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PAPERS
regarding the recent Negotiations
for an
ANGLO-EGYPTIAN
SETTLEMENT

March 31-May 8, 1930

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to Parliament by Command of His Majesty

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PAPERS REGARDING THE RECENT
NEGOTIATIONS FOR AN ANGLO-
EGYPTIAN SETTLEMENT.

No. 1.

Memorandum on the Negotiations.

THE Egyptian Delegation consisted of Mustapha Nahas Pasha, the Prime Minister, Wacyf Ghali Pasha, the Minister for Foreign Affairs, Osman Moharrem Pasha, the Minister of Public Works, and William Makram Ebeid Bey, the Minister of Finance. The negotiators on behalf of Great Britain and Northern Ireland were the Secretary of State for Foreign Affairs, the Secretary of State for Dominion Affairs and for the Colonies, the Secretary of State for War, and the Secretary of State for Air. Representatives of His Majesty's Governments in the Commonwealth of Australia and New Zealand and the Government of India attended as observers in response to an invitation addressed to those Governments before negotiations were opened.

2. Apart from such opportunities as offered from time to time for informal conversations with members of the Egyptian delegation, fourteen plenary meetings took place between the 31st March and the 17th April. The first plenary meeting was devoted to a general statement of the Egyptian position which Nahas Pasha was invited to translate into actual formulæ. After they had been considered by the British delegates, discussion was commenced with the Egyptian delegation of the British proposals of last year to which King Fuad had referred at the opening of the Egyptian Parliament on the 11th January in the following terms: "His Britannic Majesty's Principal Secretary of State for Foreign Affairs has presented to the Egyptian Government proposals which are inspired by a spirit of friendship and conciliation. Our Government will be happy to submit these proposals to you and hopes to undertake negotiations with the British Government in a spirit of conciliation and friendship with a view to a firm and honourable agreement between the two countries." These proposals are here reproduced as Paper 2. Comparatively little difficulty was encountered over clauses 1 to 7, and it proved possible at an early stage of the negotiations to reach agreement on the text

of articles in the proposed treaty corresponding to these clauses and to clauses 14 and 15.

3. After discussion lasting over several meetings it was agreed that the substance of clauses 8 and 10 of last year's proposals should be embodied in an exchange of notes, though in the case of clause 10 the Egyptian delegation had declined to accept anything which could be represented as imposing a fresh obligation upon Egypt. The British negotiators, on the other hand, while appreciating the desire of the Egyptian Delegation to facilitate progressively the Egyptianisation of the Egyptian Government services felt entitled to require some undertaking from them that the elimination of British influence through the termination of the employment of British officials would not involve the introduction of some other foreign influence in its place.

4. Clause 11 of the 1929 proposals dealing with the Capitulations gave rise to considerable discussion, though the difficulty lay more in agreeing upon what was to figure in the connected exchange of notes on this subject than in evolving a satisfactory text for the corresponding article of the treaty. Complete textual agreement on this important and complex subject was not, in fact, achieved until a very late stage in the negotiations. As regards Clause 12, relating to diplomatic representation, it was agreed that the precedence in relation to the representatives of other Powers which the first British Ambassador would enjoy in Egypt in virtue of his diplomatic rank would be reserved to his successors by a provision to this effect in notes to be annexed to the treaty.

5. The defence of the Suez Canal, which formed the subject of clause 9, gave rise to very lengthy discussion. The Egyptian delegation had first suggested that all British forces should be concentrated at one point on the east bank of the Canal, first Port Fuad and subsequently Kantara being the points proposed. When these localities were shown to be inadequate for the purpose the Egyptian delegation eventually agreed to the concentration of the forces in question to the west of the Canal in the neighbourhood of Ismailia, subject to a reduction from 25 to 20 years of the period during which the treaty would not be open for revision, except, of course, in the case where the parties thereto might agree to proceed to such revision at an earlier date (Articles 8 and 14 of Paper 3).

6. It was early recognised that the Sudan, the subject of clause 13 of the 1929 proposals, was likely to present a formidable problem to the negotiators. The insertion of the words "without prejudice to Egypt's rights and material interests" in the treaty article as agreed before Easter and of a sentence in the connected note providing for no discrimination in the Sudan between British subjects and Egyptian nationals in matters of commerce and

immigration or the possession of property, furnishes no measure of the time devoted to discussion of all aspects of the question. An effort was made to meet the Egyptian point of view by the introduction of an entirely new and general provision (Article 15 of Paper 3) under which the High Contracting Parties agreed, if either of them should so request, to enter into friendly discussions within one year from the coming into force of the treaty with regard to any question arising out of the application of any article of the treaty with respect to which any difficulty might have arisen. At one point in the discussions the prospect of agreement on these lines seemed hopeful.

7. Discussion of the provisions which should figure in the note had necessarily to proceed more or less concurrently with that of the connected articles, and just before the Easter recess there appeared to be good reason to hope that complete agreement might be achieved not only on the articles of the treaty, but on the almost equally important note. In so far as the latter document related to the retention of the Financial and Judicial Advisers for the full period of their contracts, agreement had, in fact, been reached, and in regard to the European element in the City Police, the British negotiators were prepared to fall in with the strongly-urged Egyptian proposal that the interests of public security would best be served by providing that the reduction in their numbers should take place gradually over the whole period of five years during which the European element was to be retained. The passage relating to the Capitulations was drafted in the light of discussions which had taken place between British experts and members of the Egyptian delegation, and it was thought that it might prove acceptable to the latter. As regards the military provisions, agreement in principle appeared to have been reached as to the numbers of the British military and air forces for whom accommodation was to be provided, their location and the disposal of the properties which they would vacate on transference to the neighbourhood of the Canal. On the morning of the 17th April, however, Nahas Pasha informed the British negotiators that the Egyptian delegation could not commit themselves to accept the treaty as they did not feel that their requirements in regard to the Sudan had been adequately met. His Excellency asked for time to consult his colleagues in Cairo and for a copy to send to them of the proposed treaty and notes (Paper 3) in the form in which they then stood. Further negotiations were accordingly adjourned until the 29th April, though a further adjournment was rendered necessary by the delay in the return of the messenger whom Nahas Pasha had despatched to Cairo.

8. This was the position when proceedings were resumed on the afternoon of the 5th May. Nahas Pasha then communicated a complete but modified draft treaty with two alternatives for the Sudan article together with a new draft of the notes to be annexed to the treaty. These documents constitute Paper 4.

9. The alternative Egyptian drafts of the Sudan article provided either that the question of the Sudan should be reserved for future negotiations within one year from the ratification of the treaty, or that the question of the Sudan should be reserved for future negotiations, and that meanwhile the *de facto* position obtaining in the Sudan before 1924 should be restored. Similar suggestions had already been made to and rejected by the British negotiators before Easter. The Egyptian delegation were informed that neither of these drafts was acceptable and that it was difficult to see why so many changes had been made in the draft of the treaty and note as it stood on the 17th April. It was pointed out that the British negotiators had agreed before the adjournment for Easter (*cf.* paragraph 6 above) to insert a new general article in the treaty providing for friendly discussions within one year from the coming into force of the treaty with regard to any question arising out of the application of any article of the treaty with respect to which any difficulty might have arisen. It was observed that that article had been omitted from the draft which the Egyptian delegation had communicated. Moreover, the Egyptian delegation had inserted an entirely new article which provided that "any agreement or declaration or other bilateral or unilateral acts which are in opposition to the present treaty are null and devoid of effect."

10. Nahas Pasha was informed that unless he agreed to the restoration of the British draft of article 11 no treaty was possible; it would, indeed, be unfortunate if he could not accept the article in that form, for the passage of time and the new atmosphere created by the alliance might render much less formidable difficulties which to-day appeared insoluble. At the meeting which took place on the following day the Egyptian delegation expressed their willingness to accept the British draft with two minor amendments, provided the British negotiators agreed to their putting in a statement of their position in the form of a note. The amendments proposed were the addition of the words "and settling the question of the Sudan" in the first sentence, and of the words "as one of the consequences" in the second sentence. The note which the Egyptian delegation proposed was to the effect that the Sudan article did not in any way affect Egypt's right of sovereignty over the Sudan and the joint administration thereof by the two High Contracting Parties. The Egyptian delegation were informed that their counter-draft and note combined were unacceptable.

11. On the afternoon of the 6th May the Egyptian delegation said that they were prepared to accept the original wording of the British draft article with the addition of a sentence to the effect that the High Contracting Parties agreed, if either of them should so request, to enter into friendly discussions within twelve months of the coming into force of the present treaty with regard to the application of the 1899 Conventions (Papers 7 and 8). The

Egyptian delegation, however, objected to the wording of the passage in the note providing for no discrimination in the Sudan between British subjects and Egyptian nationals; they wished it to be made clear that the immigration of Egyptians into the Sudan would be subject to no restriction.

12. Proceedings were resumed on the 7th May at 8 A.M., and continued with two brief intervals until 3.30 AM. on the 8th May, by which time agreement had been reached (see Paper 5) on all the articles of the treaty apart from the Sudan article. In so far as concerns the notes the wide divergencies between the British draft (Paper 3) and the Egyptian counterdraft (Paper 4) had in some cases been bridged completely; in others agreement was hoped for as the result of direct discussion between members of the Egyptian delegation and the Secretaries of State for War and Air and their respective experts, but the actual wording of the various paragraphs embodying it was still under discussion. In regard to the important and complex question of the Capitulations (*cf.* paragraph 4 above) it was arranged that a separate exchange of notes should take place, the agreed text of which appears as Paper 6.

