

T  
859

THE ANGLO EGYPTIAN TREATY OF ALLIANCE  
1936 - 1951

by

Zubeida E. Barmania

Submitted in partial fulfillment of the requirements  
of the degree of Master of Arts  
in the Arab Studies Department of the  
American University of Beirut  
Beirut, Lebanon  
1967

THE ANGLO EGYPTIAN TREATY OF ALLIANCE

1936 - 1951

Zubeida Barmania

## ABSTRACT

The story of the Treaty of alliance between Egypt and Britain from the time of its signature in 1936 till its unilateral abrogation in 1951 is revealing in so far as British policy for the Middle East and the strategic importance of Egypt and the Suez Canal are concerned. The present study attempts to examine the implication of the life of this Treaty both from the legal and political viewpoints. It was essential to introduce the problem of Anglo-Egyptian relations from 1882 to 1922, the year in which in a declaration Britain recognized the independence of Egypt. This introductory survey (Chapter I) dealt with the legal implications of the 1882 occupation, the validity of the 1914 Protectorate and the significance of the 1922 unilateral British Declaration with its important reservations.

Attempts at negotiations for the settlement of the problems between the two countries are discussed in Chapter II. The intransigence of Britain and the development of Egyptian national leadership, political parties and the Constitutional monarchy were discussed in so far as they provide the necessary background for appreciating the issues on hand. The four encounters of negotiations in 1924, 1927, 1928 and 1930 all ended in failure.

But there was a change in the international situation in the mid-thirties: the Rome-Berlin Axis began to revolve; Italy attacked and occupied Ethiopia; Britain and France became concerned about consolidating their position in the Middle East; and Britain was more than ever concerned with the safeguarding of the Suez Canal. Egypt also felt that danger of the war and therefore the two countries agreed to sign the Treaty of alliance (August, 1936).

This Treaty is analysed, and is examined from a legal angle; hence a brief treatment of treaties in international law, was, it was felt, a reasonable addition. Again the 1936 Treaty was not the only treaty negotiated or concluded in the 30's. A comparison between it the Anglo-Iraqi Treaty, the Franco-Syrian and Franco-Lebanese draft agreements was attempted; this showed that in principle the treaties were substantially alike. The Western powers tried to safeguard its interests and the lesser states had to accept a number of things because of the 'pressure' brought upon it in the circumstances. These matters are all dealt with in Chapter III.

Chapter IV tells the story of the implementation of the Treaty, and the negotiations for its revision. In the international field Egypt was rid of the Capitulations and was admitted to the League of Nations. But internally, because of the outbreak of hostilities in

1939, she paid dearly for what she received by way of protection from Axis invasion. Yet when the time came for Egypt to reap, after the end of the War, the fruits of her sacrifices in a revision of the treaty, the evacuation of troops and the completion of her independence, she was denied that right. The British argument was that a new danger was now threatening the Middle East from the north, and that the Suez Canal was becoming more valuable and its defence concerned the free world at large. The exchange of notes, the initialing of a draft agreement and the final failure of the attempts constitute the last part of this chapter, which took account of the growth of national consciousness in Egypt.

Having failed to receive satisfaction through direct negotiations with Britain, Egypt took her case, in August 1947, to the Security Council, which looked into the matter in August and September. Egypt's only success was that she brought her case to the attention a wider audience as attested to by the discussions at the Council and some comments in leading American papers. But the Council did not decide in favour of Egypt; the case continued to be retained on the Council's agenda. Having complied to the wishes of the Council to enter into direct discussions with Britain, Egypt found that Britain was not ready to evacuate her troops and allow the unity of

Egypt and the Sudan. The futility of further negotiations, seemed to Egypt all too apparent, and the one and only course which remained open to her was to abrogate the Treaty unilaterally. This was done in October 1951. These two final phases of the life of the Treaty -- The Security Council and the abrogation - are told in Chapter V.

## TABLE OF CONTENTS

	Page	
ACKNOWLEDGEMENT		
CHAPTER ONE	Introduction	1
CHAPTER TWO	Egypt and Great Britain Problems	22
CHAPTER THREE	Egypt and Great Britain Settlement	50
CHAPTER FOUR	The Treaty on Trial	76
CHAPTER FIVE	Lake Success to Cairo 1947-1951	108
APPENDICES		144
BIBLIOGRAPHY		152

## ACKNOWLEDGEMENT

In preparing the present study on the Anglo-Egyptian Treaty, I have received assistance from a number of people to whom I extend my deep gratitude. It would have been a pleasure to have mentioned them all; but this is hardly possible. However, the Library staff at Jafet Memorial Library, American University of Beirut and at the Royal Institute of International Affairs, Chatham House, London have a priority on the list. I wish also to thank Professor Nicola Ziadeh for his guidance and valuable assistance. To all my friends at the American University of Beirut and in London who helped me in the translation of some of the material in Arabic, I am deeply indebted. I need to record my sincere appreciation to the faculty members of the Arab Studies Program, headed by Dr. Nabih Amin Faris, for various occasions on which they encouraged and guided me.



## CHAPTER ONE

### INTRODUCTION

#### I

The occupation of Egypt by Britain in 1882, brought British diplomacy, Turkish politicians and Egyptian national leadership face to face with a situation which verged almost on a dilemma. Egyptian leaders realized that their goal was to be the evacuation of British troops from their country; but this realization did not make their task an easy one. Neither their experience nor their knowledge had that quality which could arm them with those legal and diplomatic weapons that were imperative in the undertaking of the task. Thus they were yet to learn the art of attack, the value of tact and patience and perseverance that negotiations required.

Turkish diplomacy, on the other hand, was so ineffectual in the international context that it was scarcely heeded. The only situations, prior to 1914, in which there was any attempt to take cognizance of Turkey's presence were: (1) when she indicated her readiness to accept the idea of re-entry in 1887, (2) when she participated in the 1888 Convention on the Suez Canal.<sup>1</sup> Turkey and Egypt

---

1. Hurewitz, J.C., Diplomacy in the Near and Middle East, Vol.I. (D. Van Nostrand, New York, 1956), pp.201-205.

had the support of international agreements: the sovereignty of Turkey over Egypt had the force of history, and even the British occupation of that country could not deny Turkey her sovereignty. In theory Egypt remained a vassal of the Turkish suzerain. This vassalage was, however, from the Egyptian point of view, qualified by the London Agreement (1840) and the firmans of 1841 and 1873 which recognized Egypt as almost independent.<sup>2</sup> Furthermore, a Khedive was the hereditary ruler since Ismail's time in 1873. Hence both Turkey and Egypt had some basis for challenging the British occupation and Britain's continued presence in the latter.

Britain's position may have rested on her pretext that she had gone into Egypt to suppress a rebellion, to establish and maintain law and order, to protect foreigners or to ensure the honouring of financial obligations; but nevertheless, the fact was that her presence was totally devoid of any legal justification. Hence Britain's basic concern from 1882 onwards was her attempt to furnish her presence in Egypt with a legal title.<sup>3</sup> In other words her de facto presence was to be translated into a de jure requirement.

---

2. Ibid., pp. 116, 120, 121, 123, 174.

3. Zayid, Mahmud Y., Egypt's Struggle for Independence, (Khayat, Beirut, 1965), pp. 31-62.

Britain attempted to secure recognition of her position by other powers, in most instances where such powers were seeking a similar act of recognition.<sup>4</sup> In 1887 the British government made an agreement with Turkey in which they consented to leave Egypt within three years with the reservation that they would re-enter to remove any danger of invasion or internal disorder.<sup>5</sup> But Britain's actual behaviour did not accord with any intention to evacuate. She was concerned with the safeguarding of the Suez Canal, being one of the key points of her traditional policy in the Middle East as this lay on the route to India.<sup>6</sup> Her foothold in Cyprus established in 1878 was not considered sufficient safeguard for the routes.

It may also be argued that Britain considered remaining in Egypt in order to prevent any other European power from establishing itself in Egypt. As European powers increased their interest in developing imperial dominion in Africa, Britain sensed the growth of Italian interest in East Africa and Ethiopia in the 1890's and, as seriously if not more, her interest in Libya, which culminated in her expedition into that country in 1911. It is evident that some of the powers, rather than recognize the British

---

4. See below, p. 5.

5. Hurewitz, op.cit., Vol.I, pp. 201-2.

6. Hoskins, Harold, British Routes to India, (Frank Cass & Co., London, 1966), pp. 453-480.

presence, were intent on British evacuation of Egypt. William Langer sees in the French attempt of establishing themselves in the Upper Nile in 1894-5 a policy "to bring pressures on the British to evacuate Egypt".<sup>7</sup> The negotiations which led to the Suez Canal Convention of 1888 show, beyond any doubt, that Britain did not think seriously of evacuation.<sup>8</sup>

One is inclined to believe that Britain's attempt, in 1896, to secure funds for the expedition against Dongola from the Egyptian Reserve Fund, for which the approval of France, Russia, Italy and Germany<sup>9</sup> was needed, only as an attempt on the part of Britain to legalise her position in Egypt. The exchange of free-hand policy which took place between Britain, France and Italy during the years 1902-1904, concerning Morocco (for France) Libya (for Italy) and Egypt (for Britain) could not be considered as a de jure act of recognition laid down by the usage of nations. One needs only to recall that in the declaration of Great Britain and France, on Egypt and Morocco, of April 4th, 1904, Britain bound herself not to alter the political status of Egypt.<sup>10</sup> Its significance lay in denoting that this was an acceptance on the part of France (and Italy)

---

7. Langer, W., Diplomacy of Imperialism, 2nd ed. (Alfred Knopf, New York, 1951), pp. 262-3.

8. Ibid., pp. 123-4; Hurewitz, op.cit., Vol. I, pp.202-205 (text of the Convention).

9. Langer, op.cit., pp. 288-290.

10. See the text of this declaration in Hurewitz, op.cit., Vol. I, pp. 263-265, especially Article I.

of Britain's de facto presence in Egypt in exchange for a political commodity which was to be delivered later. In his discussion of this point, George Young says:

"The ten year's old bargain with France by which we had surrendered our rights over Egypt, and the more recent bargain with Russia by which we surrendered our rights in Constantinople may have been in themselves good or bad business. But in any case, they removed any possibility of an objection from our Allies to a proclamation of a British Protectorate over Egypt".<sup>11</sup>

But he did not see in this any means to effect a de jure recognition of the Protectorate.

The British position in Egypt, between 1882 and 1914 may be summarised as follows. Although Britain occupied and administered Egypt, she continued to remain, nominally at least, a Turkish province. The Porte had for all practical purposes lost control. The Khedive's authority was in fact in the hands of the British Agent, whose authority was exercised directly by his intervention in matters of administration. British personnel held the key positions in various military and civil departments of the government.<sup>12</sup> If these did not occupy the position

- 
11. Young, G., Egypt, (Charles Scribner's Sons, New York, 1927), p. 213.
  12. Hallberg sums up the situation in the following terms: "Theoretically, the British occupation of Egypt did not alter the status of the countries, but practically it had important results.... Though administration was principally in Egyptian hands there were British advisors in the chief departments and British inspector's opinions not to be easily discarded, attached to the Ministries of Finance and Interior". Hallberg W. Charles, the Suez Canal, (Columbia University Press, New York, 1931), p. 327.

of executives they were just as effective in the background as those who dictated the policy. The British advisors were the heads and Egyptian officials the hands.<sup>13</sup>

## II

The exigencies of World War I produced a situation which Britain utilized to pressure her continued presence in Egypt with a view to gaining a legal foothold. Towards the end of October, 1914, Turkey had clearly shown her intention to side with Germany and in November she actually joined her. Egypt was still subject to the suzerainty of the Sultan of Turkey, but now that Britain was at war with Turkey a new situation came about<sup>14</sup> in which British interests in Egypt were served with the employment of so-called war time measures.<sup>15</sup>

A definition of Anglo-Egyptian relations was sought, with this as the object. The British government argued the more expedient alternative between outright annexation and the proclamation of a Protectorate.<sup>16</sup> The decision

- 
13. Marlowe, J., Anglo Egyptian Relations 1800-1955, (The Cresset Press, London, 1954), p. 192.
  14. Egyptian Council of Ministers declared war against Germany in November 1914.
  15. The proclamation of 1914 is silent on whether the Protectorate was a wartime measure.
  16. Lloyd, Lord George, Egypt since Cromer, Vol. I, (Macmillan, London, 1933), pp. 194-198; Marlowe, op.cit., p. 215.

to proclaim a Protectorate prevailed over the policy of others who favoured annexation.<sup>17</sup>

On December 18, 1914, a proclamation was issued by the British Secretary of State for Foreign Affairs which stated:

"His Britannic Majesty's Secretary of State for Foreign Affairs gives notice that, in view of the state of war arising out of the action of Turkey, Egypt is placed under the protectorate of His Majesty and will henceforth constitute a British Protectorate.

"The suzerainty of Turkey over Egypt is thus terminated and His Majesty's Government will adopt all measures necessary for the defence of Egypt, and protect its inhabitants and interests".<sup>18</sup>

The manner of proclaiming this protectorate coupled with the deposition of the Khedive in 1914 showed that Britain was making a show of force superior to Egypt's.<sup>19</sup> In the absence of any agreement between the two countries to create the status of the Protectorate and Protector there was no legal basis to the proclamation.

There are no strict rules of interpretation by which one could determine the full purport of the brief declaration.

---

17. For a discussion on the reasons why the course of Protectorate was adopted see Lloyd, op.cit., Vol. I, pp. 209 ff.

18. Hurewitz, op.cit., Vol. I, p. 5.

19. Lloyd, op.cit., Vol. I, pp. 201-202.

The operative clauses are "Egypt is placed under the protection of His Majesty" and "will henceforth constitute British Protectorate", and "the suzerainty of Turkey over Egypt is thus terminated." Further amplification of Britain's policy and motives were to be found in the Note addressed to Sultan Husein,<sup>20</sup> by His Majesty's Government. Substantially, England not only terminated Turkey's sovereignty and for all purposes assumed it herself but set out to function as such. The deposition of Abbas Hilmi II, who according to them "has definitely thrown in his lot with His Majesty's enemies,"<sup>21</sup> and the appointment of Husein in his stead, was indicative of the amount of control Britain had reserved for herself.

The statement in the Note which declared that: "His Majesty's Government deem it most consistent with the new responsibilities assumed by Great Britain that the relations between your Highness's Government and the Representatives of Foreign Powers should henceforth be conducted through His Majesty's Representative in Cairo must have dealt the final blow to any semblance of Egypt's independence. Lloyd sums up the situation as follows:

---

20. Analysed by Lloyd, op.cit., Vol. I, pp. 205-208. For the text of the Note see Hurewitz, op.cit., Vol. I, pp. 5-7.

21. Lloyd., op.cit., p. 205.



"The whole protectorate policy was based upon the theory that it was essential to maintain the appearance of Egyptian independence and here was a decision which at once and in a very marked degree diminished not only the appearance but the reality of that independence."<sup>22</sup>

The relationship of Sovereign States inter se and their conduct towards each other is governed primarily by a body of rules of international law.<sup>23</sup> This same system of rules also applies to States which may not possess full sovereignty and are subject to a partial control exercised by another state. The status of dependent States vary according to the degree and type of control that the other State exerts over them. In the category of dependencies there may be protectorates on suzerainties.<sup>24</sup> Neither of the two terms can be described with legal precision; as in each case the particular circumstances and treaty which created the relationship determine the nature of the dependency.

The closest legal analysis that approaches a definition of what a Protectorate is, is given in the leading

---

22. Ibid., p. 207.

23. Brierly, J.L., The Law of Nations, 6th ed. (Oxford University Press, London, 1963), p. 133.

24. Williams, Glanville, Salmond on Jurisprudence, 11th ed. (Sweet and Maxwell Ltd., London, 1957), p. 32.

case of the Nationality Decree in Tunis and Morocco.<sup>25</sup> The Permanent Court of International Justice differentiated between the status of International Protectorates and Colonial Protectorates as "In spite of common features possessed by Protectorates under International law they have individual legal characteristics resulting from the special conditions under which they were created, and the stage of their development".<sup>26</sup> Oppenheim says that a protectorate is created when a weak state confides itself via the instrumentality of a treaty to a stronger state, wherein this latter State conducts the foreign affairs of the protected State. This treaty creates an international contractual relationship which is the protectorate.<sup>27</sup>

The relevance of showing the creation of Protectorates in International Law is to demonstrate that the Protectorate based upon a unilateral declaration on the part of Great Britain in Egypt in 1914 was not in accordance with International legal procedure. But the legal insufficiency of Britain's de facto Protectorate was clear not least of all to the British. This self appointed tutor by the aid of an uncomfortable unilateral statement imposed itself upon a people whose own aspirations to full independence were to undergo many a strenuous battle.

---

25. Brierly, op.cit., pp. 133-134. See also 137.

26. Starke, G.J., An Introduction to International Law, (Butterworth & Co. Ltd., London, 1954), pp. 46-47.

27. Oppenheim, L., International Law, Vol. I - Peace, 8th ed. (Longmans, Green & Co., London, 1957), p. 192.

Granted that in the main, Britain was reluctant to declare Egypt an integral part of her Empire because this would have been politically inconvenient, it remains to refer to the amount of international recognition that was given to the declaration of 1914. She based her tenancy solely on the amount of political strength that she was able to exert. During the years of the First World War the fact that her position was upheld by the Allied Powers made it seem internationally valid even if still void of any legal basis.<sup>28</sup> The de jure recognition came after the war when most of the World Powers meeting in Paris acknowledged the Protectorate.<sup>29</sup>

### III

World War I and its immediate aftermath produced a strong national stand in Egypt. The growth of the Wafd, although not officially reorganized as a party until April 1924,<sup>30</sup> was responsible for fostering the national feeling and bringing about an adamant stand in which the Egyptians were not prepared to accept anything less than full

- 
28. O'Rourke, Vernon, The Juristic Status of Egypt and the Sudan, (The Johns Hopkins Press, Baltimore, 1935), p.55.
29. See Article 147, Treaty of Versailles; Articles 102-109, Treaty of St. Germain; Articles 86-93, Treaty of Lausanne.
30. Oriente Moderno, IV (1924-5), p. 467.

independence. Turmoil was engendered by the Wafd and demonstrations and other political activities became the order of the day.

The story of the earlier negotiations, from the Milner Commission onwards, need not be retold here; all attempts to reach an agreement failed.<sup>31</sup> The British Government, realising the futility of reaching any solution through negotiations, decided upon the issuing of a unilateral Declaration. This was duly proclaimed on February 28, 1922. One is inclined to believe that this act constitutes a landmark in Britain's attempt to legalise her position in Egypt. The declaration merits consideration, the contents were:

"Whereas His Majesty's Government, in accordance with their declared intentions, desire forthwith to recognize Egypt as an independent sovereign State; and

---

31. Summary of the earlier negotiations see Lloyd, op.cit., Vol. II, pp. 11-265; O'Rourke, op.cit., pp. 135-141. R.I.I.A., Great Britain and Egypt 1914-1951, (R.I.I.A., London, 1952), pp. 10-39; Marlowe, op.cit., pp. 260-309; Zayid, op.cit., pp. 95-162; Survey of International Affairs 1925, Vol. I (Royal Institute for International Affairs, Oxford University Press, London, 1927), pp. 205-213. (Henceforth the surveys will be referred to as Survey); Survey, 1928, pp. 243 ff; 252-271; Survey, 1930, pp. 194-209; Ghorbal, M. Shafiq, Tarikh al Mufawadat al Misriyya al-Baritaniyya (maktabat an-Nahda, Cairo, 1952), pp. 125-160, 169-223; Ar-Rafi'i, 'Abdurrahman, fi a'qab ath-thawra al-misriyya, Vols. I and II (maktabat an-Nahda, Cairo, 1947-49), passim.; Al-Barawy, Rashed, majmu'at al-watha'iq as-siyasiyya, Vol. I, (maktabat an Nahda, Cairo, 1952), pp. 136-140; Safwat, M. Mustafa, Misr al-mu'asira, (maktabat an-Nahda, Cairo, 1959), pp. 130-142.

Whereas the relations between His Majesty's Government and Egypt are of vital interest to the British Empire;

The following principles are hereby declared:-

1. The British Protectorate over Egypt is terminated, and Egypt is declared to be an independent sovereign State.

2. So soon as the Government of His Highness shall pass an Act of Indemnity with application to all inhabitants of Egypt, martial law as proclaimed on the 2nd November, 1914, shall be withdrawn.

3. The following matters are absolutely reserved to the discretion of His Majesty's Government until such time as it may be possible by free discussion and friendly accommodation on both sides to conclude agreements in regard thereto between His Majesty's Government and the Government of Egypt:-

a. The security of the communications of the British Empire in Egypt;

b. The defence of Egypt against all foreign aggression or interference, direct or indirect;

c. The protection of foreign interests in Egypt and the protection of minorities;

d. The Soudan.

Pending the conclusion of such agreements, the status quo in all these matters shall remain intact".<sup>32</sup>

---

32. Davis, Helen Miller, Constitutions, Electoral Laws, Treaties of States in the Near and Middle East, (Duke University Press, Durham, N.C. 1953), pp. 66-67.

According to this the Protectorate over Egypt was terminated and Egypt was declared an independent state. It was supposed that henceforth she would deal with her own affairs; and that she was to appoint her own representatives to other countries.<sup>33</sup> But this "independence" needed to be interpreted against the background of the following limitations.

1. The four reservations restricted the activity of an independent Egypt. Even if one were to consider the reservation concerning the Sudan apart, there remains that fact that the military occupation of Egypt constituted a serious trespass on her sovereignty.

2. The British contention that they would protect the rights of minorities and foreign interests was contrary to the assertion that they were granting Egypt her "independence". This "protection" was no less than a right reserved to interfere in the internal affairs of the country.

3. Apart from the political and administrative drawbacks there was also another aspect to consider. The national aspirations of the people, construed by Egyptian

---

33. Abbas Hilmi, commenting on the 1922 Declaration, said, "The hundred and one guns which were fired to announce the independence of Egypt made a good deal of noise to celebrate very poor results". Hilmi, Abbas, A Few Words on the Anglo-Egyptian Settlement, (George Allen & Unwin, London, 1930), pp. 92-93.

national leadership, had prepared them psychologically to accept no less than full independence, which is what they wanted.

4. The re-establishment of an Egyptian foreign ministry, to deal with Egypt's relations with the outside world, was only a declaration contained in a matter of form.<sup>34</sup>

A further analysis of the Declaration of 1922, from other angles, reveals one or two other important issues.

