, Eden to Lampson, 31 July 1936.

administration.¹ Their appointment should be confined strictly to technical posts,² and would depend on suitable vacancies and eligibility of candidates.³

While refusing the Egyptian counter-proposals, the British government admitted that the Egyptian claim to exercise some personal supervision of the administration was not unreasonable. The function of such an Egyptian observer could be exercised inoffensively by an Egyptian trade commissioner in Khartoum, provided that he did not affect the official channel of communications from the Governor-General, through the High Commissioner, to the Condominium governments. As a supplementary gesture, an Egyptian military officer of high rank could be appointed as a military secretary to the personal staff of the Governor-General at Khartoum.⁴ The British government

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1. F.O. 371/20114, Enclosure in No. J 6375/2/16, Note by C.E. Sanders, Symes's private secretary, on the Historical Antecedents of the Proposal for the Appointment of an Egyptian Deputy Governor-General, 17 July 1936.
 2. In the final text of the treaty it was considered undesirable to say in public that the Egyptians would be appointed only to technical posts, but, in Britain's view, the principal Egyptian negotiators appreciated this quite well.
F.O. 371/20122, No. J 8708/2/16, Note by the Foreign Office on Sudan Clauses, 24 November 1936.
 3. F.O. 371/20115, Tel. No. 5(R), Lampson to Eden, 30 July 1936.
 4. F.O. 371/20114, No. J 6375/2/16, Memorandum by Symes on The Anglo-Egyptian Treaty Conversations, Sudan Aspect, 17 July 1936.

knew that no Egyptian could face an accusation that he had signed away Egypt's rights in the Sudan. While refusing the Egyptian demand that the treaty should not "prejudice Egypt's rights and interests", it was ready to exclude from it the question of sovereignty, by adding a sentence to the effect that "nothing in this article should prejudice the question of ultimate sovereignty in the Sudan".¹ By narrowing down to the question of sovereignty, it would be in Britain's view, much less dangerous than the vague phrase desired by the Egyptians.² While the Egyptian delegation regarded this as satisfactory, the Nationalist Party and other extremists in Egypt wanted a clear provision in the treaty that sovereignty lay with Egypt so that nobody would challenge this in the future.

With his persuasive character and by virtue of his position as Governor-General, Symes impressed the Egyptian delegation in his interview with them on 29 July

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1. In a memorandum to the Cabinet, Eden argued that this concession was of form rather than substance, as it did not prejudice or alter the existing position in the Sudan, but was "calculated to enable the Egyptian delegation to represent to their public that they [had] in fact reserved Egypt's "residual sovereignty" and [given] nothing away".
Cab. 24/263, C.P. 176(36), Memorandum by the Foreign Secretary on Anglo-Egyptian Treaty Negotiations, the Sudan, 19 June 1936.
 2. F.O. 371/20115, Enclosure in Tel. No. 1(R), Comment by Campbell. 29 July 1936.

1936. By claiming that he spoke, not as a political advocate for one side or the other, but as an administrator responsible to both governments for the good administration of the Sudan, Symes persuaded the Egyptian delegation to work for the concrete British concessions, rather than "to cry for the moon"¹ which they would not get. At the drafting stage,² however, the Egyptians obtained other insignificant concessions. The Governor-General would communicate directly with the Egyptian Prime Minister, and would address an annual report on the administration of the Sudan to the British and Egyptian governments.³ Nahhās emphasized that this would only be a reversion to the previous practice, abandoned in 1924, laid down in the 1899 Conventions. At his particular request, the British

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1. F.O. 371/20115, Enclosure in Tel. No. 5(R), Comment by an Official at the Foreign Office, 31 July 1936.
 2. The drafting committee met on 29 and 30 July, and was composed of Makram Ubayd, Amin Uthman, Hafiz Afifi, Beckett, Smart and Hopkinson. F.O. 371/20115, Tel. No. 751(R), Lampson to Eden, 30 July 1936.
 3. The then prevailing channel of communications with the Egyptian government was through the High Commissioner, though the Governor-General sometimes visited and talked with the Egyptian King and Prime Minister on his passage through Cairo. The annual report was certainly communicated to the Egyptian government before publication, though not directly addressed to it. F.O. 371/20115, Enclosure in Tel. No. 4(R), Comment by Campbell, 30 July 1936.

government agreed that the inspector-general of the Egyptian irrigation service in the Sudan¹ would be invited to the Governor-General's Council when matters relating to his departmental interests were before it.² To meet the Egyptian desire that the Egyptian officials in the Sudan might rise to the top of the tree, Britain agreed that the promotion of members of the service should be irrespective of nationality "up to any rank" in accordance with individual merits. The British government felt that this represented no danger to its position as the appointment and promotion of all officials in the Sudan were in the hands of the Governor-General.³ The provision that promotion would be in accordance with individual merits was regarded as a sufficient safeguard against unsuitable promotions. Moreover, promotions in the Sudan were not made from the technical to the administrative services.

The Egyptian delegation suggested substituting the word "their" for "the" before administration in the following British proposal: "The High Contracting Parties agree that the primary aim of the administration in the

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1. In 1936 he was a British subject, Major Newhouse.
 2. F.O. 371/20115, Tel. No. 760(R), Lampson to Eden, 1 August 1936.
 3. F.O. 371/20115, Enclosure in Tel. No. 751(R), Comment by Campbell, 1 August 1936.

Sudan must be the interests of the Sudanese".¹ Since its object was to preserve the British character of the administration, the British government refused this as it might mean that the administration was Egyptian as well as British, particularly as other Egyptian proposals showed that they demanded the appointment of Egyptians to administrative posts. Britain, however, accepted this when the Egyptians dropped these demands, and regarded "their administration" as meaning the administration by the Governor-General who embodied and represented the British and Egyptian shares.²

As expected, the extreme Conservatives in Britain criticised the Sudan clauses as giving Egypt a much wider latitude than the Egyptians themselves expected in the military occupation and administration of the Sudan. Those who remembered the ill-treatment of the Sudanese by the Egyptians in the 19th Century and their intrigues there against the British in the 20th Century asserted that the Sudan provisions would produce nothing but friction in

1. Cab. 24/263, Annex A to C.P. 176(36), Memorandum by the Foreign Secretary on Anglo-Egyptian Treaty Negotiations, the Sudan, 19 June 1936.

2. F.O. 371/20115, Enclosure in Tel. No. 751(R), Comment by Campbell, 1 August 1936.

the Sudan.¹ The majority of British opinion, however, was more reasonable and thought it natural for Egypt to demand a share in the condominium of the Sudan, a region in which she had sacrificed many of her people, spent much money, and upon the waters of which her very existence depended. Though admitting that the new joint administration resulting from the 1936 treaty might create difficulties in the Sudan, it was hoped that "if practiced in a spirit of mutual confidence, [it] should both afford protection to the Sudanese, and offer an opportunity for Anglo-Egyptian cooperation that should finally kill any lingering antagonism".²

Still adhering to the Egyptian claim that the Sudan was an integral part of Egypt, the Nationalist Party and other extremists in Egypt regarded the Sudan article as a complete surrender of Egypt's legal and historical rights in the Sudan. Though the nation had persistently refused the illegal Condominium Agreements,³ they claimed, the 1936 treaty recognised them, a matter which would

1. Morning Post, 28 August 1936.

2. Manchester Guardian, 28 August 1936.

3. During the 1930 negotiations the Wafd claimed that these Agreements were so hated in Egypt that they should not be mentioned in the draft treaty.

^cAbd al-Rahman al-Rafi'i: Fi A'qab al-Thawra al-Misriyya, Vol. 3, p. 25.

actually separate the Sudan from Egypt as they gave all the military and civil authority in the Sudan to the British Governor-General.¹ Since 1924, however, these Agreements had existed only in name and the Sudan was practically a British protectorate apart from the recognition of certain Egyptian privileges. The Egyptians were increasingly in a position of inferiority as regards the administration and defence, and in commercial and immigration questions. There was a possibility that their influence might soon be totally excluded from the Sudan. Rather than allow this unsatisfactory situation, other minority parties and the Wafd thought it advisable to accept temporarily the Sudan clauses which, in their view, would restore the situation that had prevailed before 1924.²

Though the Egyptian government had reserved for itself the right to question the validity of the Nile Waters Agreement of 1929 in any future treaty negotiations,³ this matter was not referred to in the Sudan article of

1. Qānūn Thamānīn li-Sanat 1936, p. 143.

2. Al-Ahrām, 2 August 1936.

3. The Egyptian government reserved for itself this right under paragraphs 1 and 5 of Mahmūd's Note to Lord Lloyd of 7 May 1929. For the text of these paragraphs and the whole Nile Waters Agreement see Cmd. 3348, Treaty Series, No. 17 (1929).

1936. In 1933 the British government decided to raise the whole question of the Nile waters in any coming negotiations, and, as a concession to Egypt, the 1933 draft treaty¹ suggested that the irrigation experts of Egypt, the Sudan and Uganda should meet under the presidency of the Egyptian Minister of Public Works or his deputy at least once every three years

"for the purpose of discussion and exchange of information particularly in regard to any major irrigation project which may be contemplated by any of the countries concerned and the High Contracting Parties undertake to attach the greatest possible weight to any resolutions or expressions of opinion which may result therefrom".²

This draft was inappropriately worded and besides, the British government asserted in 1936 that it could not be regarded by Egypt as a concession, as it fell far short of the undertaking given to her by the British Note of 1929.³ Consequently it decided not to raise this matter in the 1936 negotiations unless Egypt questioned the

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1. This was a draft treaty prepared at the Foreign Office and approved by the British government as the basis of any future discussions with Egypt. It made substantial modifications in favour of Britain in all aspects.
 2. F.O. 371/20104, No. J 3238/2/16, Memorandum by the Foreign Office on the Sudan Question in the Forthcoming Treaty Conversations, 18 April 1936.
 3. See Cmd. 3348, Treaty Series No. 17 (1929), p. 50.

validity of the Nile Waters Agreement, in which case Britain was determined to reaffirm it in the treaty. Though the Wafd had denounced this Agreement at the time of its signature, as in the 1930 negotiations, it did not raise the matter in 1936. The British government claimed that it would continue in force, as, according to paragraph 1 and 5 of Mahmūd's Note to Lord Lloyd, Egypt could terminate it only on the occasion of treaty negotiations. Moreover the British government felt it improbable that Egypt would do this because "seeing that the Sudan lies above Egypt, all the trump cards lie in the Sudan's hands anyhow, and therefore a refusal by Egypt to observe the Nile Waters Agreement can only harm Egypt and cannot harm the Sudan".¹

Conversations on the financial matters affecting the Sudan

Since 1898 the Egyptian government had incurred considerable expenditure in the Sudan, amounting approximately to £15 million. It had spontaneously offered the Sudan an annual subsidy of £750,000 since the withdrawal

1. F.O. 371/20102, Enclosure in No. 287 (7/148/36),
Comment by Beckett, 16 April 1936.

of the Egyptian troops from the Sudan in 1924-25.¹ The 1930 draft treaty suggested that the whole question of the Sudan debt to Egypt should be deferred for discussion between the two governments until the treaty came into force.² The British government supported this proposal as the deplorable condition of the Sudan's finances, owing to the economic depression, made the time unsuitable for negotiations on the subject. The British were not on very secure grounds in arguing that the Sudan had a contractual right to the subsidy, which was of vital importance to it, and it was felt unreasonable to risk a controversy with the Egyptians over the question in the hope that they would continue to pay it for political reasons.³ Moreover

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1. F.O. 371/20136, No. S. 24915, Letter from Waley (Treasury) to Campbell, 21 February 1936.
While Britain accepted the annual subsidy as an aid to the general administration of the Sudan that could not be reduced or withdrawn by a unilateral action, the Egyptian government claimed that it should be strictly allocated to the defence of the Sudan.
 2. In the 1933 draft treaty, the British government suggested that discussions on the subject should take place as soon as the economic situation would permit. From the British point of view, the advantage of this formula over that of 1930 was that it was much vaguer, and in effect postponed the whole question to an indefinite future.
F.O. 371/20137, No. 7/406/36, Cairo Chancery to Egyptian Department, 11 June 1936.
 3. F.O. 371/20136, No. 147, Eden to Lampson, 4 March 1936.

the maintenance of the status quo would enable a number of difficult claims and counter-claims on either side to remain dormant.¹ Although these claims were strictly speaking of a financial nature, they were bound up with the political past of the Sudan, and their discussion might lead to an undesirable political controversy which would complicate the negotiations.²

In 1936 the British government had changed its position and preferred all the financial questions to be settled in the treaty. The subsidy was actually voted every year and there was a constant danger that Egypt might reduce or withdraw it. It would make things difficult for the Financial Secretary of the Sudan if he did not know how long the subsidy would continue at its

1. The British government argued that the Condominium Powers had a financial responsibility towards the Sudan. Britain's responsibility was the guaranteeing of the whole Sudan debt to Britain amounting to £14,454,360, and that of Egypt was the annual subsidy. The British government felt that its case over these financial matters was very weak. Whereas it expected the Sudan to pay punctually the interest and sinking fund on its debt to Britain, it asked Egypt to wait indefinitely for the payment of interest on its loans to the Sudan, and to continue a subvention to the Sudan in the meantime.

F.O. 371/20137, No. J 7110/380/16, Note by Campbell to Eden on the Sudan Debt and Egyptian Subvention, 14 August 1936.

2. F.O. 371/20137, No. J 5562/380/16, Memorandum by Scrivener of the Foreign Office on the Indebtedness of the Sudan and the Egyptian Subsidy, 22 June 1936.

current rate, or when he might be called upon to repay the debt to Egypt. If the matter was to be settled in subsequent negotiations, the Sudan might expect a much worse bargain.¹ Since Nahhās was inclined to be forthcoming in financial matters, the British government thought that he would attach little importance to the matter, and it could be settled without difficulty on terms favourable to the Sudan.²

The Treasury suggested to the British government that it should try simply to secure the cancellation of the Sudan debt on the grounds that, of the two parties in the Condominium, Egypt had derived, and would continue to derive, the greater material advantage from the occupation of the Sudan. While Britain got no material benefit from this occupation, Egypt received the protection and control of the Nile waters and the security of her southern frontier. The Sudan was still unable to balance its budget, and it was felt only right that Egypt, the principal beneficiary from its occupation, should make up the deficit. But the British government rejected this proposal, as it

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1. F.O. 371/20137, Enclosure in No. 7/303/36, Comment by Campbell, 30 April 1936.
 2. F.O. 371/20137, No. J 5562/380/16, Memorandum by Scrivener on the Indebtedness of the Sudan and the Egyptian Subsidy, 22 June 1936.

would make the Sudan entirely dependent on the goodwill of the Egyptian government for the payment of the subsidy. Instead Britain accepted the suggestion of Rugman, the Financial Secretary of the Sudan, that the Sudan should agree to a gradual reduction of the subvention and its final extinction, while Egypt should cancel the debt finally. When Nahhās referred to the question on 29 July 1936,¹ Lampson made the following suggestion:

"It is agreed that in consideration of the following progressive reduction of the annual subsidy paid by Egypt to the Sudan, the Egyptian government will make no claim in respect of the Sudan's existing indebtedness.² The subsidy shall accordingly be reduced in the following manner. Until 1945 the amount of the subsidy shall be £E750,000; from 1946-1950 £E700,000, from 1951 to 1955 £E650,000; from 1956-1960 £E550,000; after 1960 nil".³

This met the desire of the Sudan Government that the subsidy should continue unchanged for at least a number of years.