13. With regard to the Sudan, however, it was not possible to arrive at any formula which would satisfy the Egyptian demand for the right of unrestricted immigration of Egyptian nationals into the Sudan. A suggestion that the Governor-General would not exercise "unreasonably" the right which any Government must possess to control immigration in the interests of its own nationals had to be abandoned as the Egyptian delegation insisted on the omission of the word "unreasonably." Further progress was impossible and the Egyptian delegation were finally informed that the treaty could only be saved if they would accept the text of the Sudan article and paragraphs as they appear in Paper No. 3 with the two amendments in the article (*cf.* paragraph 10 above), for which they had pressed and to which the British negotiators were ready to agree, *viz.*, the addition of the words "and settling the Sudan question" after "the Conventions of 1899," and the omission of the word "Accordingly" at the beginning of the second sentence, which would run "The Governor-General shall, as one of the consequences of the 1899 Conventions, continue . . ." The Egyptian delegation undertook to communicate their decision later in the day at 11 A.M.

14. When the Egyptian delegation returned, they said that they could not continue the negotiations unless His Majesty's Government modified their position. They were informed that the British negotiators could not modify the proposals which they had made overnight. This communication led to the termination of the negotiations. A formal meeting followed at which speeches were made by the heads of the two delegations expressing regret that the efforts which had been made by both sides to reach agreement during

the last few weeks had failed. The Secretary of State for Foreign Affairs made it clear to the Egyptian delegation that, if they found after their return to Egypt, and after discussion with their friends there, that there was any hope of the draft treaty becoming an accepted instrument, it was still available, and he and his colleagues were prepared to try to reach agreement with regard to the few remaining passages in the note annexed to the treaty in order to make signature possible.

No. 2.

The 1929 Proposals for an Anglo-Egyptian Settlement.

DRAFT CLAUSES.

1.

THE military occupation of Egypt by the forces of His Britannic Majesty is terminated.

2.

An alliance is established between the High Contracting Parties in consecration of their friendship, their cordial understanding and their good relations.

3.

Egypt, being anxious to become a member of the League of Nations, will present in the conditions prescribed by article 1 of the Covenant a request for admission to the League, which His Britannic Majesty undertakes to support.

4.

Should any dispute with a third State produce a situation which involves a risk of a rupture with that State, the High Contracting Parties will concert together with a view to the settlement of the said dispute by peaceful means in accordance with the provisions of the Covenant of the League of Nations and of any other international obligations which may be applicable to the case.

5.

Each of the High Contracting Parties undertakes not to adopt in foreign countries an attitude which is inconsistent with the alliance or will create difficulties for the other Party thereto. In pursuance of this undertaking they will not oppose each other's policy in foreign countries, nor conclude with a third Power any agreement of a political character which might be prejudicial to the interests of the other Party.

6.

His Britannic Majesty recognises that the responsibility for the lives and property of foreigners in Egypt devolves henceforth upon the Egyptian Government. His Majesty the King of Egypt will ensure the fulfilment of his obligations in this respect.

7.

Should, notwithstanding the provisions of paragraph 4 above, either of the High Contracting Parties become engaged in war, the other High Contracting Party will, subject always to the provisions of paragraph 14 below, immediately come to his aid in the capacity of an ally. In particular, His Majesty the King of Egypt will, in the event of war or menace of war, furnish to His Britannic Majesty on

Egyptian territory all the facilities and assistance in his power, including the use of his ports, aerodromes and means of communication.

8.

In view of the desirability of identity in training and methods between the Egyptian and British armies, His Majesty the King of Egypt undertakes that, should he deem it necessary to have recourse to foreign military instructors, these shall be chosen from amongst British subjects.

9.

In order to facilitate and secure to His Britannic Majesty the protection of the Suez Canal as an essential means of communication between the different parts of the British Empire, His Majesty the King of Egypt authorises His Britannic Majesty to maintain upon Egyptian territory in localities to be agreed upon, to the east of longitude 32° E., such forces as His Britannic Majesty considers necessary for this purpose. The presence of these forces shall not constitute in any manner an occupation and will in no way prejudice the sovereign rights of Egypt.

10.

In view of the friendship between the two countries and of the alliance contemplated in the present proposals, the Egyptian Government when engaging the services of foreign officials will as a rule engage British subjects.

11.

His Britannic Majesty recognises that the capitulatory régime now existing in Egypt is no longer in accordance with the spirit of the times and with the present state of Egypt.

His Britannic Majesty accordingly undertakes to use all his influence with the Powers possessing capitulatory rights in Egypt to obtain, in conditions which will safeguard the legitimate interests of foreigners, the transfer to the Mixed Tribunals of the jurisdiction of the existing Consular Courts, and the application of Egyptian legislation to foreigners.

12.

In view of the friendship between the High Contracting Parties and of the alliance contemplated in the present proposals, His Britannic Majesty will be represented at the Court of His Majesty the King of Egypt by an Ambassador, duly accredited, and His Majesty the King of Egypt will reserve the highest diplomatic rank at his Court to the representative of His Britannic Majesty.

His Majesty the King of Egypt will be represented at the Court of St. James's by an Ambassador.

13.

While reserving liberty to conclude new conventions in future modifying the conventions of 1899 the High Contracting Parties

agree that the status of the Sudan shall be that resulting from the said conventions. Accordingly, the Governor-General shall continue to exercise on the joint behalf of the High Contracting Parties the powers conferred upon him by the said conventions.

14.

Nothing in the present proposals is intended to or shall in any way prejudice the rights and obligations which devolve, or may devolve, upon either of the High Contracting Parties under the Covenant of the League of Nations or the Treaty for the Renunciation of War signed at Paris on the 27th August, 1928.

15.

The High Contracting Parties agree that any difference on the subject of the application or the interpretation of the provisions of the present proposals which they are unable to settle by direct negotiation shall be dealt with in accordance with the provisions of the Covenant of the League of Nations.

16.

At any time after the expiration of a period of twenty-five years from the coming into force of a treaty based on the above proposals such modification of its terms as may be deemed appropriate in the circumstances as they then exist may be made by agreement between the High Contracting Parties.

ARMY: DRAFT BRITISH NOTE.

Your Excellency,

In the course of our recent discussions, certain military questions arose and were most carefully considered. These questions fall naturally into two categories: first, those concerning the Egyptian forces which might, in the unhappy event of the circumstances arising contemplated in the first sentence of paragraph 7 of the proposals, be called upon to co-operate actively with allied British forces; and, secondly, questions touching the British forces which, under paragraph 9, will be stationed in the neighbourhood of the Suez Canal for the purpose of ensuring the defence of that vital artery of British imperial communications.

As to the first category, your Excellency and I agreed as follows:—

- (1.) Existing arrangements, under which the Inspector-General and his staff exercise certain functions, shall terminate. British personnel shall be withdrawn from the Egyptian forces.

- (2.) The Egyptian Government, however, desire in accordance with paragraph 8 of the proposals to avail themselves of the advice of a British military mission. His Britannic Majesty's Government in the United Kingdom and Northern Ireland undertake to furnish such a mission. The Egyptian Government will send the personnel of the Egyptian forces to be trained abroad in Great Britain only. His Majesty's Government, for their part, undertake to receive any personnel which the Egyptian Government may send to Great Britain for this purpose.
- (3.) In the interests of the close co-operation referred to above, the armament and equipment of the Egyptian forces shall not differ in type from those of the British forces. His Majesty's Government undertake to use their good offices to facilitate the supply of such armament and equipment from Great Britain whenever the Egyptian Government so desire.

With regard to the British forces referred to in paragraph 9 of the proposals :—

- (i.) The Egyptian Government will provide, free of cost to His Majesty's Government, lands, barracks, &c., in localities to be agreed upon, equivalent to those now occupied by the British forces in Egypt. Upon the completion of this new accommodation, those forces shall be transferred thereto, handing over the lands, barracks, &c.; thus vacated to the Egyptian Government. In view of the technical objections to effecting this transfer piecemeal it shall await the completion of the new accommodation to be provided. Having regard to the character of the region lying to the east of longitude 32° E. steps will be taken to furnish reasonable amenities by planting trees, gardens, &c., for the troops, who will also be provided with an adequate emergency fresh water supply.
- (ii.) Subject to any modifications which may in the future be made by agreement between the two Governments, the privileges and immunities in jurisdictional and fiscal matters at present enjoyed by the British forces in Egypt will continue.
- (iii.) Unless the two Governments agree to the contrary, the Egyptian Government will prohibit the passage of aircraft over the territories situated on either side of the Suez Canal and within 20 kilom. of it. This prohibition will not, however, apply to the forces of the two Governments or to services maintained by genuinely British or Egyptian organisations operating under the authority of the Egyptian Government.

We also agreed that the Egyptian Government will give all necessary facilities to British military aircraft, personnel and stores on passage to or from the aerodromes placed at the disposal of the

British forces in accordance with paragraph 9 of the proposals. His Majesty's Government will give appropriate facilities to Egyptian military aircraft, personnel and stores in territory under their control.