1. Britain disposed of the Egyptian "Question" as if Egypt were a British possession and the British government were quite free to decide her fate. What caused Britain to assume this attitude is not easy to ascertain. It is likely that the British and allied victory over the Central Powers, including Turkey, led His Majesty's Government to consider their position in Egypt virtually unchallenged; especially as the 1914 Protectorate was recognized by such an ally as the U.S.A. (1917). The fact remains that at the time the Declaration was made by Britain, Turkey had not yet renounced her rights over her former possessions including Egypt.

2. The juridical position of Turkey in Egypt "had not been altered either by the British military occupation of Egypt in and after 1882, or by the outbreak of war

---

34. Survey, 1925, Vol. I., p. 195.

between Great Britain and Turkey in 1914".<sup>35</sup> What could have terminated the Turkish sovereignty over Egypt? Nothing less than such a legal document as a treaty signed and ratified by Turkey. This was effected by articles, 16, 17 and 18 of the Treaty of Lausanne signed and ratified by Turkey. Article 17 states that "the renunciation by Turkey of all rights and titles over Egypt and over the Sudan will take effect as from the 5th of November, 1914".<sup>36</sup> Hence Britain's attempt to secure a free hand in Egypt did not come till 1923. Therefore when Britain made her Declaration of 1922 she made it in the face of juridicial rights that Turkey still held over Egypt. It is also to be noted that the abortive Treaty of Sevres of August 10, 1920, was never ratified by Turkey and therefore never implemented.<sup>37</sup>

3. Britain had, for some years, attempted to develop a political dialogue with Egyptian national leaders; she had hoped that this would result in Egyptian acquiescence to Britain's presence in the country and that this may well become the starting point for further negotiations. Irrespective of the intentions of the British negotiators and politicians, the advances made by them could not be

---

35. Survey, 1925, Vol. I, p. 197.

36. See Hurewitz, op.cit., II, pp. 119 ff.

37. See Articles 101, 102-112 of the Treaty of Sevres. Text in Hurewitz, op.cit., Vol. II, pp. 87-90.



accepted by most of the Egyptian leaders of whom Saad Zaghlul was then the most respected and prominent. The sterile dialogue was soon terminated by Sir Edmund (later Lord) Allenby with the issue of the Declaration of February 28th, 1922. Miss Monroe has summed up the situation that resulted in a brilliant passage when she wrote:

"The solution that the British government preferred in Egypt was a declaration of so called independence, which was intended to lead at once to Egyptian management of home affairs, but turned into a unilateral British declaration instead of a matter of agreement, because the Egyptian nationalists led by Zaghlul were smarting under past slights and were not ready to commit themselves to a moderate policy. Most nationalists were prepared to admit that Britain had local interests that needed preserving, but they refused to agree that the four reservations on which Great Britain insisted were compatible with independence. The essence of the disagreement was a question of trust; Britain mistrusted Egyptian ability to look after the Suez Canal, the Sudan, rights of minorities and the defence of Egypt; Egyptians wanted to be trusted with these matters and contended that short of that trust independence was a sham".<sup>38</sup>

---

38. Monroe, E., Britain's Moment in the Middle East 1914-1956, (Chatto & Windus, London, 1963), p. 72; see also p. 74; Hallberg, op.cit., p. 359.

IV

Some other aspects pertaining to Egyptian independence, sovereignty and the country's international status will now be considered. Following the assumption that the juridical position of Egypt was defined by her vassalage to Turkey, it means that not until the Treaty of Lausanne was ratified, was Turkey's suzerainty extinguished. Hence, not until this time, could Egypt be a subject for disposal. But by whom? If Britain had not assumed a de jure right, then she could not dispose of Egypt; the Treaty of Lausanne did not stipulate a transfer of sovereignty from Turkey to Britain.

Britain's action here is comparable to that of Italy in Libya when the Treaty of Ouchy was signed in October, 1912.<sup>39</sup> Turkey granted Libya her independence and then Italy annexed her. Turkey never suggested in as much as the text of this Treaty was concerned, a transfer of sovereignty to Italy. Both Italy and Britain depended, in their disposal of Libya and Egypt respectively, on the right of occupation, although one has to remember that the manner in which the disposals were carried out differed totally.

---

39. Askew, William, Europe and Italy's Acquisition of Libya, (Duke University Press, Durham, N.C., 1942), pp. 233-249.

It is of interest to note that Britain was keen, both in the abortive Treaty of Sevres and in the Treaty of Lausanne to antedate Turkey's renunciation of her rights over Egypt and push it back to November, 1914, a date so chosen which would give the Declaration of the Protectorate of December 18, 1914, a legal basis.

Yet Britain in 1922, declared Egypt an independent state, although, as already stated there were reservations which infringed on this independence. So having based her action on her de facto presence, she exercised her authority in Egypt, whether the starting point of this must be taken as 1882 or 1914; the latter would find more support in English Law, as Egypt since November 1914 was placed under British Martial Law.<sup>40</sup>

The question of sovereignty is slightly more complicated. If it is admitted that Egypt commenced her full sovereign existence as of 1922 as a result of the Declaration, then two points present themselves. On the one hand sovereignty is never granted by another power; a nation or a country attains sovereignty as a result of its own will to do so. In 1922, Egypt indeed desired to

---

40. Ministere des Finance, Egypte, Recueil des Documents Relatifs a la Guerre, (Imprimerie Nationale, Cairo, 1920), pp. 190-191; On the government of Egypt by Martial Law see Chirol, Sir Valentine, The Egyptian Problem, (Macmillan and Co., London, 1920), pp. 274-294.

be independent and sovereign but she had no means of achieving this. Independence, as seen by British eyes, resulted from the fact that Britain had decided to retain Egypt for herself. Sovereignty could not issue from the British Declaration because Egypt was not free to exercise her own laws, since (British) Martial law was still in force. In 1924 Martial law was abolished and on February 8, of the same year an amnesty granting pardon to Egyptian political prisoners was proclaimed by the British High Commissioner on behalf of His Majesty's Government. From here onwards Egyptian Law was in force and no Egyptian could be arrested except for the infringement of the law of his own country. Then one of the basic manifestations of Egyptian sovereignty commenced.

What was the international position of Egypt whilst these other problems confronted the two countries concerned? At the outset it may be stated that between 1882 and 1914, at whatever level the question is considered, Egypt from the view point of international law was an Ottoman Province, and for all practical purposes administered by Britain. Egypt per se had no international status.<sup>41</sup> As a British

---

41. See Oppenheim, op.cit., pp. 192-193 where he expresses another opinion. He says, "But it is characteristic of a protectorate... that the protected state always has, and retains, for some purposes, a position of its own as an International Person and a subject of International Law". The issue which might arise in this connection is whether the British protectorate over Egypt falls within this category. Oppenheims reference (p. 193 Note 1) is to that effect.

protectorate she was just this, no more no less. How did the Declaration of 1922 change the position? Egypt had expected as a result of this declaration to re-establish a Ministry of Foreign Affairs. This issue had already featured in the political dialogues and this office was to be the instrument through which Egypt would define her international status and gradually address herself to its application. But the realization of Egypt's aspirations was a different story; for the evolution of her status from subjection to sovereignty needed many another qualification before it could achieve completion.

The Declaration of 1922 had not effected a change in Egypt's international status;<sup>42</sup> that change had to wait for the Treaty of 1936.

---

42. See Chirol, op.cit., pp. 142-155.

CHAPTER TWO  
EGYPT AND GREAT BRITAIN PROBLEMS

I

The Declaration of 1922, in whichever spirit or letter it may be interpreted, was a landmark in the history of Egypt and her relations with Britain. This study does not purport, as it has been said earlier, at writing either the history of modern Egypt, or Anglo-Egyptian relations; it aims at an examination of the Anglo-Egyptian treaty of alliance of 1936 and a further study of the conditions and situations which prevailed in Egypt and which eventually led to its abrogation in 1951. The treaty's implementation, or failure thereof, during that period is really the very essence of the present paper. It is with this in mind that the Declaration of 1922 is considered a landmark.

From then onwards Egypt proceeded in her political work along two lines, which were parallel but were not necessarily meant to achieve the same end. One line was governmental and administrative which tried to see to it that the country received a stable administration and had her economy reconstituted after the troubles of World War I and its aftermath.<sup>1</sup> The second line was that of the

---

1. It is interesting in this connection to read, on the economic situation in Egypt, Survey, 1925, Vol. I, pp. 189-90.

nationalists who struggled politically for the achievement of complete and full independence of the country. It must be added that at times the two lines coalesced when the nationalist leaders were in power, a matter which had some far reaching effects on both lines of action, and such occasions will be referred to when the treatment of the subject demands it.

It must be remembered that, "What Great Britain did concede [in 1922] forthwith to Egypt was a measure of internal self-government..."<sup>2</sup> Egypt went on establishing this measure and hoping to increase it; but, as it has been said, British advisors were the real masters of the situation.

There remain however a few points which deserve especial mention here. Egypt now proceeded to create a machinery which would help her devise means of procedure for her legal development. She promulgated a constitution (April 19, 1923)<sup>3</sup>. This was not an easy process, because Fuad, the then Sultan of Egypt and who was to assume the throne of Egypt as her first King in modern times as Fuad I,<sup>4</sup>

---

2. Survey, 1925, Vol. I, p. 196.

3. For the text see Davis, op.cit., pp. 26-47.

4. Fuad declared Egypt an independent sovereign state on March 15, 1922, on which occasion he assumed the title of His Majesty the King.

was a monarch who wanted to wield as much authority as he possibly could. Hence the very disagreement which showed itself was concerning the royal prerogatives in the Constitution, and it was between the King and Sarwat.<sup>5</sup> However the promulgation of a constitution meant the institution of a democratic government with the necessary parliamentary institutions, including a responsible cabinet. Here elections, and parliamentary majority became part and parcel of political life, and the struggle for independence could no more be divorced from internal politics and the rivalry for popular leadership and support, not to say a monopoly of the nationalist leadership of Egypt.

One of the most important parts of the administrative machinery with which the country was engaged, was the re-establishment of a Ministry of Foreign Affairs. With this went, without saying, the creation of a diplomatic service, which, it may be assumed, was considered an external expression, on the international scene, of the so-called sovereignty which Egypt supposedly had.

---

5. Haikal, Muhammad Husain, Mudhakkarāt fi as-siyasa al-Misriyya, Vol. I, (Maktabat an-Nahda al-Misriyya, Cairo, 1951), pp. 137-142, 151, 155-157; see also Safwat, Muhammad, Misr al-Mu'asira wa qiyām al-Jumhuriyya al-arakiyya al-muttahida, (Maktabat an-Nahda al-Misriyya, Cairo, 1959), pp. 118-9, 150.



Equally important in the political development in the period which followed the Declaration of 1922 was the appearance of political parties. Those interested in supporting one leadership or another, or in finding their political loyalties, were given the opportunity to do so. Space does not suffice, nor does the nature of this study permit a detailed treatment of the parties which Egypt came to know during the years following the Declaration. But a brief reference to such organizations may not be completely out of place.

The first political party, historically speaking, which was already organized and plunged into active political work after the War was al-Hizb al-Watani, the National Party, founded already in 1907,<sup>6</sup> and surviving the vicissitudes of the times between its formation and the period under discussion. The Wafd (Delegation) had existed, in one form or another, as an instrument of voicing the desires of politically conscious Egyptians from 1918. It had passed through vicissitudes and phases of unity and disruption, until it was felt that an organization was a real necessity. So the oldest Egyptian group of political national leadership which

---

6. Landau, Jacob, Parliaments and Parties in Egypt (Tel-Aviv, 1953), pp. 84-101, 104-136; Zayid, Mahmud, op.cit., cc 1-2, passim.

appeared after World War I did not organize itself as a parliamentary party till April, 1924.<sup>7</sup>

As the result of political splits, shuffles and reshuffles and disruption in the political life of Egypt between 1918 and 1922, a group of politicians, headed by Adli Yakan organized themselves into the Hizb al-Ahrar ad-Dusturriyyin (The Liberal Constitutional Party); this took place in October, 1922.<sup>8</sup> Hizb al-Ittihad (Union Party) was formed in 1925.<sup>9</sup> Later other parties, such as Hizb ash-Sha'b (The People's Party) of 1930,<sup>10</sup> were to be formed, but their influence on the course of Egyptian politics was rather insignificant. Yet the creation of political parties led to the canalization of political activities in a way which was, at least comparatively speaking, a healthy one. Principles, when made clear to the people, enabled them although

- 
7. See Landau, op.cit., pp. 148-169; Survey, 1925, Vol. I, p. 196; Oriente Moderno, Vol. IV, p. 467; Zayid, Mahmud, "Nasha't Hizb al Wafd al-Misri", Al-Abhath, Vol. XV (1962), pp. 242-280.
  8. See as-Siyasa (Cairo) October 30, 1922; Al-Muqattam of October 31, 1922 published the principles of the party; see also Landau, op.cit., pp. 169-173; Survey, 1925, Vol. I, p. 194; Oriente Moderno, Vol. II, p. 388; and Zayid, Mahmud, "Nasha't Hizb al-Ahrar ad-Dusturriyyin" in al-Abhath, Vol. XVI, (1963), pp. 35-52; Haikal, op.cit., pp. 143 ff.
  9. Landau, op.cit., pp. 173-174; Haikal, op.cit., pp. 223-224.
  10. Zayid, Mahmud, Egypt's Struggle for Independence, (Khayat, Beirut, 1965), p. 194.

in limited circles, to decide on their choice of political affiliation. On the other hand the choice of constitutional monarchy as a form of government, with all it brought, gave Egypt an opportunity for formulating her aims and following a path which was likely to lead to their fulfillment.

Thus government machinery as well as political instruments took shape during this period. It seemed also that from now on the King of Egypt was in a position to play political parties one against another to the extent of suspending the constitution and substituting it with another in 1930. This internal strife often impeded progress along the other line - namely a struggle for independence and settling the matter with Great Britain. Internal crises told on the course of policy and negotiations with Britain, especially when the latter would insist that she would not be ready to negotiate with a government or a delegation which could not represent the various trends or forces in Egypt.

## II

Egypt and her political leaders realized, irrespective of their objection or rejection of the Declaration, that in order to achieve progress from the situation of 1922, some sort of negotiations had to take

place with the British Government. It was natural therefore that a number of Egyptian leaders tried their hands, between 1924 and 1930, in an attempt to bring to an end the virtual British occupation of Egypt, and to complete Egyptian sovereignty and independence.<sup>11</sup> The starting point had to be the Declaration of 1922 and the four reservations.

Four rounds of negotiations took place between 1924 and 1930, and all failed in the end. Two things seem to have wrecked them; the insistence of Britain on having a garrison stationed in Egypt and the Sudan. The Egyptians considered that the presence of a British army in Egypt was nothing but a continued military occupation constituting an infringement on the sovereignty of the country.<sup>12</sup> Egypt also claimed historical rights in the Sudan and was adamant about having her share in the administration of the country the symbol of which was, to them, that the title of their monarch should be the King of Egypt and the Sudan,<sup>13</sup> and a return to the status quo ante 1924;<sup>14</sup>

---

11. R.I.I.A., op.cit., pp. 10-11.

12. See Ghorbal, op.cit., pp. 150, 176-177, 184, 187, 213, 229; R.I.I.A., op.cit., p. 17.

13. Ghorbal, op.cit., pp. 220-221, 232-240; R.I.I.A., op.cit., pp. 17, 25-26.

14. Ibid., p. 17.

but this last item applies to the three last negotiations.<sup>15</sup>

Before considering the negotiations, we would like to place before the reader one or two observations which may help our analysis.

1. The late Muhammad Shafiq Ghorbal, the historian of the Anglo-Egyptian negotiations, observed that had Egypt approached the new era, resulting from the Declaration of 1922, with a united front, she would have achieved a great deal of progress. Instead the political antagonists of Sarwat, especially the Wafd, started a propaganda which was both misleading and contradictory, so that the country could not be wisely guided.<sup>16</sup> The extremists caused Egypt a great deal of embarrassment when they resorted to political assassinations, the culminating event of which was the murder of Sir Lee Stack.<sup>17</sup> A third point he makes is that the disagreement between the King and the Wafd leaders on matters pertaining to the Constitution and its application hampered Egypt's progress. They assumed that Fuad was an autocrat and a despot, rather than realizing that he had

---

15. The change in the status of Egypt and the Egyptians in the Sudan resulted from the murder of Sir Lee Stack. See R.I.I.A., op.cit., pp. 11-14; Ghorbal, op.cit., pp. 155-159; Survey, 1925, Vol. I, pp. 215-219.

16. Ghorbal, op.cit., p. 113.

17. Ibid., p. 131.

more experience than many of them,<sup>18</sup> and thus was trying to lead the country to its goal along evolutionary lines.

2. The second observation concerns the British situation towards Egypt and negotiations with her. Probably Ramsay MacDonald's note addressed to Lord Allenby, the British High Commissioner in Egypt, on May 30, 1924, to be conveyed to the Egyptian Government, explains better than anything else this attitude.

"The position of Great Britain in Egypt, whatever Egyptians may try to make out, is juridically and internationally perfectly legal. Egypt was de jure and de facto a British protectorate. For reasons of their own and of their own motion His Majesty's Government modified that status and granted a measure of independence. His Majesty's Government alone were able or had the right to do this, and Egyptian independence, so far as it exists, is the direct consequence of action of His Majesty's Government.... The chief advantage of negotiating with Zaghlul lies in the probability that an agreement accepted by him would be endorsed by Egypt.... Unless this question can be answered in the affirmative, the advantages of negotiating with Zaghlul are largely discounted. If, however, an affirmative reply can be given, the obvious inference is that Zaghlul is

---

18. Ibid., p. 117.

exaggerating his difficulties with the double object (a) of contracting something, which in the event of failure of negotiations, he could represent as an admission that without Egyptian recognition the Declaration of 1922 is ineffective, (b) of making His Majesty's Government appear as the party who are striving at all costs to promote the negotiations in order to legalise an other wise untenable position."<sup>19</sup>

The duty of the negotiators, Egyptian and British alike, was first and foremost, to see that Egyptian aspirations and British interests were reconciled.<sup>20</sup> Four rounds of negotiations took place between 1924 and 1930. In September 1924 Zaghlul opened negotiations with MacDonald;<sup>21</sup> Sarwat negotiated with Sir Austin Chamberlain in 1927-8; in 1929 Mahmud and Henderson tried a solution of the Anglo-Egyptian problems and finally Nahhas conducted negotiations with Henderson. The sum total of all this was negative - no agreement was reached. It is not intended to give a comprehensive account of these negotiations, because this would be irrelevant.

---

19. Lloyd, op.cit., Vol. II, p. 89.

20. See Survey of International Affairs, 1928, pp. 248-249.

21. See Kedourie, Elie, "Sa'ad Zaghlul and the British" in St. Antony's Papers (No. 11) Middle Eastern Affairs No. 2, (Chatto and Windus, London, 1961), pp. 139-160.

But it may not be out of place to sum up the main issues discussed during the six years.

The military questions included the defence of Egypt, the defence of the imperial routes, the number and concentration of British forces in Egypt and the Egyptian army itself. A thorough reading of the texts of the drafts and counter-drafts presented on the various occasions shows the concern of both parties the Egyptians were much concerned with bringing the British Military occupation to an end,<sup>22</sup> because it was, and rightly so, a direct infringement on the sovereignty of the country. Even when the Egyptian negotiator was prepared to make concessions by allowing a British force to be maintained in Egypt, he wanted a definite time-limit for its eventual evacuation, and there would be a serious concern about strengthening the Egyptian army, so as to be able, in due course, to take over the defence of Egypt and to be relied upon to take an active part in the defence of imperial routes also.<sup>23</sup>

---

22. See draft agreement (1929) art. 1; (1930) art. 1. For the draft agreements see Documents on International Affairs 1930, pp. 208f, 214f.

23. See Survey, 1925, Vol. I, pp. 208; R.I.I.A., op.cit., p. 11; Survey, 1928, pp. 242-247; Ghorbal, op.cit., pp. 151, 167. It is useful to compare the articles of the draft agreements dealing with these matters: they are (1927) arts. 3, 4, 5, 6, 7 and app. 1; (1929) 7, 8, 9; (1930) 8 & 9.



The second problem on which negotiations dwelt was the protection of foreigners in Egypt and foreign policy. The first issue wounded the pride of the Egyptians to be told, as the reservations of 1922 had told them, that they were not capable of protecting the foreigners and that an especial, European, department of internal security, police, was to be set up in Egypt which was not really a part of the machinery of the Ministry of interior.<sup>24</sup> The other point, namely the coordination of Egyptian foreign policy<sup>25</sup> with that of Britain meant, beyond any doubt, that Britain, the senior member, controlled Egypt's relations with third States. Hence Egypt sought to lessen this control which, next to the presence of British forces, tied the hands of Egypt.<sup>26</sup>

Egypt had been suffering from the regime of Capitulations. It is noticeable that the Egyptian negotiator was much interested in bringing this regime, with its

---

24. As an example see R.I.I.A., op.cit., p. 17; Ghorbal, op.cit., pp. 151, 217-219. Compare the relevant articles in the draft agreements: (1929) art. 6; (1930) art. 3. There was a great deal of improvement in the 1930, when the protection of foreigners in Egypt was considered to be the duty of the Egyptian government.

25. See The Times, March 16, 1928.

26. R.I.I.A., op.cit., p. 17; Survey 1928, pp. 243. Ghorbal, op.cit., pp. 150, 213. See draft agreements (1927) art. 2; (1929) art. 5; (1930) art. 6.

privileges and burdens, to an end. Britain agreed that the regime was already outdated and had to be abolished.<sup>27</sup>

Membership of the League of Nations was considered then to be a symbol of independence; Egypt insisted, therefore, that she be admitted to the League and that Britain should recommend her. Agreement on this point was reached, with slight difference of expression, whether Britain was to allow Egypt to be admitted or whether she was to recommend the admission or support it.<sup>28</sup>

Although the Sudan played an especially important role in the negotiations, it was purposely left out here, as the present study will not consider the Sudan; this matter merits a full study on its own.<sup>29</sup>

An observation concerning the Egyptian negotiator is probably worth making at this junctive. On the British side, irrespective of the political identity of the negotiator, there was a stand to which the government as such adhered and from which a start was to be

---

27. See draft agreements: (1927) art. 9; (1929) art. 11; (1930) art. 4.

28. See draft agreements: (1927) art. 10 & 14; (1929) art. 3, 4, 5, 14; (1930) art. 2, 7, 13. See also Survey, 1925, Vol. I, pp. 208-212.