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1. Lampson was instructed not to open the question, but to wait for the Egyptians to do so as they would undoubtedly do.
Ibid.
 2. In the British government's view, only £5,174,493 of the Sudan debt to Egypt would be recoverable.
F.O. 371/20136, No. S. 24915, Letter from Waley (Treasury) to Campbell, 21 February 1936.
 3. F.O. 371/20137, No. J 6890/380/16, Minute by the Foreign Office on the Sudan Indebtedness to Egypt, 5 August 1936.

Nahhās strongly rejected this suggestion, as it entailed an obligation for the Egyptian government to continue the subsidy. He claimed that it was impossible to get the Egyptian Parliament to consent in advance to make this subsidy a regular annual standing charge in the budget. Rather than commit himself to the British formula, he was prepared to let the conversations fail. He, however, suggested that the matter should be dealt with as in 1930,¹ and on the arrival of the Egyptian delegation in London, the Egyptian Ministry of Finance should at once take the matter up with the British Treasury with a view to settlement.² Strongly advised by Lampson, the British government finally accepted Nahhās's proposal, particularly as further discussion would lead to delay, and consequently give an advantage to those in Egypt who wished to wreck the treaty.³

The British government instructed Lampson to

1. See above, p. 239.
2. From the British point of view, Nahhās's proposal was an advance over 1930, since it envisaged not only the discussion, as in 1930, but also the settlement of the debt question before the signature or at any rate the ratification of the treaty.
F.O. 371/20115, Enclosure in Tel. 751(R), Comment by Campbell, 1 August 1936.
3. F.O. 371/20137, Tel. No. 487, Eden to Lampson, 5 August 1936.

pursue the matter now with Nahhās and Makran in order to attain some agreement on the proposed discussion in London and to obtain some unilateral declaration from the Egyptian side that they would continue to pay the subvention until the financial circumstances of the Sudan warranted a reduction of its amount, and provided a final settlement of the debt. These desires were partly made by a statement by Nahhās as Prime Minister.¹ He would not agree to cancel the Sudan debt, but would not ask the Sudan to repay any of it before its financial position allowed this. He would either pay the subsidy for the defence of the Sudan provided that he might deduct from it the expenses of the Egyptian army stationed in the Sudan, or pay the full subsidy for 1936, and consider future payments as loans from Egypt to the Sudan, to be repaid when the Sudan was in a position to do so. This communication was made to inform the British government of the manner in which the Egyptian government would approach the discussions in London. It was embarrassing to the British government, as it would be dependent on the goodwill of Nahhās alone.

1. The non-government members of the Egyptian delegation were not given copies of this statement as Nahhas wanted to keep them out. In fact the whole question of the subsidy and debt was settled behind the backs of the Egyptian delegation, and the British government discussed it with Nahhās, Makran Ubayd and Amin Uthman.

Lampson was instructed to attempt to obtain this statement in the name of the Egyptian government, but nothing came out of this.¹

On 5 November 1936 the two governments reached an agreement on these financial matters. The repayment of the debt was postponed to a future date, when it would be agreed that the Sudan's financial position had sufficiently improved to make repayment possible without an adverse effect on the development and government of the country. The Egyptian government undertook not to withdraw the annual subvention except after giving fair notice.²

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1. F.O. 371/20137, No. J 7110/380/16, Note by Campbell to Eden on the Sudan Debt and Egyptian Subvention, 14 August 1936.
 2. F.O. 371/20122, Enclosure in No. J 8708/2/16, Note by the Foreign Office on the Financial Questions Affecting the Sudan, undated.

The reactions of the Sudanese and Sudan Government to the treaty:

The reports of the Public Security Branch at Khartoum¹ gives the impression that the feelings of the Sudanese about the treaty were dictated by their individual and personal preoccupations. There was no such thing as public opinion or national feeling as was understood in Europe. With its conservative outlook, completely limited by local interests and unconcerned with the external world, provincial tribal opinion in the eastern, central and western Sudan regarded the treaty as nothing. It still viewed the Sudan government as British and the "theory of Egyptian partnership as a meaningless political fiction".² It disliked the Egyptians because of their bad administrative record in the Sudan during the Turcc-Egyptian

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1. Though usually these British reports should be treated cautiously, I believe that they give a fairly reasonable assessment of the Sudanese reaction to the 1936 treaty.
 2. C.R.O., File No. Km.P./ScR/36.H.2, Memorandum by the Public Security Branch, Khartoum, on the Feeling in the Sudan Regarding the Anglo-Egyptian Treaty of 1936, 27 July 1936. The memorandum goes on to say that in the north the sedentary agricultural and commercial population astride the railway and river had, as a natural result of geographical position, racial affinity, and commercial and labour contracts, developed a political opinion which recognised Egypt's political existence. They were favourable to a closer partnership with her provided their own material interests in commerce and land, which they were not ready to see prejudiced by any theories of national brotherhood, were properly safeguarded.

period and the first twenty-five years of the Condominium, when they shared its government with Britain. Consequently it was against the return of any Egyptian influence to the Sudan. In a conversation on the treaty on 14 October 1936 between Shaykh [°]Alī al-Tūm, the head Shaykh (Nāẓir [°]Umūr) of the Kabābīsh, and Newbold, the governor of Kordofan, the former said:-

"You know that in common with all Arabs in the Sudan, I dislike the Egyptians. Their record here was afin. No one [who] had watched the Egyptian Mamur at work or in his private life can really respect him. He is a glutton and has no self-restraint and cares only for his body. Consequently we do not tolerate any return of Egyptians in an executive capacity (bi sifat Hukan). They are not ahl zima (i.e. disinterested) and we regard them as an inferior race without courage or patience..... I feel very strongly that the power (guwa) and all executive posts must remain in English hands".¹

Of the more sophisticated Sudanese, the merchants

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1. C.R.O., File No. Km.P/ScR/36.H.2, Note from Newbold to J.C. Penny, the Controller of Public Security Intelligence, on a Conversation with Shaykh Sir [°]Alī al-Tūm on the Treaty, 14 October 1936. Though [°]Alī al-Tūm preferred the Egyptians not to be given any concessions in the Sudan, he realized the political reasons for the British to be liberal to them. He did not feel any anxiety about the return of some Egyptian soldiers especially to Halfa or to guard the dams or ports; nor did he object to Egyptian clerks or technical people in departments which had no responsibility or power over the people. Since [°]Alī al-Tūm was pro-British, his remarks should not be regarded as completely impartial.

alone took a realistic view, and were felt to be on the whole in favour of a treaty, particularly those with Cairo connections. They perhaps believed that the stabilization by the treaty of the political relations between the two countries would make for greater mutual commercial prosperty, and might lead to Egyptian capital investment in the Sudan, which would help them to increase the capitalization of agricultural schemes. Association with Egypt, they felt, "might also strengthen their hands in approaching the Sudan Government over the various alleged grievances which from time to time agitate the Sudan chamber of commerce".¹ The return of the Egyptian troops to the Sudan in 1937 was particularly welcomed by retail merchants as this was a new source of revenue.² On principle a small diligent group of the intellectuals

1. C.R.O., File No. Km.P./ScR/36.H.2, Memorandum by the Public Security Branch, Khartoum, on the Feeling in the Sudan Regarding the Anglo-Egyptian Treaty of 1936, 27 July 1936.

2. While the muwalladīn (Egypto-Sudanese) expressed natural sentimental pleasure at the return of the Egyptian troops, the intellectuals were, on the whole, unsympathetic. Many of them, particularly the young, "looked upon the returning troops as another alien army of occupation whose arrival stressed the subjection of the Sudanese to foreign domination". C.R.O., Sudan Monthly Intelligence Summary, No. 47 for December 1937, para. 1180.

led by ^cArafāt Muḥammad ^cAbdallāh¹ opposed the infiltration of Egyptian capitalism in the Sudan, and advocated that the state should not only continue its commercial ventures but should also undertake new ones. What gains the Sudanese capitalists might get would only go to their private pockets and the new wealth would drive them away from the mass of the people, as they were expected to adopt new ways of living and follow their own private interests. The ultimate result would be that they would turn into "black Greeks" and exploit the people. If, on the other hand, the state took control of the important economic enterprises, the gains would be reaped by the people in the form of hospitals, schools and important means of transport. With such views in mind, ^cArafāt's group opposed the Egyptian economic mission, which visited the Sudan in February 1935 to study its potentialities and arrange economic relations and cooperation between Egyptian and Sudanese entrepreneurs.²

Though, as usual, Sayyid ^cAlī al-Mirghani, the

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1. ^cArafāt, the editor of al-Fajr, was pro-Egyptian and the representative of the White Flag League in Cairo. After seeing the Wafd's feebleness against Sidqī's government in the 1930's, he returned to the Sudan as an anti-Egyptian and a strong advocate of "the Sudan for the Sudanese". He died on 23 July 1936.
 2. On the invitation of Symes, the Royal Agricultural Society in Cairo sent this mission, but nothing came of it.

head of the Khatmiyya sect, did not publicly state his views on the treaty, he never liked it. This was partly because he, as the chief Sudanese collaborator with Britain at that time,¹ would benefit most if all the power in the Sudan was in the hands of the Sudan Government. The concessions given by the treaty to the Egyptians would undoubtedly accelerate the rate of Sudanese sophistication and depreciate the Fakī status,² which was his sole claim to authority. He probably feared that his more modern and realistic rival, Sayyid ^cAbd al-Rahmān al Mahdī, the leader of the Anṣār, was far better equipped than he to extract personal advantage from Egyptian intervention in the Sudan's affairs. He felt that the Sudan would not obtain any advantage from closer association with Egypt. The employment of Egyptian officials in the Sudan would inevitably result in lowering the prestige of the administration, and the Sudanese government officials would be far from the realization of their ambitions.³

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1. It was only in the 1940's that al-Mirghani became pro-Egyptian.
 2. Fakī status is that of a man of sanctity and holiness to whom people look up as an example of a good way of life and as a channel of spiritual power (baraka).
 3. C.R.O., File No. Km.P./ScR/36.H.2, Memorandum by the Public Security Branch, Khartoum, on the Feeling in the Sudan Regarding the Anglo-Egyptian Treaty of 1936 27 July 1936.

In view of his family history and of his own activities in 1924, when he played an important part as an anti-Egyptian propagandist,¹ it was natural that Sayyid ʿAbd al-Rahmān al-Mahdī should oppose the treaty as it reintroduced Egyptian influence into the Sudan. The Anṣār were particularly worried by the fact that, according to the terms of the treaty, the important question of sovereignty over the Sudan was to be shelved for twenty years.² In their view, this implied that Egypt could, in theory at any rate, still claim to be legally sovereign over the Sudan. Hoping to get the assurance of the British government that sovereignty would pass to the Sudanese, Sayyid ʿAbd al-Rahmān

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1. Britain's chief Sudanese collaborators, the religious and tribal leaders, were alarmed by the pro-Egyptian agitation in 1924 particularly the White Flag petition to the Governor-General opposing the expulsion of the Egyptians from the Sudan. On the initiative of Sayyid ʿAbd al-Rahmān, they sent in June 1924 a loyal petition in which they deplored the pro-Egyptian propaganda, and demanded that Britain should continue to administer the Sudan's affairs till it was ready for independence. Gaafar Bakhiat: British Administration, pp. 79-82.
 2. The treaty provided that nothing in it would prejudice the question of sovereignty over the Sudan. According to the nationalists, this vague term could be interpreted in three different ways: that sovereignty would be, as in the Condominium, for both Britain and Egypt, or for Egypt alone or for the Sudanese. Muhammad Ahmad Mahjub and Muhammad ʿAbd al-Ḥalīm: Mawt Dunyā, pp. 170-72.

travelled to London in 1937,¹ but he got no satisfactory response. According to ʿAbd al-Raḥmān ʿAlī Ṭāhā, a confidant of the Sayyid, when he questioned Mr. R.A. Butler (now Lord Butler), then acting Foreign Secretary, about the issue, he received the usual evasive answers: "sovereignty over the Sudan is represented by the two flags", and "it is described in the Condominium Agreement".

The treaty was disappointing both to the pro-Egyptian intellectuals and their opponents. Under the leadership of Aḥmad Khayr, the former, who were weak and few,³ were disappointed to see the Wafd publicly approve

1. Some of the Sayyid's supporters advised him not to go, arguing that war might break out while he was on his way, or that Britain might prevent him if she knew the real motive behind his journey. But he insisted on travelling for the ostensible reason of rest and treatment.

ʿAbd al-Raḥmān ʿAlī Ṭāhā: Al-Sūdān li'l-Sūdānyyīn, p. 30.

2. Ibid., p. 30.

The same information about the Sayyid's visit to London is mentioned in his memoirs. See Sādiq al-Mahdī: Jihād fi Sabil al-Istiqlāl, pp. 33-35.

3. Since the collapse of the pro-Egyptian rebellion in 1924, the extremist Sudanese nationalists were continuously weakened. Because of the British policy of firmness, and in the absence of organised propaganda from Cairo, the intelligentsia became increasingly estranged from their former pro-Egyptian views. In 1929 the Sudan government felt confident enough to release most of the White Flag leaders imprisoned in 1924. Several of them were allowed to stay in Cairo, but were so disgusted with the coldness of the Egyptian nationalists towards them that they returned to the Sudan full of hatred to Egypt.

Gaafar Bakhiet: British Administration, p. 226.

the existing regime in the Sudan by endorsing the Condominium Agreements. Far from behaving like an ally against the common British enemy, the Wafd, in their view, was only too pleased to be readmitted as a nominal co-ruler of the Sudan, and to send a token force there. They realized that their hopes that Egypt would unseat the British in the Sudan for them were imaginary, and that the Sudanese would have to depend on their own energies.¹ Since September 1936, Ahmad Khayr was agitating for a congress which should not be for the graduates² only but a true parliament of the people.

To the majority of the intellectuals i.e. the advocates of "the Sudan for the Sudanese", who considered themselves the section of the community best entitled to speak for the nation as a whole, the treaty was most offensive as they had not been consulted. Before the beginning of the conversations, al-Fajr, the principal Sudanese journal in the thirties, launched a strong campaign demanding that the Sudanese should have a say in determining the future of their country. With their usual claim that they had the right to speak for the

1. Ahmad Khayr: Kifāh Jayl, pp. 48-50.

2. In this context "graduates" meant those who had completed their intermediate or secondary education.

Sudan,¹ the Egyptian politicians never liked this attitude, which they denounced as an "English plot".² The main reference made in the treaty to the future of the Sudan and its people was the vague statement that the primary aim of the administration in the country should be the welfare of the Sudanese. In the eyes of the nationalists, this was a most insensitive insult because it appeared to treat the Sudanese as less than human and certainly not as responsible adults. In the summer of 1960, Dr. Muddathir 'Abd al-Rahīm interviewed about twelve outstanding Sudanese politicians, including two ex-Prime Ministers, representing different shades of opinion. They all condemned this clause. The notion that "animals may aspire to and content with so-called welfare, but free men will not be satisfied with less than freedom",³ was uniformly expressed by almost each one of them.