ARMY : DRAFT EGYPTIAN NOTE.

Sir,

I have the honour to acknowledge the receipt of your note of to-day's date dealing with certain military questions, and to confirm that it accurately represents the agreement at which we have arrived.

ADVISERS : DRAFT EGYPTIAN NOTE.

Sir,

As you are aware, the Egyptian Government have taken in hand an extensive programme of internal reform, and I realise that this task will become even more far-reaching and difficult in view of the important modifications in the capitulatory system contemplated by the proposals. I appreciate that, in order to secure the satisfactory completion of this programme of reform the best advice procurable will be required, and I take this opportunity of informing you that it is the intention of the Egyptian Government to maintain, during the period necessary for the completion of the reforms in question, the employment of British subjects in the posts of Financial Adviser to the Egyptian Government and Judicial Adviser to the Ministry of Justice. Future occupants of these posts will be selected by the Egyptian Government in agreement with His Britannic Majesty's Government in the United Kingdom, and will receive their appointments as Egyptian officials from the Egyptian Government.

ADVISERS : DRAFT BRITISH NOTE.

Your Excellency,

I have the honour to acknowledge the receipt of your note of to-day's date regarding the posts of the Financial Adviser to the Egyptian Government and the Judicial Adviser to the Ministry of Justice, and note with satisfaction your Excellency's statement of the intentions of the Egyptian Government.

POLICE : DRAFT EGYPTIAN NOTE.

Sir,

I take this opportunity of informing you that the Egyptian Government intend to abolish the European Bureau of the Public Security Department, but, in pursuance of the undertaking contained in paragraph 6 of the proposals, the Egyptian Government will retain, for at least five years from the coming into force of a treaty based on the proposals, a certain European element in their city police, which will remain for the same period under the command of British officers.

If at some future date the Egyptian Government should desire to reorganise their police force, I shall be glad to know whether they can rely upon the assistance of His Britannic Majesty's Government in this task.

POLICE : DRAFT BRITISH NOTE.

Your Excellency,

His Britannic Majesty's Government in the United Kingdom note with satisfaction that in pursuance of the undertaking contained in paragraph 6 of the proposals the Egyptian Government, after the disappearance of the European Bureau of the Public Security Department, will retain, for at least five years from the coming into force of a treaty based on the proposals, a certain European element in their city police, which will remain for the same period under the command of British officers.

If at some future date the Egyptian Government should desire to reorganise their police force, His Britannic Majesty's Government will be happy to lend them the services of individual experts or of a police mission as they have done in the case of other countries similarly desirous of reorganising their police.

CAPITULATIONS : DRAFT BRITISH NOTE.

Your Excellency,

Paragraph 11 of the proposals provides as follows:—

“His Britannic Majesty recognises that the capitulatory régime now existing in Egypt is no longer in accordance with the spirit of the times and with the present state of Egypt.

“His Britannic Majesty accordingly undertakes to use all his influence with the Powers possessing capitulatory rights in Egypt to obtain, in conditions which will safeguard the legitimate interests of foreigners, the transfer to the Mixed Tribunals of the jurisdiction of the existing Consular Courts, and the application of Egyptian legislation to foreigners.”

It will be useful if I explain to your Excellency the lines on which I think this reform of the capitulatory régime might well proceed, as I shall be prepared to support the efforts of the Egyptian Government to conclude arrangements with the Powers on these lines when a treaty based on the proposals comes into force.

It was hoped in 1920, when negotiations were in progress between the British and Egyptian Governments, that arrangements might be made for the closing by foreign Powers of their Consular Courts in Egypt. Draft laws were accordingly prepared in that year extending the existing jurisdiction of the Mixed Tribunals, and enabling them to exercise all the jurisdiction now exercised by the Consular Courts.

I shall be prepared to agree to the utilisation of those draft laws as the basis of the reform of the capitulatory régime if foreign Powers are willing to transfer to the Mixed Tribunals the jurisdiction of their consular courts.

On points of detail many changes will no doubt be required. These must be discussed by experts. There are, however, certain modifications which will, I think, be necessary in any event, and which I desire to take this opportunity of pointing out to your Excellency.

It may be difficult for some Powers to agree to the transfer to the Mixed Tribunals of all suits relating to the “statut personnel” of their nationals. Transfer in the case of these questions should be facultative. Jurisdiction in such matters should remain with the consular authorities unless an agreement is made between the Egyptian Government and the foreign Government concerned for its transfer to the Mixed Tribunals. I anticipate agreement that the Mixed Tribunals should exercise jurisdiction in these matters in cases where British subjects are concerned.

In the case of pardons or remissions of sentences imposed on foreigners, and also in connexion with the execution of capital sentences imposed on foreigners, the Minister of Justice will consult the Judicial Adviser, so long as that official is retained, before tendering his advice to the King.

I recognise that the conditions in which the capitulations are at present applied as regards the power of the Egyptian Government to legislate for or to impose taxation on foreigners are no longer consistent with modern conditions. I should be prepared to agree that in future any assent which is necessary before Egyptian legislation, including fiscal legislation, is applied to foreigners shall be given by the General Assembly of the Mixed Tribunals, except in the case of legislation relating to the constitution or jurisdiction of the Mixed Tribunals themselves, which should not come into force until it has been approved by the Powers. It should be the duty of the General Assembly of the Mixed Tribunals to satisfy itself that the legislation in question is not inconsistent with the principles generally adopted in modern legislation which is applicable to foreigners, and, with particular relation to legislation of a fiscal character, that it does not inequitably discriminate against foreigners, including foreign companies.

An extension of the criminal jurisdiction of the Mixed Tribunals will necessitate the preparation and promulgation of a new Code of Criminal Procedure. The draft laws prepared in 1920 contain certain provisions of importance on this subject of criminal procedure (articles 10–27 of Law II, draft of the 18th April, 1920), and your Excellency will no doubt agree that the new Criminal Code should not diverge from the principles laid down in these articles.

There are certain matters as to which it will be necessary for agreement to be reached between the Egyptian Government and His Britannic Majesty's Government in the United Kingdom, but I do not think it necessary to do more at the moment than mention these subjects.

The first is the definition of the word “foreigner” for the purposes of the proposed extension of the jurisdiction of the Mixed Tribunals. I understand from your Excellency that the codes now enforced by the Native Courts in Egypt subject to the Native Courts all persons in Egypt other than those who by law, usage or treaty are withdrawn from their jurisdiction. I am content to accept this principle provided that it is understood that all foreigners who have enjoyed the benefit of the capitulatory régime in the past will fall under the jurisdiction of the Mixed Tribunals irrespective of changes of sovereignty effected after the war of 1914–18.

The second is the increase in the personnel of the Mixed Tribunals which will be necessitated by the proposed extension of their jurisdiction, and, as part of this question, the new functions of the Procureur Général of the Mixed Tribunals and the staff which will be necessary to enable him to discharge those functions satisfactorily. The Judicial Adviser will, so long as that official is retained, be consulted with regard to the appointment of foreign judges in the Mixed Tribunals and of foreign members of the parquet, if any.

CAPITULATIONS : DRAFT EGYPTIAN NOTE.

Sir,
I have the honour to acknowledge the receipt of your note of to-day's date, in which you informed me of the lines upon which His Majesty's Government in the United Kingdom consider that the reform of the capitulatory régime might well proceed, and drew my attention to certain particular considerations to which you attach importance.

I am happy to state that the particular proposals to which you referred are in accordance with the intentions of the Egyptian Government, who are also in general agreement with His Britannic Majesty's Government as to the lines on which the reform of the capitulatory system should proceed.

As regards the definition of the word "foreigner," I would observe that, while the Egyptian Government would have no objection to the civil and criminal jurisdiction of the Mixed Tribunals including foreigners who possessed capitulatory privileges before the war of 1914-18, those foreigners who do not possess and never have possessed those privileges must evidently be subject to the jurisdiction of the Native Courts.

FOREIGN OFFICIALS : DRAFT EGYPTIAN NOTE.

Sir,
In the course of our conversations in regard to paragraph 10 of the proposals, it was understood that His Britannic Majesty's Government in the United Kingdom and Northern Ireland will not press for an unreasonably narrow interpretation of this paragraph, and that nothing therein contained shall prejudice the freedom of the Egyptian Government to engage non-British foreign officials for posts for which suitable British subjects are not available.

FOREIGN OFFICIALS : DRAFT BRITISH NOTE.

Your Excellency,

I have the honour to acknowledge the receipt of your note of to-day's date regarding the engagement of foreign officials and to confirm the statement therein recorded of the understanding which we have reached.

MINORITIES : DRAFT BRITISH NOTE.

Your Excellency,

I wish to place it on record that it was not thought necessary to mention, in the proposals, the question of the protection of minorities, which figured in the declaration of the 28th February, 1922, but that it is recognised that this question will in future be the exclusive concern of the Egyptian Government.

MINORITIES : DRAFT EGYPTIAN NOTE.

Sir,

I have the honour to take note of your communication of to-day's date respecting minorities in Egypt.

SUDAN DEBT : DRAFT BRITISH NOTE.