29. See Survey, 1925, Vol. I, pp. 232-235; Survey, 1928, pp. 249; Ghorbal, op.cit., pp. 177, 211, 220, 239; Draft agreements: (1929) art. 13; (1930) art. 11; The Times, September 1, 1933.

made. On the Egyptian side it was different. The Wafd was considered by the country as its representative and spokesman. When negotiations were conducted by its leaders (Zaghlul and Nahhas) its press and organs would defend its stand. When Sarwat and Mahmud negotiated, irrespective of their gains, they had to submit their projects to the Wafd. Sarwat, in 1928, succeeded in realizing a number of Egyptian aspirations. But when he eventually had to submit his draft to the Wafd, Zaghlul was seriously ill, and he died shortly afterwards.<sup>30</sup> His successor, Nahhas, had not yet been nationally recognized and he therefore could not agree to things which might have had the support of Zaghlul. Thus Sarwat left the scene and shortly afterwards he resigned.<sup>31</sup>

Another interesting observation is that the Egyptian nationalist leadership, with the Wafd dominating the political scene, and realizing Britain's anxiety to come to an agreement, became adamant, not to say obstinate, about Egypt's demands. The British Government, on the other hand, seeing that political leadership in Egypt

---

30. See the Manchester Guardian, March 3 and 9, 1928.

31. Survey, 1928, pp. 243-245, 253-256; Ghorbal, op.cit., pp. 169-192; R.I.I.A., op.cit., p. 17; See also Lloyd, op.cit., Vol. II, pp. 223-265; The Times, September 24, 1928.

was no more a unified front, and that other political parties took an antagonistic position towards the Wafd, hinted that they would rather negotiate with representatives of all Egyptian political trends and attitudes in Egypt<sup>32</sup>.

### III

On August 26, 1936, Great Britain and Egypt finally concluded the Treaty of Alliance. Hardly a statement illustrates the situation which this treaty brought to an end better than that of Toynbee, which is worth quoting in full. He wrote:

"The signature of this diplomatic instrument in London on the 26th August, 1936, at last brought to an end a chapter in the history of Anglo-Egyptian relations which had begun fifty-four years before, with the opening of hostilities between British and Egyptian armed forces in Egyptian territorial waters and on Egyptian soil on the 11th July, 1882. Ever since that date, the relations between the two countries had been governed 'in the last analysis' by the brute fact of their utter disparity in arms--a disparity which had been demonstrated in action in 1882 and which the British had it in their power--

---

32. Ghorbal, op.cit., pp. 245-6, 254; The Manchester Guardian, April 3, 1928.

since they had never withdrawn their army of occupation-- to demonstrate again at any time when this might suit British policy. This naval and military basis of Great Britain's position in Egypt during those fifty-four years had been as embarrassing to British as it had been humiliating to Egyptian sensibilities; and again and again the two parties to this irksome relation had sullenly conspired--at times when they were failing to co-operate for any more constructive purpose--to cloak the ugly truth under a smooth facade of 'face-saving' make-believe; yet all the time the true character of the situation had been plain to those Englishmen and Egyptians who were brought into practical contact with it; and this secret knowledge had never ceased to poison the intercourse between them. In the course of half a century this rut had worn deep; and the relations between the two countries had to be lifted out and set upon a smooth and even thoroughfare before a beginning could be made with a fresh attempt at a settlement which, this time, was to end in success--in happy contrast to the dismal series of previous failures."<sup>33</sup>

What would engage the attention of the student of this period of Egyptian history is the change of

---

33. Survey, 1936, pp. 662-663.

circumstances which led to the success. It is not intended here to dwell on the internal developments of Egypt; nor to deal with the international situation in any details, but as this had much to do with the signing of the Treaty, certain matters have to be examined, because of their immediate impact on the Treaty.

In 1930 a new Constitution, with a new Electoral Law, was promulgated in Egypt, while the 1923 Constitution was prorogated. During the following three or four years, political activity in Egypt followed one of two lines: the Palace and Sidqi ran the country,<sup>34</sup> while the Wafd and the Constitutional Liberals led the opposition, and aimed at the restitution of the 1923 Constitution. It is significant to note that Nahhas and Mahmud, respectively the leaders of the two political parties just mentioned, struck a pact on March 31, 1931.<sup>35</sup> The situation viewed by the men very seriously convinced them that they should bury their antagonism and rivalry and reconcile their differences. "This reconciliation may not have been complete, but it was, nevertheless noteworthy, considering that, no further back than 1928, Mahmud Pasha had been playing what was now Sidqi Pasha's role, while, as

---

34. On Sidqi's government see The Daily Telegraph, September 30, 1933.

35. Survey, 1936, p. 666.

lately as 1929, Nahhas Pasha had given Mahmud Pasha the throw which he was now hoping to give to Sidqi Pasha."<sup>36</sup> This went further to the extent that in December, 1935 a pact between the Wafd and the Liberal Constitutionals was actually struck - a pact which had far-reaching effect.<sup>37</sup> A talk about resuming negotiations with Britain was already in the air.<sup>38</sup> Within the political circles in Egypt one could discern two trends: The Wafd was intent on restitution of the Constitution of 1923 and the negotiations for a treaty; while the Liberal Constitutionalists called for unity first and the treaty next.<sup>39</sup> Eventually, however, the United Front, composed of the two parties agreed that they would work together for the bringing back of the 1923 Constitution and the negotiation of a treaty with Britain.

Whatever Britain's attitude or advice concerning the Constitution was at the time may not be known for some time to come. The one salient fact is that on December 12, 1935 the British High Commissioner told the Prime Minister of Egypt that "it was evident that the

---

36. Survey, 1930, pp. 202-4; Survey, 1936, p. 666.

37. Ghorbal, op.cit., pp. 270-272; Haikal, op.cit., I, pp. 386-7.

38. Ghorbal, op.cit., pp. 254-5.

39. Ibid., p. 267; Haikal, op.cit., I, pp. 386-7, 388; Safwat, op.cit., p. 151.

British Government had no intention of dictating the form of the Egyptian Constitution."<sup>40</sup>

Now the United Front was in action. A message was addressed to His Majesty King Fuad asking for the bringing back of the Constitution of 1923. This petition was signed by Nahhas, Mahmud, Sidqi and Yahya, all ex-Prime Ministers and leaders of Wafd, Constitutional Liberals, Sha'b and Ittihad respectively.<sup>41</sup> Talks, conversations, interviews and petitions - all presenting a united front, led to the issuance on December 19, 1935 of a Royal Rescript re-establishing the old Egyptian Constitution.

The question of the reopening of the negotiations for the treaty followed a slightly circuitous path. But before a discussion of this is set forth, an examination of the international situation which precipitated matters, imposes itself at this juncture. It must be remembered that early in 1931 Italy completed the 'pacification' of Libya; thus establishing herself at the western gates of Egypt. This in itself must have created some sort of apprehension in both London and Cairo.

---

40. Survey, 1936, p. 679. Sir Miles Lampson was referring to the Speech of Sir Samuel Hoare in Parliament on December 5, 1935. See Survey, 1936, p. 677.

41. Haikal, op.cit., I, pp. 388-391.



The international political milieu of the early thirties which loomed over the world sent its own spectre to hover on the Middle Eastern horizons. There were two major events in terms of World history which were to contribute their share of an impact on relations between the Western Powers and the people of the area. One such event was the seizure of Ethiopia by Mussolini in 1935-36 and the other was the collaboration of the Rome-Berlin Axis. Both these events seem to have persuaded some amount of revision into British and French policies towards their territories. At the outset of the Ethiopian crisis, the new director of French Foreign policy, M. Pierre Laval, wanted to woo Italian support. This was being sought because France wished to impress upon Germany that should she wish to undo the territorial settlement of Versailles, only another war and defeat would occur. In January of 1934, Laval visited Rome and made some colonial concessions to Italy, ostensibly to satisfy Italian claims arising from the London Agreement of 1915.<sup>42</sup> The most important result of the meeting was kept secret, Laval gave Mussolini an assurance that France would not interfere

---

42. Hurewitz, op.cit., Vol. II, pp. 11-12.

in any Italian activity in Ethiopia.<sup>43</sup> France's Justification for her attitude seem to lay in the argument that she was less concerned about the forthcoming Italian aggression against Ethiopia, her interests in French Somaliland, Jubuti - Addis Ababa railroad, the Suez Canal Company and the Red Sea than with her European security. Her main preoccupation was the maintenance of her allies.

Early in October, 1935, Italian forces began their advance into Ethiopia. Already established in Libya and with good relations in Yemen, Italy embarked on an expansionist programme which was the culmination of her interest in Ethiopia for over half a century. At this time the League of Nations was engaged in a lukewarm effort to check Italy's aggressive fervour. When a set of sanctions meant to achieve this object was proposed by League members the Canadian and British foreign ministers indicated their desire to limit this application. It seemed that both Great Britain and France were quite reluctant to completely alienate a

---

43. These negotiations, however, were later exposed. France changed her policy in favour of strengthening the Anglo-French entente. It is reported that France was taking advantage of the fact that Anglo-Italian tension obliged Britain to rely more than ever on French support. Thus a form of Anglo-French collaboration was envisaged. New York Times, November 30, 1935.

a possible future ally with the threat of Hitler emerging in rearm~~ing~~ Germany.

The League had failed to stop Japan from aggression in Manchuria, 1931, she was attempting to salvage her prestige by taking some action against Italy. Economic sanctions were voted for. However, in England after the 1935 (autumn) elections, Sir Samuel Hoare the Foreign Secretary, came to an agreement with the French government whereby Italy was to exercise some unfettered authority after all. All the half-hearted sanctions were suspended in July, 1936. Italy had gained a victory. Britain meanwhile experienced anxiety in regard to Egypt and the Sudan; Ethiopia bordered upon this territory. Consequently, her garrisons at Malta and in Egypt were strengthened and a fleet was brought to nest in the Mediterranean.

The Italo-Abyssinian conflict forced upon both Britain and Egypt closer cooperation. Egypt subscribed to the economic sanctions prescribed by the League of Nations, although she was not herself a member. With the formation of the United Front, Egyptian leaders could approach the subject of negotiations without division on the home front. They also viewed the Italo-Ethiopian conflict in a new light. "This conflict affected Egypt closely in several different ways. In

the first place her sympathies were engaged on behalf of a fellow African country. In the second place, decisions were required of her, as a state with at least the formal attributes of sovereignty, in face of a war between two of her neighbours. In the third place, she found herself at closer quarters geographically with the belligerents than any of the other countries that, like Egypt herself, were not actually engaged in the struggle. And in the fourth place the difficulties and dangers of her position were vastly increased by the consequences that now began to flow from her anomalous relation with Great Britain. In fact, these consequences were so grave that they inevitably raised the whole of the Anglo-Egyptian question more urgently than it had ever been raised before".<sup>44</sup>

Once this situation was realized, action was necessary. The United Front addressed, on the same day a petition to King Fuad concerning the 1923 Constitution, and a note to the High Commissioner.<sup>45</sup> The note stated the desirability of negotiating a settlement, based on the London negotiations of 1930. This step taken by the United Front was prompted by insurrections

---

44. Haikal, op.cit., I, pp. 388-391.

45. Survey, 1936, pp. 669-700.

which took place in Cairo earlier in December (and few more disturbances were to follow in January 1936). Commenting on this situation and comparing it with 1919, Toynbee said:

"When Egypt had broken into insurrection in March 1919, Great Britain had found herself in an unusually favourable position for meeting this emergency, since she had just extricated herself, as a victor, from the General War of 1914-18. In December 1935, on the other hand, Great Britain, instead of being lately quit of a war with Germany, was facing what appeared at the time to be an imminent prospect of a war with Italy; and in this situation another anti-British outbreak in Egypt on the scale of the insurrection of March 1919 would have been gravely embarrassing for Great Britain, not only from the strategic but also from the moral point of view. The immediate reaction in Egypt to Sir Samuel Hoare's speech of the 5th December,<sup>46</sup> 1935, was hardly less violent than the reaction in 1919; but this time the storm was allayed, almost as soon as it had been raised, by what would appear to have been in fact, if

---

46. Sir Samuel Hoare had made two speeches on the British attitude towards Egypt and particularly her Constitution, one on November 9, 1935 at the Guild hall and the other on December 5, 1935 in the House of Commons. For parts of both speeches related to this point see Survey, 1936, pp. 673-674, 677.

not in formula, a radical change in the direction of British policy".<sup>47</sup>

The British Government was slow in replying to the note of December 12, 1935 (the communication was made to the United Front on January 20, 1936), because there was a change in the directorship of British Foreign Office, when Eden was made Secretary of State in succession to Hoare. Eden, on February 4, 1936 made a statement in the House of commons in which he said,

"In response to the request from the united Front in Egypt, the High Commissioner was instructed to state that His Majesty's Government were prepared to enter forthwith into conversations with the Egyptian Government with the object of arriving at an Anglo-Egyptian treaty settlement. With a view to promoting the prospects of a comprehensive settlement, His Majesty's Government thought it desirable to begin with the categories which had given most difficulty in 1930. They felt that, if these difficulties were surmounted, the prospects of reaching a settlement would clearly be favourable.

---

47. Survey, 1936, pp. 678-679.

Sir Miles Lampson has duly informed King Fu'ad, the Egyptian Prime Minister, and members of the United Front of this reply".<sup>48</sup>

---

48. Survey, 1936, pp. 684-685.

The British Government were, in fact, on weak ground in basing their demand for a reopening of the military questions on the plea that this had been one of the categories which had given most difficulty in 1930. The history of the Anglo-Egyptian negotiations of 1930 hardly bears out that contention (see the Survey for 1930, pp. 206 seqq.), and in any case it seems improbable that in January 1936 the policy of Mr. Baldwin and his colleagues was mainly determined by a consideration of their predecessors' experiences more than five years back. In insisting upon reopening the military questions in January 1936, the British Government were no doubt mainly influenced by a profound change in the actual strategic situation which had taken place in the interval, and indeed within the last six months. This change was the increase in Italian armaments at sea, on land, and in the air in the Mediterranean, Libya, East Africa, and the Red Sea. In January 1936 the British Government's military advisers were seriously exercised over an Italian threat to invade Egypt overland from Libya; and this menace to the western land frontier of Egypt had not been in either British or Egyptian minds at the time of the negotiation of the military provisions of the abortive treaty of 1930. At the same time, the British Government's naval advisers were no less seriously exercised over the defence of the Suez Canal against the new Italian menace; and the security of the short route of British Imperial communications through the Canal was a matter of concern to the Governments of Australia and New Zealand as well as to the Government of the United Kingdom. These new strategic considerations in the British Government's mind were genuine, weighty, and respectable. And it might have been wiser to advance them frankly as a reason for reopening the military questions, instead of harking back to 1930.

This statement, the meetings held between Sir Miles Lampson, whose role was certainly big and helpful, and Egyptian leaders, the premiership of Ali Mahir, and the pressure of the international situation led to the opening of negotiation on March 2, 1936. The first 'clauses' to be discussed were the military clauses,<sup>49</sup> and after some faltering<sup>50</sup> these matters were settled and then the Sudan was discussed. On August 26, 1936,

---

49. The Times, (March 3, 1936) wrote on this occasion:

"Formal opening of informal conversations on March 2nd, British delegation High Commissioner, Admiral Sir William Fisher, Air Chief Marshall Sir Robert Brooks Popham, Lt. General Sir George Weir, Rear Admiral Raikes, Mr. D.V. Kelley, Counsellor at the residency, W.A. smart Oriental Secretary to the High Commissioner... Nahhas Pasha's speech paid tribute to George V then referred to Arthur Henderson, the Apostle of peace, whose idealism and sincerity had helped to bridge the gulf between opposing points of view... The negotiations in 1930 had deeply probed the problem of mutual relations. He hoped therefore that this occasion would produce a final settlement. 'We hope, nay, we are determined to succeed', he concluded; 'a treaty for cementing our friendship is not merely a political necessity for our two countries it is also a moral necessity for humanity'.

"Sir Miles Lampson's speech. He offered thanks and good wishes then said an Anglo Egyptian agreement would be a great mutual comfort during the present troubled times. He was instructed to declare the British Government looked forward to the time when as a result of the treaty, a new era would be established in the relation between the two countries when Egypt having assumed complete sovereignty, Great Britain and Egypt would appear before the World as allies and equals."

50. See The Times, June 10, 1936; The Manchester Guardian, January 24, 1936, considered the Treaty as an element of stability.



the Treaty of Alliance between Great Britain and Egypt was duly signed in London. So a project which was approached with "a spirit of pessimism on both sides" ended with success, thanks to the attitude of the Egyptian leaders, the British attitude, the direct action of Sir Miles Lampson and the indirect action of Signor Mussolini.<sup>51</sup>

---

51. Survey, 1936, p. 686.

CHAPTER THREE  
EGYPT AND GREAT BRITAIN SETTLEMENT

I

Treaties derive from the law of obligation; the Institutes of Justinian defined an obligation as being that legal bond which tied down the doer to do something according to the law (Obligatio est juris vinculum quo necessitate adstringimur alicujus solvendae rei, secundum nostrae civitatis jura)<sup>1</sup>. Thus a legal obligation between parties gives rise to a contract if there is agreement between them. When this contract takes the form of a legal instrument, and this is a written agreement by which two or more states or international bodies either create or intend to create a relation between themselves operating within the sphere of international law then such an agreement is a treaty.<sup>2</sup>

Throughout the history of international law treaties have been one of the most important vehicles of creating legal relations between the members of the international family. Hugo Grotius, the father of international law, based his system of this law upon the principle of pacta sunt servanda, the respect for promises

- 
1. Hunter, William, Introduction to Roman Law, 9th ed., (Sweet & Maxwell Ltd., London, 1955), p. 83.
  2. McNair, Lord, The Law of Treaties, (Oxford University Press, London, 1961), p. 4.

given and treaties signed.<sup>3</sup> The fundamental principle of the law of treaties is based on this norm of positive law; that a treaty in force is binding upon the parties to it and must be performed by them in good faith. The treaty must further be applied in good faith by both parties in accordance with its terms and in the light of the general rules of international law governing the interpretation of treaties.

Again, good faith, inter alia, requires that the parties to the treaty abstain from the performance of such acts that are likely to prevent implementation of the articles of the treaty or otherwise frustrate its object. It has been maintained, however, that the phrase "carry out in good faith" has never been intended to suggest that the obligation of a state to fulfill its treaty engagements is a matter only of good faith rather than a legal obligation.<sup>4</sup> But Sir Humphrey Waldock, Special Rapporteur on the law of treaties said.<sup>5</sup> "... in commenting upon the rule it may be desirable to underline a little that the obligation to observe treaties is one of good faith and not stricti juris.

---

3. Friedmann, W., Legal Theory, (Steven and Sons Ltd., London, 1960), p. 65.

4. See American Journal of International Law, Supplement V 29, (1935), p. 981.

5. Yearbook of the International Law Commission, V II (1964), pp. 7-8.

"The rule pacta sunt is itself founded upon good faith and there is much authority for the proposition that the application of treaties is governed by the principle of good faith."

On the binding character of valid treaties it is suggested that whatever the true reason ultimately may be, there is a universal consensus of opinion which holds that they are binding and are binding independently of the will of the parties.<sup>6</sup> Moreover, latterly there has been recognition of the principle of the binding character of treaties so that it is "enshrined in preambles to both the covenant of the League and the Charter of the United Nations".<sup>7</sup> A valid treaty is upheld where it has followed a procedure in accordance with international usage. Duress or force does not invalidate a treaty. Although, there have been some instances where juristic doctrines and to a qualified extent the practice of states<sup>8</sup> in the inter-war period have shown a disposition to hold treaties voidable that were negotiated on grounds

---

6. American Journal of International Law, Supplement V 29, (1935), p. 989.

7. Yearbook of International Law Commission V II, (1964), pp. 7-8.

8. Russian Turkish Treaty, March 16, 1921.  
Article 1: "Neither Contracting party will recognize treaties which are imposed by force on the other party."

of duress. But as a norm of positive international law, the validity of treaties imposed by force remain binding.<sup>9</sup>

For the discharge of treaties, international law only recognises such grounds as termination by mutual consent; or where performance of the obligation undertaken by a party is completed; or if a time period stipulated therein for the life of the treaty has expired. But apart from these methods there have been other means employed by states to terminate treaties, such as by the act of unilateral abrogation or when one of the contracting parties to the treaty maintain that a treaty is deemed to have ceased to exist by the operation of law. Under the former manner of termination, fall those denunciation of treaties wherein, the contracting party invokes the doctrine of the clausula rebus sic stantibus. In essence, the repudiating party here argues against the further validity of the treaty on the ground that the conditions in which, and with a view to which, it was originally concluded no longer existed.

Some jurists have held that the rule of rebus sic stantibus introduces a limitation to the norm of pacta

---

9. For fuller discussion see American Journal of International Law, V 39, (1945), p. 185.

sunt servanda which is then not absolute.<sup>10</sup> But other writers oppose this restriction of the pacta sunt servanda by defending that rule laid down by customary international law which maintains that a party seeking to set aside treaty obligations on the ground of a change of circumstances has no right to terminate the treaty unilaterally. Moreover, the doctrine of the clausula rebus sic stantibus should be removed from any forum of recognition.<sup>11</sup>

Brierly, on the obligatory force of treaties observes that on the one hand states must expect to abide by the sanctity of treaties but, he argues, "... if international law insists too rigidly on the binding force of treaties, it will merely defeat its own purpose by encouraging their violation".<sup>12</sup> Contrary to the view expressed above by the American Journal of International Law, Brierly submits that,<sup>13</sup> the doctrine of the clausula within the definition of the Permanent Court as propounded in a case between Belgium and China in 1928,

---

10. American Journal of International Law, Supplement V 29, (1935), p. 990.

11. American Journal of International Law, V 29, (1935), p. 584.

12. Brierly, op.cit., pp. 331-332.

13. Ibid., p. 338-340.

is a reasonable doctrine which ought to be recognised by international law. However, its scope is limited<sup>14</sup> and not applicable to those oppressive treaties where this doctrine is often invoked as a remedy.

There is no recorded case where a party has successfully submitted the clausula doctrine in its plea. The Permanent Court was asked to consider France's argument based on it in the case of the Free Zones of Upper Savoy and the District of Gex.<sup>15</sup> The facts of the case were, briefly, France contended that in 1815, the Powers decided in view of the absence of customs duties at Geneva to create a "Free Zones" unit. In 1849, the Swiss Federal customs were instituted which in the French opinion, justified her claim, that the unit, as a result of a vital change in circumstances was destroyed. France's case failed on the facts as she was unable to prove that it was in consideration of the absence of a customs tariff at Geneva that the zones were created. The Court therefore did not have to consider the application of the clausula rebus sic stantibus doctrine.