These feelings of discontent, however, were mixed with a certain delight in the relative freedom and

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1. The weekly Rose al-Yūsuf, however, supported the Sudanese demand for participation in the conversations over the Sudan clauses.
Weekly Rose al-Yūsuf, 5 August 1936.
 2. Muhammad Ahmad Mahjūb and Muhammad 'Abd al-Halīm: Mawt Dunya, pp. 170-72.
 3. Muddathir Abd al-Rahim: Imperialism and Nationalism, p. 120.

increased opportunities that followed the restoration of Egypt's position in the Sudan;¹ and the return of the competition between Egypt and the Sudan government to win the sympathy of the Sudanese. Well aware of the advantage of this new situation, some of the Sudanese tried to play off the Sudan Government and Egypt against each other. On 19 October 1937, in a leading article headed "The need for sending educational missions abroad", the acting editor of al-Sūdān praised the Egyptian government for accepting forty-four Sudanese students free in its schools. The Sudanese, he added, hoped that England, as the other partner of the Condominium would do something similar for the Sudan. The Gordon College was, no doubt, a useful institution, but unless Sudanese students were given adequate chances of receiving higher education, their theoretical priority for government posts given by the treaty would not be realized.² In its issue of 5 October 1937, al-Nīl carried an article in which it said,

"England had already raised several monuments in the Sudan the Gordon College, the Kitchener medical school, the Stack Laboratories from all of which a large number of trained Sudanese leave every year. Egypt, of course, had done a lot, but mainly of a

1. See below, pp. 263-64.

2. C.R.O., Sudan Monthly Intelligence Summary, No. 43 for August 1937.

general and transient nature. The Egyptians should also raise in the Sudan a permanent visible monument, a Farouk institute, a Nahas college, a Toussoun orphanage".¹

While willing to use the opportunities which were bestowed upon them as a result of the Anglo-Egyptian rivalry, the nationalists realized that the ultimate salvation of their country lay in their own hands, and that they should organise themselves for this purpose. Accordingly a number of suggestions were made in 1937 for the creation of some national body to be the spokesman of the Sudanese, although each reflected the attitudes of a particular strand of political opinion in the country.² Arguing that the Egyptian propaganda was turning the heads of the Sudanese, Sayyid ^cAbd al-Rahmān suggested the formation of an advisory council to preserve the separate identity of the Sudan, and to define the position and aspirations of its people under the new regime. In a leading article on 16 August 1936, the editor of al-Fajr claimed that the 1936/^{treaty} left the Sudan in the same state of poverty and misery that resulted from the Conominium Agreements. The position of the Sudanese, in his view,

1. C.R.O., Sudan Monthly Intelligence Summary, No. 45 for October 1937.

2. Muddathir Abd al-Rahim: Imperialism and Nationalism, p. 124.

could not be improved unless their demands were ascertained, which could only be done by the intellectuals. The editorial then appealed for all the graduates to call for a graduate conference to form a united front for the formation and enforcement of a progressive programme. The object of al-Fajr and the intellectuals for whom it spoke was to oppose Sayyid [°]Abd al-Rahmān by an organised and independent body of the graduates as the representative of the Sudanese.¹ A few weeks later the Sharīf Yūsuf al-Hindī, the leader of a prominent ṭarīqa, suggested as a compromise that a council should be formed of ten Sudanese: the two Sayyids, the head of the [°]Ulanā', and seven representatives of the graduates.² Meanwhile, the graduates, particularly those of Omdurman Club led by Ismā[°]īl al-Azharī and Mekki Shibeika (Makkī Shibayka),³ were following an independent path. The upshot of all these efforts, however, was the formation of the Graduates General Congress in February 1938.

The Sudan Government would have preferred the

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1. Through his political and religious influence Sayyid [°]Abd al-Rahman was trying to dominate the nationalist movement. See below, p. 264.
 2. C.R.O., Sudan Monthly Intelligence Summary, No. 43 for August 1937.
 3. Both were graduates of the American University of Beirut, and were then teachers at the Gordon College.

Sudan question to be settled in a separate agreement with Egypt rather than form, as in the 1930 draft treaty, one of the articles of the treaty itself. If it formed part of the treaty, it would be subject to the provision of the revision article. Consequently, it was felt, there would be a risk that at the end of twenty years the League, at the insistence of Egypt, might decide on such a radical change in the existing arrangements that Egypt would become the active and Britain the passive partner of the Condominium. Symes was particularly worried at the possibility that the League might secure for Egypt the right to appoint the Governor-General.¹ From the practical point of view, the British government felt that there would be no great risk in accepting this, as British influence in the League would prevent it from recommending any changes contrary to Britain's interests. Since the Sudan clause provided that the primary aim of the administration should be the welfare of the Sudanese, the British government asserted that it was unlikely that the League would unanimously decide that the interests of the Sudanese would be favoured by the appointment of an Egyptian

1. Cab. 23/84, No. 43(36), Conclusion 1, 23 June 1936. Under the Condominium Agreements, the Governor-General was to be appointed by the Egyptian sovereign on nomination by the British government.

Governor-General, or by putting in any way the administration of the Sudan in Egyptian hands. This would even be less possible in twenty years' time when the process already begun of teaching the Sudanese to administer themselves would have developed a long way. Moreover, Sudanese nationalism, which already existed, was likely by the end of twenty years to have increased greatly in strength. If Britain refused the Egyptians the satisfaction which they would get from the fact of the Sudan provisions being revised in this way, they would, in the view of the British government, sacrifice the treaty rather than to give way. They accepted substantial modifications in the 1930 military clauses on the grounds of the changed military situation, but there would be no excuse for Britain to ask them to do so in the case of the Sudan.¹

In the Sudan Government's view, the interests of the Sudan would be best served, as mentioned above, by an Anglo-Egyptian treaty provided that its conclusion would not imply to the Sudanese an imminent or ultimate threat of active Egyptian intervention in the government and internal affairs of the Sudan. Any such threat, said Symes in a telegram to the Foreign Office "would have

1. Cab. 24/263; C.P. 176(36), Memorandum by the Foreign Secretary on the Anglo-Egyptian Treaty Negotiations, the Sudan, 19 June 1936.

repercussions in the Sudan more important and possibly more violent than would result from the failure of treaty negotiations as long as British military forces remain in Egypt."¹ With such views, Symes accepted the employment of a few Egyptian officials in non-administrative posts only, and unrestricted Egyptian immigration to the Sudan.² While accepting in principle the return of Egyptian troops to the Sudan, he suggested that this should be specifically part of the Anglo-Egyptian military arrangements and not part of the political settlement of the Sudan. This, he asserted, would have unfortunate political repercussions there, as it would be regarded by the Sudanese as "a symbol of Egyptian authority in the Sudan".³ Moreover, he was reluctant to have the Egyptian battalions stationed at Khartoum, since they would be a serious embarrassment there, and preferred that they should be at Port Sudan or Halfa. Symes persuaded the British government that, if this were overruled, it should accept the permanent retention of two British battalions in the Sudan, and

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1. F.O. 371/20097, Tel. No. 7 (Saving), Lampson to Eden, 23 January 1936.
 2. It was felt that there would be no danger of massive Egyptian immigration to the Sudan. See above, pp. 222-23.
 3. F.O. 371/20099, Tel. No. 114, Eden to Lampson, 27 February 1936.

the stationing of the Egyptian troops at Jebel Awlia or elsewhere away from contact with the population and the Sudan Defence Force.¹ While appreciating Symes's arguments, the British government decided that the return of Egyptian troops to the Sudan should not be introduced into the military conversations as this would complicate them, and would not satisfy the aspirations of the Egyptians who might regard this as a limitation on their authority in the Sudan. The matter should be discussed in the Sudan clause, where it was felt to be useful as a make-weight in these discussions with regard to which there was little that the British government was ready to concede.² In the view of the Foreign Office, Symes's objections to this could be met "by the fact that the Egyptian and Sudanese public, seeing the treaty as a whole, would not necessarily make the point that the return of Egyptian troops was ^a symbol of the reassertion of Egyptian sovereignty".³ In spite of Symes's advice,

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1. F.O. 371/20103, Tel. No. 273, Lampson to Eden, 6 April 1936.
 2. F.O. 371/20104, No. J 3238/2/16, Memorandum by the Foreign Office on the Sudan Question in the Forthcoming Treaty Conversations, 18 April 1936.
 3. F.O. 371/20105, No. J 3468/2/16, Minute by Campbell on Anglo-Egyptian Conversations, an Account of the

F/note contd. on next page

the British government was prepared to allow the Egyptian troops to stay at Khartoum because, it believed, any offer which did not include this would have no value in Egyptian eyes.¹ The Egyptian negotiators, however, did not press for this, and the treaty provided only for the return of Egyptian troops without stating their numbers or location.

While agreeing that it was inevitable to grant the Egyptians some concessions in the Sudan without which the Wafd could not justify the treaty to its followers, Symes was well aware that these concessions would leave the door "a little less firmly closed to Egyptian penetration than it had been".² In such circumstances, he

Footnote 3 contd. from previous page

Proceedings of an Interdepartmental Meeting at the Foreign Office, 20 April 1936.

Robert Vansittart, the permanent under-secretary of the Foreign Office, opposed the return of Egyptian troops to any part of the Sudan as, in his view, they would again become the focus of unrest and dissatisfaction.

F.O. 371/20097, Enclosure in Tel. No. 8 (Saving), Comment by Vansittart, 30 January 1936.

1. Tampson did not agree with this view. He believed that the return of Egyptian troops to other localities in the Sudan and the institution of an Egyptian military liaison officer at Khartoum would satisfy Egyptian aspirations.

F.O. 371/20103, No. J 739/2/16, Minute by the Foreign Office to the War Office on the Question of the Return of Egyptian Troops to the Sudan, 27 March 1936.

2. C.R.O., File No. Km.P./ScR/36.H.2, Memorandum by Symes on the 1936 Treaty, 14 November 1936.

said in a memorandum on the treaty issue on 14 November 1936,¹ "it [would be] idle to hope that the young Sudanese politicians [would] not look to Egypt for inspiration".² If this Egyptian influence was not quickly checked, they would undoubtedly ally with the Egyptians, a development which would lead, as in 1924, to anti-British activities. The only remedy for this danger, in his view, was the encouragement of a measure of Sudanese nationalism. It had now become most vital, he asserted, for the Sudan Government to win the support of the Sudanese intelligentsia by advancing their interests both in government service and in politics.³ He planned to give them gradually increased representation and participation in the government of the country and further facilities for higher education. More important, Symes encouraged them to organise by themselves a representative national congress to work in close cooperation with the Sudan Government on

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1. With other subjects, this memorandum was discussed at the meeting of the governors of the provinces at Khartoum in November 1936.
 2. C.R.O., File No. K.L.P./ScR/36.H.2, Memorandum by Symes on the Treaty, 14 November 1936.
 3. This new policy is discussed in more detail in Dr. Gaafar Bakhiat's thesis: British Administration, pp. 292-96.

a policy of "the Sudan for the Sudanese".¹ Alliance with the intelligentsia, in Symes's view, was not only the best answer for any revival of Egyptian agitation, but also a check to the rising danger of neo-Mahdism. Since the 1920's, it had been the policy of the Sudan Government to build up Sayyid °Abd al-Fahmān into a wealthy capitalist by assisting his cotton cultivation schemes in the White and Blue Nile, whilst forbidding him to visit the centres of fanatical Mahdist feeling in the west. The plan was to turn him into a rich man of the secular type, which would mean the decrease of his religious pretensions.² This policy worked well until 1935, after which the relations between the Sayyid and the British deteriorated rapidly and his religious and political influence increased continuously. He was most popular in the graduates' clubs in the Three Towns, and used to receive intellectuals of all kinds. The government became increasingly suspicious of the growth of neo-Mahdism as there was a danger that its leader might become the symbol for the intelligentsia and unite them with the traditional and religious elements into a strong political front with overwhelming nationalist appeal.

1. This congress, however, soon fell into the hands of the extremists and followed an anti-British policy.

2. Gaafar Bakhiat: British Administration, p. 276.

CHAPTER SIXTHE CONVERSATIONS OVER THE CIVIL CLAUSES

Before the beginning of the conversations, Lampson advised his government to adhere generally to the civil clauses of the 1930 draft treaty, if the military and Sudan clauses were satisfactorily disposed of. He claimed that complete repudiation of the 1930 draft would cause a general refusal in Egypt to enter into the proposed conversations. The British government would be placed in a difficult situation if, after obtaining agreement to its military requirements, it went back on the civil clauses.¹ Britain could justify her extra military demands on the grounds of changed conditions, but could not do so in case of the civil clauses. In his view, any additional safeguards would prove illusory, even if the Egyptians reluctantly accepted them, "since an independent Egyptian government could if ill-disposed render them largely ineffective".²

1. F.O. 371/20096, Tel. No. 24, Lampson to Eden, 8 January 1935.

2. F.O. 371/20097, Tel. No. 42, Lampson to Eden, 17 January 1936.

In the 1933 draft treaty,¹ the British government had approved several substantial departures in its own favour from the 1930 civil clauses. While tightening up the obligations to employ only British officials in Egypt, it wanted to maintain the Financial and Judicial Advisers. Though agreeing to abolish the European Department of the Ministry of the Interior, the 1933 draft treaty suggested the retention of an effective European police element in the Egyptian cities.² In 1936, however, Lampson persuaded his government to accept his view. It was prepared to go even further in the matter of Capitulations which was not a major British interest. It was felt that concessions there were the only sphere which could offer a substantial makeweight for the more exacting military requirements of Britain.³

The Capitulatory clauses: reactions in Britain and Egypt

According to the Foreign Office, Egypt had a good legal right to the unilateral denunciation of the Capitulations, or, at least, a right which the British

1. See above, p. 237.

2. See below, p. 286.

3. F.O. 371/20100, Tel. No. 9 (Saving), Eden to Lampson, 10 March 1936.

government could not dispute. Following Turkey's entrance into the First World War, the British government took the view that this put an end to the treaty on which the Capitulatory rights in Egypt of Britain and her allies depended. Unwilling to end the Capitulations at that time, Britain caused the Egyptian government to issue a decree on 9 February 1915 prolonging provisionally the existence of the Consular Courts and other exceptional jurisdiction in Egypt. So far as Britain and her allies in the First World War were concerned, it was felt, the Capitulations in Egypt depended entirely on an Egyptian decree, and not upon any treaty basis. Consequently an Egyptian decree could put an end to them. Of the remainder of the Capitulatory powers, the enemies of Britain in the First World War, Germany, Austria, Hungary and Turkey, were forced to surrender their rights in the Peace Treaties.¹ This left a small number of powers (Spain, the Netherlands, Norway and Sweden) whose Capitulatory rights had no treaty basis at all, but were most favoured nations rights only.² In 1936, however, the British government claimed that the

1. After the success of the October Revolution in 1917, Russia voluntarily gave up her Capitulatory rights in Egypt.

2. F.O. 371/20122, No. 1287, Memorandum by Beckett, 30 November 1936.

Capitulations could not be abolished immediately, and that this should be done with the agreement of the Capitulatory powers. Consequently the British proposals which were handed to the Egyptian delegation on 1 August were confined to what was felt to be reasonable to expect the powers to accept.

As regards the judicial Capitulations¹, the British government claimed that there was no practical alternative to the 1930 proposals. By those it offered to use all its influence with the Capitulatory powers to obtain their agreement to the transfer of the jurisdiction of the Consular Courts to the Mixed tribunals.² This transfer would necessitate the revision of the existing laws relating to the organisation and jurisdiction of the Mixed Courts, including the preparation and promulgation of a new code of criminal procedure. For these purposes, the British government accepted as a basis the principles resulting from the 1920 discussions on the subject.³

1. See above, p. 49.

2. This transfer would be subject to article 9 of the treaty which stated that the immunities and privileges enjoyed by the British forces in Egypt would be determined in a separate convention between the two governments.

3. In 1920 the Milner Mission suggested a programme for the reform of the Capitulatory system in Egypt. See Toynbee: Survey of International Affairs, 1937, Vol. 1, p. 591.