Your Excellency,

When discussing paragraph 13 of the proposals, we agreed that the question of the indebtedness of the Sudan to Egypt should now be examined with a view to a settlement on fair and equitable lines.

We further agreed that a representative of the British Treasury should discuss the question with a representative of the Egyptian Ministry of Finance as soon as a treaty based on the proposals comes into force.

SUDAN DEBT : DRAFT EGYPTIAN NOTE.

Sir,

In reply to your note of to-day's date I have the honour to confirm our agreement that the question of the indebtedness of the Sudan to Egypt should be examined by representatives of the British Treasury and of the Egyptian Ministry of Finance with a view to its settlement on fair and equitable lines.

SUDAN. ACCESSION TO INTERNATIONAL CONVENTIONS : DRAFT BRITISH NOTE.

Your Excellency,

It will be convenient to place on record the agreement which we have reached as regards the method by which international conventions are to be made applicable to the Sudan. The conventions which it will be desired to apply to the Sudan will naturally be conventions of a technical or humanitarian character.

In cases where such a convention is signed on behalf of both Egypt and Great Britain, and it is desired that the convention should be applied to the Sudan, the British and Egyptian delegates will, at a convenient moment, make a joint declaration, to be duly placed on record, to the effect that their signatures on behalf of Egypt and the United Kingdom respectively are intended, taken together, to cover the Sudan, and (in cases where the convention requires ratification) that, when the ratifications of both the King of Egypt and His Britannic Majesty have been deposited, the convention will become applicable to the Sudan in accordance with its terms. If no such declaration is made the convention will not

become applicable to the Sudan, unless by the method of accession, to which reference is made later.

In cases where such a declaration has been made, no special mention would be made of the Sudan in the instruments of ratification.

In some cases, where the convention provides for subsequent accession, and it may be convenient that the convention should be applied to the Sudan by this method, accession would be effected by a joint instrument, signed on behalf of Egypt and Great Britain respectively by two persons duly appointed for the purpose. The method of depositing the instrument of accession would be the subject of agreement in each case between the two Governments. In such cases no question of ratification arises.

At international conferences where such conventions are negotiated the Egyptian and British delegates would naturally keep in touch with a view to any action which they may agree to be desirable in the interests of the Sudan.

SUDAN. ACCESSION TO INTERNATIONAL CONVENTIONS: DRAFT
EGYPTIAN NOTE.

Sir,

I have the honour to acknowledge the receipt of your note of to-day's date regarding the method of application to the Sudan of international conventions which it may be desired should apply to that country. I beg to confirm the statement therein recorded of the understanding which we have reached.

SUDAN. RETURN OF AN EGYPTIAN BATTALION: DRAFT BRITISH NOTE.

Your Excellency,

During our recent discussions your Excellency expressed the hope that, on the coming into force of a treaty, Egyptian troops would be readmitted to the Sudan.

If, as His Majesty's Government in Great Britain and Northern Ireland earnestly trust, the treaty is worked in the same friendly spirit in which the proposals were negotiated, they will be prepared to examine sympathetically a proposal for the return to the Sudan of an Egyptian battalion simultaneously with the withdrawal of the British forces from Cairo.

SUDAN. RETURN OF AN EGYPTIAN BATTALION: DRAFT EGYPTIAN
NOTE.

Sir,

I have the honour to acknowledge the receipt of your note of to-day's date, relative to the return of an Egyptian battalion to the Sudan, and to take note of the attitude of His Britannic Majesty's Government in the matter.

No. 3.

**Draft of the Proposed Anglo-Egyptian Treaty* and
Exchange of Notes as handed to the Egyptian
Delegation on April 17, 1930.**

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

Being anxious to consolidate the friendship and perpetuate the relations of good understanding between them and to co-operate in the execution of their international obligations in preserving the peace of the world,

And considering that these objects will best be achieved by the conclusion of a treaty of friendship and alliance, which in their common interest will provide for effective co-operation in preserving peace and ensuring the defence of their respective territories, and shall govern their mutual relations in the future,

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

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

for Great Britain and Northern Ireland:

His Majesty the King of Egypt:

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

ARTICLE 1.

The military occupation of Egypt by the forces of His Britannic Majesty is terminated.

ARTICLE 2.

An alliance is established between the High Contracting Parties with a view to consolidating their friendship, their cordial understanding and their good relations.

ARTICLE 3.

As Egypt intends to apply for membership of the League of Nations, His Britannic Majesty recognises her right as a sovereign independent State to become a member of the League on complying with the provisions of the Covenant of the League.

* Only the first seven articles were passed by the Drafting Committee. The numbering of all articles is provisional and for purpose of reference.

ARTICLE 4.

Each of the High Contracting Parties undertakes not to adopt in foreign countries an attitude which is inconsistent with the alliance, or to conclude political treaties inconsistent with the provisions of the present treaty.

ARTICLE 5.

Should a dispute with a third State arise which, in the terms of article 12 of the Covenant of the League of Nations, is likely to lead to a rupture with that State, the High Contracting Parties will consult each other with a view to the settlement of the said dispute by peaceful means, in accordance with the provisions of the Covenant, and of any other international obligations which may be applicable to the case.

ARTICLE 6.

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

ARTICLE 7.

Should, notwithstanding the provisions of article 5 above, either of the High Contracting Parties become engaged in war, the other High Contracting Party will, subject always to the provisions of article 12 below, immediately come to his aid in the capacity of an ally. The aid of His Majesty the King of Egypt, in the event of war, or imminent menace of war, will consist in furnishing to His Britannic Majesty, on Egyptian territory, in accordance with the Egyptian system of administration and legislation, all the facilities and assistance in his power, including the use of his ports, aerodromes and means of communication. It will accordingly be for the Egyptian Government to take all the administrative and legislative measures necessary to render these facilities and assistance effective.

ARTICLE 8.

In view of the fact that the Suez Canal, while being an integral part of Egypt, is a universal means of communication as also an essential means of communication between the different parts of the British Empire, His Majesty the King of Egypt, until such time as the High Contracting Parties agree that the Egyptian forces are in a position to ensure by their own resources the liberty and entire security of navigation of the Canal, authorises His Britannic Majesty to station in the neighbourhood of Ismailia and in the area to the west of Ismailia as far as Mahsama railway station such forces as His Britannic Majesty considers necessary to ensure in co-operation with the Egyptian forces the defence of the Canal; for the same purpose the Royal Air Force depot will be transferred

to the desert areas on either side of the Canal for purposes of training and manœuvre. The presence of these forces shall not constitute in any manner an occupation and will in no way prejudice the sovereign rights of Egypt.

It is understood that, at the end of the period of twenty years specified in article 14, the question whether the presence of British forces is no longer necessary owing to the fact that the Egyptian forces are in a position to ensure by their own resources the liberty and entire security of navigation on the Canal may, if there is any difference between the High Contracting Parties, be submitted for settlement in accordance with the provisions of the Covenant of the League of Nations.

ARTICLE 9.

His Britannic Majesty recognises that the capitulatory régime now existing in Egypt is no longer in accordance with the spirit of the times and with the present state of Egypt.

His Britannic Majesty accordingly undertakes to use all his influence with the Powers possessing capitulatory rights in Egypt to obtain, in conditions which will safeguard the legitimate interests of foreigners, the transfer to the Mixed Tribunals of the jurisdiction of the existing Consular Courts, and the application of Egyptian legislation to foreigners.

ARTICLE 10.

In view of the friendship between the High Contracting Parties and of the alliance contemplated in the present proposals, His Britannic Majesty will be represented at the Court of His Majesty the King of Egypt by an Ambassador duly accredited.

His Majesty the King of Egypt will be represented at the Court of St. James by an Ambassador.

ARTICLE 11.

While reserving liberty to conclude new conventions in future modifying the conventions of 1899, the High Contracting Parties agree that without prejudice to Egypt's rights and material interests the status of the Sudan shall be that resulting from the said conventions. Accordingly, the Governor-General shall continue to exercise on the joint behalf of the High Contracting Parties the powers conferred upon him by the said conventions.

ARTICLE 12.

Nothing in the present proposals is intended to or shall in any way prejudice the rights and obligations which devolve, or may devolve, upon either of the High Contracting Parties under the Covenant of the League of Nations or the Treaty for the Renunciation of War signed at Paris on the 27th August, 1928.

ARTICLE 13.

The High Contracting Parties agree that any difference on the

the present treaty which they are unable to settle by direct negotiation shall be dealt with in accordance with the provisions of the Covenant of the League of Nations.

ARTICLE 14.

At any time after the expiration of a period of twenty years from the coming into force of the treaty, the High Contracting Parties will, at the request of either of them, enter into negotiations with a view to such revision by agreement between them of its terms as may be appropriate in the circumstances as they then exist. In case of disagreement, the difference will be dealt with in accordance with the provisions of the Covenant of the League of Nations.

Nevertheless, at any time after the expiration of a period of ten years from the coming into force of the treaty, negotiations may be entered into with the consent of both the High Contracting Parties with a view to such revision as aforesaid.

ARTICLE 15.

Without prejudice to the provisions of article 13 the High Contracting Parties agree, if either of them should so request, to enter into friendly discussions within one year from the coming into force of the treaty with regard to any question arising out of the application of any article of the present treaty with respect to which any difficulty may have arisen.