---

14. Brierly classifies the clausula doctrine as a rule of construction, intended to give a treaty a reasonable effect rather than the unreasonable one.

15. See Brierly, op.cit., pp. 335-336; Schwarzenberger George, International Law, 2nd ed., V. I (Steven & Sons, London, 1949), p. 201.

But deputy Judge Negulesco's opinion dealing with the doctrine is worth noting. Commenting on a Russian application of it to abrogate the Black Sea clauses of the Treaty of Paris, 1856, he said, "When Russia, during the war between France and Germany, declared that she would no longer be bound by the stipulations of the Treaty of Paris, 1856, concerning the neutralisation of the Black Sea, the Powers assembled at London, proclaimed the principles set forth in the Protocol of January 17, 1871. The Powers recognised the right to invoke the clause rebus sic stantibus as a ground for the extinction of treaties, but at the same time rejected Russia's claim to be able unilaterally to denounce the treaty.

"Article 19 of the (League Covenant) permits changes in or the abrogation of a treaty which has become inapplicable owing to a new situation having arisen; but only as a result of a unanimous note of the Assembly ... and not by means of a unilateral declaration. Article 19... Therefore confirms the validity of the clause rebus sic stantibus and at the same time rejects any claim to apply it unilaterally".<sup>16</sup>

Generally, the conclusion must be that there is a strong presumption which exists against the unilateral

---

16. Green, C.I., International Law through the Cases, 2nd ed., (Steven & Sons Ltd., London, 1959), pp. 561-562. See also Schwarzenberger, op.cit., p. 201.



abrogation of a treaty. Most specifically in the case of Britain, Lord McNair points out that she has demonstrated through the practice of successive British governments, that she consistently and zealously upholds the legal character of binding treaty obligations.<sup>17</sup> But there have been examples in the history of international law where political exigencies made it almost impossible for states to resist actual termination of the treaty. Brierly aptly put it when he says that if the circumstances in which a treaty were concluded, changed substantially, in this event should the obligations incurred become burdensome so as "to thwart the development to which a state feels itself entitled", it is likely that "human nature being what it is that a state which feels itself strong enough will disregard them whether it has a legal justification for doing so or not".<sup>18</sup>

From here it is intended to proceed along the course of the Anglo-Egyptian Treaty of 1936, having discussed generally those features of a treaty that concern this study the most.

---

17. McNair, op.cit., pp. 681-682.

18. Brierly, op.cit., p. 331.

II

A treaty is meant to be a consensual engagement under international law. It should be essentially a meeting of wills. Both England and Egypt had to put into this diplomatic instrument not so much a meeting of wills as perhaps the best safeguard of the interests of the former and the extent to which the other party was prepared to concede. But with Egypt's full international personality still in embryo, England had the fuller advantage of pressing for her own post treaty guarantees.<sup>19</sup> Now for a study of the treaty itself:

Articles 1, 3, 6, 13 and 15 of the Anglo-Egyptian Preferential Alliance of 1936, deal with Egypt's sovereignty. Article 1, in an attempt to alleviate one of the most objectionable of intrusions into Egypt's sovereignty, states in final and absolute terms that, "The military occupation of Egypt by the forces of His Majesty the King and Emperor is terminated". Article 3,

---

19. On March 22, 1943 the Times had already written. New British approach different from that of ultimatums in 1924. If the right relations can be established, what we give away with one hand we shall receive back with the other. All the privileges and influence which we need in Egypt can be had under the guise and conditions of an alliance, provided we give the Egyptian freedom to give them to us.

referring explicitly to Egypt's intention to apply for membership to the League of Nations, says, "His Majesty's Government in the United Kingdom, recognising Egypt as a sovereign independent state, will support any request for admission to the League of Nations which the Egyptian Government may present in the conditions prescribed by Article 1 of the Covenant". The admission of membership to the League of Nations was an important step to Egypt. It signified the outward symbol of independence, Egypt's coming of age and her readiness to take her place among the nations of the world.

In Article 6, consultations to settle disputes arising between one of the contracting parties and a third state to resolve the conflict in accordance with provisions of the Covenant of the League of Nations, denotes that Britain could not dictate her own terms of a settlement effecting Egypt and a third party. Similarly, disputes arising between the contracting parties on questions of application on interpretation of the said Treaty were to be settled in accordance with the provisions of the Covenant of the League of Nations, (Article 15).

The apparent manifestation of Egypt's sovereignty was contained, firstly, in Article 2. The representative of the United Kingdom in Egypt was elevated to

the rank of Ambassador while Egypt was now to have an ambassador at the court of St. James. The British representative in 1882 was described as Consul General, later he had been known as the British Agent. On December 18, he assumed the title of High Commissioner, but with the designation of Ambassador, Britain acknowledged the independent and sovereign status of Egypt. However, in an accompanied note the British Ambassador was given precedence over other ambassadors representing their governments in Cairo.

The emphasis in Article 4 on the establishment of an alliance between the two parties, "with a view to consolidating their friendship, their cordial understanding and their good relations", was again a form granting the apparent necessity of such relations between sovereign equals. Those articles which may be construed as having imposed limitations on Egypt's sovereignty were articles 5 and 8. The former illustrates the painful and long process that the achievement of total independence for Egypt took. For here Britain imposed restrictions on Egypt's right to exercise complete freedom in the conducting of her foreign affairs. Whilst Egypt would not be allowed to enter into an agreement with a foreign power, if the content was repugnant to the spirit of the alliance with Britain,

it certainly was difficult to believe, although the Treaty said so, that Britain would sacrifice her immediate objectives, likely to accrue from relations with other powers, in consideration to Egypt's welfare.

Article 8 and the annex thereto,<sup>20</sup> in dealing with the locating of troops on Egyptian territory in the vicinity of the canal and for the defence of the canal was again an affirmation of British traditional policy. The Suez Canal was the keypoint of this policy, being the artery of communication between Britain and various parts of the Empire. What has to be remembered is that the presence of the troops was not (supposed) to be construed as an "occupation" for otherwise it would contradict the first article of the treaty. The obligation of aiding each other in the event of a war was stipulated in Article 7 of the treaty.

Article 11 and the annex thereto dealing with Sudan may well be referred to as the evasive clause.<sup>21</sup>

---

20. Former negotiations which failed to result in an agreement, had collapsed on this very issue. Britain had not specified in any of the earlier drafts just where she proposed to station her troops. Now by restricting the location, she indicated just how much of her former policy was relaxed. See the Manchester Guardian, November 16, 1936, for criticism by Bahieddin Barakat of this particular aspect. He argued that British forces were occupying 2,000,000 acres of area equal to half of Egypt. This same argument was used by Nokrashi Pasha at the Security Council in 1947. See Security Council official records No.73, p.1866.

21. The Times, July 3, 1936.

The treaty, as a political instrument, was the subject of numerous comments at the time of its conclusion and during the short space of time that followed. It is hardly possible to do more than bring in here samples of views which, although do not claim to give a total picture, attempt to illustrate the situation.

One such an example comes from an American writer,<sup>22</sup> the theme of which is as follows.

The Treaty implies an independent footing of equality, that of Egypt with England, "for effective co-operation in preserving peace and ensuring the defense of their respective territories". Their interests are assumed to be mutual.

The inference to be drawn in the terms of Article 5 is that although Egypt was for all purposes independent, her freedom in foreign affairs was to be limited. In Article 11 where the controversial topic of Sudan is dealt with, the editor logically asks whose sovereignty is in question. The sovereignty of England established by the right of conquest, allied in a condominium with Egypt's historical right! He further comments that the question is left open because Britain is anxious to retain her control of the upper waters of the Nile, and through this exert a strong hold over Egypt.

---

22. The American Journal of International Law, editorial comment on the treaty, V. 31, (1937), pp. 293-297.

The comment on Article 1, is, that this is definite and categorical, but that in Article 8, Great Britain stipulates the maintenance of 10,000 land forces and 400 air pilots on Egyptian territory. Added to this concession, however, in the article, is the provision claiming that this was not to be construed as an occupation and would not therefore encroach on Egyptian sovereignty. The editor sums up by saying that the instrument is a remarkable triumph for British diplomacy. Having at last reached accord after some eighteen years of attempted negotiations, considerable concessions had been made by both sides.<sup>23</sup>

An Egyptian point of view is to be sought in a pamphlet by Mahmud Azmi.<sup>24</sup> In discussing the first article, the author suggests that herein, Egypt admits the legality, (mushru'iyah) of the 1882 occupation. It has to be admitted that one of the reasons why most of the British Government's former proposals for the settlement of outstanding issues were rejected was because

---

23. Britain in the annex to Article 13 for instance permitted Egypt the right to abolish the capitulatory regime by unilateral action.

24. Azmi, M., 'Ala Hamish al-Mufawadat, (Cairo, 1946), pp. 16-39. Although the book was actually published in 1946, the article itself had been published in ash-Shabāb (Cairo) of September 2, 1936.

of the clause dealing with the British garrison in Egypt. The unacceptable clause offended the Egyptians, to them it implied the recognition of the occupation which they had always repudiated.<sup>25</sup> As already mentioned the clause in subsequent negotiations came to be modified greatly. However, Azmi's contention that in Article 1 of the treaty, Egypt recognised the legality of 1882 is difficult to accept. Surely, all along Britain attempted to rectify her outward anomalous position which, defied legal definition. The content of Article 1 terminates a factual situation but does not belong to any realm or category of recognition in law.

Azmi's second significant comment is that the Note, specifying that the British Ambassador is to have seniority over others, is unjust. One may argue that at this stage Britain contracting with an equal and independent state had no authority to dictate such a directive; but was she not usurping much of Egypt's freedom to conduct her foreign affairs anyway.

Another view was given by a former French Socialist deputy which is quoted here in full. He said, "In this troubled world, when every day there arises at some point on our planet some subject of fresh anguish and

---

25. The Times, March 2, 1938.



peril for the peace of the world, there is some satisfaction in hailing the agreement between Egypt and Great Britain. It is furthermore a most happy augury for the solution of a somewhat similar problem that faces ourselves that of the French treaty with Syria, negotiation of which has been going on for the past 5 months, and of which one may hope that it too will end in an amicable agreement fitted to the interest of the people of Syria as to that of France herself.

"We must allow that in ancient Egypt as in Iraq, Great Britain by her liberal and intelligent policy makes friends and allies of her enemies of yesterday. It is a policy at once generous and skilful, let us to use a familiar expression take the tip."<sup>26</sup>

A somewhat belated opinion on the Treaty is one expressed (1952) by Rashed Barawy, a socialist economist, which is worth quoting in full because it might be taken to represent the views of many people at the time:

"It is the contradictory or rather defeatist attitude of the Wafd, supposed to be the representative of the middle class, and which carried on for long years the bitter struggle against the pretensions of the Palace and Britain, which needs clarification.

---

26. Manchester Guardian, August 13, 1936.

"It should be remembered in this connection that one of the primary and fundamental demands of the middle class was the establishment of a truly parliamentary system which would make possible the promotion of its economic interests in particular. At the same time it had often been forced into political exile through the almost uninterrupted conspiratory alliance between the Palace, British Imperialism and Egyptian (so called) Feudalism, with the inevitable result that this class tended to lose the spirit of struggle and became prepared to submit to a compromise.

"The middle class was shrewd enough to detect at last that an agreement with Britain would free her hands in the management of the internal affairs of the country. This explains why it hastened to accept the 1936 Treaty; but, in so doing, it precipitated ultimate alienation or isolation from the masses.

"We have already pointed out how the small middle class of 1919 turned into a wealthy and monopolistic bourgeoisie. The rise of a new middle class and the steady advancement

of the working class, both proved a potential danger to be taken into due account. Hence the "bourgeoisie" found it in its interest to neutralise Britain so that it might be able to concentrate on suppressing the rising menace. Furthermore, common interest had begun to bring close together Egyptian and foreign big capital. The bourgeoisie had formerly suffered from some sort of inferiority complex owing to the capitulations, but Britain promised that, in case of agreement with her, she would help to persuade the Powers to concur in the abolition of such foreign privileges.

"If we take into consideration that the old middle class was well represented, directly or indirectly, in the Wafd, we can easily understand how the party rejoiced at the conclusion of the 1936 Treaty. It must be added in this connection that the Wafd also included representatives of the big landowning class. The Wafd agreed to the treaty and this reflects a fact of great future significance. The leadership of the party had begun to

isolate itself gradually from the masses."<sup>27</sup>

As it has been said earlier, world events had contributed much in the early and mid thirties to effect a change of heart in the attitude of England and France towards their client states in the Middle East, namely, Iraq, Syria, Lebanon and Egypt. These countries looked with envy to Iraq's independence recognised by the Anglo-Iraqi treaty of 1930. These countries had fought long and bitter battles to show their determination to achieve their independence. But it was not merely their struggle alone which finally brought England and France to the conference tables. There was another factor. The Rome-Berlin Axis was threatening and both France and Britain needed to placate Syrian, Lebanese and Egyptian aspirations for independence which were in constant effervescence against them.

---

27. El-Barawy, Rashed, The Military Coup in Egypt, (Renaissance Bookshop, Cairo, 1952), pp. 124-126.

III

In the 1930's a number of treaties and agreements were negotiated and/or concluded both within the countries of the Middle East and between European countries and their mandated territories, protectorates or countries included in their spheres of interest of the first category one may cite the treaty of Islamic Friendship and Brotherhood between Saudi Arabia and Yemen (1934)<sup>28</sup> and the Sa'dabad Pact (1937)<sup>29</sup> of nonaggression between Turkey, Iraq, Iran and Afghanistan. To the second category belong the Treaty between the United Kingdom and Iraq, (1930)<sup>30</sup>, the Treaty between the United Kingdom and Yemen (1934)<sup>31</sup>, the Anglo-Egyptian Treaty (1936)<sup>32</sup> and the two treaties which were negotiated but were never ratified, between France and Lebanon (1936)<sup>33</sup>, and France and Syria (1936)<sup>34</sup>.

---

28. Text in Davis, op.cit., pp. 393-399.

29. Text in Hurewitz, op.cit., Vol. II, pp. 214-216

30. Ibid., pp. 178-181.

31. Ibid., pp. 196-197.

32. Ibid., pp. 203-211.

33. Ibid., pp. 211-214.

34. Documents on International Affairs, 1936,

In this period of treaty activity,<sup>35</sup> what was the attitude of Britain and France as evidenced in the type of agreements they concluded or just negotiated.

Article 1 of the Anglo-Egyptian Treaty which states in categorical terms that the military occupation is ended, is qualified by Article 8 and the annex thereto. As already stated, after much bargaining the distribution of the soldiers had been narrowed down. Whereas, the previous draft treaties alluded to the stationing of forces without specifying the sites, Britain had conceded to Egyptian demands to qualify this clause and limit the area of location. In the Anglo-Iraqi treaty of 1930,<sup>36</sup> Article 5 and the annex thereto deal with

- 
35. "The Anglo-Egyptian Treaty of friendship and alliance which was signed on Wednesday and is published today is another witness to a more liberal attitude both in our foreign relations and in our Imperial policy which has, on the whole prevailed since the war. The Irish treaty, the Iraqi treaty, the new Indian, constitution each in its own way exemplifies that tendency and although our bestowal of what is in effect real independence upon the Egyptian people may excite derision where the more brutal and ancient imperialist ideas still command homage, in democratic countries at least tribute has been paid to our acceptance of the principle of self determination. In France, our signature of the treaty has made an excellent impression and it is being regarded as a good precedent for the French government's forthcoming treaty with Syria." *The Times*, August 28, 1936.
36. Azmi argues three points which made the Anglo-Iraqi treaty better than the Anglo-Egyptian. Firstly, the defence of Iraq is the responsibility of the king. Secondly, the treaty states that the places to be occupied by the British forces were to be leased on rent to the British government. Thirdly, while Iraq was not obliged to construct the barracks to house the British army in Egypt was required to construct the necessary military barracks. *Op.cit.*, pp. 33-34.

Britain's military arrangements in that country. Here, His Majesty the King of Iraq undertakes to grant to His Britannic Majesty for the duration of the alliance sites for air bases to be selected by His Britannic Majesty at or in the vicinity of Basra and for an air base to be selected by His Britannic Majesty to the west of the Euphrates. Other areas were allocated in the annex for the stationing of forces in agreed areas.<sup>37</sup> It would seem that Britain dealt with more tact and patience in concluding the military clauses of the treaty than perhaps France did.<sup>38</sup> Consider France's accompanying military convention to the France-Lebanese Draft treaty of 1936. Article 6 reads, "The Lebanese government shall place at the disposition of the French government all grounds and places necessary for the need of the French forces." The whole tenor of the Convention indicates that France wanted the entire area to be a military zone.

In the France-Syrian draft treaty of 1936, one important grievance which hampered the Syrian right to full sovereignty was Article 5 of the treaty plus the

---

37. Britain's military vigil here was to safeguard her route to India. But in Egypt the bases were both for the protection of the Suez, route and in apprehension of an eminent danger of war.

38. But the Egyptians were quite alarmed by the considerable expenditure that the military clauses were to impose on them.

military annex. The military convention provided for the formation of a Syrian army by the assistance of a French military mission. But in addition it also stipulated the placing of two sites for air bases at the disposal of the French, and until these were ready France would use the airfields of Damascus and Aleppo. The draft treaty intended to be concluded between France and Syria apparently closely followed the Anglo-Iraqi Treaty of 1930, but on closer examination it would seem that France intended to secure a firmer military control over Syria than Britain reserved for herself in Iraq.

Whilst the Egyptians kept rejecting terms that resulted in the failure of so many negotiations why did the Syrians accept the French pressures? The answer is to be sought perhaps in the suffering of the Syrian people. From 1920 to 1935 constant strife and various gestures of defiance expressed against the Mandatory Power had weakened the economic situation of the country. The Syrians weary of the struggle were anxious to settle for an agreement which would enable them to obtain their independence and arrest the deterioration in the situation in general and economic life in particular.

While it may seem clear why Britain insisted on having military safeguards in Egypt, one may ask why was France so anxious to maintain her military sentinels



in Syria and Lebanon? In the first place she was anxious not to weaken her power in the Eastern Mediterranean. Secondly, any sign of weakening here would effect her position in North Africa where she was determined to uphold her position.<sup>39</sup>

Another issue which merits comparison, although the problems arose from totally different considerations, may be found in the attitude of France towards Syria's claim to Alexandretta and Britain's treatment of Egypt's determination not to forego her rights over the Sudan. Although both the subjects of Alexandretta and Sudan per se are not strictly relevant to the topic of this paper, the extent to which they reflected the difference in attitudes of the two powers, is. A bare presentation of the Syrian claim is that the Franco-Syrian treaty aimed at the establishment of a unitary state which was to include Alexandretta. Syrians had long been anxious to maintain their territorial unity. In their former attempts to negotiate a treaty, in 1933, the question of including the areas of the Jabal Druze and Latakia in the Syrian State had proved fatal.<sup>40</sup> On the Alexandretta issue, the French remained immovable and

---

39. Ziadeh, Nicola, Syria and Lebanon, (Ernest Benn, London, 1957), p. 55.

40. Hourani, H.A., Syria and Lebanon, (Oxford University Press, London, 1946), pp. 199-201.

eventually donated this Sanjak to the Turks to edify their own relationship with the donee. The Syrians had to accept this amputation of an integral part of their territory.<sup>41</sup>

On the other hand, how did Britain entertain Egypt's constant plea in defence of her joint possession of the Sudan? Here again Egypt's real concern, as voiced in the Manchester Guardian, was that, "Whoever controls the upper waters of the Nile controls the Nile and so holds the very life of Egypt in his hands."<sup>42</sup> Again and again the question of the Sudan had proved to be one of the serious obstacles towards the conclusion of a treaty.<sup>43</sup> The more subtle aspects of the Egyptian stand and British view point will not be discussed; it remains to be said that the solution was far from being final, and merely temporary.<sup>44</sup> Thus the following passage in Article 11

---

41. Ibid., p. 209, explains that the loss of Alexandretta wounded national pride and self-respect resurrected by the treaty of 1936. The question of Alexandretta was regarded as the test of the policy of Franco-Syrian cooperation.

42. Manchester Guardian, March 9, 1928.

43. Manchester Guardian, April 3, 1928. Al-Ahram, September 23, 1929. The Times, September 1, 1933, March 2, 1936.

44. "The Sudan settlements are naturally lacking, but it is understood that measures will be taken to facilitate Egyptian emigration to the Sudan, the action of the unit of the Egyptian army and the appointment of certain number of Egyptian officials to the Sudan government including, it is stated, two or three to senior posts, such as the Governor General's Council". The Times, August 3, 1936.

illustrates Britain's cautious and politic move in contrast to France's highhanded policy.<sup>45</sup> "While reserving liberty to conclude new conventions in future, modifying the agreements of the 19th January and the 10th July, 1899, the High Contracting Parties agree that the administration of the Sudan shall continue to be that resulting from the said agreements."<sup>46</sup> The actual administration of the Sudan rested in the hands of the Governor-General, who exercised the powers on the joint behalf of the High Contracting Parties. For the time being at least Egyptian feelings were appeased, and interests of all parties were, more or less, safeguarded.

---

45. See rest of Article 11 of the Treaty of 1936 for other provisions.

46. See Survey, 1936, p. 695 n. 1, where the opinion is expressed that the Anglo-Iraqi Treaty of 1930 (like the Franco-Syrian Treaty of 1936) based upon the British proposals of August 1929 for an Anglo-Egyptian settlement, and these proposals were the embryo of the abortive Anglo-Egyptian Treaty of 1930 and of the successful Anglo-Egyptian Treaty of 1936.

CHAPTER FOUR  
THE TREATY ON TRIAL

I

Great Britain and Egypt proceeded towards the implementation of the Treaty of 1936, but soon the War, whose eminent danger had been looming on the horizon for some time, ~~became~~ a reality, when hostilities broke out on September 1, 1939. By that time the Convention of Montreux on Capitulations had been held (1937) and Egypt had been admitted to the membership of the League of Nations (1937). With the outbreak of hostilities between Britain and Germany, and later with the entry of Italy into the War (June 10, 1940) the realities of fighting came close to Egypt, and the military clauses of the Treaty were now to be evoked? By the time World War II came to an end in 1945, Egypt was ready to ask, both for services rendered and because of the change in international circumstances, for a revision of the Treaty with the hope of achieving full independence. The present chapter will deal with these matters, and the internal political situation of Egypt, in so far as such a treatment proves to be an unavoidable necessity.