Jurisdiction in matters concerning statut personnel should remain with the consular authorities unless an agreement was made between the Egyptian government and foreign governments for their transfer to the Mixed Courts. Though the British government admitted that the Mixed Courts were beginning to be unpopular in Egypt, it claimed that they were not "in their judicial capacity any real fetter on the free government of the country".¹

The British proposals of 1936 made an advance over those of 1930 with regard to the legislative Capitulations.² The latter maintained the legislative functions of the Mixed Courts and added the general power to reject Egyptian legislation. In 1936 the British government offered to use all its influence to abolish them. In a memorandum to the Cabinet, Eden said that the

"legislative capitulations [were] in particular far more galling to Egyptians governments than the judicial capitulations, and the unpopularity which [had] fallen upon the Mixed Courts [was] largely due to their conflicts with Egyptian governments in the exercise of their legislative functions..... If the Mixed Courts [were] to survive in Egypt, they should be relieved of their

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1. Cab. 24/263, A.E.C.(36)3, Annex II to C.P. 184(36), Memorandum by the Foreign Secretary on Anglo-Egyptian Treaty Conversations, the Capitulations, 14 May 1936.
 2. See above, pp. 49-50.

legislative functions".¹

In return for this, Egypt should undertake that none of her legislation would be inconsistent with the principles generally adopted in modern legislation or discriminate inequitably against foreigners, including foreign companies.

The foreigners in Egypt and the extreme Conservatives in Britain regarded this undertaking as insufficient, as it was not in the terms of the legislation that the danger lay, but in the application of the law once it was passed. Many times, it was asserted, foreigners had suffered great injustice from attempts to apply certain laws which were equal to all.² To provide against such injustice, they claimed, a legislative veto on behalf of foreigners was necessary. Lord Lloyd and the British Chamber of Commerce³ suggested that this should be given to the Mixed Court of Appeal at Alexandria, a matter which, in their view, would not hurt the Egyptian amour propre, as this court was in itself an Egyptian institution. The British government refused this suggestion as it would impose on the Mixed Courts quasi-legislative functions which they were not best fitted to discharge. Moreover,

1. Ibid.

2. Parliamentary Debates, Lords, 1936-37, Vol. 103, Col. 383.

3. See above, p. 146.

it would not be accepted by the Egyptians, and would involve a modification of their Constitution.¹ It was satisfied by Egypt's simple treaty undertaking which would give it the right to protest diplomatically against any discriminatory Egyptian law. In case of difference with Egypt on this, the matter could be referred to the Council of the League of Nations. It was felt that other Capitulatory powers would make similar demands as a condition of giving up their Capitulatory rights.²

In his meeting with Lampson on 4 August 1936, Nahās suggested counter-proposals. He demanded the immediate cessation of all control by the powers or the Mixed Courts over the application of Egyptian legislation to foreigners. He asserted that there had been proposals for this in the past, but the Wafdists had opposed them on the grounds that it was a matter which could not be settled until the main question of Anglo-Egyptian relations had been put on a proper basis. Now that the treaty was nearly finished, the Capitulations should be completely abolished. Once they were abolished, it was felt, their

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1. F.O. 371/20130, No. J 6909/190/16, Note by Campbell to Lord Halifax on Anglo-Egyptian Treaty, the Capitulations, 10 August 1936.
 2. F.O. 371/20129, No. 1969/190/16, Minute by Beckett on the Mixed Courts and Capitulations in Egypt, 3 March 1936.

instrument, the Mixed Courts, should go with them, particularly as these Courts were only intended to be provisional and could be abolished by the Egyptians at a year's notice. Nahhās, however, suggested their immediate abolition in principle and their actual abolition after a transitional period of five years, during which questions of procedure and legislation affecting foreigners should be settled. The British government should undertake to collaborate actively with the Egyptian government to secure this.¹ Nahhās argued that the Egyptians had already given important concessions on the military points and should get some in return on the Capitulations. Moreover, the question did not affect Britain, as the Egyptians were asking the powers, not Britain, for concessions. Satisfaction on this point was essential for the sake of Egyptian national dignity and to obtain acceptance of the other clauses of the treaty.²

Lampson refused all Nahhās's proposals. He claimed that they were contrary to the desiderata of the Egyptian leaders stated in their note of 12 December 1935. This contained no mention of the abolition of the Mixed

1. F.O. 371/20116, Despatch No. 932 (7/607/36), Lampson to Eden: Minutes of the Meeting between the Heads of the Two Delegations on 4 August 1936, 6 August 1936.

2. Ibid.

Courts, and its last paragraph stated that the Egyptians were ready to sign the 1930 draft treaty, which did not refer to them. In the interval that had elapsed since the presentation of this note, the Egyptians had not shown any desire to modify their original proposals. It was on the basis of these that the British government was approached. Nahḥās's counter-proposals, it was felt, were outside anything previously considered, and could only throw out the whole timetable. The British government would not contemplate any proposal for unilateral violation of treaties concluded with a large number of powers, as this would be "a very bad augury for the future of the treaty".¹ Unilateral denunciation of the Mixed Courts would mean a reversion to the previous system, when all jurisdiction over foreigners was exercised by their respective Consular Courts. In Britain's view, the abolition of the Mixed Courts would damage Egyptian interests by frightening away foreign capital. It would not be accepted by the British community in Egypt, which was felt to have a strong voice in the British Parliament. There would be considerable difficulty in securing the acceptance of the British proposals by foreign powers, and it was quite certain that they would not accept those

1. Ibid.

of Egypt. Representatives of France, Japan and America had already approached the Residency and shown their concern about the question. Lampson appealed to Naḥḥās to believe

"that he was speaking as a genuine friend and admirer of Egypt, who wanted to help. He fully understood the feelings of Egyptians in the matter. Patriotism and nationalism both naturally inspired a desire to get rid of the Capitulations, but they must approach the question slowly".¹

Having failed to wreck the treaty over the military issue, the minority parties attempted to do so over the Capitulations, and Maḥmūd reluctantly accepted the military text provided that he was "free to go back on his consent failing satisfaction over both the Sudan and capitulations".² In their press and inside the Egyptian delegation, the minority leaders asserted that Britain should give up her Capitulatory rights immediately after the signature of the treaty. While this would help Egypt to persuade other powers to follow Britain's precedent, the retention of British Capitulatory rights was felt to be contrary to the spirit of the alliance as it implied that Britain did not trust the Egyptian courts.³

1. Ibid.

2. F.O. 371/20115, Tel. No. 738(R), Lampson to Eden, 24 July 1936.

3. al-Siyāsa, 12 August 1936.

Though Beckett, the legal adviser at the Foreign Office, advised the British government to give up its rights at a certain date whatever the other powers did,¹ it insisted that this should be in concurrence with other powers. It did not want to leave its nationals in an inferior position, and was afraid of the outcry in Britain if the other powers did not follow this lead. The minority parties asserted that the British promise to help Egypt to get rid of the Capitulations in a future conference was not satisfactory. Experience had shown that any negotiations with the Capitulatory powers would be lengthy and difficult, and might be useless, as some powers, such as Italy and Greece, might refuse to give up their rights.² If Britain refused the abolition of the Capitulations by a unilateral Egyptian action, Maḥmūd and Ḥilmī ʿĪsā suggested that the negotiations should be broken off immediately.

The majority of the Egyptian delegates, however, accepted the essence of the British scheme "provided it could be presented in a manner which would create a less unfavourable impression amongst their public and if certain points to which they attached importance could

1. F.O. 371/20109, Enclosure in despatch No. 137(221/2/36), Comment by Beckett, 28 February 1936.

2. Qānūn Ṭhamānīn li-Sanat 1936, p. 62.

be made clear".¹ Compared with the military and Sudan clauses, the Capitulations and Mixed Courts were of secondary importance to the British government. The two former might be prejudiced by delay in reaching agreement on the latter. Consequently the British government authorized Lampson to accept or propose minor amendments to its original proposals.² On 7 August 1936 a drafting committee was formed of British and Egyptians including Muḥammad Ṣalāḥ al-Dīn, the assistant secretary-general of the Egyptian delegation. After a difficult four-hour meeting a text was produced for reference to both delegations. Owing to Maḥnūd's objections, the initialling of the final text by the heads of the two delegations was delayed till 12 August. Naḥḥās had a number of stormy meetings with him, and slight modifications were made to prevent him from running out at the last minute.

The Egyptian delegation withdrew their demand for the unilateral denunciation of the legislative Capitulations. They accepted the British proposal to abolish them by agreement with the powers, provided that discussions took place at once and were pressed with the

1. F.O. 371/20130, Tel. No. 791(R), Lampson to Eden, 8 August 1936.

2. F.O. 371/20130, Tel. No. 491, Eden to Lampson, 6 August 1936.

utmost vigour to a conclusion. Britain gave Egypt the right to invite the powers to a conference on this as soon as possible.¹ Speedy settlement with the powers was in fact in the interests of Britain. If it was not reached, Egypt would certainly want to abolish them unilaterally and "credit resulting to His Majesty's Government from treaty settlement would then be exhausted in pressure to prevent them taking such action".²

Makram tried to make the abolition of the legislative Capitulations precede the establishment of the new Mixed Court regime.³ The latter would not function before most, if not all, of the detailed preparatory work necessary for it to function was ready. Makram feared that the tactics of some of the powers would cause difficulty and delay by insistence on questions of detail. But Lampson rejected this, as the powers would not accept it

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1. F.O. 371/20130, Tel. No. 792, Lampson to Eden, 8 August 1936. The British government did not itself want to initiate diplomatic correspondence or the convocation of such a conference. This might provoke a counter-demand by the French government for the abandonment of the privileges of British nationals in Morocco in return for a French agreement to abandon those of their nationals in Egypt.
F.O. 371/20116, Tel. No. 488, Eden to Lampson, 5 August 1936.
 2. F.O. 371/20116, Tel. No. 2, Lampson to Eden, 28 July 1936.
 3. See above, p. 268.

and "in any case the integral application of Egyptian legislation could not be effected while consular courts were still operating".¹

As regards the Mixed Courts, the Egyptians also abandoned the idea of unilateral action, and Britain accepted that they should be abolished after "a reasonable and not unduly prolonged period" to be fixed at the capitulatory conference. During this period they would exercise the jurisdiction hitherto vested in the Consular Courts. The Egyptian government would also approach the Capitulatory powers to obtain their agreement to this arrangement. While the original British proposal did not contemplate any term being put to the existence of the Mixed Courts, the final agreement did. Though this was an advance, the British government felt that it was a reasonable one, as the question was bound to arise in the course of the conference on the transfer of the consular jurisdiction to the Mixed Courts. Britain would only be committed to urge the powers to agree to a fixed period, but its length would be open to negotiations. She would, no doubt, support the Egyptians against any insistence on

1. F.O. 371/20130, Tel. No. 791(R), Lampson to Eden, 8 August 1936.

an unnecessarily long period.¹

If the Capitulatory powers wrecked this scheme of reform at the conference, the Egyptian government would retain all existing rights with regard to the Capitulatory regime including the Mixed Courts.² This merely safeguarded the rights of the Egyptian government without stating what they were. The Egyptian delegation had in mind as a possibility the unilateral denunciation of the Capitulations, but Britain never admitted a legal right to do this.³ Nahhās repeatedly pressed Lampson to say what attitude his government would adopt in this eventuality. The latter's complete refusal was one of the reasons of delay over the Capitulations discussions. He claimed that the most he would do, as a purely personal observation, was to refer to the British attitude over the question of the Sudan debt,⁴ i.e. to deal with

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1. F.O. 371/20130, No. J 6909/190/16. Note by Campbell to Lord Halifax on Anglo-Egyptian Treaty, the Capitulations, 10 August 1936.
 2. F.O. 371/20130, Tel. No. 792(R), Lampson to Eden, 8 August 1936.
 3. The only Egyptian right of unilateral action which Britain was prepared to admit was the denunciation of the Mixed Courts at one year's notice. F.O. 371/20130, Tel. No. 503, Eden to Lampson, 11 August 1936.
 4. See above, pp. 238-45.

questions on their own merits as and when they arose. The question, therefore, remained open and unprejudiced. If through the obstruction of other Capitulatory powers, it was impossible to bring reform into being by agreement, the British government would be faced with two alternatives: either to side with Egypt over unilateral denunciation, or to oppose her. In the latter case, Lampson felt that it would exhaust all the goodwill it acquired by concluding the treaty.¹ Beckett, however, thought that under the treaty regime the abolition of the Capitulations by unilateral Egyptian action should not cause any greater concern to Britain than to any other power. Egypt would then be a member of the League of Nations, and, apart altogether from any provision in the treaty with Britain, any Capitulatory power could bring this matter before the Council of the League of Nations under article 15 of the Covenant.²

Britain also agreed to another insignificant modification of her original proposals relating to jurisdiction in statut personnel matters. While originally suggesting that it would remain under the Consular Courts

1. F.O. 371/20130, Tel. No. 808(R), Lampson to Eden, 11 August 1936.

2. F.O. 371/20129, Enclosure in despatch No; 137 (221/2/3) Comment by Beckett, 28 February 1936.

unless the foreign power concerned agreed to its transfer to the Mixed Courts, Britain agreed that this transfer should actually take place. Consideration, however, "would be given to the desirability of making exceptions, at any rate in the first place, in the case of these capitulatory powers who wish their consular authorities to continue to exercise jurisdiction in such matters".¹

There was a fairly strong section of Egyptian opinion which was anxious to see the failure of the proposed capitulatory conference. The British government felt that the Egyptian government might insist on unreasonable demands which would inevitably wreck it, e.g. a refusal to maintain a majority of European judges of appeal, and an insistence that Arabic should be the only official language of the Mixed Courts.² To check such a danger, the British government made it clear that it would not support Egypt's approach to the Capitulatory powers until agreement had been reached between the two governments,

1. F.O. 371/20130, No. J 6909/190/16, Note by Campbell to Lord Halifax on Anglo-Egyptian Treaty, Capitulations, 10 August 1936.

2. Ibid.

Though it was not the only official language of the Mixed Courts, French was then "the spoken language of the bench and bar and personnel, the written language of all opinions, briefs and writs No other language was used by lawyers in addressing the courts". Brinton, J.B.: The Mixed Courts of Egypt, p. 79.

amongst other matters, on three points: the definition of the word "foreigner", the increase in the personnel of the Mixed Courts, and the procedure to be adopted in case of remission of sentence imposed on foreigners and the execution of capital sentences on them.¹ Reference to the 1920 discussions² was omitted owing to the misunderstanding that these words would create in Egypt.³ But the Egyptian delegation knew that the British government would probably continue to hold that these discussions should be used as a basis for conversations on these matters.⁴

With their strong connexions with the foreigners in Egypt, some extreme Conservatives in Britain were alarmed at the eventual abolition of the Capitulatory regime. This, in their view, would endanger the commercial undertakings and financial interests of the foreigners

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1. Cab. 24/263, C.P. 184(36), Memorandum by the Foreign Secretary on Anglo-Egyptian Treaty Conversations, Capitulations, 25 June 1936.
 2. See above, p. 268.
 3. The Egyptian delegation objected to any reference to the 1920 discussions mainly because of the definition there of "foreigner" as anybody who was not Egyptian. This meant that the term would include the dependents as well as the nationals of the Capitulatory powers. Al-Ahram, 14 August 1936.
 4. F.O. 371/20116, Tel. No. 816(R), Lampson to Eden, 13 August 1936.

who had staked all their business fortunes in Egypt on British protection. It was felt that, as in every country where Capitulations had been abolished, there would be economic xenophobia. Taxes would immediately be imposed on foreigners, and Egyptian capital preferred at the expense of foreign. They denied the Egyptian claim that foreigners were not paying taxes to Egypt, and asserted that they were subject to exactly the same taxes as the nationals themselves, while in many cases, e.g. in matters of education, they derived less from them.