ARTICLE 16.

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.

In faith whereof, &c.

DRAFT EXCHANGE OF NOTES.

Sir,

I WISH to place on record the understandings which have been reached between us in regard to various important matters arising out of or in connexion with the treaty which we have signed to-day.

In regard to matters of a military character we are agreed as follows :—

(1) British personnel shall be withdrawn from the Egyptian army and the functions of the Inspector-General and his staff shall terminate.

(2) The Egyptian Government, desiring to perfect the training of the Egyptian army and intending, as a natural consequence of the alliance which has been established, that such foreign instructors as they may deem necessary shall be chosen from amongst British subjects only, will avail themselves of the advice of a British military mission. His Majesty's Government in the United Kingdom will

furnish the military mission which the Egyptian Government desire and will also undertake to receive, and provide training in the United Kingdom for, any personnel of the Egyptian forces which the Egyptian Government may desire to send for the purpose of being trained. In the circumstances created by this treaty the Egyptian Government will naturally not desire to send any personnel of their armed forces to be trained abroad elsewhere than in the United Kingdom.

(3) In the interests of the alliance and in view of the possible necessity of active co-operation between the British and Egyptian forces, the armament and equipment of the Egyptian forces shall not differ in type from those of the British forces. His Majesty's Government in the United Kingdom undertake to use their good offices to facilitate the supply of such armament and equipment from the United Kingdom whenever the Egyptian Government so desire.

(4) With reference to article 8 of the treaty, it is understood that, if, after a survey of the ground in the neighbourhood of Ismailia, the two Governments are not agreed that there is a sufficient area of hard desert, west of the Canal and in the immediate vicinity of Ismailia or westwards between Ismailia and Mahsama railway station, to provide adequate accommodation and training grounds for 8,000 men of the land forces, the Egyptian Government will provide at some place to be agreed upon situated south of Ismailia and west of the Canal a further area of land adequate and suitable for the accommodation and training of 2,500 men of the land forces.

(5) The Egyptian Government will accord, and provide where necessary, all reasonable means of communication and access to and from the localities where the British troops are situated and will also accord facilities at Port Said and Suez for the landing and storage of British military material and supplies.

(6) The Egyptian Government will provide for the British troops, 8,000 of the land forces and 3,000 of the Air Force, less the number for which accommodation already exists in these localities, free of cost to the Government of the United Kingdom, in the localities agreed upon in accordance with article 8 of the treaty and paragraph (4) above, the lands and permanent accommodation, including an emergency water supply, suitable according to modern generally recognised standards and satisfactory to His Majesty's Government. In addition to providing the accommodation above-mentioned, the Egyptian Government will take steps, having regard to the character of the localities where British troops will be stationed, to furnish reasonable amenities by planting trees, gardens, &c., for the troops. They will also provide a convalescent camp on the Mediterranean coast.

When such accommodation is fully completed the British forces then present in other parts of Egypt will withdraw therefrom and will hand over to the Egyptian Government all land and buildings so vacated, other than those in private ownership.

(7) Subject to any modifications which the two Governments may agree to introduce in the future, the immunities and privileges in jurisdictional and fiscal matters, including freedom from taxation, at present enjoyed by the British forces in Egypt will continue to be extended to all the armed forces of His Britannic Majesty in that country. The Egyptian Government will take the necessary steps to ensure that the altered conditions after the transfer of the British troops to the localities mentioned above will not render their position as regards immunities and privileges in any way less favourable than that which they at present enjoy in Egypt.

(8) Unless the Governments agree to the contrary, the Egyptian Government will prohibit the passage of aircraft over the territories situated on either side of the Suez Canal and within 20 kilometres of it. This prohibition will not, however, apply to the forces of the two Governments or to services maintained by genuinely British or Egyptian organisations, operating under the authority of the Egyptian Government.

(9) The Egyptian Government will give all necessary facilities to British aircraft, personnel and stores on passage to and from the aerodromes placed at the disposal of the British forces in accordance with article 9 of the treaty and for the purpose of such passage will secure the maintenance and availability at all times of such aerodromes and landing grounds in Egyptian territory as are required. Visits by representatives of the British Air Force for the purpose of ascertaining the condition of such aerodromes and laying the necessary fuel dumps shall be permitted. His Majesty's Government will give reciprocal facilities in their aerodromes in the Canal zone to Egyptian military aircraft, personnel and stores on passage to and from Egyptian aerodromes.

In regard to other matters :—

(10) The Egyptian Government intend to abolish the European Bureau of the Public Security Department, but will retain for five years from the coming into force of the treaty a certain European element in their city police which will remain for the same period under the command of British officers.

With a view to facilitating the gradual substitution of Egyptian officials for the said European element and thereby securing the harmonious working of the police organisation, the Egyptian Government propose to dispense annually with the services of one-fifth of the number of European police officials. The Egyptian Government intend, however, to employ for the whole period British police commandants at the head of such European element.

(11) The Egyptian Government are anxious to have expert assistance for the extensive programme of internal reforms which they contemplate. They intend to maintain for the remaining period of their existing contracts the Financial Adviser to the Egyptian Government and Judicial Adviser to the Ministry of Justice. The occupants of these posts hold their appointments as Egyptian officials from the Egyptian Government.

(12) The Egyptian Government, in view of the treaty of friendship and alliance signed to-day, will naturally, when engaging the services of foreign experts, as a rule give preference to British subjects possessing the necessary qualifications.

(13) The two Governments agree that the question of the indebtedness of the Sudan to Egypt shall now be examined with a view to settlement on fair and equitable lines and that for this purpose a representative of the Treasury of the United Kingdom and of the Egyptian Ministry of Finance should discuss the question as soon as the treaty comes into force.

(14) The two Governments are agreed that there shall be no discrimination in the Sudan between British subjects and Egyptian nationals in matters of commerce and immigration or the possession of property. It has further been agreed that, if the treaty is worked in the same friendly spirit in which it has been negotiated, His Majesty's Government in the United Kingdom will be prepared to examine sympathetically a proposal for the return to the Sudan of an Egyptian battalion simultaneously with the withdrawal of the British forces from Cairo.

(15) As regards the method by which international conventions are to be made applicable to the Sudan, the two Governments are agreed as follows :—

The conventions which it will be desired to apply to the Sudan will naturally be conventions of a technical or humanitarian character.

In cases where such a convention is signed on behalf of both Egypt and the United Kingdom, and it is desired that the convention should be applied to the Sudan, the British and Egyptian delegates will at a convenient moment make a joint declaration, to be duly placed on record, to the effect that their signatures on behalf of Egypt and the United Kingdom respectively are intended, taken together, to cover the Sudan, and (in cases where the convention requires ratification) that, when the ratifications of both the King of Egypt and His Britannic Majesty have been deposited, the convention will become applicable to the Sudan in accordance with its terms. If no such declaration is made the convention will not become applicable to the Sudan, unless by the method of accession, to which reference is made later.

In cases where such a declaration has been made, no special mention would be made of the Sudan in the instruments of ratification.

In some cases, where the convention provides for subsequent accession, and it may be convenient that the convention should be applied to the Sudan by this method, accession would be effected by a joint instrument signed on behalf of Egypt and the United Kingdom respectively by two persons duly appointed for the purpose. The method of depositing the instrument of accession would be the subject of agreement in each case between the two Governments. In such cases no question of ratification arises.

At international conferences where such conventions are negotiated the Egyptian and British delegates would naturally keep in touch with a view to any action which they may agree to be desirable in the interests of the Sudan.

(16) With regard to article 12 of the treaty the Egyptian Government, anxious to mark the satisfaction which the appointment of a British representative as the first Ambassador in Egypt affords them, intend that his precedence in relation to the representatives of other Powers shall extend to his successors.

(17) With regard to article 9 of the treaty the two Governments agree that immediately the treaty comes into force they will determine in consultation the lines on which, in their opinion, the reform of the capitulatory régime should proceed and on which His Majesty's Government in the United Kingdom should support the Egyptian Government in their efforts to conclude appropriate arrangements with the capitulatory Powers.

Sir,

In reply to your note of to-day's date, I have the honour to confirm the record contained in your note of the understandings which have been reached between us with regard to matters arising out of or in connexion with the treaty which has been signed to-day.

No. 4.

Egyptian Counter-draft of the proposed Anglo-Egyptian Treaty, communicated by the Egyptian Delegation on the Resumption of Negotiations on May 5, 1930.

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

Being anxious to consolidate the friendship and the relations of good understanding between them and to co-operate in the execution of their international obligations in preserving the peace of the world,

And considering that these objects will best be achieved by the conclusion of a treaty of friendship and alliance, which in their common interest will provide for effective co-operation in preserving peace and ensuring the defence of their respective territories, and shall govern their mutual relations in the future,

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

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

for Great Britain and Northern Ireland:

His Majesty the King of Egypt:

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

ARTICLE 1.

The military occupation of Egypt by the forces of His Britannic Majesty is terminated.

ARTICLE 2.

As Egypt intends to apply for membership of the League of Nations, His Britannic Majesty recognises her right as a sovereign independent State to become a member of the League on complying with the provisions of the Covenant of the League.

ARTICLE 3.

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

ARTICLE 4.