Article 13 of the Treaty which provided for the abolition of the Capitulations was implemented at a

Conference in Montreux that opened in April of 1937. The Capitulations were the most oppressive limitation on Egypt's legislative sovereignty. Not being concerned with too much detail which would not be pertinent to this study a bare introduction to the problem is attempted.<sup>1</sup> This system of extraterritorial privileges began with a Treaty concluded between Frances I of France and Suleyman the Magnificent in 1535.<sup>2</sup> Other Christian Powers followed suit and obtained for their nationals special privileges some of which included exemption from arbitrary taxation, inviolability of their homes and immunity from arrest unless their consul was present or had consented to such arrest. Moreover, consuls were empowered with jurisdiction to adjudge disputes between foreigners where either both were of the same nationality or foreigners in matters of criminal jurisdiction, if this did not involve an Egyptian national.

It was understandable that Egypt would seek to be rid of this humiliating anachronism, at the soonest

- 
1. For details see Documents, 1937, pp. 533-553. See also Brown, Phillip, "The Emancipation of Egypt", American Journal of International Law XXXI, (1937), p. 469. For a good study of the Capitulations in general see Soussa, Nesim, Capitulatory Regime, (Johns Hopkins University, Baltimore, 1933).
  2. Documents, 1937, p. 534.

moment after the birth of her sovereign political independence. At the Montreux Conference on May 8, 1937 Egypt achieved her victory. The Convention, together with its annexes and accompanying agreements contained mainly such provisions as<sup>3</sup>: The Capitulatory regime was to cease functioning as of 1949. The duration of the transitional period before final termination, which had caused much disagreement at the Conference, was to be a period in which all foreigners were to be subject to Egyptian laws and taxation and Consular courts were not to accept any cases after October 15, 1937. An extraordinary right hitherto possessed by the Capitulatory Powers to veto legislation affecting foreigners was abolished. The mixed courts were to continue to hold competent jurisdiction until 1949, to be exercised, however, in accordance with the Judicial Organisation Regulations<sup>4</sup> drawn up at Montreux<sup>5</sup>.

---

3. Documents, 1937, pp. 542-553.

4. Article 8 of the Convention.

5. Documents, 1937, p. 537. The capitulations covered numerous privileges in the field of education and philanthropic work, Egypt settled these matters with the various countries concerned. See notes exchanged between Nahhas, in his capacity as Egypt's Prime Minister, and the representatives of the United States, United Kingdom, Spain, France and Greece. See al-Itifāq al-Khās bi'ilgha al-imtiyazāt fi Misr, (Government Press, Cairo, 1937), pp. 53-72.

The next important term of the Treaty due for implementation was the full regularisation of Egypt's international status in accordance with Article 3, which provided for her admission to the League of Nations. On February 7, 1937, the Iraqi Government notified the Secretary General of the League of Nations that it had addressed an invitation to the Egyptian Government to join the League of Nations.<sup>6</sup> Iraq herself having obtained her independence in 1930, had been promised in the Anglo-Iraqi Treaty of 1930 that she would be supported by Britain in her application for membership of the League of Nations. Iraq became a member of the League of Nations on October 3, 1932.

After the Iraqi intimation to the League of Nations of her invitation to Egypt, the British Government with several other nations, informed the Secretary General of their having adopted a similar course. The Minister of Foreign Affairs of Egypt, made a formal request for admission to membership in accordance with Article 1, paragraph 2, of the Covenant.<sup>7</sup>

An Extraordinary Session of the Assembly was convened on May 26, 1937 for the purpose of admitting

---

6. League of Nations, Document, C. 142 M. 91, 1937, VII.

7. Letter dated March 4, 1937 in Document A (Extraordinary). 2. 1937.

Egypt,<sup>8</sup> and was attended by representatives of fifty members of the League of Nations at Geneva. The recommendation by the General Committee was as follows:

"The General Committee,

In view of the invitation addressed by numerous members of the League to the Egyptian Government to the effect that Egypt should become a Member of the League of Nations; In view of the request for admission presented on March 4th and 16th, 1937, by the Egyptian Government; Noting that in its communication of March 16th the Egyptian Government declares that Egypt has the sincere intention to observe its international obligations, and will accept such regulations as may be prescribed by the League in regard to its military, naval and air forces and armaments:

Recommends the Assembly to admit Egypt as a member of the League of Nations."<sup>9</sup>

The Assembly approved unanimously this recommendation by forty six votes cast. Thus membership of the League of Nations terminated a long struggle for

---

8. Suggestions to hold an extraordinary session were made by the Turkish Government on February 22, and the Afghani Government February 27, 1937.

9. Journal of the Extraordinary Assembly, 1937, p. 11; See also Hudson, Manly, "Admission of Egypt to Membership in the League of Nations", American Journal of International Law, XXXI, (1937), pp. 681-683.



Egypt to establish her international status by an official recognition of her political sovereignty.<sup>10</sup>

## II

Egypt, short of declaring war on the Axis Powers, cooperated with Britain in the war effort. On September 3, 1939 she declared martial law, which was ratified by the Egyptian Parliament at an extraordinary session held on October 2, and the Prime Minister was appointed the military governor. Diplomatic relations with Germany were broken off and commercial relations with her were suspended. German property was sequestrated and German subjects were interned except those who could establish anti-Nazi records.<sup>11</sup> When later, in June 1940, Italy entered the War, Egypt broke off her diplomatic relations

- 
10. Abbas Hilmi had already in 1930, hoped that Egypt would join the League. He said, "How great would be our joy to see the representative of Egypt take his seat! The entrance of Egypt into the great family and community of nations. The sovereignty safely guarded by the Covenant of the League and the long vexed problem of her international status at last finally solved". Hilmi, op.cit., p. 56.
  11. Kirk, George E., The Middle East in the War, 1939-1946, (Oxford University Press, London, 1952), p. 34; ar-Rafi'i, op.cit., Vol. III, pp. 73-75.

with her also.<sup>12</sup> In addition Egypt imposed a censorship of posts, telegraphs and telephones and the press.<sup>13</sup>

These were negative measures meant to safeguard Egypt and the British war effort against saboteurs. But in addition there was a number of measures which were meant to facilitate British action in Egypt not only in 1939, but throughout the War period. The port of Alexandria and other ports, were placed under British naval control. Egypt undertook to safeguard the Suez Canal and public services, many of which were especially placed at the disposal of the British forces, such as the railways and other means of transport. Egypt provided the British forces with the necessary foodstuff and subjected her industrial effort, for whatever worth it was, to fulfill the needs of Britain. Last but not least there was a need for the provision of adequate

---

12. Oriente Moderno, July 1940, pp. 342.

13. Ar-Rafi'î compares (op.cit., p. 74) the martial laws and censorship imposed on Egypt in 1939 with those of 1914 and reminds his readers that the former were less cruel and exacting; that the former were declared by an Egyptian government while the latter declared by the Commander of the British Army of occupation; and that censorship on the press was less rigid in the case of the World War II; The World Today, 1946, pp. 219-220; cf The Times, August 27, 1940, August 8, 1945, April 16, 1946.

housing facilities for the civil and military British and other allied personnel who came to reside in Egypt.<sup>14</sup>

Official pronouncements by Egyptian politicians on the loyalty of Egypt to her ally in her struggle were readily given on a number of occasions. Both in 1937 and 1938 on the anniversary of the signature of the Treaty (of 1936), Nahhas, as Prime Minister of Egypt, spoke publicly in favour of the Treaty and Egypt's loyalty to it.<sup>15</sup> In an interview between the Egyptian Prime Minister (Ali Mahir) and the Times correspondent, the former said, inter alia, "Egypt and its people are loyal and sincere friends of Britain, and will do everything in our power to help her".<sup>16</sup> When the Egyptian Parliament opened its ordinary session on November 18, 1939 the speech from the throne emphasized Egypt's readiness to extend to her ally all possible help and assistance.<sup>17</sup>

---

14. Ar-Rafi'i, op.cit., pp. 130-131. Testimonies of responsible British public figures who had much to do with the War, as to the Egyptian help, are not lacking. See Ibid., pp. 131-5; Kirk, op.cit., pp. 34, 38, 40, 41, 197, 211 inter alia. See also the Times, August 20, 1942; al-Barawy, op.cit., p. 175; World Today, 1946, p. 219.

15. See al-Mukattam, August 26, 27, 28, 1937 and August 27 and 28, 1938.

16. The Times, September 8, 1939. It must be remembered that this statement was made only a few days after the outbreak of hostilities.

17. See al-Ahram, November 19, 1939 and ar-Rafi'i, op.cit., p. 75.

When Italy entered the War on June 10, 1940, Egypt broke off diplomatic relations with her (June 12). The Egyptian Parliament passed the following resolution, which was communicated to the Italian Government.

- (1) Egypt will adhere to her alliance with Britain, will respect her obligations, and will undertake within her territory to furnish her ally with all the aid and facilities for which she asks.
- (2) Egypt will not take part in the war unless she is attacked by Italy in one of the following ways:
  - (a) If Italian troops take the initiative by invading Egyptian territory;
  - (b) If Italy destroys Egyptian towns by bombardment;
  - (c) If she carries out air attacks on Egyptian military objectives.<sup>18</sup>

Two problems presented themselves during the first year of the War. One was the insistence of Ahmad Mahir and his supporters on the necessity of Egypt's entry into the War, especially after Italy's entry. But he

---

18. Kirk, op.cit., p. 38; Hirszowicz, Lukasz, The Third Reich and the Arab East, (Routledge and Kegan Paul, London, 1966), p. 75.

was strenuously opposed; and his political opponents won the day.<sup>19</sup> The other problem was the feeling prevalent amongst the British both in Egypt and in London that the Palace and Ali Mahir had Axis inclinations.<sup>20</sup> He certainly was opposed to Egypt's belligerent stand. These two issues bore heavily on Anglo-Egyptian relations during that period and influenced the course taken, not always with happy results, by the British Government.

However it became obvious that Ali Mahir could no longer retain his premiership; he submitted his resignation on June 23, 1940, and was followed by two

- 
19. When Ali Mahir resigned as Prime Minister (June 23, 1940), Hasan Sabri succeeded him. During that summer the Sa'dis clamoured for Egypt's entry into the War. Their argument was that Egypt would have a stronger claim for independence if she took part in her own defence. When this failed the Sa'idi members of the Sabri Cabinet resigned in protest. For the resolution of the Egyptian Parliament at its secret session on August 21, 1940, which was made public later, see ar-Rafi'i, op.cit., p. 92. The letter of resignation and the Prime Minister's reply are to be found in ibid. pp. 92-94. See also Safwat, op.cit., p. 155. Haikal, op.cit., Vol. II, pp.183-186 discusses this matter fully; Hirszowicz, op.cit., pp. 74-76.
20. For a detailed and documented discussion of the relations between the Palace and its entourage on the one hand and the Axis powers on the other, see Ibid., pp. 62-64, 65-67, 229-236, 239-243.

independent Prime Ministers, Hasan Sabri (June 28, till his death on November 15, 1940) and Husain Sirri (November 15, 1940 till February 2, 1942).

Two matters need to be noted at this point: the appearance of new political forces and Farouk's attempts to form a united cabinet. Two new parties, the Sa'dis formed by Ahmad Mahir when he was expelled from the Wafd (1938) and al-Kutla al Wafdiyya (The Wafdi Bloc) founded by Makram Ubeid, an ex-Wafd prominent member, also expelled by Nahhas (1942). The Moslem Brotherhood<sup>21</sup>, already started in 1928, had also become an influential factor in Egyptian politics. 'Young Egypt' was formed as a socialist organization, with green shirts as their uniform, and the Wafd organized its own Blue Shirts. These two made their appearance on the stage some time in the late 30's, but they became more effective, mainly as trouble-makers, in the years to come. The Blue shirts were active during the Nahhas cabinet (February 1942 to October 1944).

When it became clear to King Farouk that a united front was the solution for the political problems of

---

21. On the Bretheren see: Heyworth - Dunne, J., Religious and Political Trends in Modern Egypt, (published by the author, Washington, D.C. 1950) and Husaini, Ishaq M., The Moslem Bretheren, (Khayats, Beirut, 1956); Harris, Christina, Nationalism and Revolution in Egypt, (Mouton & Co., the Hague, 1964).

Egypt, he tried to form a cabinet composed of the leading politicians, to face the situation as it had been done in 1935-6. But these attempts failed.<sup>22</sup>

Although as a result of the removal of Ali Mahir and the appointment of Sabri, Britain "obtained close co-operation in defence matters which were essential to her",<sup>23</sup> she gradually found out that cabinets depending on minority parties could no longer be reliable, and that stability could be secured only with a strong cabinet in power.<sup>24</sup> Therefore a direct and somewhat brutal intervention in the internal affairs of Egypt was resorted to when the King received an ultimatum on February 4, 1942 from the British Ambassador which read, "Unless I hear by 6 p.m. that Nahhas Pasha has been asked to form a cabinet, His Majesty King Farouk must accept the Consequences". Nahhas was duly invited and he formed a Wafd cabinet (February 4, 1942 to October 8, 1944).<sup>25</sup>

---

22. Ar-Rafi'i, op.cit., pp. 85-86.

23. Kirk, op.cit., p. 40.

24. Safwat, op.cit., p. 155-156.

25. On the February 4, 1942 intervention see Kirk, op.cit., pp. 208-210; ar-Rafi'i, op.cit., pp. 101-108; Haikal, op.cit., pp. 227-245; S.C.O.R. No. 73, p. 1953. Where before the Council, Sir Alexander Cadogan, the British representative admitted openly that the United Kingdom had marched its bayonets through the streets of Cairo to reinforce through a military demonstration an ultimatum delivered to the Egyptian Government. For the text of the two notes exchanged between Nahhas and the British Ambassador see al-Ahram, February 6, 1942; Hirszowicz, op.cit., pp. 236-239.

III

Egypt conceived of the Treaty of Alliance of 1936 not as a permanent thing, but as a stage on the way to complete independence. It was natural therefore that the idea of a revision should occur to Egyptian politicians; the timing of such a request depended on a number of factors resulting from circumstances obtaining at the time, and sometimes many such a request was made by a political leader, or a group of leaders, for the sake of buttressing their own policies at home. It must be remembered that the Treaty had been received with enthusiasm, but British pressures, during the first year of the War, created a reaction. George Kirk commented pertinently that Anglo-Egyptian relations suffered a setback when the War reached the Middle East by coinciding at that time with the defeat of Allied resistance in Europe. Neutral countries now anticipating an Axis victory sought to leave a channel of contact with them open. Thus Egypt, too, hesitated to commit herself to Britain lest she sealed off all possibilities of approaching the Axis Powers. But Britain was not prepared to have the onus of defending some vital communication in Lower Egypt fall on her. She intervened in Egyptian internal affairs with an ultimatum the



nature of which soon proved to the Nationalists that the Treaty of 1936 had indeed not obtained complete independence for Egypt.<sup>26</sup>

In 1940 the Wafd was out of office, as its leader refused to take part in the formation of a national cabinet. Nahhas addressed, on April 1, 1940, a note to the British Government, through H.M. Ambassador in Cairo, in which the demands of Egypt were set clearly. After dwelling on the political situation, the note went on to state:

- (1) That the British Government should, then and there, issue a statement to the effect that immediately hostilities came to an end, and a peace settlement between the belligerent nations was reached at, they will withdraw all British forces from Egypt. Except for this all other clauses of the Treaty would remain in force;
- (2) that when the final settlement will take place, Egypt should be a party to such settlement, and should be present at peace negotiations in order to defend her interests, material or otherwise;

---

26. Kirk, op.cit., pp. 40-41.

- (3) that after the conclusion of the peace settlement Britain and Egypt should enter into negotiations the purpose of which would be to recognize Egypt's full rights in the Sudan in the interest of the people of the Nile Valley;
- (4) that martial law be abolished;
- (5) and that Egypt should be permitted to sell her cotton produce to neutral countries or else Britain should buy it at suitable prices.<sup>27</sup>

The statement about the four freedoms made by Roosevelt on July 5, 1940, must have elated the Egyptians and other oppressed peoples of the Middle East, exactly in the same way people in that area were filled with hope when President Wilson declared his fourteen points, including self-determination, during World War I. What had even stronger effect on the political leaders in Egypt was the Atlantic Charter declared by Churchill and Roosevelt on August 14, 1941.

The attention of the reader must be drawn to the action of the Lebanese Parliament of November 8, 1943, when the Constitution was amended as to abrogate all articles which had recognized the mandatory status of

---

27. See al-Ahram, April 2, 1940; al-Mukattam, April 2, 1940.

France. This was eventually accepted by France as a fact of the situation and Lebanon became independent on November 22, 1943, <sup>Encouraged by this</sup> It is no wonder then that the leaders of the opposition in Egypt (the Wafd was in power) should address a note to the Leaders of the Allies when they met at Mina House Hotel in November 1943. The note, which was presented on November 19, asked that Egypt should, when the reasons that led to the imposition of the military clauses in the 1936 Treaty ceased to exist, be in a position to enjoy her complete freedom and that all foreign forces of any description or nationality be evacuated at the end of the War. This will free her from all fetters. Egypt should also regain her complete and sole mastery of the Suez Canal. The Sudan, it should be noted, must form a unity with Egypt. Last, but not least, Egypt should take her seat at the peace conference.<sup>28</sup> Nahhas, on the anniversary of the Treaty in August 1944, asked in his speech for its revision.<sup>29</sup> It is worth remembering that during that summer Nahhas was conducting

---

28. Ar-Rafi'i, op.cit., p. 137. The author remarks acidly that the government of Nahhas forbade the publication of this note and compares this action with that of Ali Mahir, who permitted the publication of the note addressed by Nahhas to the British Government on April 1, 1940. Ibid., pp.138-139.

29. Al-Mukattam, August 28, 1944.

negotiations with delegations of Arab countries of the Middle East for the formation of the League of Arab States, negotiations which resulted in the Protocol of Alexandria signed on October 7, 1944 and later in the formation of the League of Arab States in March, 1945. It was only natural for a country aspiring to the leadership of the Arab world to see to it that it should be herself independent in order to justify the sort of position it aspired to hold.

Ahmad Mahir, who, on October 8, 1944, succeeded Nahhas as Prime Minister lost no time in asking for the revision of the Treaty of 1936, although his statements were not as clear as the previous ones.<sup>30</sup>

On February 26, 1945, the two Houses of the Egyptian Parliament declared war on Germany and Japan. This was a condition so that Egypt would be represented at the forthcoming San Francisco Conference for the creation of an International Organization for the Post-War era.

1945 proved to be a year during which various Egyptian political and other organizations clamoured for a revision of the Treaty, provided such a revision

---

30. See al-Mukattam, November 19, 1944, for the Speech from the throne and later his statement in al-Mukattam, November 21, 1944.

would lead to the evacuation of foreign troops from the country and the solution of the problem of the Sudan which meant, for Egypt, union of the two countries under one crown.

The establishment of the League of the Arab States and the United Nations were amongst the factors that prompted Egypt to ask for the revision. The Charter of the United Nations had stated that the presence of foreign troops on the soil of a member state, against the wishes of its own people, was contrary to the spirit of the Charter, and the Egyptian Government interpreted these as meaning that the defence of any country would be the responsibility of that country.

Egyptian politicians<sup>leaders</sup> could cite a few other matters which, to them, justified a request for the revision. The collapse of the Italian Empire in Africa removed any immediate danger of attack on Egypt from the West. They also argued that the Suez Canal no longer held an especial position in matters of strategy; the Egyptians could not see a justification for the presence of foreign troops in their country. The intensity of the national movement in the Sudan and the desire expressed by the Ashigga (unionist) Party to be united with Egypt. Egypt was probably exaggerating such notions coming from the

Sudan, and ignoring the groups, such as al-Umma Party, which were already thinking in terms of an autonomous or even independent Sudan. It may be mentioned in addition that the spirit of nationalism which had already begun between the two wars in many a country in Asia and, to a lesser extent, in Africa, seemed to have become more intensified during World War II and especially more so immediately after the War. Egypt's political drive joined the flood of nationalism.

On the personal level King Farouk must have felt the blow of February 4, 1942 very badly, and was still smarting under the insult. He was also anxious to see that the British be removed from Egypt.<sup>31</sup>

These were Egyptian aspirations but Britain took a different look. The war in Europe had come to an end before the summer of 1945; but this did not mean the end of differences between the victors. What had been set aside between partners because of the War, came to the fore now because of the peace; and Britain, conscious of the Soviet danger, wanted to be sure that her interests<sup>32</sup> and those interests of her allies, were safeguarded. Hence

---

31. World Today, 1946, pp. 220-221; Kirk, op.cit., p. 268; Fabunmi, L.A., The Sudan in Anglo-Egyptian Relations, (Longmans, London, 1960), pp. 231-232.

32. See on this matter Campbell, John C., Defence of the Middle East, (Harper and Brothers, New York, 1958), pp. 11-35.

Egypt and the Suez Canal figured prominently in the various plans of defence, and Britain delayed action on the withdrawal of troops from the country.

The second half of 1945 saw an intensification of the demand for treaty revision. A number of notes were presented to the authorities or published in the press. Also there were active demonstrations and manifestations of discontent, although more of these took place early in 1946. Amongst the most significant notes and statements are these: a note prepared by the Leader of the Liberal Constitutional Party;<sup>33</sup> one presented by the National Party<sup>34</sup> and the note prepared by the Political Committee and adopted by the Cabinet on September 23, 1945.<sup>35</sup> Other bodies, such as the Moslem Brotherhood, the Azharites and the Sharia lawyers, published their views.<sup>36</sup> In essence all these petitions,

---

33. Al-Mukattam, September 10, 1945.

34. Ibid., September 25, 1945; the Egyptian Gazette of July 11, 1945 published an article in which it was argued that treaty revision was a natural right.

35. The Political Committee was an advisory body composed of elder statesmen formed by Ahmad Mahir when he was in office (ar-Rafi'i, op.cit., p. 178, No.1). It was retained by his successor al-Nokrashi. The Times, September 24, 1945, cited by Fabunmi, op.cit., p. 238.

36. See al-Mukattam, October 1, 13, 15, 18; November 14, 17, 1945; January 1, 7, February 4, 7, March 7, April 23, 1946.

statements, articles and interviews said the same thing - evacuation of foreign troops, the return of the Sudan and the completion of independence. They differed only in the tone.

Any further delay in beginning negotiations would lead only to more excited action.