While pleased at the expected abolition of the Capitulations, the Egyptian government, being well aware of the foreigners' control of Egypt's economic life, assured them both before and after the signature of the treaty that there would be no discrimination or any danger to their lives and property. To calm foreign investors, Makram ^cUbayd, the Minister of Finance, addressed a letter to the president of the Cairo Bourse which was read on the floor on 17 August 1936. In imposing taxes, he asserted, Egypt would do this with great moderation, and would continue to recognise, as in the past, the fundamental importance of a close and fruitful collaboration with the foreigners in Egypt. He added that "no discrimination [would] be tolerated either in practice or in principle against foreigners in our country

which would be contrary to our traditions and solemn declarations and which would gravely prejudice the interests of the country".¹ In spite of these assurances, the foreigners feared that after losing their privileges, they would be asked to pay heavy taxes, to keep their accounts in Arabic, to employ a certain percentage of Egyptian nationals, and they were particularly terrified that their business would be handed over to the mercy of Egyptian justice. It was asserted that, even if the Egyptian government provided that the burden of taxation should fall equally on Egyptians and foreigners, the tax officials would discriminate against foreigners.² These fears were reflected in the Egyptian stock market which registered continuous falls particularly after the signature of the treaty. The result was that millions in capital were transferred abroad, particularly by Italian residents.

Conversations on the other civil clauses;

To the satisfaction of the Egyptians, the other civil clauses were settled almost entirely on the basis

1. F.O. 371/20130, Tel. No. 840(R), Lampson to Eden, 18 August 1936.

2. Daily Telegraph, 18 August 1936.

of the 1930 draft treaty. The 1936 treaty provided for the cessation of the military occupation of Egypt, and that, immediately after the ratification of the treaty, there should be reciprocal diplomatic representation by ambassadors instead of as hitherto by a British High Commissioner and an Egyptian Minister. The British ambassador was to be senior to other diplomatic representatives in Egypt until his status was modified by revision of the treaty.

The 1936 treaty gave Egypt the right to apply for membership of the League of Nations with the support of the British government.¹ The Nationalist Party and other extremists in Egypt asserted that Egypt would not get any benefit from joining the League, particularly after the Japanese invasion of China and the Italian conquest of Abyssinia, which clearly showed that it had utterly failed to protect the small nations.² The admission to the League of other less developed countries than Egypt, however, had long been a sore point with most politically-conscious Egyptians. Consequently they were delighted with the provision of the treaty which allowed

1. On 26 May 1937 Egypt was elected a member of the League of Nations.

2. Qānūn Thamānīn li-Sanat 1936, p. 85.

Egypt to join. Williamson-Napier, who had been recently attached to the Oriental Secretariat to deal with the press, claimed that Mandūh Riyād, the parliamentary under-secretary of state for foreign affairs, told him that Egypt's membership of the League would "add enormously to her prestige abroad".¹

Another civil clause concerned the European Bureau of the Public Security Department which had special responsibility for the protection of the lives and interests of the foreigners in Egypt. While it was the policy of the British government to maintain troops permanently in Cairo and Alexandria, the Army Council considered it most important to keep a European element and British commandants in the Egyptian police for as long as possible. It would provide the British troops with intelligence as to what was happening in the cities. Since the cities were now to be evacuated, far less importance was attached to this point, and Britain agreed to abolish forthwith the European Department, to dispense annually with the services of one-fifth of the European police officials.²

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1. Adm. 116/3591, Enclosure in Tel. No. 1059, Memorandum by Napier on the Reactions in Egypt to the Treaty, 8 September 1936.
 2. Cab. 24/263, C.F. 184(36), Memorandum by the Foreign Secretary on Anglo-Egyptian Treaty Conversations, Capitulations, 25 June 1936.

The European Department and its director, Sir Keown Boyd who was nicknamed by Rose al-Yūsuf as the "dictator of the Ministry of the Interior",¹ were most unpopular in Egypt. While the Egyptians warmly welcomed its abolition,² this was naturally severely criticised by foreigners. They claimed that there was a strong view in some Egyptian circles that the Germans were right in the way they were dealing with the Jews, and that the Egyptians might treat foreigners in the same way.³ The real motive behind this unjust assertion was the desire of these foreigners to maintain European control of the Egyptian police, and consequently to protect the privileges which they had enjoyed over a long period. There was a danger, however, that the prospect of no European element in the police after such a short time might stiffen the attitude of the powers in the suggested capitulatory conference. By this provision of the treaty, 49 British officers and 220 constables retired from the Egyptian city police during the next five years.

While the 1930 draft treaty provided for the

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1. Weekly Rose al-Yūsuf, 26 August 1936.
 2. The European Department was closed on 1 February 1937.
 3. F.O. 371/20101, Despatch No. 210 (7/88/36), Lampson to Eden on the Attitude of the British Chamber of Commerce of Egypt on Anglo-Egyptian Treaty Negotiations, 20 February 1936.

cessation of the posts of the Financial and Judicial Advisers with the end of the contracts of the present incumbents,¹ nothing was said in the 1936 treaty on the subject. Nahhās pressed for a provision in the treaty for their abolition,² but the British government only agreed to an oral declaration which left the Egyptian government free to dispense with or retain them for any period. Their expected disappearance was regarded with deep concern by the foreign communities in Egypt, who wanted to keep them for at least twenty years.³ Though it was unlikely that they would be retained,⁴ the British government did not want to dictate their retention. The two Advisers themselves had remarked that this would have

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1. The contracts of the Financial and Judicial Advisers expired in November 1937 and November 1938 respectively. Cab. 24/263, C.F. 184(36), Memorandum by the Foreign Secretary on Anglo-Egyptian Treaty Conversations, the Capitulations, 25 June 1936.
 2. These posts were most unpopular in Egypt, and Zaghlül refused in October 1924 to renew the contract of the Judicial Adviser. By Allenby's ultimatum, the Egyptian government was obliged to retain them with status and function intact so as to safeguard Britain's financial and judicial responsibilities towards foreigners. Marlowe, J.: Anglo-Egyptian Relations, p. 269.
 3. F.O. 371/20130, Enclosure in No. 851 (7/515/36), Note by the British Chamber of Commerce on Certain Proposals for a Treaty with Egypt, 18 July 1936.
 4. The Judicial Adviser might be retained for a short period to start the new transitional Mixed Court regime.

no "appreciable value given the loss of their political significance and backing under post-treaty conditions".¹

The Egyptian government, however, agreed that when engaging the services of foreign experts, it would generally prefer British subjects with the necessary qualifications. As regards pensions of retired expatriate officials, letters were exchanged between the two governments to the effect that the Egyptian government did not intend

"now or in the future to subject the pensions of already retired Government officials of foreign nationality residing out of Egypt to Egyptian taxation or to any additional charge by way of Stamp Duty or otherwise over or above the amounts now payable in respect of such pensions".²

Eden suggested that the question of the protection of foreigners should be dealt with by an article in the terms of article 3 of the 1930 draft treaty: viz. while the British government recognised that the responsibility for the lives and property of the foreigners in Egypt devolved exclusively upon the Egyptian government, the latter undertook to fulfil its obligations in this

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1. F.O. 371/20097, Tel. No. 42, Lampson to Eden, 17 January 1936.
 2. F.O. 371/20117, Enclosure in No. U 7193/2/16, Note from the Egyptian President of the Council of Ministers to the High Commissioner, 12 August 1936. Technically this note was not to form part of the treaty.

respect. But most of his colleagues thought that this article alone was not enough, as it would not give the British government the right to act on its own initiative in the event of a breakdown of order in Egypt, or to object to intervention by foreign countries to protect their nationals at, or without, Egypt's request. The Cabinet had in fact agreed on 10 February 1936 to the suggestion of the C.I.D. that with this article it should be made clear elsewhere in the treaty that "in the event of armed support to the civil power being required from outside Egyptian resources, they should invite help by British forces and British forces only".¹ But Eden told his colleagues that it would not be possible to secure from the Egyptians any additional safeguards on this question. Rather than to allow conversations to break down on this issue, he finally persuaded them to accept his view.

The Foreign Office felt that on the basis of

1. Cab. 24/259, C.P. 25(36), Memorandum by the Chairman of the C.I.D. on the Egyptian Treaty, 7 February 1936. According to this Cabinet decision, Beckett and Robert Campbell suggested adding to article 6 of the treaty a sentence stating that "the High Contracting Parties [would] also consult together if circumstances should arise involving the possibility of any intervention into the internal affairs of Egypt by a third power". F.O. 371/20101, No. J 2040/2/16, Note by Beckett and Campbell on the Protection of Foreigners in Egypt, 4 March 1936.

article 3 of the 1930 draft treaty¹ alone, the British government could claim the position it desired. Failure of the Egyptian government to protect the lives and property of the foreigners would be a breach of its treaty obligation towards Britain. The latter would then be free of her undertaking to recognise Egypt's responsibility for the protection of foreigners and could take all necessary measures, including armed intervention, to protect them. Any attempt of a foreign power to interfere, it was asserted, would fall under the provisions of article 6 of the treaty, whereby if any dispute with a third state produced a situation involving a risk of rupture with that state, the two governments would consult each other with a view to settling it peacefully. The term "risk of rupture" was deliberately chosen as it was vague and would allow the British government to interfere when it wanted to. Moreover, it was felt, the British forces, certainly for twenty years, would be near to the places where trouble might take place, and it might be taken for granted that a British naval vessel would be within a short distance of Egyptian ports. There would, therefore, be little risk of intervention by a third power before the British government could interfere for

1. This was embodied in article 12 of the 1936 treaty.

the protection of foreigners.¹

Out of a population of 14 millions in Egypt, there were over a million Christians, mainly Copts, and nearly 100,000 Jews. No mention was made in the treaty of the protection of minorities, though they had been mentioned in the Reserved Points of 1922. This meant that the British government relinquished the special position it had previously maintained to intervene for their protection. The absence in the treaty of any such guarantees caused great anxiety to missionary interests in Egypt and Britain as represented by the Council of Missionaries in Egypt, the Archbishop of Canterbury, and the Conference of Missionary Societies in the United Kingdom. They claimed that the minorities were subject to real disabilities, particularly after the anti-Christian agitation in 1933-34 when the common people were stirred up to a degree of fanaticism which showed itself in violent anti-Christian riots.² They further

1. F.O. 371/20118, No. J 7308/2/16, Explanatory Memorandum by Campbell on the Anglo-Egyptian Treaty, 28 August 1936.

2. Against this should be set the fact that the initial impulse which stirred the people was rather artificial, as it came from the Palace which wished to cover up its unpopular government "by a display of religious orthodox and nationalist prejudice". Moreover, the

asserted that though the Egyptian Constitution provided for religious liberty and the equality of all citizens before the law, this counted for nothing before an Egyptian court. Converts from Islam suffered tremendous legal injustice which was not worthy of a civilised nation. This, they claimed, was largely due to the growth, since the First World War, of the Fan-Islamic movement, the centre of which was Egypt and which worked on the principle, declared in the Egyptian Constitution, that Islam was the sole national religion.¹

Though the British government sympathized with the apprehensions of the minorities, it realized the difficulty of securing any safeguards for them in the treaty. They consisted chiefly of Egyptian nationals, and as such were particularly a matter of internal Egyptian concern. Guarantees should be secured through the League of Nations when Egypt was admitted as a member. In principle the British government was reluctant to see any increase in the number of minority obligations under the League, because the countries which had treaty

Footnote 2 contd. from previous page

missionaries behaved recklessly and without any consideration of local religious sentiments.

F.O. 371/20148, Enclosure in No. 250 (376/4/36),
Comment by Campbell, 10 March 1936.

1. Ibid.

obligations in this respect were becoming increasingly restless. Nevertheless it thought that the precedent of Iraq in 1932 would justify a request for Egypt to give such guarantees. The relations of Britain with Iraq under the mandatory regime provided some analogy to that between Egypt and Britain under the Declaration of Independence. With the tacit consent of the powers, the British government had in 1922 reserved for itself an obligation to see to the protection of minorities in Egypt. It had by its own act virtually constituted itself a mandatory in respect of this point. The states of the League of Nations, it was felt, "had some moral right to exact the same undertakings in the case of Egypt as in that of Iraq and to look to His Majesty's Government to help them to secure them from Egypt".¹ The initiative, however, was not to be taken by Britain, but to be left to some other power interested in missionary enterprise. The British government rejected Nahḥās's view that the matter was exclusively Egyptian concern, so as not to

1. F.O. 371/20148, Tel. No. 368, Eden to Lampson, 23 April 1936.

prejudice any action which the League might take.¹ The Egyptian government was expected to make more concessions to get into the League than to make a treaty with Britain.

1. F.O. 371/20122, No. J 8708/2/16, Note by the Foreign Office on the Question of Minorities in Egypt, undated.

CONCLUSION

The 1936 treaty established Britain's relations with Egypt on a firm legal basis and was of great benefit to her in the immediately succeeding years. When the Second World War broke out the British troops were still in the cities, as the treaty provided for their withdrawal to the Canal Zone only after the construction of barracks there. The Egyptian government, particularly that of Nahhās 1942-44, fulfilled its treaty obligations and co-operated actively in Britain's war effort. Even when the fortunes of the Allies were at their lowest ebb in mid-1942, Nahhās stood firmly beside them.

Nevertheless the treaty did not end Anglo - Egyptian controversy. As far as the Wafd's Leaders were concerned, I believe, the treaty would be respected, and Britain would be the friend of Egypt, only if she supported their party's continuance in power. But when she was reluctant to do this, she once again became the scapegoat for all evil. Alarmed by the British refusal to interfere on his behalf and prevent his dismissal by the King in October 1944, and hoping to establish himself and the Wafd as the champions of Egyptian independence, Nahhās sent a note to Lord Killearn, the British ambassador, demanding the withdrawal of all foreign troops from Egypt after the

War, and the unity of the Nile Valley. While it claimed in the past that it had extracted the 1936 treaty from the British, the Wafd now asserted that it was accepted by Egypt under pressure of necessity, and asked for its immediate revision. Even when Britain accepted this in 1946, the Wafd's intransigence prevented an agreement in the Ṣidqī - Bevin negotiations. It was probably mainly responsible for the continuous deterioration of Anglo-Egyptian relations after the War, reaching its culminating point in October 1951, when the Wafdist government unilaterally abrogated the 1936 treaty and the Condominium Agreement, and proclaimed Fārūq as King of Egypt and the Sudan.

For Egypt the most important immediate effect of the treaty was the fiscal freedom conferred on her by the abolition of the Capitulations at the Montreux Conference in April and May 1937. The Egyptian government soon took advantage of this, and introduced taxes on personal incomes, and on commercial and professional profits. There was, however, widespread evasion because of the government's technical inexperience in the assessment and collection of direct taxes, and the resistance of the politically powerful agricultural landlords.

Internally, the treaty failed to stabilize the political situation in Egypt. So long as Fārūq was a

minor, the old rivalry between the Wafd and the Palace remained in abeyance. But once he came of age in 1937 and the Regency came to an end, Egypt's political life soon reverted to the old pattern. While the young King was popular among the masses in the early years of his reign, he attracted the attention of all elements and personalities who were dissatisfied with the Wafdist government. On the other hand, the Wafd was gradually losing its popularity because of its corruption and because of the split in 1937 when Nuqrāshī and Ahmad Māhir left it to form the Sa^cdist faction. All this, with the reluctance of Britain to interfere in Egypt's internal affairs, gave the Palace the chance to dismiss Nahhās in December 1937. He was succeeded by Mahmūd whose government was only a half-way stage towards a return to a real Palace rule, now represented by ^cAlī Māhir, the Chief of the Royal Cabinet who assumed power in August 1939. Once again the Palace dominated the political scene in Egypt.