His Britannic Majesty recognises that the capitulatory régime now existing in Egypt is no longer in accordance with the spirit of the times and with the present state of Egypt.

Meanwhile, pending the abolition of this régime, His Britannic Majesty undertakes to use all his influence with the Powers possessing capitulatory rights with a view to helping Egypt to obtain the transfer to the Mixed Tribunals of the jurisdiction of the existing Consular Courts, and the application of Egyptian legislation to foreigners.

ARTICLE 5.

An alliance is established between the High Contracting Parties with a view to consolidating their friendship, their cordial understanding and their good relations.

ARTICLE 6.

Each of the High Contracting Parties undertakes not to adopt in foreign countries an attitude which is inconsistent with the alliance, or to conclude political treaties inconsistent with the provisions of the present treaty.

ARTICLE 7.

Should any dispute with a third State produce a situation which involves a risk of a rupture with that State, the High Contracting Parties will consult each other with a view to the settlement of the said dispute by peaceful means, in accordance with the provisions of the Covenant of the League of Nations and of any other international obligations which may be applicable to the case.

ARTICLE 8.

Should, notwithstanding the provisions of article 7 above, either of the High Contracting Parties become engaged in war, the other High Contracting Party will, subject always to the provisions of article 12 below, immediately come to his aid in the capacity of an ally. The aid of His Majesty the King of Egypt, in the event of war, or imminent menace of war, will consist in furnishing to His Britannic Majesty, on Egyptian territory, in accordance with the Egyptian system of administration and legislation, all the facilities and assistance in his power, including the use of his ports, aerodromes and means of communication. It will accordingly be for the Egyptian Government to take all the administrative and legislative measures necessary to render these facilities and assistance effective.

ARTICLE 9.

In view of the fact that the Suez Canal, while being an integral part of Egypt, is a universal means of communication as also an essential means of communication between the different parts of the British Empire, His Majesty the King of Egypt, until such time as the High Contracting Parties agree that the Egyptian army

is in a position to ensure by its own resources the liberty and entire security of navigation of the Canal, authorises His Britannic Majesty to station near Ismailia, in the zone specified in the annexed note, such forces as do not exceed the number therein agreed upon, with a view to ensuring in co-operation with the Egyptian forces the defence of the Canal; for the same purpose the Royal Air Force depot will be transferred from Abukir to Port Fuad. The presence of these forces shall not constitute in any manner an occupation and will in no way prejudice the sovereign rights of Egypt.

It is understood that at the end of the period of twenty years specified in article 14 the question whether the presence of British forces is no longer necessary owing to the fact that the Egyptian army is in a position to ensure by its own resources the liberty and entire security of navigation on the Canal may, if there has been any difference between the High Contracting Parties, be submitted for settlement to the League of Nations.

ARTICLE 10.

His Britannic Majesty will be represented at the Court of His Majesty the King of Egypt and His Majesty the King of Egypt at the Court of St. James's by Ambassadors duly accredited.

ARTICLE 11.

[See page 30.]

ARTICLE 12.

Nothing in the present proposals is intended to or shall in any way prejudice the rights and obligations which devolve, or may devolve, upon either of the High Contracting Parties under the Covenant of the League of Nations or the Treaty for the Renunciation of War signed at Paris on the 27th August, 1928.

ARTICLE 13.

The High Contracting Parties agree that any difference on the subject of the application or the interpretation of the provisions of the present treaty which they are unable to settle by direct negotiations shall be dealt with in accordance with the provisions of the Covenant of the League of Nations.

ARTICLE 14.

At any time after the expiration of a period of twenty years from the coming into force of the Treaty, the High Contracting Parties will, at the request of either of them, enter into negotiations with a view to such revision by agreement between them of its terms as may be appropriate in the circumstances as they then exist. In case of disagreement the difference will be submitted to the League of Nations.

Nevertheless, at any time after the expiration of a period of ten years from the coming into force of the Treaty, negotiations may be entered into with the consent of both the High Contracting Parties with a view to such revision as aforesaid.

ARTICLE 15.

Any agreement or declaration, or other bilateral or unilateral acts, which are in opposition to the provisions of the present Treaty, are null and devoid of effect.

ARTICLE 16.

The present Treaty is subject to ratifications. Ratifications shall be exchanged in Cairo as soon as possible. The Treaty shall come into force on the date of the exchange of ratifications and shall be duly registered in the League of Nations.

In faith whereof, &c.

Alternative Drafts for Article 11.

Without prejudice to Egypt's rights and interests in the Sudan, the High Contracting Parties agree that the question of the Sudan shall be reserved for future negotiations to be conducted between them in the course of a period of one year from the ratification of the present treaty.

Without prejudice to Egypt's rights and interests in the Sudan, the High Contracting Parties agree that the question of the Sudan shall be reserved for future negotiations. Meanwhile, the *de facto* position obtaining in the Sudan before 1924 shall be restored.

DRAFT EGYPTIAN NOTE.

Sir,

I WISH to place on record the understandings which have been reached between us in regard to various important matters arising out of or in connexion with the Treaty which we have signed to-day.

In regard to matters of a military character we are agreed as follows :—

(1) British personnel shall be withdrawn from the Egyptian Army and the functions of the Inspector-General and his staff shall terminate.

(2) The Egyptian Government, desiring to perfect the training of the Egyptian Army, and intending, in the interests of the military alliance which has been established, that such foreign instructors as they may deem necessary shall be chosen from amongst British subjects only, will avail themselves of the advice of a British military mission for such time as they may deem necessary. His Majesty's Government in the United Kingdom will

furnish the military mission in the conditions desired by the Egyptian Government, and will also undertake to receive and provide proper training in the United Kingdom for any personnel of the Egyptian forces which the Egyptian Government may desire to send for the purpose of being trained.

(3) Likewise, in the interests of the alliance, and in view of the possible necessity of active co-operation between the British and Egyptian forces, the armament of the Egyptian forces shall in general be similar to the type of armament used by British forces.

His Majesty's Government in the United Kingdom undertake to use their good offices to facilitate the supply of such armament from Great Britain whenever the Egyptian Government so desire.

(4) With reference to article 9 of the Treaty, it is agreed that the British land forces shall not exceed 8,000 men, while the Air Forces shall not exceed 3,000 men, of whom 1/7th are pilots and the rest are mechanics and workmen.

These forces shall be stationed in a zone extending from the Moaskar in the north-west of Ismailia to such area in the north and the west of the said Moaskar as will provide adequate accommodation and training grounds for the forces in question, provided the whole zone shall not extend westwards beyond Mahsama Railway Station, and shall not be within reach of cultivated grounds.

(5) As the present British Moaskar provides accommodation and training ground for 5,500 troops and for airmen, the Egyptian Government will, in return for such lands and buildings belonging to the British Army as will be handed over, when vacated, to the Egyptian Government, provide to the British Government the necessary accommodations for the remaining number of troops. Such accommodation shall be provided on the same lines as the existing accommodation at the Moaskar aforesaid.

(6) British forces in excess of the numbers fixed above will evacuate Egypt as soon as the present treaty is ratified.

With regard to the forces authorised to be stationed in the specified zone on the Canal, it is understood that as soon as adequate accommodation is provided for the forces now stationed in either of the two cities of Cairo and Alexandria and their suburbs, such forces will withdraw from that city and its suburbs. Forces in other parts of Egypt will withdraw, each in turn, as soon as accommodation in the specified zone is provided for them respectively.

Likewise, air forces shall be withdrawn as soon as adequate accommodation is provided for them.

(7) The Egyptian Government will accord facilities at Port Said and Suez for the landing and storage of British military material and supplies, and will accord reasonable means of communication between these ports and the zone where the British troops are stationed.

(9) Unless the two Governments agree to the contrary, the Egyptian Government will prohibit the passage of aircraft over the territories situated on either side of the Suez Canal and within 20 kilometres of it. This prohibition will not, however, apply to the forces of the two Governments or to services maintained by genuinely British or Egyptian organisations, operating under the authority of the Egyptian Government.

(10) The Egyptian and British Governments will give reciprocal facilities in their respective aerodromes in the Canal zone to their military aircraft, personnel and stores on passage to and from the said aerodromes.

In regard to other matters:—

(11) The Egyptian Government intend to abolish forthwith the European Bureau of the Public Security Department, but will retain, for five years from the coming into force of the Treaty, a certain European element in their city police which will remain for the same period under the command of British officers.

With a view to facilitating the gradual substitution of Egyptian officials for the said European element and thereby securing the harmonious working of the police organisation, the Egyptian Government propose to dispense annually with the services of one-fifth of the number of European police officials. The Egyptian Government intend, however, to employ for the whole period British Police Commandants at the head of such European element.

(12) The Egyptian Government intend to dispense with the services of the Financial and Judicial Advisers at the end of the present financial year.

(13) As under article 10 of the present Treaty, Great Britain will be the first country to be represented by an Ambassador in Egypt, British Ambassadors will, during the period of the present treaty, be considered senior to the diplomatic representatives accredited to the Court of His Majesty the King of Egypt.

(14) It is recognised by the High Contracting Parties that there is no ground to provide for the question of minorities in Egypt, considering that, as Egyptians, any question relating to them is the exclusive concern of the Egyptian Government.