#### IV

On December 20, 1945 the Egyptian Government presented a note to the British Government asking for the setting of an early date for the negotiations to revise the Treaty, and the reply of the British Government was despatched on January 26, 1946.<sup>37</sup>

The Egyptian Note stressed the fact that the Egyptian Government expressed the sentiment of the nation when they ask the two parties concerned with Anglo-Egyptian friendship and alliance to restate the arrangements which had till then governed their relations. This revision of the arrangement became necessary because of the events that had just occurred and the trials which both countries had experienced. The Treaty of 1936, the Note added, had been concluded at a time of

---

37. For the Texts of both documents see Hurewitz, op.cit., Vol. II, pp. 259-260.



international crisis, when war clouds hung on the horizon, and when the pressure of necessity made its acceptance inevitable, as Egypt was ready to give a testimony to her "loyalty and sincere desire for collaboration" with her ally. Egypt accepted the Treaty with its implied and apparent restrictions on her independence, because she knew that these limitations were of a transitory nature and that they would disappear as soon as the causes which imposed them would be removed. The international events which had upset the international scene, the allied victory which ended the war, and "the agreements destined to maintain the peace and security of the world", rendered "several of the provisions of the [1936] Treaty superfluous and without justification".

The Note dwelt briefly on the assistance and help Egypt rendered to her Ally during the War saying, "The British Government at the time of trial, obtained from their agreement with Egypt more than the text stipulated, and much more than the most optimistic British negotiators had certainly been able to contemplate". It was the presence of foreign troops and the Sudan that the revision was to deal with primarily. "The presence of foreign troops", the Note went on, "on our soil in peace-time even if stationed in distant areas, is still wounding

to national dignity, and can only be interpreted by Egyptian public opinion as the tangible sign of a mistrust which the British Government themselves, we believe, must regard as unjustified." Thus the Egyptian Government harped on the importance of understanding and confidence; they promised to place the military potential of Egypt in a state compatible with the new obligations accruing from the fact that she had become a member of the United Nations. It was requested that an early date be fixed for negotiations. The Note concluded with the words, "It goes without saying that the negotiations will include the question of the Sudan and will be inspired by the interests and aspirations of the Sudanese."

It must be observed that the Egyptian Note was an expression of optimism; and there was no reason for Egyptian politicians to suspect that their advances will not be met with a similar move.

The British Government was late in sending their reply; for this was not delivered till January 26, 1946. It welcomed the Egyptian Note and, more or less, apologized for the delay on account of "the continuous pressure of events arising out of the termination of hostilities". The Note referred to the necessity of examining the provisions of the Anglo-Egyptian treaty

in the light of the Charter of the United Nations; the lessons taught by the hostilities were also to be examined. The British Note said, "And in this connexion his Majesty's Government, ... take leave to observe that one of these lessons was the essential soundness of the fundamental principles on which the Anglo-Egyptian treaty of 1936 was based." The British Government agreed to "undertake, with the Government of Egypt, a review of the treaty arrangements between them in the light of their mutual experience." Instructions were to be sent to the British Ambassador in Cairo to hold preliminary conversations with the Egyptian Government to that end.

The Note caused a great deal of disappointment and led to a sharp outbreak of rioting. "There had been a general hope that the reply would show a more generous recognition of Egyptian aspirations and, at least, a readiness to discuss them with sympathy ... The opposition was quick to take advantage of this, ... The conservative Brotherhood of Muslims (a body with a following of well over a million in a nation of eighteen million), and students of all parties at the two modern universities and at the religious university, Al-Azhar, combined with the trade unions to bring pressure on the government."<sup>38</sup>

---

38. The World Today, 1940, p. 224; Fabunmi, op.cit., p. 244.

The exchange of notes referred to above took place while Nokrashi was still in office. As, however, rioting became more widespread than he could cope with, especially after the incidents of February 9 and 10, 1946, he submitted his resignation on February 15, and was succeeded by Sidki, who assumed office on February 17, and who was destined to shoulder the burden of the negotiations. The delegation, composed of the leaders of political parties except the Wafd,<sup>39</sup> and independent politicians was appointed on March 7, and some time later the British negotiators were appointed. Mr. Bevin was the head of the British team, but during the first phase of the negotiations which took place in Cairo, Lord Stansgate acted for him.

The negotiations were carried on in Cairo (April and May 1946), in Alexandria (July, August and September) and finally in London when Sidki himself went to see

---

39. The Wafd insisted on the leadership of the Delegation and having a majority of their members amongst the delegates, hence it was excluded. Al-Mukattam, March 7, 1946. Ar-Rafi'i comments on this saying that while Syria and Lebanon were presenting their cases to the Security Council, Egyptian politicians were wasting precious time arguing about the headship of the Delegation; one is reminded of the petty differences between Zaghlul and Adli Yakan of the early 20's. The National Party refused to take part in the negotiations because such a thing was contrary to its principles-- "No negotiation before evacuation", Ar-Rafi'i, op.cit., p. 190.

Bevin in October of the same year. Unlike the negotiations of 1936, in 1946 negotiations went through a number of vicissitudes and interruptions, in addition to the fact that riots, demonstrations and strikes went on for almost the whole time, and political intrigues accompanied them.<sup>40</sup> There are two main reasons for this. On the one hand Egypt had enlarged her political consciousness in 1946, which was both better organized and more articulate. Britain, on the other hand, was adamant about wanting to keep a military base in Egypt, and hence evacuation was not looked upon favourably; Britain did not want a military vacuum to exist,<sup>41</sup> hence her earlier suggestion that evacuation was to be in five years, which was later reduced to three years. It may be added that the Egyptian negotiators did not command the country's support. What would have been the fate of the negotiations had the Wafd been in charge? It is easy to contemplate, but is rather difficult to give any conclusive answer.

---

40. One needs only to read al-Mukattam and al-Ahram to see the extent to which rioting was the order of the day in 1945 and 1946.

41. Al-Mukattam, May 30, 1946.

V

On October 25, 1946 Sidki and Bevin initialed, in London, ad referendum a draft treaty and two separate protocols concerning evacuation of British forces from Egypt and the Sudan.<sup>42</sup>

Of the draft treaty Article I stated plainly that, when ratified, the present treaty will replace the Treaty of Alliance signed on August 26, 1936 together with the Agreed Minute, notes and the Convention of the same date. It was understood that a failure to ratify the draft treaty would automatically mean that Britain could fall back on the old Treaty of Alliance. As it is, Article 7 emphasized this point by stating expressly the method of exchange of ratifications and the date on which the new Treaty would become effective.

In Articles 5 and 6 the United Nations, through its Charter and the International Court of Justice, became a safeguard against prejudicing in anyway, the rights and obligations which, under the Charter, may devolve upon either or both of the High Contracting Parties, on the application or the interpretation of the treaty.

---

42. For the texts see Hurewitz, op.cit., Vol. II, pp. 271-273.

In case of armed aggression against Egypt or Britain's involvement in a military attack against countries adjacent to Egypt, combined action, resulting from consultations and based on close cooperation, will be undertaken, until the Security Council takes the necessary measures suitable in the circumstances (Article 2). Would the keeping of British forces in Egypt be a forgone conclusion, so as to make a combined action possible at a short notice? Article 2 does not say anything specific, but an assumption supporting this strengthened by Article 3 and the evacuation protocol, may not be completely erroneous.

Article 3 stipulates a number of points: the need for mutual co-operation and effective co-ordination; these were needed for measures of mutual defence; a joint Board of Defence was essential; and such a Board was to be composed of competent military authorities assisted by others representing the two governments. The second paragraph of Article 2 says that the Board is an advisory body whose functions are to study problems concerning the mutual defence; that it proposes to the two Governments the measures to be taken; that matters of defence, by land, sea and air, include questions of material, personnel and technical requirements; and that

the Board would concern itself with the steps to be taken to enable the armed forces of the parties to be in a position effectively to resist aggression. Finally the third paragraph of the same article, placed in the hands of the Board the examination, if need arises, of "the military repercussions of the international situation, and in particular, of all events which may threaten the security of the Middle East".

The Joint Board, it is clear, was to be the real authority in military and defence matters and problems. This becomes still clearer when one remembers that by such time as negotiations were currently proceeding the threat of Soviet Russia to the Middle East and her attempts to thrust into the Mediterranean were of serious dimensions and were seriously disturbing Britain and endangering her interests in the area. It implied, among other things, that the dimensions of the danger, let alone the lack of confidence in Egypt, were beyond Egypt's immediate war potentials, and British forces will have to be kept on the spot for some time to come. This view is strengthened by a reading of the evacuation protocol. This set September 1949<sup>43</sup> as the date for the complete evacuation

---

43. For some Egyptian views see al-Mukattam, May 30, June 3, 4, September 23, October 28, December 10, 14, 1946.



of Egypt by British forces, while Cairo, Alexandria and the Delta were to be evacuated by March 31, 1947.<sup>44</sup>

It was made clear that the provisions of the Convention of August 26, 1936, concerning immunities and privileges, will continue to be applied to British forces during the period of evacuation. This meant that in case of a delay in withdrawal of troops, for any valid reason, the provisions will remain active.

On May 7, 1946 just before the first panel meeting of the Egyptian and British Delegations, the British Government declared their readiness to withdraw all their forces from Egypt, and that negotiations to effect this were to proceed for defining the date and stages of evacuation and the arrangements which the Egyptian Government would be prepared to undertake to realize cooperation in case of war or imminent danger of war.<sup>45</sup> The negotiations, and the final draft Treaty made it clear that Britain was not prepared to forgo her presence in Egypt, which was to remain a military base, for fear that Egypt as a vacuum may be filled by another power.<sup>46</sup>

---

44. Ar-Rafi'i, op.cit., pp. 218-219 lists dates of actual withdrawal of British troops from Cairo, Alexandria and the Delta.

45. H.C.Deb., 5th Series, Vol. 422, Cols. 781-782.

46. On the question of vacuum see Bevin's statement in the House of Commons, H.C. Deb., 5th series, Vol. 423, Cols. 774-775.

The Protocol on the Sudan was no less unsatisfactory than the one on evacuation. Although it introduced the clause, "of the unity between the Sudan and Egypt under the common crown of Egypt", it added a number of points each of which belied the idea of unity. For in the Protocol the following matters are included: that the objective is the well-being of the Sudanese and their active preparation for self-government; that the Sudanese have the right to choose the future status of the Sudan; that until this objective is realized, in consultation with the Sudanese, the Agreements of 1899 and Article 11 of the Treaty of 1936 will remain in force, "notwithstanding the first Article of the present [draft] Treaty".

Looking at the matter from the Sudanese viewpoint, one arrives at the conclusion, specially as later developments in the Sudan have shown, that the attitude taken by Britain, along with the trend prevalent among al-Umma Party, was not completely wrong. But the Treaty was being negotiated with Egypt, and Egypt had considered the Sudan as part of herself, without ascertaining the position, wishes or desires of the Sudanese themselves. And one must admit that, from Egypt's point of view, the Protocol was a complete disappointment.

Thus the negotiations which were heralded with a tone of optimism ended with a document of disappointment; and the first people who disowned it were seven members of the Delegation, who on November 25, 1946, issued a statement to the effect that they rejected the new Treaty.<sup>47</sup> Their argument was that the Treaty, in its new form, failed to realize Egypt's two essential national demands - evacuation and the unity of the Nile Valley.<sup>48</sup>

Sidki, realizing his failure, resigned on December 9, 1946 and was succeeded by Nokrashy, who tried his hand at negotiating with the British Ambassador, only to discover that Britain was not ready to move. On January 25, 1947 the Egyptian Government decided to take the dispute between Egypt and Britain to the Security Council. Nokrashy announced this to the Egypt Parliament on January 27.<sup>48</sup>

---

47. The Delegation was composed of 12 members Sidki (Independent), Haikal (Liberal Constitutional), Nokrashy, AbdulHadi (Sa'dis), Ubeid (Kutla Wafdiyya), Yahya (Ittihad), and Sabri, Ali Mahir, Sayyid, Shamsi, Sirry and Afifi (all Independent). Of these the last seven signed the statement of November 25. See ar-Rafi'i, op.cit., pp. 200-204.

48. For an interesting view of a member of the National Party on the Treaty see ar-Rafi'i, op.cit., pp. 294-212 where he reproduces the larger part of an Article published originally in al-Ahram, December 8, 1946. See also al-Mukattam, October 30, December 4, 9, 14, 24, 1946, January 8, 21, 1947. For an Egyptian view on the Sudan in this context, see Awad, Mohamed, "Egypt, Great Britain and the Sudan", in Middle East Journal, Vol. I, (1947), pp. 281-291. (Hereafter will be referred to as M.E.J.).

## CHAPTER FIVE

### LAKE SUCCESS TO CAIRO

#### I

The Prime Minister and Minister of Foreign Affairs of Egypt, Mahmoud Fahmy Nokrashi in a letter dated 8 July, 1967, presented to the Secretary General of the United Nations a declaration which contained the following points.<sup>1</sup>

- 1) That British troops were being maintained in Egyptian territories against the will of the people. Their presence there in time of peace in the face of such hostile opinion was an affront to the country's dignity. Further, this foreign armed force without the country's permission, in continuing to be on that territory constituted "an infringement of the fundamental principle of sovereign equality, and is therefore contrary to the letter and spirit of the United Nations Charter and to the resolution adopted unanimously by the General Assembly on 14 December 1946."
- 2) That the occupation of Egypt forcibly by British troops in 1882, and their, therefore, subsequent

---

1. Official Records of the Security Council, 2nd Year, No. 59, pp. 1343-1345. (Hereafter to be referred to as S.C.O.R.); For the Arabic text see al-Mukattam, July 12, 1947.

conquest of the Sudan had resulted in the United Kingdom's forced participation in the administration of the Sudan with Egypt. The United Kingdom had from this partnership in its administration over the Sudan sought to obtain exclusive control to the detriment of the government of Egypt. That, Britain by her policy sought to "sever the Sudan from Egypt; discrediting Egypt and the Egyptian; creating discord between them and the Sudanese, and dissension among the Sudanese themselves; instigating and encouraging artificial separatist movements."

- 3) That a combination of the two factors, i.e. the presence of the British armed forces in the Nile Valley and the hostile policy of the United Kingdom, together, threatened the liberty as well as the unity of a free and independent nation. Thus a dispute had arisen between the Egyptian Government and the Government of the United Kingdom which if it continued was likely to constitute a threat to the maintenance of international peace and security.
- 4) That further, negotiations, in conformity with Article 33 of the Charter of the United Nations, with the United Kingdom to settle such a dispute had failed. The Egyptian Government considered

that the Anglo-Egyptian Treaty of 1936, which the government of the United Kingdom stood by, was no longer binding having outlived its purpose.

5) That, the Egyptian Government now sought to bring their dispute with the Government of the United Kingdom to the Security Council under Articles 35 and 37 of the Charter. They request that the Security Council direct:

"a) The total and immediate evacuation of British troops from Egypt, including the Sudan;

"b) The termination of the present administrative regime in the Sudan."

Nokrashi Pasha on being invited to explain further, Egypt's declaration to members of the Council made submissions such as, "That the persistent occupation of its territory by United Kingdom troops and the consequent interference by the United Kingdom in matters which are essentially within Egypt's domestic jurisdiction, are not merely sources of recurring conflict between two governments but also create a constant state of friction between the population and the occupying forces, and this in itself is a menace to peace."<sup>2</sup> The Egyptian representative continued that on December 20, 1945 the

---

2. S.C.O.R., No. 70, p. 1746.

Egyptian Government presented a memorandum to the United Kingdom in which they complained that the Treaty of 1936 had been negotiated under international conditions which had, since, substantially changed;<sup>3</sup> Egypt had signed the Treaty only in the face of the stress that prevailed at the time and with the understanding that the treaty provisions designed to remedy a specific situation were of a "purely temporary nature."<sup>4</sup> They were at the Security Council "to challenge the basic assumptions of nineteenth century imperialism..."<sup>5</sup> Nokrashi Pasha then, alluding to the infringement of Egypt's sovereignty, said, "No one can seriously claim that the restrictions on Egyptian sovereignty embodied in the 1936 Treaty were intended to continue after the war. Today, Egypt's relationship with the United Kingdom can no longer be charted by the provisions of the 1936 Treaty"<sup>6</sup> and, "I repeat that it is the very existence of Egypt as a sovereign State which is here at stake."<sup>7</sup>

Sir Alexander Cadogan, in his plea before the Security Council, sought to refer mainly to a statement

---

3. See above pp. 53-57 for rebus sic stantibus principle.

4. Ibid., p. 1747.

5. Ibid.

6. Ibid., p. 1753.

7. Ibid., p. 1766.

which was prepared to meet the charges contained in the letter addressed to the Secretary General by the Egyptian delegation. In answering the two main claims which the Egyptian Government had made in their letter, he said, "Both these claims relate to matters which are provided for in the Treaty of Alliance between the United Kingdom and Egypt..."<sup>8</sup> and, "This Treaty provides in Article 8 and 11 a complete answer to both the claims which Egypt has made. If this Treaty is valid, as I shall hope to show it is, Egypt has no case at all to bring before the Council."<sup>9</sup> Further, that it would remain valid and effective till 1956 unless of course it was revised through negotiations entered into by both the high contracting parties and, this in accordance with the provisions of the Treaty instrument, and acceptable to them.<sup>10</sup> As the Security Council had no authority to make pronouncements upon the subject of negotiations or the revision of treaties it could not do anything in regard to coercing England into resuming negotiations.<sup>11</sup>

---

8. Ibid., p. 1768.

9. Ibid., p. 1771.

10. Ibid.

11. Ibid., pp. 1771-1772. Negotiations proceeding spasmodically had broken down between Egypt and England.



On Egypt's reliance on the Clausula rebus stantibus,<sup>12</sup> the British representative decided to look into the provisions of the Treaty. He divided the Treaty into four categories and maintained that two objectives had materialised. "All of the reserved points were liquidated by agreement in the Treaty of 1936, and all restrictions on the full sovereignty of Egypt were removed."<sup>13</sup> Some provisions of the Treaty were executed<sup>14</sup> but there were others that were executory. Sir Alexander Cadogan in upholding his argument for the continued survival of the provisions said, "There is no ground therefore, for saying that these provisions have outlived their usefulness, or for the application of the rebus sic stantibus doctrine."<sup>15</sup> Again, "The usefulness of those provisions to Egypt, as well as to the United Kingdom and indeed to all the Allied Powers during the Second World War, was beyond computation. It is difficult to believe that any Treaty provisions have proved more valuable in the interests of civilisation and freedom."<sup>16</sup> In this strain,

---

12. Egypt never referred to their plea as being such; but in effect it amounted to an invocation of the doctrine.

13. S.C.O.R., No. 70, p. 1774. Reference was made to the 1922 Declaration.

14. Ibid.

15. Ibid., p. 1776.

16. Ibid., p. 1777.

Sir Alexander Cadogan held that the validity of the Treaty remained unassailable. Articles 8 and 11 answered the Egyptian claim completely.<sup>17</sup> The question was a legal one,<sup>18</sup> the validity of the Treaty being established. The Egyptian statement of the application of the clausula had to be rejected. Furthermore, Egypt "has no right to negotiations for revision of this Treaty now..."<sup>19</sup> The Security Council pledged to settle disputes in accordance with international law and consistently with the aim of safeguarding the principle of pacta sunt servanda should conclude that Egypt has not established a case.<sup>20</sup>

The Egyptian Prime Minister's reply set out with the criticism that he, "could not fail to be astonished that here in the Security Council, in the very heart of the United Nations, I should be hearing such an unrestrained apology for nineteenth-century imperialism."<sup>21</sup> Then answering various points in Sir Alexander Cadogan's speech he again attacked the Treaty,<sup>22</sup> it had outlived

---

17. Ibid., p. 1782.

18. Ibid., p. 1784.

19. Ibid.

20. Ibid.

21. Ibid., No. 73, p. 1858.

22. Ibid., p. 1862.

its purpose; it was no longer effective in creating good and friendly relations between the countries; and the Treaty "has become an anachronism." At the end of the replication, he contended on behalf of the Egyptian Government that, a) A dispute existed.

b) The Egyptian Government had attempted to settle the said dispute through negotiations with the United Kingdom and the attempt failed.

c) Peace and security of the Valley of the Nile and also that of the Middle East stood to be threatened if the dispute continued without a solution.

d) A complete withdrawal of the forces of the United Kingdom from Egyptian territory was urged and "termination of the separatist United Kingdom administration in the Sudan." Other concluding paragraphs again dealt with the hardship of the "British occupation", and that unless the forces were removed Anglo-Egyptian relationship would not improve.<sup>23</sup> The directives to the Security Council were repeated again.

---

23. Ibid., pp. 1872-1875.

In the rejoinder, Sir Alexander Cadogan admitted that<sup>24</sup> "genuine disputes relating to the application or interpretation of the Treaty of 1936 should be dealt with in accordance with the provisions of the Charter of the United Nations." But Egypt failed to prove her case because the Treaty was valid and therefore answered her claims. As for a threat of danger to the security of the area this could only be apprehended if Egypt herself expected to be the author of such a threat. Then he further challenged Nokrashi Pasha to deny the validity of the Treaty and suggested that had there been any doubt about the issue, Nokrashi Pasha would certainly have availed himself of the opportunity to declare it so.<sup>25</sup> The gist of the rest of his disquisition centered around the argument that the Treaty was valid, and the Security Council could not "override treaty rights."<sup>26</sup>

The Egyptian answer was the settlement of disputes could not be referred to a body, namely the Council of the League of Nations which had ceased to exist. That "as a whole the Treaty of 1936 contains so many dead articles that it has ceased to have any vitality as a

---

24. S.C.O.R. No. 75 p. 1947.

25. Ibid., p. 1954.

26. Ibid., p. 1955.

basis for relations between Egypt and the United Kingdom."<sup>27</sup>

The debate was then open to general discussion. The Polish delegate was the first to speak and he expressed the view that the Security Council need not confine itself to the legal aspect of the dispute before it, "a Treaty has outlived its purpose and exhausted its objectives", it obstructed the path to "justified national aspiration" and infringed the sovereignty of a member state.<sup>28</sup> The Polish delegation then proclaimed its support for the Egyptian demand "for the immediate, complete and unconditional withdrawal of United Kingdom forces from Egypt and the Sudan."<sup>29</sup> But on the question of the Sudan, the delegation suggested a careful study of the problem no solution was forthcoming at that moment.

The Brazilian delegate, Mr. Muniz, "without passing upon the merits of the case or upon the duties and obligations of the parties in consequence of the Treaty of 1936, is of the opinion that the Security Council is not justified in taking action in the matter", it should instead invite the parties to resume direct negotiations, that would settle the dispute in accordance with the

---

27. Ibid., p. 1959.

28. Ibid., p. 1965.

29. Ibid.

principles of international law.<sup>30</sup> He then submitted a draft resolution on 20 August with a recommendation to the Governments of Egypt and England, "to resume direct negotiations and, should such negotiations fail, to seek a solution of the dispute by other peaceful means of their own choice."<sup>31</sup> The United States, France and Belgium supported the resolution. Belgium also endorsed Cadogan's view that the resolution should include the proposition that should negotiations fail; any question as to the validity of the Treaty should be examined by the International Court of Justice.