The consequences of the 1936 treaty in the Sudan may be more briefly described. Dissatisfied with the 1936 treaty and encouraged by Symes's liberal policy, the politically conscious Sudanese formed the Graduates General Congress in February 1938. The Sudan government accepted it as an inevitable result of the treaty's

implicit recognition that the Sudan was a separate political entity with an eventual political future, and, more important, because, when it started, it was in the hands of the moderates. In the early months of the Second World War, it stood loyal behind its rulers, hoping thereby to win the country's national reward when hostilities ceased. But events soon showed that Symes was playing with fire when he encouraged the formation of this Congress, and the honeymoon between it and the administration gradually ended. Realizing that the British were not sincere in their declared intention to prepare the Sudan for self-government, and instigated by the charges of the Egyptian press that its members were "yes-men" for the British, the Congress soon entered into clashes with the government. Though Symes restricted its activities to professional interests and social welfare, and never recognised it as a political body representative of the Sudanese, the Congress began gradually to play a political role. By 1940, however, the pro-British graduates were defeated and the Congress Leadership temporarily passed to the neo-Mahdists. When they started to co-operate with the British, they too lost influence in the Congress in 1944, and turned their Anṣār organisation into the Umma Party. The Congress was now dominated by many pro-Egyptian groups. In spite of previous charges that

the Congress was a tool for the British, Egypt now realized that it could be used for her own political aims.

The treaty achieved success in the short term for British and Egyptian (particularly Wafdist) aims, but could not establish a lasting settlement. The acceleration of political change by the War and in particular the weakening of Britain's international position and the emergence of Sudanese nationalism had created a new situation within 10 years of the treaty's signature.

APPENDIX I.

TREATY OF ALLIANCE BETWEEN HIS MAJESTY, IN RESPECT OF
 THE UNITED KINGDOM, AND HIS
 MAJESTY THE KING OF EGYPT.¹

London 26 August 1936.

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1. Cmnd 5360. published by H.M.S.O., 1937. The Convention concerning the Privileges and Immunities of British Forces in Egypt is excluded from this Appendix.

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

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

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

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

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

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

For Great Britain and Northern Ireland:

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

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

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

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

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

His Majesty the King of Egypt:

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

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

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

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

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

Wacyf Boutros Ghali Pacha, Minister of Foreign Affairs.

Osman Moharram Pacha, Minister of Public Works.

Makram Ebeid Pacha, Minister of Finance.

Mahmoud Fahmy El-Nokrachi Pacha, Minister of Communi-
cations.

Ahmed Hamdi Seif El Nasr Pacha, Minister of Agriculture.

Aly El Chamsi Pacha, former Minister.

Mohamed Helmi Issa Pacha, former Minister.

Hafez Afifi Pacha former Minister.

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

ARTICLE 1.

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

ARTICLE 2.

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

ARTICLE 3.

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

ARTICLE 4.

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

ARTICLE 5.

Each of the High Contracting Parties undertakes not to adopt in relation to foreign countries an attitude which

is inconsistent with the alliance, nor to conclude political treaties inconsistent with the provisions of the present treaty.

ARTICLE 6.

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

ARTICLE 7.

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

The aid of His Majesty the King of Egypt in the event of war, imminent menace of war or apprehended international emergency will consist in furnishing to His Majesty the King and Emperor on Egyptian territory, in accordance with the Egyptian system of administration and legislation, all the facilities and assistance in his power, including the use of his ports, aerodromes and means of communication. It will accordingly be for the Egyptian

Government to take all the administrative and legislative measures, including the establishment of martial law and an effective censorship, necessary to render these facilities and assistance effective.

ARTICLE 8.

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

It is understood that at the end of the period of twenty years specified in Article 16 the question whether the presence of British forces is no longer necessary owing

to the fact that the Egyptian Army is in a position to ensure by its own resources the liberty and entire security of navigation of the Canal may, if the High Contracting Parties do not agree thereon, be submitted to the Council of the League of Nations for decision in accordance with the provisions of the Covenant in force at the time of signature of the present treaty or to such other person or body of persons for decision in accordance with such other procedure as the High Contracting Parties may agree.

Annex to Article 8.

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

2. The British forces to be maintained in the vicinity of the Canal will be distributed (a) as regards the land forces, in Moascar and the Geneifa area on the south-west side of the Great Bitter Lake, and (b) as regards the air forces, within 5 miles of the Port Said-Suez railway from Kantara in the north, to the junction of the railway Suez-Cairo and Suez-Ismailia in the south, together with

an extension along the Ismailia-Cairo railway to include the Royal Air Force Station at Abu Sueir and its satellite landing grounds; together with areas suitable for air firing and bombing ranges, which may have to be placed east of the Canal.

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

4. The Egyptian Government will make available the lands and construct the accommodation, water supplies, amenities and convalescent camp, referred to in the preceding paragraph as being necessary over and above the accommodation already existing in these localities, at its own expense, but His Majesty's Government in the

United Kingdom will contribute (1) the actual sum spent by the Egyptian Government before 1914 on the construction of new barracks as alternative accommodation to the Kasr-el-Nil Barracks in Cairo, and (2) the cost of one-fourth of the barrack and technical accommodation for the land forces. The first of these sums shall be paid at the time specified in paragraph 8 below for the withdrawal of the British forces from Cairo and the second at the time for the withdrawal of the British forces from Alexandria under paragraph 13 below. The Egyptian Government may charge a fair rental for the residential accommodation provided for the civilian personnel. The amount of the rent will be agreed between His Majesty's Government in the United Kingdom and the Egyptian Government.

5. The two Governments will each appoint, immediately the present treaty comes into force, two or more persons who shall together form a committee to whom all questions relating to the execution of these works from the time of their commencement to the time of their completion shall be entrusted. Proposals for, or outlines of, plans and specifications put forward by the representatives of His Majesty's Government in the United Kingdom will be accepted, provided they are reasonable and do not fall outside the scope of the obligations of the Egyptian Government under paragraph 4. The plans and specifications of each of the

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

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

(A) - Roads

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

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

(iii) Port Said-Ismailia-Suez.

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

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

Bridges and roads shall be capable of carrying a double line of continuous columns of either heavy four-

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

(B) - Railways

(i)¹ Railway facilities in the Canal Zone will be increased and improved to meet the needs of the increased garrison in the zone and to provide facilities for rapid entrainment of personnel, guns' vehicles and stores

1 See note No. 1 on p. 340.

according to the requirements of a modern army. His Majesty's Government in the United Kingdom are hereby authorised to make at their own expense such subsequent additions and modifications to these railway facilities as the future requirements of the British forces may demand. Where such additions or modifications affect railway lines used for general traffic, the permission of the Egyptian Government must be obtained.

(ii) the line between Zagazig and Tanta will be doubled

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

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

(i) Cairo south along the Nile to Kena and Kus;

(ii) Kus to Kosseir;

(iii) Kena to Hurghada

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

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

8. When, to the satisfaction of both the High Con-

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

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

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

and March for annual manoeuvres:-

(a) West of the Canal: From Kantara in the north to the Suez-Cairo railway (inclusive) in the south and as far as longitude 31 degrees 30 minutes east, exclusive of all cultivation;

(b) East of the Canal as required;

(c) A continuation of (a) as far south as latitude 29 degrees 52 minutes north, thence south-east to the junction of latitude 29 degrees 30 minutes north and longitude 31 degrees 44 minutes east and from that point eastwards along latitude 29 degrees 30 minutes north.

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

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

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

air organisations or to air organisations genuinely belonging to any part of the British Commonwealth of Nations operating under the authority of the Egyptian Government.

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

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

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

ditional landing grounds and seaplane anchorages as experience may show to be necessary to make the number adequate for allied requirements.

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

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

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

18. His Majesty the King of Egypt authorises His Majesty the King and Emperor to maintain units of his forces at or near Alexandria for a period not exceeding

eight years from the date of the coming into force of the present treaty, this being the approximate period considered necessary by the two High Contracting Parties -

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

(b)¹ For the improvement of the roads -

(i) Cairo-Suez;

(ii) Cairo-Alexandria-Mersa Matruh;

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

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

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

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

1. See note No. 2 on p. 342.

ARTICLE 9.

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

ARTICLE 10

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

ARTICLE 11

1. While reserving liberty to conclude new conventions in future, modifying the agreements of the 19th January and the 30th July, 1899, the High Contracting Parties agree that the administration of the Sudan shall continue to be that resulting from the said agreements. The Governor-General shall continue to exercise on the joint behalf of the High Contracting Parties the powers conferred upon him by the said agreements.

The High Contracting parties agree that the primary

aim of their administration in the Sudan must be the welfare of the Sudanese.

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

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

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

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

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

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

Annex to Article 11.

1. Unless and until the High Contracting Parties

1. See note No. 3 pp. 342-43.

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

2. Conventions to which it will be desired that the Sudan should be a party will generally be conventions of a technical or humanitarian character. Such conventions almost invariably contain a provision for subsequent accession, and in such cases this method of making the convention applicable to the Sudan will be adopted. Accession will be effected by a joint instrument, signed on behalf of Egypt and the United Kingdom respectively by two persons duly authorised for the purpose. The method of depositing the instruments of accession will be the subject of agreement in each case between the two Governments. In the event of its being desired to apply to the Sudan, the method by which this should be effected will be the subject of consultation and agreement between the two Governments.

3. If the Sudan is already a party to a convention, and it is desired to terminate the participation of the

Sudan therein, the necessary notice of termination will be given jointly by the United Kingdom and by Egypt.

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

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

ARTICLE 12.

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

ARTICLE 13.

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

His Majesty the King of Egypt desires the abolition

of this regime without delay.

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

Annex to Article 13.

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

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

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

2. As a first step, the Egyptian Government will approach the Capitulatory Powers as soon as possible with a view to (a) the removal of all restrictions on the application on Egyptian legislation to foreigners and

(b) the institution of a transitional regime for the Mixed Tribunals as provided in paragraph 1 (ii) above.

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

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

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

Government, as the case may be.

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

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

8. The transitional regime for the Mixed Tribunals and the transfer to them of the jurisdiction at present exercised by the Consular Courts (which regime and transfer will, of course, be subject to the provisions of the special convention referred to in Article 9) will necessitate the revision of existing laws relating to the organisation and jurisdiction of the Mixed Tribunals, including the preparation and promulgation of a new Code of Criminal Procedure. It is understood that this revision will include amongst other matters:-

- (i) The definition of the word "foreigner" for the purpose of the future jurisdiction of the Mixed Tribunals;
- (ii) The increase of the personnel of the Mixed Tribunals and the Mixed Parquet, which will be necessitated by the proposed extension of their jurisdiction;
- (iii) The procedure in the case of pardons or remissions of sentences imposed on foreigners and also in connection with the execution of capital sentences passed on foreigners.

ARTICLE 14.

The present treaty abrogates any existing agreements or other instruments whose continued existence is inconsistent with its provisions. Should either High Contracting Party so request, a list of the agreements and instruments thus abrogated shall be drawn up in agreement between them within six months of the coming into force of the present treaty.

ARTICLE 15.

The High Contracting Parties agree that any difference on the subject of the application or interpretation of the provisions of the present treaty which they are unable to settle by direct negotiation shall be dealt with in accordance with the provisions of the Covenant of the League of Nations.

ARTICLE 16

At any time after the expiration of a period of twenty years from the coming into force of the treaty, the High Contracting Parties will, at the request of either of them, enter into negotiations with a view to such revision of its terms by agreement between them as may be appropriate in the circumstances as they then exist. In case of the High Contracting Parties being unable to agree upon the terms of the revised treaty, the difference will be submitted to the Council of the League of Nations for decision in accordance with the provisions of the Covenant in force at the time of signature of the present treaty or to such other person or body of persons for decision in accordance with such procedure as the High Contracting Parties may agree. It is agreed that any revision of this treaty will provide for the continuation of the Alliance between the High Contracting Parties in accordance with the principles contained in Articles 4, 5, 6 and 7. Nevertheless, with the consent of both High Contracting Parties, negotiations may be entered into at any time after the expiration of a period of ten years after the coming into force of the treaty, with a view to such revision as aforesaid.

ARTICLE 17.

The present treaty is subject to ratification.

Ratifications shall be exchanged in Cairo as soon as possible. The treaty shall come into force on the date of the exchange of ratifications, and shall thereupon be registered with the Secretary-General of the League of Nations.

In witness whereof the above-named plenipotentiaries have signed the present treaty and affixed thereto their seals.

Done at London in duplicate this 26th day of August, 1936

(L.S.) ANTHONY EDEN.
(L.S.) J. RAMSAY MacDONALD
(L.S.) JOHN SIMON
(L.S.) HALIFAX
(L.S.) MILES V. LAMPSON
(L.S.) MOUSTAPHA EL-NAHAS
(L.S.) AHMAD MAHER
(L.S.) M. MAHMOUD
(L.S.) I. SEDKI
(L.S.) A. YEHIA
(L.S.) WACYF BOUTRGE GHALI
(L.S.) MAKRAM EBEID
(L.S.) MAHMOUD FAHMY EL-NOKRACHY
(L.S.) A. HAMDY SEIF EL NASR
(L.S.) ALY EL CHAMSI
(L.S.) M. H. ISSA
(L.S.) HAFEZ AFIFI

AGREED MINUTE.

The United Kingdom and Egyptian Delegations desire at the moment of signature to record in a minute certain points of interpretation of the provisions of the Treaty of Alliance upon which they are agreed.

These points are as follows:-

(i) It is of course understood that the facilities provided for in Article 7 to be furnished to His Majesty The King and Emperor include the sending of British forces or reinforcements in the eventualities specified in that Article.

(ii) With reference to Article 7, it is understood that as a result of the provisions of Article 6, there will have been mutual consultation between the two Governments in the case of a risk of a rupture. In the case of an apprehended international emergency, the same principle of mutual consultation applies.

(iii) The "means of communication" referred to in the second sentence of Article 7 include telecommunications (cables, telegraphs telephones and wireless).

(iv) Amongst the military, administrative and legislative measures referred to in the third sentence of Article 7 are included measures under which the Egyptian Government, in the exercise of their powers as regards radio-electric communications, will take into account

the requirements of the W/T stations of the British forces in Egypt, and will continue to co-operate with the British authorities to prevent any mutual interference between British and Egyptian W/T stations, and measures providing for the effective control of all means of communications referred to in that Article.

(v) The words "Geneifa area" in paragraph 2 (a) of the Annex to Article 8 mean: along the shore of the Great Bitter Lake from a point 3 kilometres North of Geneifa Station to a point 3 kilometres South-East of Fayid Station to a depth of 3 kilometres from the shore of the lake.

(vi) With reference to paragraph 2 (b) of the Annex to Article 8, it is understood that the exact sites in the area therein referred to where the air forces will be located will be defined as soon as possible.

The Royal Air Force Depot at present situated at Aboukir will also be transferred to this area not later than the date of the withdrawal of the British forces from Cairo under paragraph 8.

(vii) With reference to paragraph 3 of the Annex to Article 8, it is understood (a) that British barrack accommodation includes married quarters for officers and for a proportion of the other ranks, (b) that though the site of the convalescent camp cannot be definitely

fixed at the moment, El Arish might possibly prove suitable, and (c) that the Egyptian Government, in pursuance of the policy which it has already taken in hand for the benefit of the inhabitants of those areas, will take all reasonable sanitary measures for the combating of malaria in the area adjacent to those where the British forces are situated.

(viii) With reference to paragraph 6 of the Annex to Article 8, it is understood that, with regard to road No. (iii), the Egyptian Government will, unless they are to make arrangements with the Suez Canal Company for the use of this road by the British and Egyptian forces and for the improvement of those sections which are not already up to this standard so as to satisfy the conditions laid down in paragraph 6, construct an entirely new road connecting these places.

(ix) With reference to paragraph 13 of the Annex to Article 8, it is understood that the number of the detachment referred to shall be limited to the minimum strictly necessary to handle and guard this material.