(15) As Great Britain recognises that the capitulatory régime now existing in Egypt is no longer in accordance with the spirit of the times and with the present state of Egypt, accordingly, the conditions in which the Capitulations are at present applied as regards the power of the Egyptian Government to legislate for or to impose taxation on foreigners are no longer consistent with modern conditions.

Great Britain is thus prepared to agree that, in future, any assent which is necessary before Egyptian legislation, including fiscal legislation, is applied to foreigners shall be given by the General Assembly of the Mixed Tribunals, except in the case of

legislation relating to the constitution or jurisdiction of the Mixed Tribunals themselves, which should not come into force until it has been approved by the Powers. The competence of the General Assembly of the Mixed Tribunals should consist in satisfying itself that the legislation in question is not inconsistent with the principles generally adopted in modern legislation which is applicable to foreigners, and, with particular relation to legislation of a fiscal character, that it does not unequally discriminate against foreigners, including foreign companies.

An extension of the Criminal Jurisdiction of the Mixed Tribunals will necessitate the preparation and promulgation of a new Code of Criminal Procedure. It is understood that this new Code should not diverge from the principles generally adopted in modern legislation which is applicable to foreigners.

Alternatively the principles may be mentioned in detail.

It may be difficult for some Powers to agree to the transfer to the Mixed Tribunals of all suits relating to the "Status Personnel" of their nationals. Transfer in the case of these questions would be facultative. Jurisdiction in such matters should remain with the consular authorities unless an agreement is made between the Egyptian Government and the foreign Government concerned, for its transfer to the Mixed Tribunals. The British Government agree that the Mixed Tribunals should exercise jurisdiction in these matters in cases where British subjects are concerned.

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(16) Subject to the provisions of Article 11, it is agreed that in the meantime there shall be no discrimination in the Sudan between British subjects and Egyptian nationals in matters of immigration, property or commerce. Accordingly, there shall be no restriction upon their entrance or immigration into the Sudan, unless the person immigrating or entering into the Sudan is forbidden to do so by his respective Government.

Likewise, their right to own and possess property or to carry commerce in the Sudan shall be free, according to rules regulating matters of property and commerce in modern legislation.

The two Governments further agree that the question of the indebtedness of the Sudan to Egypt shall now be examined with a view to settlement on fair and equitable lines, and that for this purpose a representative of the Treasury of the United Kingdom and a representative of the Egyptian Ministry of Finance should discuss the question as soon as the treaty comes into force.

Moreover, subject to the provisions of article 11 aforesaid, the two Governments are agreed as follows upon the method by which international conventions are to be made applicable to the

The conventions which it will be desired to apply to the Sudan will naturally be conventions of a technical or humanitarian character.

In cases where such a convention is signed on behalf of both Egypt and the United Kingdom, and it is desired that the convention should be applied to the Sudan, the British and Egyptian delegates will at a convenient moment make a joint declaration, to be duly placed on record, to the effect that their signatures on behalf of Egypt and the United Kingdom respectively are intended, taken together, to cover the Sudan, and (in cases where the convention requires ratification) that, when the ratifications of both the King of Egypt and His Britannic Majesty have been deposited, the convention will become applicable to the Sudan in accordance with its terms. If no such declaration is made, the convention will not become applicable to the Sudan, unless by the method of accession, to which reference is made later.

In cases where such a declaration has been made, no special mention would be made of the Sudan in the instruments of ratification.

In some cases, where the convention provides for subsequent accession, and it may be convenient that the convention should be applied to the Sudan by this method, accession would be effected by a joint instrument signed on behalf of Egypt and the United Kingdom respectively by two persons duly appointed for the purpose. The method of depositing the instrument of accession would be the subject of agreement in each case between the two Governments. In such cases no question of ratification arises.

At international conferences where such conventions are negotiated, the Egyptian and British delegates would naturally keep in touch with a view to any action which they may agree to be desirable in the interests of the Sudan.

No. 5.

Draft Treaty as agreed, apart from Article 11, during the night of May 7/8, 1930, subject to agreement on the Notes to be annexed to the Treaty.

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

Being anxious to consolidate the friendship and the relations of good understanding between them and to co-operate in the execution of their international obligations in preserving the peace of the world,

And considering that these objects will best be achieved by the conclusion of a Treaty of friendship and alliance, which in their common interest will provide for effective co-operation in preserving peace and ensuring the defence of their respective territories, and shall govern their mutual relations in the future,

Have agreed to conclude a Treaty for this purpose, and have appointed as their plenipotentiaries:—

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

for Great Britain and Northern Ireland:

His Majesty the King of Egypt:

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

ARTICLE 1.

The military occupation of Egypt by the forces of His Britannic Majesty is terminated.

ARTICLE 2.

As Egypt intends to apply for membership of the League of Nations, His Britannic Majesty recognises her right as a sovereign independent State to become a member of the League on complying with the provisions of the Covenant of the League.

ARTICLE 3.

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

ARTICLE 4.

His Britannic Majesty recognises that the capitulatory régime now existing in Egypt is no longer in accordance with the spirit of the times and with the present state of Egypt.

influence with the Powers possessing capitulatory rights in Egypt to obtain, in conditions which will safeguard the legitimate interests of foreigners, the transfer to the Mixed Tribunals of the jurisdiction of the existing Consular Courts, and the application of Egyptian legislation to foreigners.

His Britannic Majesty accordingly undertakes to exercise his
ARTICLE 5.

An alliance is established between the High Contracting Parties with a view to consolidating their friendship, their cordial understanding and their good relations.

ARTICLE 6.

Each of the High Contracting Parties undertakes not to adopt in foreign countries an attitude which is inconsistent with the alliance, or to conclude political treaties inconsistent with the provisions of the present Treaty.

ARTICLE 7.

Should any dispute with a third State produce a situation which involves a risk of a rupture with that State, the High Contracting Parties will consult each other with a view to the settlement of the said dispute by peaceful means, in accordance with the provisions of the Covenant of the League of Nations and of any other international obligations which may be applicable to the case.

ARTICLE 8.

Should, notwithstanding the provisions of article 7 above, either of the High Contracting Parties become engaged in war, the other High Contracting Party will, subject always to the provisions of article 12 below, immediately come to his aid in the capacity of an ally. The aid of His Majesty the King of Egypt, in the event of war, or imminent menace of war, will consist in furnishing to His Britannic Majesty, on Egyptian territory, in accordance with the Egyptian system of administration and legislation, all the facilities and assistance in his power, including the use of his ports, aerodromes and means of communication. It will accordingly be for the Egyptian Government to take all the administrative and legislative measures necessary to render these facilities and assistance effective.

ARTICLE 9.

In view of the fact that the Suez Canal, while being an integral part of Egypt, is a universal means of communication as also an essential means of communication between the different parts of the British Empire, His Majesty the King of Egypt, until such time as the High Contracting Parties agree that the Egyptian army is in a position to ensure by its own resources the liberty and entire security of navigation of the Canal, authorises His Britannic Majesty to station near Ismailia, in the zone specified in the annexed note, such forces as do not exceed the number therein

Egyptian forces the defence of the Canal, and the Royal Air Force depot will be transferred from Abukir to Port Fuad. The presence of these forces shall not constitute in any manner an occupation and will in no way prejudice the sovereign rights of Egypt.

It is understood that at the end of the period of twenty years, specified in article 14 the question whether the presence of British forces is no longer necessary owing to the fact that the Egyptian army is in a position to ensure by its own resources the liberty and entire security of navigation on the Canal may, if there has been any difference between the High Contracting Parties, be submitted for settlement to the League of Nations.

Agreed upon at a new convening conference of the
ARTICLE 10.

His Britannic Majesty will be represented at the Court of His Majesty the King of Egypt and His Majesty the King of Egypt at the Court of St. James's by Ambassadors duly accredited.

ARTICLE 11.
[Sudan Article.]

ARTICLE 12.

Nothing in the present Treaty is intended to or shall in any way prejudice the rights and obligations which devolve, or may devolve, upon either of the High Contracting Parties under the Covenant of the League of Nations or the Treaty for the Renunciation of War signed at Paris on the 27th August, 1928.

ARTICLE 13.

The High Contracting Parties agree that any difference on the subject of the application or the interpretation of the provisions of the present Treaty which they are unable to settle by direct negotiations shall be dealt with in accordance with the provisions of the Covenant of the League of Nations.

ARTICLE 14.

At any time after the expiration of a period of twenty years from the coming into force of the Treaty, the High Contracting

Parties will, at the request of either of them, enter into negotiations with a view to such revision by agreement between them of its terms as may be appropriate in the circumstances as they then exist. In case of disagreement the difference will be submitted to the League of Nations.

Nevertheless, at any time after the expiration of a period of ten years from the coming into force of the Treaty, negotiations may be entered into with the consent of both the High Contracting Parties with a view to such revision as aforesaid.

ARTICLE 15.

The present Treaty abrogates any existing agreements or other instruments whose continued existence is inconsistent with its provisions. Should either High Contracting Party so request, a list of the agreements and instruments thus abrogated shall be drawn up in agreement between them within six months of the coming into force of the present Treaty.

ARTICLE 16.