Nokrashi Pasha rejected the Brazilian resolution on the ground that it enabled the Security Council to evade a "primary responsibility".<sup>32</sup> However, when the Brazilian resolution was put to the vote it failed to be adopted through lack of support. Another proposal submitted by the Colombian delegate who had thought the Brazilian one too broad and vague similarly failed to receive affirmative support. The Chinese delegation also set forth the third and last resolution which was

---

30. S.C.O.R. No. 80, p. 2108.

31. Ibid., p. 2109.

A Chinese amendment approved was a proposal to add to the preamble a paragraph noting partial withdrawal of British forces and further, Britain's readiness to negotiate when evacuation was complete.

32. S.C.O.R. No. 83, pp. 2163-2167.

objected to by Sir Alexander Cadogan as giving evacuation predominance over other issues. This proposal obtained only two votes. The Egyptian question remained unsolved, and although retained on the agenda of the Security Council for all purposes as a dead letter. The matter was to be settled by the parties themselves.

## II

Since the founding of the United Nations, many disputes involving states were to be handled by the Security Council, the body which was to shoulder the main responsibility for the maintenance of international peace and security. The Charter of the United Nations provides that the Security Council, in making recommendations for the proper procedures on methods of peaceful settlement of international disputes brought to its forum, "should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice."<sup>33</sup> Yet in only the case of the Corfu Channel did the Security Council actually make this recommendation. It is pertinent in this light to examine why Egypt brought her case to the

---

33. Article 36 (3) of the United Nations Charter.

Security Council and why, if the Security Council did not abdicate its responsibility to the International Court of Justice, did Egypt fail.

1) Egypt's dispute must be analysed. Despite Nokrashi's statements about not arguing the juridical position and urging the Security Council not to be "stymied by the legal commitments of the parties",<sup>34</sup> in essence in his request to the Council to direct the evacuation of the British troops from Egyptian territory, he had summoned forth Articles of the Anglo-Egyptian Treaty of 1936. A demand for the revision of the Treaty was based on two grounds; firstly, there had been lack of agreement between the parties, Egypt had been under duress. Secondly, he invoked the highly controversial doctrine of the clausula rebus sic stantibus, even if not specifically by name. So in the main, the Egyptian claim was a legal one. This was recognised and admitted by several member States of the Council. But Egypt's claim had been raised in a political context. It is suggested that with this interplay of law and politics Egypt may have made the more correct decision to have submitted her case to a political body rather than the International Court of Justice. Such a procedure was

---

34. S.C.O.R. No. 73, p. 1861.



more in keeping with her political objectives.

2) However, the inherent weakness in Egypt's case was that in accordance with the law of treaties she had no claim. The treaty was indeed valid. Had she taken her case to the International Court of Justice, that court would have pronounced judgement in favour of Britain, exactly on the lines that Sir Alexander Cadogan had suggested. But again it is clear that the Council acknowledged the fact that the validity of the Treaty was not the sole issue before it. This is evidenced by the rejection of the Council of that Belgian amendment to the Brazilian resolution which was to refer the dispute concerning the validity of the Treaty to the International Court of Justice.

3) Why had Egypt come before the Security Council. The above mentioned reason was a decisive factor; but there were other reasons. There was the historical reason; Egypt was desperate, as Nokrashi Pasha had pleaded before the Security Council. The Protectorate of 1914 had been a liquidation of the military occupation of 1882, the unilateral Declaration of 1922 again a liquidation of the Protectorate, then replaced by an unnatural alliance which only prolonged the intolerable military occupation.<sup>35</sup>

---

35. Ibid., p. 1872.

Weighed down as she was by such military shackles, there was little doubt that Egypt would attempt to free herself by pleading her cause before a body that took cognizance of her claim. No less than Sir Alexander Cadogan justified Egypt's attempt to liberate her territory from imperialist designs when he said, "British troops having come they stayed as Nokrashi Pasha has pointed out, for 65 years inspite of statements by Mr. Gladstone and other ministers that there was no intention of remaining indefinitely. These statements were made in good faith; but the United Kingdom authorities, inspired by ideas of constructive imperialism which it is now the fashion to decry found before them an immense task which they felt it their duty to perform."<sup>36</sup>

4) There may be some justification for Egypt's presentation of a juridical matter before a political body by noting the predominantly legal character of much of the arguments presented to the Council by parties in defense of their claims. This is illustrated in the Corfu Channel case already cited above. Of course this applies to those disputes where the plaintiff or defendant state is seeking international sanction for respective claims. It is curious therefore that France should have

---

36. Ibid., p. 1878.

recommended that as, the question of the invalidity of the Treaty, rested on political grounds it should be submitted to the jurisdiction of the International Court of Justice. This was also supported by Mr. Johnson, the American delegate, who saw no reason why the Court would take only a technical view of the Treaty. It may be conceded that prima facie, the Egyptian case was suitable for the exclusive jurisdictions of the Court. But the argument seems to cut both ways because similarly, there was no reason why the Security Council should not be competent to adjudge Egypt's claim; as its propensity to entertain this admixture of law and politics varied. Why for instance should the Security Council confine or restrict its view for exactly the reasons that the delegates of France and America argued.<sup>37</sup>

5) Perhaps what does merit Egypt's cause is that she made in good faith an attempt to settle a genuine dispute by peaceful means. They had refrained from the use of force or, at this stage, the abrogation of the Treaty as a unilateral act. Brazil applauded and acknowledged Egypt's wisdom in not taking upon herself the

---

37. But the Security Council refused to regard the validity of the Treaty as the only issue before it or to support the invocation of the Clausula doctrine, because it appreciated the legal claims raised and that political context in which it was raised.

act of unilateral denunciation. The Syrian delegate, Mr. Faris el-Khouri, drawing an analogy between the Corfu Channel case and the Anglo-Egyptian dispute supported Egypt's attempt to submit her dispute to the Security Council for adjustment. He believed, that the Council was correct in receiving Egypt's claim and trying to affect a peaceful settlement of the dispute between the two countries.

6) Again, another reason that contributed to Egypt's desperate attempt to be released from the cumbersome obligations of the Treaty, was that revision was only to take place 20 years after the signing of the instrument. The Charter of the United Nations certainly did not confer any authority on the Security Council that would empower it to revise treaties.<sup>38</sup> But if the Security Council could have found that a situation existed in Egypt which would endanger peace, which it was obliged to maintain, then it is still a moot point that she could have authorised revision. It would seem

---

38. American Journal of International Law, V. 43, (1949), p. 769; See also McNair, op.cit., p. 534, where he points out that as a principle, a State does not have the right to demand the revision of a treaty, unless a provision exists in the instrument (here some 20 years); that treaty revision is a political matter and the subject of revision is one of the weakest points in the existing system of States.

that as Britain had entered into negotiations for the revision of the Treaty, she was not unaware of the iniquity of the situation. Egypt had been tied down to conditions which had evolved rapidly since 1936. She had no recourse to revision unless it proceeded in accordance with bilateral negotiations in which the sole issue would not be her interests. Sir Alexander Cadogan is claiming that, "We are now haled before the Security Council because of the failure of negotiations which we need never have undertaken,"<sup>39</sup> is morally wrong but legally right. The issue before the Council was whether the provisions dealing with revision were compatible with the spirit of the Charter, especially viewed in terms of the principle of Sovereign equality and the principle of collective security.<sup>40</sup> There, too, Egypt failed because a majority of the members expressed the opinion that the Council had no authority to revise the Treaty. Moreover, they did not apprehend a threat to international peace as claimed by the Egyptian Prime Minister.

---

39. S.C.O.R. No. 70, p. 1771.

40. See Kahng, T.J., Law, Politics and the Security Council (Martinus Nijhoff, the Hague, 1964), pp. 161-167.

III

Having failed to obtain satisfaction at the Security Council, Egypt had again attempted, during the years of 1948-1951, to convert Britain's intransigence and reconcile it to what she considered her legitimate demands. But several factors contributed to the complexity of the situation obtaining them: the partition of Palestine (1947); the Palestine war and the creation of Israel (1948); the formation of Inter-Arab Joint Defence and Economic Pact (1950); and the entry of the United States as an active member for the proposed defence arrangements for the Middle East and the Mediterranean which was an outgrowth of the North Atlantic Treaty Organisation. When eventually negotiations between Egypt and Britain were to be resumed, Nokrashi had been assassinated (28 December 1948), and elections had been held under the aegis of a neutral government headed by Sirry, which returned the Wafd with an overwhelming majority.

Nahas was invited to head a new Wafd government and took office on January 12, 1950. Kirk says that when the Wafdists were returned to power an atmosphere of optimism prevailed among some British politicians.

The Wafd<sup>41</sup> had been instrumental in concluding the Treaty of 1936 and had lent its support to Britain during the War. However, the optimists failed to take cognizance of new factors facing the Egyptian Government. The Wafd,<sup>42</sup> like other political parties, had adopted the slogans of total evacuation of the British troops and the union of the Sudan with Egypt as the very core of their policies.

The resumption of negotiations was initiated by conversations held between Earnest Bevin, the British Foreign Secretary and Nahhas Pasha, when the former was returning from a Commonwealth Conference at Colombo on 27 and 28 of January 1950. Nothing new to direct the course of the negotiations on a mutually acceptable basis resulted from the talks. The only significant issue that al-Balagh published was Nahhas Pasha's "categorical refusal" to consider Bevin's request that Egypt should end an embargo imposed on the passing of ships through the Suez Canal en route to Israel; and that oil tankers

---

41. The Times maintained: 'The Wafd has the great advantage that in spite of the vicissitudes and eclipses it has suffered, it is the only Egyptian political organization with a national basis', The Times, February 24, 1950.

42. In 1951 the British Press said, 'Recent history shows basic purpose of the Wafd has been to force Britain to grant what Wafdists consider Egypt's indisputable rights ... that the Wafd has never had any other programme and faithfully followed it except in ... 1935 ... and 1942', The Times, March, 27, 1951.

ought to be allowed to proceed to the British owned refinery at Haifa.<sup>43</sup>

Talks on the revision of the Treaty began in March 1950. An official note from the Egyptian Foreign Minister was addressed to Ernest Bevin, wherein he proposed that negotiations should take place between the countries with a view to composing their political differences. This settlement, it was hoped, would reach a practical settlement which would ensure the complete independence of Egypt and the Sudan as one integral whole. Mr. Bevin answered with the gesture of sending the Chief of the Imperial General Staff, Field Marshal, Sir William Slim,<sup>44</sup> to Cairo to hold talks with the Prime Minister and the Foreign Minister on 5 and 6 of June 1950. On this occasion, the British argument for continuing the stationing of their troops assumed a different tone. A new approach was to be adopted in regard to the military occupation. Field Marshal Slim presented various reasons to support his idea of an allied co-operation and defence pact for the Middle East.

The Chief of staff mentioned the threat of war that faced the Western Powers from Russia. In view of

---

43. H.C. Debates, 5th Series, Vol. 485, Col. 2339; R.I.I.A., op.cit., p. 121.

44. Survey, 1951, pp. 263-265.



Egypt's strategic position when such an outbreak occurred she could not assume a neutral role. Egypt had neither the troops nor the necessary experience and therefore needed the assistance of skilled troops on a partnership basis for a joint defence. But Egypt weary of the same sort of reasoning based always on the threat of a war<sup>45</sup> apprehension rejected Slim's suggestions. Nahhas Pasha in answering England's reference to the presence of American troops in Great Britain dismissed the analogy as there was no similarity to the situation of British troops in Egypt. Whereas, the Americans would leave should Britain request them to, the British troops had been on Egyptian soil for seventy years, despite Egypt's protests for evacuation. Furthermore, Egypt feared no aggression to her territory per se she would become the target for an attack if she acquiesced in the plan for a common defence programme during peace time.<sup>46</sup>

The next stage reached in this resumption of negotiations for a settlement was about a month later when the

- 
45. Nahhas Pasha said that whenever Egypt demanded evacuation, Britain waved in her face the threat of the Russians and their Communist armies. The Times, March 30, 1951.
46. A pertinent remark taken from The Times, February 24, 1950, said that the Treaty of 1936 was being denounced at the end of a war by an Egypt that was in a different mood from the frightened country that feared Mussolini.

new Ambassador from Britain to Cairo, Sir Ralph Stevenson, began talks with the Egyptian Foreign Minister in Cairo. He continued much in the same refrain as Field Marshal Slim, that the base would be all important for their mutual security in a war and needed expert maintenance to be provided by the services of the British soldiers. On the subject of the Sudan, the British Ambassador maintained that the rightful owners were the inhabitants. Salah-ud-Din complained that, "when conditions in Egypt were favourable to you and there was no serious resistance to your authority, you found no need to claim obligations vis-a-vis the Sudanese. But when ... Egypt ... started to demand her rights ... you began this new tune for no other purpose but to separate the Sudan from Egypt, despite the fact that you had always regarded it as a trust for Egypt in your hands. ... The whole question is one of considered and premeditated imperialistic policy and not the will of the Sudanese or your obligations towards them."<sup>47</sup>

On 12 September, the British Ambassador introduced a turning point in the attitude of the Egyptians by his announcement on the postponement of the supply of arms to Egypt. The postponement was caused, according to him, by the fact that his government had decided to give the

---

47. R.I.I.A., op.cit., p. 128.

North Atlantic Powers and the British Commonwealth a priority for the arms. Al-Mukattam interpreted this as "at the stroke of a pen this decision abolishes the official and obligatory character of the 1936 Treaty."<sup>48</sup> It was in this Treaty that Britain had undertaken to supply her with arms.

The speech from the throne<sup>49</sup> at the opening of the Egyptian Parliament on 16 November now reflected Egypt's new mood as it declared that, "The 1936 Treaty has lost its validity as a basis for Anglo-Egyptian relations, and ... should be abrogated.

My Government is ... proceeding without delay or hesitation with the task of realising these national objectives ... the proclamation of the termination of the 1936 Treaty ..."<sup>50</sup> Reaction to this statement in Britain was as voiced by Mr. Bevin in the House of Commons that Britain would adhere to her rights acquired by the Treaty unless revised on the basis of bilateral negotiations.

---

48. al-Mukattam, September 11, 14, 1950.

49. French text of extracts from speech available in Documents, 1951, p. 437.

50. al-Mukattam, November 16. For further comments see ibid., November 25, 27, 28 and December 1, 1950.

The meeting of Salah-ud-Din and Bevin in London which began on 4 December and continued until 15 December marked the third phase of attempted negotiations. Four discussions took place. Most of the ground covered was already a repetition of the previous two stages of negotiations. Salah-ud-Din merely added that the "vactum" could easily be filled in one year by Egyptian troops if Britain supplied Egypt with arms as she did the Atlantic countries, Turkey, Persia and Greece. Bevin appeared to be concerned with whether Britain could rely on Egypt in times of crisis to admit her troops freely.

Like Field Marshal Slim he spoke of the grave danger of war and was opposed to withdrawing Britain's forces within a year because that "would mean that Great Britain would be expected to undertake the defence of the Middle East in war time without having been able to make adequate preparations." Salah-ud-Din could not assure the British Foreign Secretary that Egypt would not make a unilateral denunciation of the Treaty. Their last two conversations were confined to the discussion of the Sudan. As this paper has not dealt with this subject except in passing, one may mention that the British intention to grant independence to the Sudan over a period of ten to fifteen years seemed to the Egyptians unjust. Libya was promised independence by

1952, when the Sudanese, who had been denied self-rule, were more deserving. Again Britain supported the union of Eritrea with Ethiopia under the Ethiopian Crown. Britain did not appreciate the analogies commenting that the solutions of the United Nations was not the best.<sup>51</sup>

The British Government had undertaken that by about mid-January 1951, would have re-examined the defence question and informed the Egyptian Government about their findings in the light of recent conversations. Owing to the ill health of Mr. Bevin who had to be replaced by Mr. Herbert Morrison who needed time to familiarise himself with the Egyptian question. Subsequently, there was a delay caused by the necessity to recall the British Ambassador to Egypt for consultations and the fact that other matters dealing with the international situation detained Mr. Morrison's attention. The Egyptian Government was thus informed accordingly, that a communication would be addressed to them in early April 1951.<sup>52</sup>

Meanwhile according to the Times of London,<sup>53</sup> under the heading "Wafdist Tactics of Delay", the correspondent

---

51. Fabunmi, op.cit., pp. 278-279; Survey, 1951, pp.269-271.

52. al-Mukattam, March 1, 2, 1951.

53. The Times, March 27, 1951.

warned that if Egypt wanted a revision of the Treaty, the Wafd had to introduce a modification in their demands and prepare the populace for it. He remarks that there is little sign of compromise in Cairo and the Wafdist seemed deliberately to have placed themselves in a situation where there was no room for any compromise. The policy of the Wafd as enunciated in the Speech from the Throne in November 1950, demanded a complete evacuation of their territory by British troops; they recognised the Sudan as part of Egypt; and did not want a common defense policy in peace times. The achievement of Egyptian aspirations was far more important than preserving the status quo in the internal situation.

On April 11 the British Ambassador submitted proposals from his government to the Egyptians. In so far as the evacuation of troops within a year was concerned, this was not feasible in view of the British Government's commitment to its allies in the North Atlantic and in the Middle East. The British Government's aim with regard to the Sudanese was to enable them to obtain self government as soon as this was practically convenient and it was therefore impossible for them to participate in any venture with the Egyptians which was contrary to this objective.<sup>54</sup> Discussion on defence

---

54. Fabunmi, op.cit., p. 280.

was to assume priority over the question of the Sudan. The Egyptians rejecting the British proposals "in toto and in detail" put forth counter proposals the context of which repeated previous requests with hardly any modification.<sup>55</sup>

This meeting did not bring the disputants any closer to accord matters were very much what they had been prior to the stage of having re-opened negotiations. Salah-ud-Din only reiterated his former view that Egypt may have to resort to a unilateral denunciation of the Treaty if Britain did not come up with some satisfactory proposals.<sup>56</sup> More conversations with proposals and counter proposals occupied both the countries for the months of June and July of 1951. Added to these difficulties was the incident of the Empire Roach<sup>57</sup> and the Egyptian refusal to attend an international conference on African defence to be held at Nairobi.<sup>58</sup>

Egypt was incensed at "the continuation, without Egypt's having consented or being kept informed, of the deliberations in Khartoum of the Commission for amending

---

55. Documents, 1951, pp. 442-444.

56. Survey, 1951, p. 274.

57. Details ibid., p. 275; Documents, 1951, pp. 448-455.

58. R.I.I.A., op.cit., p. 142.

the constitutions of the Sudanese Executive Council and Legislative Assembly."<sup>59</sup> The British line of defence suggested that Egypt ought to assist in the "broadening of the electoral basis of the Sudanese Legislative Assembly. But a breakdown of talks had already been on the way, matters had reached deadlock.

Mr. Morrison speaking<sup>60</sup> in the House of Commons on 30 July said that the problem of the presence of British troops in Egypt was no longer confined to the Anglo-Egyptian question. Britain was a power who bore vicariously the responsibilities in the Middle East for all of the Commonwealth and the Western Allies. "Egypt is in some ways the key to the Middle East ... situated as she is on the bridge between the two continents and upon a vital link in the sea of communications between the East and Western Hemispheres, she is an objective of first importance for any aggressive power in the Eastern Mediterranean and the Levant."<sup>61</sup> To quote another

---

59. Survey, 1951, p. 276.

60. Documents, 1951, pp. 455-458. For Salah-ud-Din's reply given on August 6, 1951 before the Egyptian Parliament see ibid., pp. 458-461.

61. See also H.C. Debates, 5th Series, July 30, 1951, cols. 972-973.

The following passage comes from the pen of Glubb Pasha commenting on Mr. Morrison's speech, "All these remarks were undoubtedly true, but there was one factor to which Mr. Morrison did not refer but which had much to do with the Egyptian attitude.



view on how Britain should develop the military base in Egypt one observes in the same debate the comments of Mr. Julian Amery that, "In the context of the present international situation stability can only return to the Middle East by a build up of a British military power ... we may buy off Dr. Mossadeq for a time with promises of help for his seventeen year plan but until we have built up a military power in the Middle East we have settled nothing. For this purpose we must have an adequate base. Egypt alone possesses the natural advantages which are required for this purpose ... and can sustain a major military operation."<sup>62</sup>

---

Continuation of footnote No. 61

To get on well with the people of Egypt had been ... a basic principle enunciated by Lord Cromer. But during and after the First World War, less importance had been attached to it. It is true that senior British officers and officials were usually studiously polite, but this could not always be said of the lower ranks. It may perhaps be claimed in extenuation that the Egyptian press poured out an unending stream of libellous abuse against Britain and thereby exacerbated feelings, but this fact cannot be considered to justify the lack of courtesy often shown by British soldiers and civilians alike. In Britain, it is a tradition that the British soldier is his country's best ambassador, but such could not be said of him in Egypt. The army was well-behaved. It did not loot, nor did it assault women or commit atrocities, as so many armies in history have done. The British, in dealing with the Egyptians, had been supercilious, and their contempt had wounded more deeply than blows." Glubb, John Bagot, Britain and the Arabs, (Hodder & Stroughton, London, 1959), p. 311.

62. H.C. Debates, 5th Series, July 30, 1951, col. 2697.

Egypt in a recalcitrant mood was not to be persuaded into recognising the 'blessings' implied in Britain's promise to plan their relationship on a new basis of military partnership.<sup>63</sup> On 27 August Nahhas Pasha told Sir Ralph Stevenson that unless Britain made a "new and constructive move" before the current Egyptian Parliamentary session was over, Egypt contemplated breaking of the fruitless negotiations for the Treaty revision and abrogating finally the Treaty itself.<sup>64</sup> But away from the Egyptian question Britain was forced to digress in the direction of other issues which compelled her attention: there was the visit of the British, French and American Chiefs of Staff to Ankara to discuss Turkey's role in the proposed Middle East Command; the Chiefs of Staff of the British Commonwealth were in London discussing their part in the new command; the Labour government handicapped by the precariousness of its narrow majority in Parliament was exhausted by the strenuous load that

---

63. The proposed Middle East Command in which Egypt was supposed to participate as a founder member on a basis of equality and partnership, Campbell, op.cit., pp. 29-48. Hoskins, Halford L., The Middle East, (Macmillan, New York, 1954), pp. 39-97; Ibid., "The Guardianship of the Suez Canal", M.E.J., Vol. IV (1950), pp. 143-154; M.E.J., Vol. VI (1952), p. 70.