(x) With reference to paragraph 13 of the Annex to Article 8, it is understood that flying will take place for training purposes mostly over desert areas, and that populated areas will only be flown over where necessity so demands.

(xi) With reference to paragraph 2 of the Egyptian Note relating to military matters, it is of course understood that the cost of the Military Mission will be defrayed by the Egyptian Government, and that the words "proper training" in this paragraph include training in British military colleges and academies.

(xii) Paragraph 2 of the Egyptian Note relating to military matters only applies to persons who are already at the time members of the Egyptian armed forces.

(xiii) The word "equipment" in paragraph 3 of the Egyptian Note relating to military matters, means all such stores as it is desirable for forces acting together to have as a common pattern. It does not include articles of clothing or articles of local production.

(xiv) With reference to paragraph 1 of Article 11, it is agreed that the Governor-General shall furnish to His Majesty's Government in the United Kingdom and the Egyptian Government an annual report on the administration of the Sudan. Sudan legislation will be notified directly to the President of the Egyptian Council of Ministers.

(xv) With reference to paragraph 2 of Article 11, it is understood that, while the appointment of Egyptian nationals to official posts in the Sudan must necessarily be governed by the number of suitable vacancies, the time of their occurrence and the qualifications of the candidates forthcoming, the provisions of this paragraph

will take effect forthwith on the coming into force of the Treaty. The promotion and advancement of members of the Sudan service shall be irrespective of nationality up to any rank by selection in accordance with individual merits.

It is also understood that these provisions will not prevent the Governor-General occasionally appointing to special posts persons of another nationality when no qualified British subjects, Egyptian nationals or Sudanese are available.

(xvi) With reference to paragraph 3 of Article 11, it is understood that, as the Egyptian Government are willing to send troops to the Sudan, the Governor-General will give immediate consideration to the question of the number of Egyptian troops required for service in the Sudan, the precise places where they will be stationed and the accommodation necessary for them, and that the Egyptian Government will send forthwith, on the coming into force of the Treaty, an Egyptian military officer of high rank whom the Governor-General can consult with regard to these matters.

(xvii) With reference to Article 11, as it has been arranged between the Egyptian Government and His Majesty's Government in the United Kingdom that the question of the indebtedness of the Sudan to Egypt and other financial

questions affecting the Sudan shall be discussed between the Egyptian Ministry of Finance and the Treasury of the United Kingdom, and as such discussions have already commenced, it has been considered unnecessary to insert in the Treaty any provision in regard to this question.

(xviii) With regard to paragraph 6 of the Annex to Article 13, it is understood that questions relating to this declaration are not subjects for the appreciation of any Courts in Egypt.

Signed in duplicate at London this 26th day of August, 1936.

ANTHONY EDEN

His Majesty's Principal Secretary
of State for Foreign Affairs.

MOUSTAPHA EL-NAHAS

President of the Egyptian Council
of Ministers

NOTES. - LONDON, AUGUST 26, 1936.

No. 1.

Moustapha el-Nahas Pacha to Mr. Eden,

London, August 26, 1936.

Sir,

With reference to Article 2 of the Treaty signed this day, I have the honour to inform Your Excellency that, as His Majesty The King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, will be the first foreign sovereign to be represented in Egypt by an Ambassador, British Ambassadors will be considered senior to the other diplomatic representatives accredited to the Court of His Majesty the King of Egypt.

The provisions of this note are subject to revision at the time and in the conditions provided for in Article 16 of the treaty.

I avail, &c.

MOUSTAPHA EL-NAHAS,

President of the Council of Ministers

No. 2.

Moustapha El-Nahas Pacha to Mr. Eden.

London, August 26, 1936.

Sir,

With reference to Article 12 of the treaty signed this

day, I have the honour to inform Your Excellency that the Egyptian Government intend to abolish forthwith the European Bureau of the Public Security Department, but will retain, for five years from the coming into force of the treaty, a certain European element in their city police. The said police will remain for the same period under the command of British officers.

With a view to facilitating the gradual substitution of Egyptian officials for the said European element and thereby securing the harmonious working of the police organisation, the Egyptian Government propose to dispense annually with the services of one-fifth of the number of European police officials.

The Egyptian Government, in view of the treaty of friendship and alliance signed to-day, will, when engaging the services of foreign experts, generally prefer British subjects possessing the necessary qualifications.

I avail, &c.

MOUSTAPHA EL-NAHAS,

President of the Council of Ministers.

No. 3.

Moustapha El-Nahas Pacha to Mr. Eden.

London, August 26, 1936.

Sir,

I wish to place on record certain further under-

standings in regard to military matters which have been reached between us in connexion with the Treaty of Alliance signed this day.

(1) British personnel shall be withdrawn from the Egyptian Army and the functions of the Inspector-General and his staff shall terminate.

(2) The Egyptian Government, desiring to perfect the training of the Egyptian Army including the Air Force, and intending in the interests of the alliance which has been established, that such foreign instructors as they may deem necessary shall be chosen from amongst British subjects only, will avail themselves of the advice of a British Military Mission for such time as they may deem necessary for the purposes aforesaid. His Majesty's Government in the United Kingdom will furnish the Military Mission which the Egyptian Government desire, and will also undertake to receive and provide proper training in the United Kingdom for any personnel of the Egyptian forces which the Egyptian Government may desire to send for the purpose of being trained. In the circumstances created by this treaty the Egyptian Government will naturally not desire to send any personnel of their armed forces to undergo a course in any training establishment or unit abroad elsewhere than in the United Kingdom, provided that this shall not prevent it from sending to

any other country such personnel as cannot be received in training establishments and units in the United Kingdom.

(3) In the interests of the Alliance, and in view of the possible necessity of co-operative action between the British and Egyptian forces, the armament and equipment, land and air, of the Egyptian forces shall not differ in type from those of the British forces. His Majesty's Government in the United Kingdom undertake to use their good offices to facilitate the supply of such armament and equipment from the United Kingdom, at prices similar to those which would be paid by His Majesty's Government, whenever the Egyptian Government so desire.

I avail, &c.

MOUSTAPHA EL-NAHAS,

President of the Council of Ministers

NOTES EXCHANGED IN EGYPT. - AUGUST 12, 1936.

No. 1.

Sir Miles Lampson to Moustapha El-Nahas Pacha,

The Residency, Ranleh,

August 12, 1936.

Sir,

With reference to paragraph 6 (B) (i) of the Annex to Article H (9),¹ your Excellency asked me on behalf of the Egyptian Delegation to communicate information as regards the work which would be required to be done under this paragraph. I have the honour to enclose a statement which gives these details so far as they can be stated at the present moment. This statement is, however, only approximate and further details might have to be added to it.

I avail, &c.

MILES W. LAMPSON,

High Commissioner

Enclosure in No. 1.

Approximate Railway Requirements in Canal Zone.

Moascar.

The existing siding with troop entrainment platform and one siding with end loading ramp, each to hold "60" unit trains, with facilities to enable a train to be

1. Article 8 in the Treaty as signed.

despatched every three hours, will be maintained.

Geneifa Area.

(a) Entrainment Station. - Two sidings with loop entrainment platforms and two sidings with end loading ramps, each to hold "60" unit trains.

(b) Depot Area, facilities as given below together with the necessary shunting loops, &c.

Supply Depot: One spur with two loading sidings (each 20 units). Petrol Depot: One Loading siding (10 units).

M.T. Vehicle Reception Depot: One end loading siding (30 Flats).

Ordnance Depot: One spur with one loading and one end loading siding (each 20 units).

Camp Equipment Depot: One loading siding (40 Units).

Ammunition Depot: One spur with two loading sidings (each 20 units).

Hospital Area: One siding and one off-loading platform for one Hospital train.

R.E. Stores Depot: One loading siding (20 units).

N.A.A.F.I. Depot: One loading siding (10 units).

(c) Marshalling and Locomotive Yards to enable one personnel train, or one M.T. train, being despatched every three hours throughout the twenty-four.

(d) Wharves and other unloading facilities as required.

Note. - All loading sidings to have platforms corresponding with the length of the train.

No. 2.

Moustapha El-Nahas Pacha to Sir Miles Lampson.

Antoniades Palace, Alexandria,

August 12, 1936.

Sir,

WITH reference to paragraph 18 (b) of the draft Annex to Article H (9)¹ initialled the 24th July last, I have the honour to inform Your Excellency that the work which is at present being done on the roads Cairo-Alexandria, via Giza and the desert, and Cairo-Suez will be pushed forward and will be completed by the end of 1936.

I avail, &c.

MOUSTAPHA EL-NAHAS,

President of the Council of Ministers

No. 3.

Sir Miles Lampson to Moustapha El-Nahas Pacha.

The Residency, Ramleh,

August 12, 1936.

Sir,

In the course of discussions on questions of detail,

1. Article 8 in the Treaty as signed. See pp. 306-7.

arising out of Paragraph 2 of Article K,¹ the suggestion for the secondment of an Egyptian economic expert for service at Khartoum, and the Governor-General's wish to appoint an Egyptian officer to his personal staff as military secretary, were noted and considered acceptable in principle. It was also considered desirable and acceptable that the Inspector-General of the Egyptian Irrigation Service in the Sudan should be invited to attend the Governor-General's Council when matters relating to his departmental interests were before the Council.

I avail, &c.

MILES W. LIMPSON,

High Commissioner.

ORAL DECLARATION

Minute of a Meeting held at the Antoniades Palace,
Alexandria, on August 10, 1936.

At a meeting at the Antoniades Palace on the morning of the 10th August, at which the provisions of the draft treaty relating to the capitulations and other non military clauses were under discussion, the following oral declaration was made:-

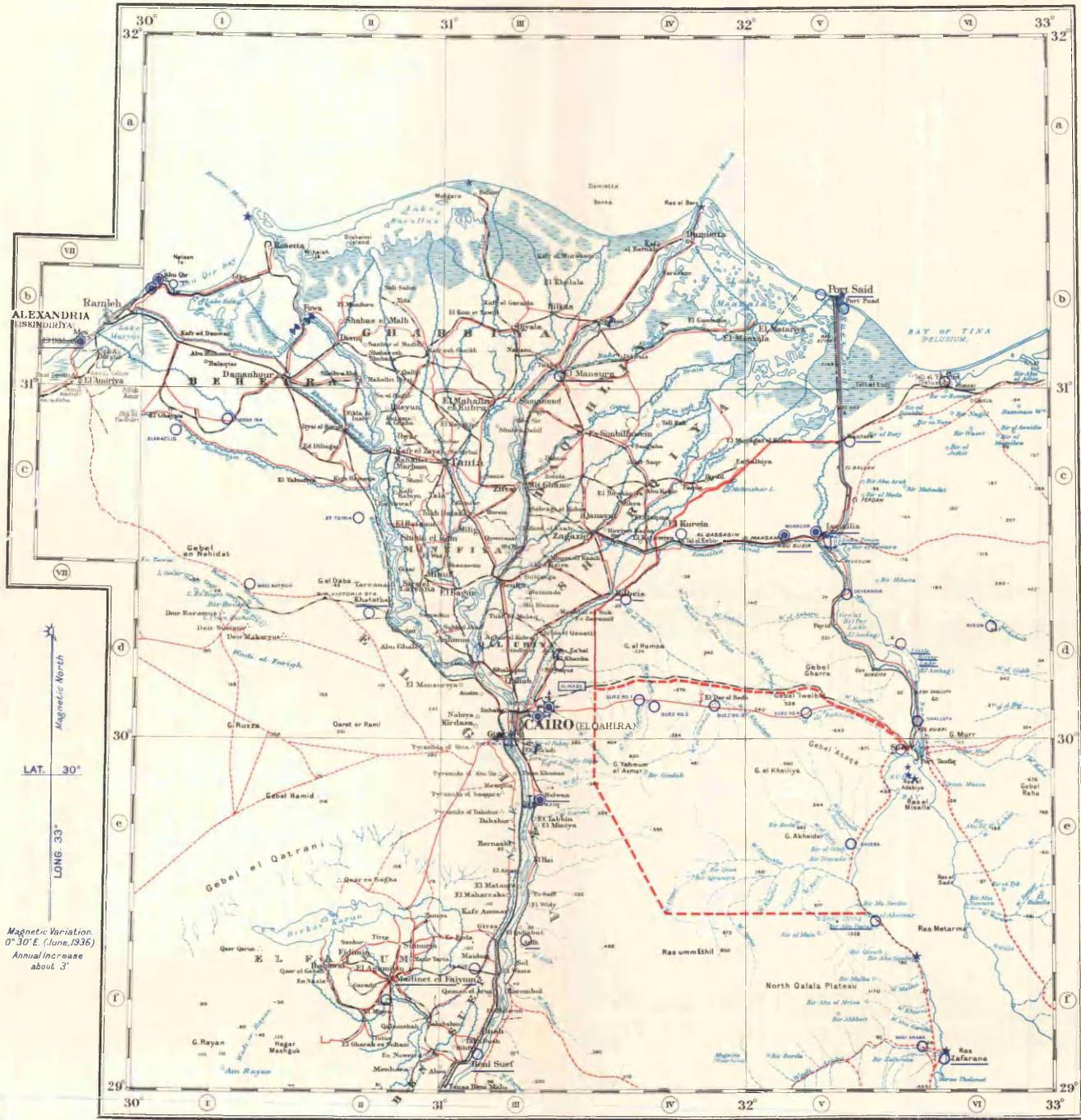
His Excellency Nahas Pacha, on behalf of the Egyptian Delegation, stated that the absence in the treaty docu-

1. Article 11 in the Treaty as signed. See pp. 319-20.

ments, of any mention of the Judicial and Financial Advisers meant that the Egyptian Government were free from any restriction of an international character with regard to the retention or non-retention of these officials.

His Excellency the High Commissioner expressed his agreement with the declaration of Nahas Pacha.

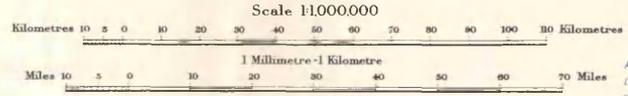
Map to illustrate
TREATY OF ALLIANCE WITH EGYPT. AUGUST 26th 1936.



Magnetic North
LAT. 30°
LONG. 33°
Magnetic Variation:
0° 30' E. (June, 1936)
Annual Increase
about 3'

O. R. 863.

Printed at W.O. 1936



Reference

- Railways, double
- single
- light
- under construction
- Boundaries, provincial
- Names of provinces
- Mountains, Hill Ranges
- Desert Tracts, Localities
- Wireless Telegraph Stations
- Heights in metres
- Fort or Fortified Castle (Quar)
- Rivers
- Shrines, Tombs, Mosques

- Rivers perennial
- Wells
- Canals
- Area liable to flood
- Well or Spring perennial
- nonperennial
- Main Roads
- Other Roads and Tracks
- Telegraphs
- Training area available at all times of the year
- " " " during February and March

REFERENCE TO AIR INFORMATION

- Aerodrome
- Landing ground
- Seaplane station
- Seaplane mooring area or anchorage
- Marine light or light buoy (with characteristic when over 10,000cp)
- Air Light
- Aeronautical W/T communication station
- Aeronautical W/T D/F or beacon station
- Obstruction over 80 metres (200ft) above ground
- Airport, (with customs facilities)
- Aerodrome, seaplane station, light beacon, aeronautical W/T communication and W/T D/F and/or beacon station
- Note: The aeronautical symbols may be combined - e.g. as last symbol shown.
- Note: Names of towns are underlined where the aerodrome, etc. has the same name. Otherwise names of aerodromes, etc. are shown thus: DUXFOOD

APPENDIX II.

F.O. 371/20110, No. J 5160/2/16, 8 June 1936

ANGLO--EGYPTIAN CONVERSATIONS.