The present Treaty is subject to ratification. Ratifications shall be exchanged in Cairo as soon as possible. The Treaty shall come into force on the date of the exchange of ratifications and shall be duly registered with the League of Nations.

In faith whereof, &c.,

Agreed Text of the Proposed Exchange of Notes in regard to the Reform of the Capitulations.

BRITISH NOTE.

Your Excellency,

WITH regard to the second paragraph of article 4 of the Treaty signed to-day His Majesty's Government in the United Kingdom recognise that the conditions in which the Capitulations are at present applied as regards the power of the Egyptian Government to legislate for or to impose taxation on foreigners are no longer consistent with modern conditions.

They are prepared to agree that in future any assent which is necessary before Egyptian legislation, including fiscal legislation, is applied to foreigners shall be given by the General Assembly of the Mixed Tribunals, except in the case of legislation relating to the constitution or jurisdiction of the Mixed Tribunals themselves, which should not come into force until it has been approved by the Powers. The competence of the General Assembly of the Mixed Tribunals should consist in satisfying itself that the legislation in question is not inconsistent with the principles generally adopted in modern legislation, which is applicable to foreigners, and, with particular relation to legislation of a fiscal character, that it does not inequitably discriminate against foreigners, including foreign companies.

The transfer to the Mixed Tribunals of the jurisdiction now exercised by the Consular Courts, which will, of course, be subject to the provisions of paragraph 8* of the Egyptian note of to-day's date, will necessitate the revision of the existing laws relating to the organisation and jurisdiction of the Mixed Tribunals, including the preparation and promulgation of a new Code of Criminal Procedure. For these purposes His Majesty's Government in the United Kingdom would be prepared to accept as a basis the principles which resulted from the discussions which took place on this subject in 1920.

It may be difficult for some Powers to agree to the transfer to the Mixed Tribunals of all suits relating to the "statut personnel" of their nationals. Transfer in the case of these questions would be facultative. Jurisdiction in such matters should remain with the consular authorities unless an agreement is made between the Egyptian Government and the foreign Government concerned for its transfer to the Mixed Tribunals.

There are certain matters as to which it will be necessary for agreement to be reached between the Egyptian Government and His Majesty's Government in the United Kingdom, but it is unnecessary to do more at the moment than mention these subjects.

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The first is the definition of the word "foreigner" for the purposes of the proposed extension of the jurisdiction of the Mixed Tribunals.

The second is the increase in the personnel of the Mixed Tribunals and Mixed Parquet which will be necessitated by the proposed extension of their jurisdiction.

The third is the procedure in the case of pardons or remissions of sentences imposed on foreigners, and also in connexion with the execution of capital sentences imposed on foreigners.

EGYPTIAN NOTE.

Sir,

I HAVE the honour to acknowledge the receipt of your note of to-day's date in which you informed me of the general lines upon which His Majesty's Government in the United Kingdom would be prepared to support the efforts of the Egyptian Government to conclude arrangements with the Powers for the reform of the capitulatory régime.

I am happy to state that the Egyptian Government are in general agreement with His Majesty's Government in the United Kingdom as to the lines on which the reform of the capitulatory system should proceed.

I wish, however, to make it clear that the willingness of the Egyptian Government to conclude arrangements on these lines for the reform of the Capitulatory régime is entirely without prejudice to their desire to secure the eventual abolition of that régime.

As regards the revision of the existing laws relating to the organisation and jurisdiction of the Mixed Tribunals and the preparation of a new Code of Criminal Procedure the Egyptian Government recognise that they shall not diverge from the principles generally adopted by modern legislation which is applicable to foreigners.

built upon to propose to ... No. 7.

Agreement between Her Britannic Majesty's Government and the Government of His Highness the Khedive of Egypt relative to the Future Administration of the Sudan. Cairo, January 19, 1899.

WHEREAS certain provinces in the Sudan which were in rebellion against the authority of His Highness the Khedive have now been reconquered by the joint military and financial efforts of Her Britannic Majesty's Government and the Government of His Highness the Khedive;

And whereas it has become necessary to decide upon a system for the administration of, and for the making of, laws for the said reconquered provinces, under which due allowance may be made for the backward and unsettled condition of large portions thereof, and the varying requirements of different localities;

And whereas it is desired to give effect to the claims which have accrued to Her Britannic Majesty's Government, by right of conquest, to share in the present settlement and future working and development of the said system of administration and legislation;

And whereas it is conceived that for many purposes Wadi Halfa and Suakin may be most effectively administered in conjunction with the reconquered provinces to which they are respectively adjacent:

Now, it is hereby agreed and declared by and between the Undersigned, duly authorised for that purpose, as follows:—

Article 1. The word "Sudan" in this Agreement means all the territories south of the 22nd parallel of latitude, which—

1. Have never been evacuated by Egyptian troops since the year 1882; or
2. Which, having before the late rebellion in the Sudan been administered by the Government of His Highness the Khedive, were temporarily lost to Egypt, and have been reconquered by Her Britannic Majesty's Government and the Egyptian Government, acting in concert; or
3. Which may hereafter be reconquered by the two Governments acting in concert.

Art. 2. The British and Egyptian flags shall be used together, both on land and water, throughout the Sudan, except in the town of Suakin, in which locality the Egyptian flag alone shall be used.

Art. 3. The supreme military and civil command in the Sudan shall be vested in one officer, termed the "Governor-General of the Sudan." He shall be appointed by Khedivial Decree on the recommendation of Her Britannic Majesty's Government, and shall be removed only by Khedivial Decree, with the consent of Her Britannic Majesty's Government.

Art. 4. Laws, as also orders and regulations, with the full force

the holding, disposal, and devolution of property of every kind therein situate, may from time to time be made, altered, or abrogated by Proclamation of the Governor-General. Such laws, orders, and regulations may apply to the whole or any named part of the Sudan, and may, either explicitly or by necessary implication, alter or abrogate any existing law or regulation.

All such Proclamations shall be forthwith notified to Her Britannic Majesty's Agent and Consul-General in Cairo, and to the President of the Council of Ministers of His Highness the Khedive.

Art. 5. No Egyptian Law, Decree, Ministerial Arrêté, or other enactment hereafter to be made or promulgated, shall apply to the Sudan or any part thereof, save in so far as the same shall be applied by Proclamation of the Governor-General in manner hereinbefore provided.

Art. 6. In the definition by Proclamation of the conditions under which Europeans, of whatever nationality, shall be at liberty to trade with or reside in the Sudan, or to hold property within its limits, no special privileges shall be accorded to the subjects of any one or more Power.

Art. 7. Import duties on entering the Sudan shall not be payable on goods coming from Egyptian territory. Such duties may, however, be levied on goods coming from elsewhere than Egyptian territory; but in the case of goods entering the Sudan at Suakin, or any other port on the Red Sea littoral, they shall not exceed the corresponding duties for the time being, leviable on goods entering Egypt from abroad. Duties may be levied on goods leaving the Sudan, at such rates as may from time to time be prescribed by Proclamation.

Art. 8. The jurisdiction of the Mixed Tribunals shall not extend, nor be recognised for any purpose whatsoever, in any part of the Sudan, except in the town of Suakin.

Art. 9. Until, and save so far as it shall be otherwise determined by Proclamation, the Sudan, with the exception of the town of Suakin, shall be and remain under martial law.

Art. 10. No consuls, vice-consuls, or consular agents shall be accredited in respect of, nor allowed to reside in the Sudan, without the previous consent of Her Britannic Majesty's Government.

Art. 11. The importation of slaves into the Sudan, as also their exportation, is absolutely prohibited. Provision shall be made by Proclamation for the enforcement of this regulation.

Art. 12. It is agreed between the two Governments that special attention shall be paid to the enforcement of the Brussels Act of the 2nd July, 1890, in respect of the import, sale, and manufacture of fire-arms and their munitions, and distilled or spirituous liquors.

Done in Cairo, the 19th January, 1899.

(Signed) CROMER.
BOUTROS GHALI.

Agreement between Her Britannic Majesty's Government and the Government of His Highness the Khedive of Egypt relative to the inclusion of Suakin in the Agreement of January 19, 1899. Cairo, July 10, 1899.

WHEREAS, under our Agreement made the 19th day of January, 1899,* relative to the future administration of the Sudan, it is provided by Article 8 that the jurisdiction of the Mixed Tribunals shall not extend nor be recognised for any purpose whatsoever in any part of the Sudan except in the town of Suakin;

And whereas no Mixed Tribunal has ever been established at Suakin and it has been found to be inexpedient to establish any such Tribunal in that locality, by reason notably of the expense which the adoption of this measure would occasion;

And whereas grievous injustice is caused to the inhabitants of Suakin by the absence of any local jurisdiction for the settlement of their disputes, and it is expedient that the town of Suakin should be placed upon the same footing as the rest of the Sudan;

And whereas we have decided to modify our said Agreement accordingly in manner hereinafter appearing:

Now, it is hereby agreed and declared by and between the Under-signed duly authorised for that purpose, as follows:—

Article I. Those provisions of our Agreement of the 19th day of January, 1899, by which the town of Suakin was excepted from the general régime established by the said Agreement for the future administration of the Sudan, are hereby abrogated.

Done at Cairo, the 10th July, 1899.

(Signed) CROMER.
BOUTROS GHALI.

* See No. 7.