64. Documents, 1951, p. 462. (French text).

the past six years had placed on its leaders; the British Government faced the onset of a severe financial crisis; royal assent for the dissolution of Parliament for a general election had been obtained.

Psychological momentum was supplied to Egypt's ultimatum to abrogate the Treaty by Britain's decision on 1 October to withdraw her remaining staff of the Anglo-Iranian Oil Company from its refinery at Abadan. To the Egyptians it seemed that Britain had accepted defeat at the hands of Dr. Mossadeq. This then was the attitude to adopt as it was only the weak they oppressed, commented the Egyptian Government paper al-Balagh.<sup>65</sup>

On 8 October, 1951, decrees for the abrogation of the 1936 Treaty and the Sudan Conventions of 1899, were tabled in the Chamber of Deputies. In presenting his case<sup>66</sup> for denunciation of the Treaty, Nahhas Pasha reviewed the series of abortive negotiations, attempts and endeavours to reach satisfactory agreement with Britain. He further cited eighteen examples of unilateral denunciation of treaties. These decrees were passed by the Egyptian Parliament on 15 October. The new British Conservative Government installed on 6

---

65. Bourse Egyptienne, 4 October 1951.

66. For full text of speech see Vital Speeches of the Day, New York, 1 December 1951.

November resorted to Britain's familiar and classical legal argument. The Treaty of 1936 had no provision for unilateral denunciation and although they were prepared to begin negotiations for its revision they would regard both the Treaty and the Condominium Agreements of 1899 as binding.

#### IV

To sum up the situation, here was a Treaty conceived in a legal relationship between Britain and Egypt; Britain's key to her policy in the Middle East the safeguarding of the canal was consummated with the position she had assumed over the Sudan. Egypt had moved three steps away from subjugation towards her total independence. But some of her most cherished ambitions, the very birth right of a nation was imprisoned in a Treaty. Egypt's release from the Treaty was being denied by law, the voice of justice chosen by man to mitigate hardship.

Egypt had pleaded, negotiated, cajoled and gone along every possible path that could have persuaded Britain to revise the Treaty in an equitable manner. But Britain had maintained her position; she shifted the strategic importance of the Canal from its original

context to a larger and international one. Her "new approach" theory expounded by her spokesman in 1950 - 1951 was only to exile Egypt's hope of being rid of the military occupation and entrench this territory into a more complex commitment. Had Britain really contemplated an evacuation, had there been an effort to wrench her foot from the ground where it had first struck in 1882? British policy would indicate not. On 30 July, 1951 in the House of Commons, Julian Amery seems to have made the position clear with his statement that, "It is high time that we turned our backs on any attempt to appease the Egyptian Government."<sup>67</sup> The Times took Egypt's warning to abrogate the Treaty as Wafdist propaganda intended, "primarily for domestic consumption."<sup>68</sup> Among the British themselves there were several critics of their government's policy in the Middle East prompted by their recognition of the undue hardship that the presence of British troops caused in that country.

Egypt's abrogation of the Treaty unilaterally would be censured by the student of law. As Justice Coke said, a verbis legis non est recedendum, from

---

67. H.C. Debates, 5th Series, July 30, 1951, Col. 2697.

68. The Times, March 27, 1951.

the words of the law there must be no departure. Egypt had acted illegally; there was no doubt she had broken the law. Georg Schwarzenberger, reader in international law at the University of London delivered a crushing indictment on Egypt's action. He said, "To allow law breakers to commit their acts of lawlessness in reliance on the strict observance of the law of the Charter on the part of the victim equally makes a mockery of the law."<sup>69</sup> One has to agree with a further part of Schwarzenberger's letter, to the Times, that to allow states to contravene the principles of international law for political reasons is to expose the rule of law to chaos and jeopardy.

But if Egypt had acted illegally had she also acted unreasonably? At the Security Council a majority of the member states had expressed their support for Egypt's struggle for her complete statehood. When Egypt had repeatedly announced her intention to abrogate the Treaty the British Government had not put forth any new proposals to accommodate Egypt's claims. In fact British reaction to the act of denunciation was one of "surprise" followed of course by statements to pronounce this as invalid. They assumed their classical stand, adherence

---

69. The Times, October 12, 1951.

to Treaty rights as conferred in 1936.<sup>70</sup> The American Press, although not quite so surprised, stood by Britain in declaining the unilateral abrogation.<sup>71</sup> Could Egypt have seriously expected to have achieved her goal through negotiations when the course of negotiations had begun in 1945 and still after 6 years had not convinced the British Government that the military occupation was unwanted. Again the chief problem was the political one. There was no adequate international procedure for dealing with a treaty revision other than the provisions which formed part of the treaty itself.

The Security Council before which the Treaty Alliance of 1936 between Egypt and England was arraigned by the former, was neither condemned nor acquitted. If the student of international relations agrees with Salmond that, "if the benefits of law are great, the evils of too much law are not too small,"<sup>72</sup> then in this case the verdict on the Egyptian venture may differ from that of the student of law.

---

70. See The Times, October 9, 10 and 11, 1951.

71. New York Times, October 9, 10, 11 and 18, 1951.

72. Williams, Glanville, op.cit., p. 51.

A P P E N D I C E S



APPENDIX I

PRIME MINISTERS OF EGYPT  
1936 - 1951

10 May, 1936 - 31 July, 1937	Nahhas
1 August, 1937 - 30 December, 1937	Nahhas
30 December, 1937 - 11 August, 1939	Mahmud
18 August, 1939 - 23 June, 1940	Ali Maher
28 June, 1940 - 14 November, 1940	Hasan Sabri
15 November, 1940 - 2 February, 1942	Husain Sirry
4 February, 1942 - 8 October, 1944	Nahhas
8 October, 1944 - 24 February, 1945	Ahmed Maher
24 February, 1945 - 15 February, 1946	Nokrashi
17 February, 1946 - 8 December, 1946	Sidki
9 December, 1946 - 28 December, 1948	Nokrashi
28 December, 1948 - 25 July, 1949	Abdul Hadi
26 July, 1949 - 12 January, 1950	Husain Sirry
12 January, 1950 - 1951	Nahhas

APPENDIX II

POLITICAL CLAUSES OF THE TREATY OF SEVRES<sup>1</sup>

10 August 1920

ART. 101. Turkey renounces all rights and title in or over Egypt. This renunciation shall take effect as from November 5, 1914. Turkey declares that in conformity with the action taken by the Allied Powers she recognizes the Protectorate proclaimed over Egypt by Great Britain on December 18, 1914.

ART. 113. The High Contracting Parties declare and place on record that they have taken note of the Convention between the British Government and the Egyptian Government defining the status and regulating the administration of the Soudan, signed on January 19, 1899, as amended by the supplementary Convention relating to the town of Suakin signed on July 10, 1899.

ART. 132. Outside her frontiers as fixed by the present Treaty Turkey hereby renounces in favour of the Principal Allied Powers all rights and title which she could claim on any ground over or concerning any territories outside Europe which are not otherwise disposed of by the present Treaty.

Turkey undertakes to recognize and conform to the measures which may be taken now or in the future by the Principal Allied Powers, in agreement where necessary with third Powers, in order to carry the above stipulation into effect.

---

1. Hurewitz, op.cit., Vol. II, pp. 81-87.

APPENDIX III

THE (LAUSANNE) TREATY OF PEACE WITH TURKEY AND  
THE ACCOMPANYING STRAITS CONVENTION<sup>2</sup>

24 July 1923

ART. 17. The renunciation by Turkey of all rights and titles over Egypt and over the Soudan will take effect as from the 5th November, 1914.

ART. 19. Any questions arising from the recognition of the State of Egypt shall be settled by agreements to be negotiated subsequently in a manner to be determined later between the Powers concerned. The provisions of the present Treaty relating to territories detached from Turkey under the said Treaty will not apply to Egypt.

---

2. Ibid., pp. 119-124

APPENDIX IV

DRAFT ANGLO-EGYPTIAN TREATY AND ACCOMPANYING  
PROTOCOLS<sup>3</sup>

25 October 1946

ART. 1. The Treaty of Alliance signed in London on 26th August, 1936, together with the Agreed Minute, notes and the Convention of 26th August, 1936, concerning immunities and privileges which accompanied the said Treaty, shall cease to have effect upon the entry into force of the present Treaty.

ART. 2. The High Contracting Parties agree that in the event of Egypt becoming the object of armed aggression or in the event of the United Kingdom becoming involved in war as the result of armed aggression against countries adjacent to Egypt, they shall take, in close co-operation and as a result of consultation, such action as may be recognised as necessary until the Security Council has taken the necessary measures for the re-establishment of peace.

ART. 3. In order to ensure the mutual co-operation and assistance of the High Contracting Parties, and in order to permit of the effective co-ordination of the measures to be taken for their mutual defence, the High Contracting Parties agree to establish a joint Board of Defence composed of the competent military authorities of the two Governments, assisted by such other representatives as the two Governments shall appoint.

The Board is an advisory body whose functions are to study, with a view to proposing to the two Governments the measures to be taken, problems concerning the mutual defence of the High Contracting Parties by land, sea and air, including questions of material and personnel connected therewith and, in particular, the technical requirements of their co-operation and the steps to be taken to enable the armed forces of the High Contracting Parties to be in a position effectively to resist aggression.

---

3. Ibid., pp. 271-273.

The Board shall meet as often as may be necessary in order to carry out these functions. If need arises, the Board shall also examine, on the invitation of, and on the information supplied by, the two Governments, the military repercussions of the international situation, and, in particular, of all events which may threaten the security of the Middle East, and shall make in this respect suitable recommendations to the two Governments, who, in the case of events threatening the security of any one of the neighbouring countries of Egypt, will consult together in order to take in agreement such measures as may be recognised as necessary.

ART. 4. The High Contracting Parties undertake not to conclude any alliance and not to take part in any coalition directed against one of them.

ART. 5. Nothing in the present Treaty can in any way prejudice the rights and obligations which devolve, or may devolve, upon one or other of the High Contracting Parties under the Charter of the United Nations.

ART. 6. 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 determined in accordance with the provisions of the Charter of the United Nations, having due regard to the declarations made by both High Contracting Parties under Article 36 (2) of the Statute of the International Court.

ART. 7. 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. The present Treaty shall remain in force for a period of twenty years from the date of its coming into force and thereafter it shall remain in force until the expiry of one year after a notice of termination has been given by one High Contracting Party to the other through the diplomatic channel.

### Draft Sudan Protocol

The policy which the High Contracting Parties undertake to follow in the Sudan within the framework of the unity between the Sudan and Egypt under the common Crown of Egypt will have for its essential objectives to assure the well-being of the Sudanese, the development of their interests and their active preparation for self-government and consequently the exercise of the right to choose the future status of the Sudan. Until the High Contracting Parties can in full common agreement realise this latter objective after consultation with the Sudanese, the Agreement of 1899 will continue and Article 11 of the Treaty of 1936, together with its Annex and paragraphs 14 to 16 of the Agreed Minute annexed to the same Treaty, will remain in force notwithstanding the first Article of the present Treaty.

### Draft Evacuation Protocol

The High Contracting Parties agree that the complete evacuation of Egyptian territory (Egypt) by the British Forces shall be completed by 1st September, 1949.

The towns of Cairo and Alexandria and the Delta shall be evacuated by 31st March, 1947. The evacuation of the remainder of the country shall proceed continuously during the period ending at the date specified in the first paragraph above.

The provisions of the Convention of 26th August, 1936, concerning immunities and privileges will continue provisionally to be applied to the British Forces during the period of their withdrawal from Egypt. Such amendment of the agreement as may be necessary in view of the fact that British troops will after 31st March, 1947, be withdrawn from the Delta and the two cities shall be settled by a subsequent agreement between the two Governments to be negotiated before this date.

APPENDIX V

INVITATION TO EGYPT TO PARTICIPATE IN  
A NEW MIDDLE EAST COMMAND,<sup>4</sup>

13 October 1951

(Document A)

POINT I. Egypt belongs to the free world and in consequence her defense and that of the Middle East in general is equally vital to other democratic nations.

POINT II. The defense of Egypt and of other countries in the Middle East against aggression from without can only be secured by the cooperation of all interested powers.

POINT III. The defense of Egypt can only be assured through the effective defense of the Middle East area and the coordination of this defense with that of adjacent areas.

POINT IV. It therefore seems desirable to establish an Allied Middle East Command in which the countries able and willing to contribute to the defense of the area should participate. France, Turkey, the United Kingdom and the United States are prepared to participate with other interested countries in establishing such a Command. Invitations to participate in the Command have been addressed to Australia, New Zealand, the Union of South Africa, who have indicated their interest in the defense of the area and who have agreed in principle.

POINT V. Egypt is invited to participate as a founder member of the Middle East Command on a basis of equality and partnership with other founder members.

POINT VI. If Egypt is prepared to co-operate fully in the Allied Command Organization in accordance with the provisions of the attached annex, His Majesty's Government for their part would be willing to agree to supersession of the 1936 Treaty and would also be willing to agree to withdraw from Egypt such British forces as are not allocated to the Allied Middle East Command by agreement between the Egyptian Government and the Governments of other countries also participating as founder members.

---

4. Ibid., pp. 329-330.

POINT VII. As regards armed forces to be placed at the disposal of the Allied Middle East Command and the provision to that Command of the necessary strategic defense facilities, such as military and air bases, communications, ports, etc., Egypt will be expected to make her contribution on the same footing as other participating powers.

POINT VIII. In keeping with the spirit of these arrangements Egypt would be invited to accept a position of high authority and responsibility with the Allied Middle East Command and to designate Egyptian officers for integration in the Allied Middle East Command Headquarters staff.

POINT IX. Facilities to train and equip her forces will be given to Egypt by those participating members of the Allied Command in a position to do so.

POINT X. The detailed organization of the Allied Middle East Defense Organization and its exact relationship with the N.A.T.O. have yet to be worked out in consultation between all the powers concerned. For this purpose it is proposed that all founding members of the Allied Middle East Command should send military representatives to a meeting to be held in the near future with the object of preparing detailed proposals for submission to the governments concerned.



B I B L I O G R A P H Y

## BIBLIOGRAPHY

### A. Documentary Material

- Al-Barawy, Rashed  
Majmu'at al wathā'iq  
as-Siyasiyya, Vol. I,  
Maktabat an-Nahda,  
Cairo, 1952.
- Davis, Helen Miller  
Constitutions, Electoral  
Laws, Treaties of States  
in the Near and Middle  
East, Durham N.C.: Duke  
University Press, 1953.
- Al-ittifāq al-khās  
bi'ilghā al-imtiyāzāt  
fi Misr, Government  
Press, Cairo, 1937.
- Hurewitz, J.C.  
Diplomacy in the Near  
and Middle East, D. Van  
Nostrand, New York, 1956.
- League of Nations 1937  
Official Journal 1937,  
January-June, July-  
December, 18th year  
No. 7.
- Ministere des Finance,  
Egypte  
Recueil des Documents  
Relatifs a la Guerre,  
Imprimerie Nationale,  
Cairo, 1920.
- Royal Institute of Inter-  
national Affairs  
Documents on Inter-  
national Affairs 1928,  
(London: Oxford  
University Press,  
1929).

Royal Institute of International Affairs

Documents on International Affairs 1930, (London: Oxford University Press, 1931).

---

Documents on International Affairs 1936, (London: Oxford University Press, 1937).

---

Documents on International Affairs 1937, (London: Oxford University Press, 1939).

---

Documents on International Affairs 1951, (London: Oxford University Press, 1954).

United Nations

Security Council Official Records, Second Year.

Vital Speeches of the Day

November and December 1951, New York.

Wizarat al-kharijiyya al-malakiyya

Mahadir al-muhadathat as-siyasiyya al-mutabadala 1950-1951, Matba'a al-amiriyya, Cairo, 1951.

B. Books

Askew, William

Europe and Italy's Acquisition of Libya, Durham N.C.: Duke University Press, 1942.

Azmi, Mahmud

'Ala Hamish al-mufawadāt, (no publisher), Cairo, 1946.

- Al-Barawy, Rashed                    The Military Coup in Egypt,  
Renaissance Bookshop,  
Cairo, 1952.
- Brierly, J.L.                        The Law of Nations, 6th ed.  
Oxford University Press,  
London, 1963.
- Campbell, John C.                   Defense of the Middle East,  
Harper and Brothers, New  
York, 1958.
- Friedman, W.                        Legal Theory, Steven and  
Sons, London, 1960.
- Ghorbal, M. Shafiq                 Tarikh al-mufawadat al-  
Misriyya al-Baritaniyya,  
Maktabat an-Nahda, Cairo,  
1952.
- Glubb, John Bagot                  Britain and the Arabs,  
Hodder and Stoughton, London,  
1959.
- Green, C.I.                         International Law through  
the Cases, Steven & Sons  
Ltd., London, 1959.
- Haikal, Muhammad Husain         Mudhakkarat fi as-siyasa  
al-Misriyya, 2 vols.,  
Maktabat an-Nahda al-  
misriyya, Cairo, 1951-1952.
- Hallberg, Charles                  The Suez Canal, Columbia  
University Press, New York,  
1931.
- Hourani, Albert                    Syria and Lebanon, Oxford  
University Press, London,  
1946.

- Heyworth-Dunne, J.                    Religious and Political Trends in Modern Egypt, (privately published), Washington D.C., 1950.
- Hilmi, Abbas                            A Few Words on the Anglo-Egyptian Settlement, George Allen & Unwin, London, 1930.
- Hirszowicz, Lukasz                   The Third Reich and the Arab East, Routledge and Kegan Paul, London, 1966.
- Hoskins, Halford L.                   British Routes to India, Frank Cass & Co., London, 1966.
- \_\_\_\_\_                                    The Middle East, Macmillan, New York, 1954.
- Hunter, William                        Introduction to Roman Law, 9th ed., Sweet & Maxwell Ltd., London, 1955.
- Kirk, George                            Survey of International Affairs 1939-1946  
The Middle East in the War, O.U.P., London, 1952.
- \_\_\_\_\_                                    Survey of International Affairs  
The Middle East 1945-1950, O.U.P., London, 1954.
- Landau, Jacob                           Parliaments and Parties in Egypt, Tel-Aviv, 1953.
- Langer, William                        Diplomacy of Imperialism, 2nd ed., Alfred Knof, New York, 1951.
- Lloyd, George Lord                   Egypt since Cromer, 2 vols. Macmillan, London, 1933.
- Marlowe, J.                              Anglo-Egyptian Relations 1800-1953, The Cresset Press, London, 1954.
- McNair, Lord                            The Law of Treaties, Oxford University Press, London, 1961.

Monroe, Elizabeth

Britain's Moment in the Middle East 1914-1954, Chatto and Windus, London, 1963.

Oppenheim, L.

International Law Vol. I - Peace, 8th ed., Longmans, Green & Co., London, 1957.

O'Rourke, Vernon

The Juristic Status of Egypt and the Sudan, John Hopkins Press, Baltimore, 1935.

Ar-Rafi'i, Abdurrahman

Fi A'qāb ath-Thawra al-Misriyya, 3 vols., Maktabat an-Nahda al-Misriyya, Cairo, 1947-1951.

Royal Institute of International Affairs

Great Britain and Egypt 1914-1951, London, 1952.

---

Survey of International Affairs 1925, Vol. I, Oxford University Press, London, 1927.

---

Survey of International Affairs 1928, Oxford University Press, London, 1929.

---

Survey of International Affairs 1930, Oxford University Press, London, 1931.

---

Survey of International Affairs 1936, Oxford University Press, London, 1937.

---

Survey of International Affairs 1937, Oxford University Press, London, 1939.

---

Survey of International Affairs, 1951, Oxford University Press, London, 1954.

- Safwat, M. Mustafa      Misr al-mu'asira, Maktabat an-Nahda, Cairo, 1959.
- Schwarzenberger, George      International Law, 2nd ed., Steven & Sons Ltd., London, 1949.
- Soussa, Nesim      Capitulary Regime, John Hopkins, Baltimore, 1933.
- Starke, G.J.      An Introduction to International Law, Butterworth & Co. Ltd., London, 1954.
- Valentine, Chirol      The Egyptian Problem, Macmillan & Co., London, 1920.
- Williams, Glanville (Ed.)      Salmond on Jurisprudence, 11th ed., Sweet and Maxwell, London, 1937.
- Yearbook of the International Law Commission      Vol. II, 1964.
- Young, G.      Egypt, Charles Scribner's Sons, New York, 1927.
- Zayid, Mahmud      Egypt's Struggle for Independence, Khayat, Beirut, 1965.
- Ziadeh, Nicola A.      Syria and Lebanon, Ernest Benn, London, 1957.
- C. Articles
- Awad, Mohamed      "Egypt, Great Britain and the Sudan," Middle East Journal, Vol. I (1947), pp. 281-291.
- Briggs, Herbert      "Rebus sic Stantibus before the Security Council," American Journal of International Law, Vol. 43 (1949), pp. 762-769.
- D., H.S.      "Egypt and Great Britain," World Today, Vol. II (1946), pp. 215-226.

- Kedouri, Elie "Sa'ad Zaghlul and the British," St. Antony's Papers, No. 11 (Middle Eastern Affairs No.2), Chatto and Windus, London, 1961.
- Hoskins, Halford L. "The Guardianship of the Suez Canal," Middle East Journal, Vol. IV (1950), pp. 143-154.
- Hudson, Manly "Admission of Egypt to the League of Nations," American Journal of International Law, Vol. 31 (1937), pp. 681-683.
- Kunz, Joseph "The Meaning and the Range of the Norm Pacta Sunt Servanda," American Journal of International Law, Vol. 39 (1945), pp. 180-197.
- Research Committee in International Law of the Harvard Law School "Pacta Sunt Servanda," Comment American Journal of International Law, Supplement Vol. 29 (1935), pp. 977-992.
- Zayid, Mahmud "Nash'at Hizb al-Ahrār ad-Dusturiyyin," Al-Abhath, Vol. XVI (1963) pp. 35-52.
- \_\_\_\_\_ "Nash'at Hizb al-Wafd al-Misri," Al-Abhath, Vol. XV (1962) pp. 242-280.

D. Periodicals

1. Middle East Journal, 1947-1951 (mainly for chronology and comments)
2. Oriente Moderno
3. World Today



E. Papers

1. Arabic

1. Al-Ahram
2. Al-Mukattam
3. As-Siyasa

2. English

1. The Daily Telegraph
2. Herald Tribune
3. The Manchester Guardian
4. New York Times
5. The Observer
6. The Times