Paper handed by Nahas Pasha to His Majesty's High
Commissioner on June 1 for Communication to
His Majesty's Government.¹

DEFENCE OF THE SUEZ CANAL.

(A) Under the Suez Canal Convention of Constantinople
(1888).

There is no doubt that the right of defending the
Suez Canal belongs to Egypt as the territorial Power;
this is not merely an application of the general principle
that the defence of any country's shores is an attribute
of that country's sovereignty, but is also to be derived
from the provisions of the Suez Canal Convention itself.

2. The Suez Canal Convention expressly provides that
its provisions do not in any way impair the sovereign

1. The Arabic translation of a part of this memorandum
was published in al-Balagh on 6 November 1936. The
newspaper promised to publish the rest on 7 November,
but it did not. Perhaps the Wafdist government, on
its own initiative or inspired by the Residency,
prevented this.

rights of His Imperial Majesty the Sultan or the rights and privileges of His Highness the Khedive as resulting from the Firmans.²

3. Moreover, article 12 of the same convention provides for the respect of Turkey's territorial rights: "Sont d'ailleurs réservés les droits de la Turquie comme Puissance territoriale"; and it cannot be doubted that such territorial sovereignty has now devolved exclusively upon Egypt as an independent country, having severed her connexion with Turkey.

4. What is more significant is that even under Turkish suzerainty Egypt's territorial rights were respected in the convention.

Not merely article 14 (already quoted), but also and particularly article 9 establishes Egypt's rights, and runs as follows:-

"Le Gouvernement égyptien prendra dans la limite de ses pouvoirs, tels qu'ils résultent des firmans et dans les conditions prévues dans le présent traité, les mesures nécessaires pour faire respecter l'exécution dudit traité. Dans le cas où le Gouvernement égyptien ne disposera pas des moyens suffisants, il devra faire appel au Gouvernement impérial ottoman, lequel prendra les mesures

2. Article 14 of the Convention provides: "En dehors des obligations prévues expressement par les clauses du présent traité, il n'est porté aucune atteinte aux droits souverains de Sa Majesté impériale le Sultan et aux droits et immunités de Son Altesse le Khédive els qu'ils résultent des firmans".

necessaires pour répondre à cet appel, en donnera avis aux autres Puissances signataires de la Déclaration de Londres du 17 Mai 1885 et, au besoin, se concertera avec elles à ce sujet".

This article obviously gives Egypt the primary right of defending the Canal and enforcing the provisions of the Convention. Turkey is only entitled to co-operate in the defence of the Canal if Egypt lacks adequate means of defence and calls upon her to partake in such defence. Turkey therefore come next to Egypt in the order of defence.

5. Now Egypt, having become an independent country, cannot surely possess less rights, under an Anglo-Egyptian Treaty, than she did as a vassal State under the Suez Canal Convention. In other words, if Great Britain were to have the primary right of defending the Canal while Egypt were merely to co-operate in such defence, as suggested in the new British draft of article 9³ this would mean that Great Britain, as an Ally, would have more extensive rights than Turkey as a Suzerain Power. Indeed Great Britain would, in that event, be deemed as having

3. The proposed British text runs as follows:-

"In view of the position of His Britannic Majesty in relation to the Canal, His Majesty the King of Egypt recognises that His Britannic Majesty may through the Commanders of his Forces take all steps necessary for the maintenance of the security and of the freedom of navigation in the said Canal. The Egyptian authorities will co-operate in all measures for the purpose aforesaid".

legally and practically established her protectorate over the Suez Canal, and hence over Egypt, since the Canal is but an integral part of Egypt, however much it may be a means of communication between the various parts of the British Empire.

(B) Under the Anglo-Egyptian Draft Treaty of 1930.

6. The Anglo-Egyptian Draft Treaty of 1930 did not in any way vary with, or depart from, the fundamental principles laid down by the Suez Canal Convention, or indeed the general rules of International Law. It recognises Egypt's territorial rights of sovereignty over the Suez Canal, which it describes as "an integral part of Egypt", and expressly provides for Egypt's right to defend the Canal and ensure the liberty and security of navigation thereon.

At the same time, the Draft Treaty recognises the fact that the Suez Canal is "also an essential means of communication between the different parts of the British Empire", and authorises Great Britain as an Ally to co-operate in the defence thereof.

7. It is further to be observed that Great Britain's co-operation, as provided for by the Draft Treaty, is both extensive and efficient. It covers various forms of co-operation, amongst which are the following:-

First. The stationing of British military forces in a specified zone near the Suez Canal (to be increased unrestrictedly in case of emergency, as recently suggested)

In this connexion article 9 of the Draft Treaty expressly provides that at the end of twenty years 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 have been any difference between the high contracting parties, be submitted for settlement to the League of Nations.

It is obvious that the stationing of foreign forces on the territory of any country would, if unrestricted as to time, number and place, be a serious infringement of that country's independence and sovereign rights. That is why it was found necessary to provide in the Draft Treaty expressly for the future evacuation of the country, making such evacuation dependent on Egypt being in a position to ensure the defence of the Canal by her own resources.

In other words, such provision was essential in order to emphasise Egypt's primary right of defending her own territory by her own resources, however insufficient these resources may temporarily be.

Second. Another form of co-operation which is far more extensive than the former is that provided for by the Draft Treaty in case of war or menace of war.

In such cases Great Britain as an Ally is authorised to co-operate to an unlimited extent in all measures of defence, and Egypt is bound to furnish to her British Ally all the facilities and assistance in her power, including the use of her ports, aerodromes and means of communication (see article 8.)

Third. It will be observed that Great Britain is entitled to take such unlimited measures of military co-operation even after the evacuation of Egyptian territory by British troops. In other words, whether British Troops did or did not remain in the country Britain's co-operation in the defence of the Canal remains intact.

(C) Legal and Practical Advantages of the 1930 Military
Clauses from the Legal Point of View.

8. As already pointed out, the Draft Treaty, while agreeing with the principles of International Law and those underlying the Suez Canal Convention, secures for both Egypt and Great Britain all the legal advantages resulting from their respective positions in the Draft Treaty.

To sum up, these legal advantages may be recapitulated as follows:-

First. The Draft Treaty recognises Egypt's territorial sovereignty over the Suez Canal and her primary right to defend it and secure the liberty of navigation thereon.

This is in accordance with Egypt's International status. Indeed, as we have already seen, the Suez Canal Convention (article 9) expressly recognised this primary right of Egypt, even although she was at the time under Turkish suzerainty.

Second. The Draft Treaty emphasises Great Britain's special interest in the Suez Canal as resulting from the fact that the Canal is "an essential means of communication between the various parts of the British Empire". Accordingly, Great Britain is not merely empowered by the Draft Treaty to station her military forces in the vicinity of the Canal, with a view to co-operating with the Egyptian forces in the defence thereof until such time as Egypt can by her own resources secure such defence, but also and particularly to continue her co-operation even after British troops have evacuated the Canal Zone.

In other words, the Draft Treaty combines both legal and practical advantages for the two countries, recognising, on the one hand, Egypt's right of defending the Canal, and allowing, on the other hand, Great Britain the most efficient co-operation in the defence thereof.

Third. The Draft Treaty further recognises for the two

countries such extensive and durable legal rights of defence as result from the military Alliance itself. By virtue of the Alliance, Great Britain may take most extensive measures of military co-operation at any time when there is war or even menace of war. No greater guarantees could be afforded by an independent country to her Ally.

Fourth. A contrario, if Great Britain were given the primary right of defence and were allowed a permanent occupation of the Canal zone, this would amount to no less than an open protectorate. Egypt's consent to such protection would, legally, make no difference at all, for a Protectorate theoretically implies the consent of the protected country.

From the practical point of view.

9. Throughout this memorandum stress has been laid on the different forms of military co-operation to which Great Britain is entitled under the Draft Treaty.

Summing up such as have already been mentioned, and mentioning those omitted, will doubtless give a fuller idea of such co-operation and the practical advantages thereof. The following is a brief synopsis of the different kinds of British military co-operation under the Treaty.

First. Presence of British forces in the vicinity of

the Canal, together with suggested facilities of aviation, manoeuvres, roads, &c. (cf. infra).

Second. Suggested unlimited increase in numbers of troops in cases of emergency (cf. Infra).

Third. British military mission for training the Egyptian Army, as also British equipment, &c. (Cf. note annexed to Draft Treaty of 1930).

Fourth. Evacuation of Canal Zone by British troops can only take place, subject to the following conditions:-

- (a) Egyptian Army is in a position to defend Canal by its own resources;
- (b) England agrees to this;
- (c) If England disagrees, the question can only be submitted to the League after twenty years from the conclusions of the Treaty.

Fifth. Whether British troops have or have not evacuated the Canal Zone, Great Britain is entitled to take the most extensive military measures in the aid of her Ally, in times of war or mere menace thereof.

10. Now it may be useful to examine, in the light of such practical advantages, the two difficulties raised by the new British texts of articles 9 and 14.

According to the proposed article 9, Great Britain is

to have the power to defend the Canal, Egypt merely co-operating. And according to the proposed article 14, the difference to be submitted to the League after twenty years must relate only to the position and numbers of British troops required to ensure the protection of the Suez Canal.

We have already examined these two difficulties from the legal point of view, showing that they result in a permanent occupation and protection of Egypt.

11. Let us now examine them from the practical point of view:-

As regards the first difficulty, we cannot help urging, with all due respect, that Great Britain has all the practical advantages on her side in merely "co-operating" in the defence of the Canal, for the simple reason that her co-operation is subject to no restriction whatever from the military point of view, not only in times of actual war but also in the event of a menace thereof. Further still, in times of peace, Great Britain is allowed the exceptional right of maintaining considerable forces in the Canal Zone until such time as she or the League judges that the Egyptian army is in a position to defend the Canal by its own resources, and provided, in the case of the League, that at least twenty years should have elapsed.

Again we beg to point out that no further guarantees could be given by an Ally without endangering his very existence as an independent being.

12. As regards the second difficulty raised by the proposed article 14, Egypt's case would seem to be, if possible, even more obvious. The proposed article entails the permanent occupation of the Suez Canal, or, in other words, of Egypt. And it would seem that not only legally, but also practically, there would be no justification for a treaty, which not only fails to solve the principal Anglo-Egyptian problem - that of the presence of British troops on Egypt soil - but also helps to give it a permanent lease of life.

13. Moreover, the solution adopted by the original article 14 of the Draft Treaty of 1930 is not merely fair to Egypt but also to Great Britain. For Great Britain is given by the treaty the opportunity to train the Egyptian Army by a British military mission and according to British military standards, and will therefore be in a singular position to judge whether the Egyptian Army has attained the necessary standard for defending the Canal by its own resources pending the arrival of Allied aid. England's say in the matter will be decisive before the lapse of twenty years; and after the lapse of such a long period of close co-operation

and alliance it seems hardly probable that the two Allies will differ on a matter of such importance - and even if they do they will both have their say in the League. It would seem that no fairer solution could be given of a problem so delicate, and so vital.

14. Nor is the solution adopted by the Draft Treaty foreign to the Suez Canal Convention itself. For it will be remembered that article 9 of the Convention provides that Egypt is to call upon Turkey if she lacks sufficient means of defence; and, in such event, Turkey, if need be, will advise the Signatory Powers.

Now, in case of difference between Egypt and Turkey as to whether the former did or did not possess the adequate means to defence, the question would surely have been submitted for settlement to the signing Powers. Such is the solution adopted by the 1930 Draft Treaty, merely substituting the League for the Suez Convention Powers.

(D) The Last Conversations.

15. It seems hardly necessary to mention here, in any detail, the different stages of the last conversations, the cordial atmosphere in which they were carried, or the progress which was made. Nor, we feel sure, is there any desire to minimise the concessions made or suggested

by the Egyptian side. The recent set-back is thus most unfortunate, but we hope and trust that it will be overcome.

With reference to the last British note containing "Preliminary Remarks" re Cairo and Alexandria, we think that a satisfactory solution with respect to the British troops stationed near Alexandria would be afforded by the fact that the Egyptian Government would naturally begin to build accommodations for the British troops remaining in the vicinity of Alexandria after preparing the necessary accommodations for the troops posted in Cairo and its vicinity. This will doubtless require a certain length of time and will, we feel sure, provide a satisfactory solution.

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All the Files under F.O. 371 (Egypt and the Sudan)
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b) Admiralty Files:

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Adm. 116/3589
Adm. 116/3590
Adm. 116/3591

c) Cabinet Papers:

Cab. 24/256
Cab. 24/259
Cab. 24/260
Cab. 24/261
Cab. 24/262
Cab. 24/263

d) Cabinet Conclusions:

Cab. 23/76
Cab. 23/77
Cab. 23/78
Cab. 23/79
Cab. 23/80
Cab. 23/81
Cab. 23/82
Cab. 23/83
Cab. 23/84
Cab. 23/85

e) Minutes of the Meetings of C.I.D.:

Cab. 2/6 part one
Cab. 2/6 part two
These two volumes contain the minutes of the
meetings of the C.I.D. for the period from 31
May 1933 to 28 October 1937.

B) Cabinet Office (Historical Section):

Cab. 4/22
 Cab. 4/23
 Cab. 4/24
 Cab. 4/25
 Cab. 4/26
 Cab. 5/8

These volumes contain the C.I.D. papers which I have referred to.

C) Central Record Office at Khartoum:

a) File No. Kn./P/ScR/36, H.2: This file contains four important memoranda:

- 1) Feeling in the Sudan Regarding the Anglo-Egyptian Treaty of 1936, by the Public Security Branch, Khartoum, dated 27 July 1936,
- 2) Note from G.N.I. Morrison, A/Governor, Al-Obeid, to J.C. Penny, the Controller of Public Security Intelligence, dated 24 August 1936.
- 3) Note from Newbold, Governor of Kordofan to J.C. Penny on a Conversation with Shaykh Sir Ali al-Tum, Nazir Umūn al Kabābīsh, on the Treaty, dated 14 October 1936.
- 4) A Memorandum by Symes, the Governor-General, on the 1936 Treaty, dated 14 November 1936.

b) Sudan Monthly Intelligence Summary for 1936 and 1937.

D) Middle East Centre, St. Antony's College, Oxford:

The following are papers prepared for the Middle East Centre, St. Antony's College, Oxford by Gerald Delany and Bertram Hornsby, a former head of Reuter's agency in Egypt and the first Director of the National Bank in Egypt after the First World War respectively:

- 1) Delany, Gerald: Lord Lloyd of Dolobran.
- 2) Delany, Gerald: Spender and Egypt.
- 3) Hornsby, Bertram: Untitled Note on Mahnūd - Henderson Draft Treaty.

E) London School of Economics: British Library of Political and Economic Science:

Gherson, A.R. Albert: The Anglo-Egyptian Treaty of 1936, a Study of the Anglo-Egyptian Question.
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F) Lord Killearn's Papers:

Lord Killearn's private papers have been promised to St. Antony's College, Oxford. The College has not however been able to obtain them so far. Miss Elizabeth Monroe wrote me on 29 September 1969:

"A very large sum is being asked for them. It is one that we cannot afford and in any case there is some doubt as to whether Lady Killearn is in a position to sell them. They are surrounded with legal complications and are still in the hands of a solicitor".

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- 3) The Condominium Agreement of 1899.
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- 5) The Declaration of Independence of 28 February 1922.

III. NEWSPAPERS AND PERIODICALS

This list includes only those newspapers and periodicals used extensively. Reference to others will be found in the footnotes.

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Al-Sha^cb

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Published in the Sudan:

Al-Fajr

Haḍārat al-Sūdān

Al-Sūdān

B) English Newspapers and Periodicals

Contemporary Review

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