

SECRET

U.A.R.

V8-1010

A →
I had a long discussion to-day about the U.A.R. with the Canadian Counsellor in Cairo, who has just left there on transfer. Mr. Irwin's remarks were depressing. He considered that the U.A.R. régime was now firmly embarked on the road towards a greater degree of dictatorial control. Nasser was talking about the introduction of real democracy but was making it clear that democracy would exist only for "the people" and not for those who were opposed to the revolution. In other words any serious criticism of the régime would brand the critic as a counter-revolutionary. This was a familiar attitude on the part of dictators ~~and one~~ in which it was virtually impossible to retrace one's steps.

*and the beginning
of a road*

2. Turning to the economic effects of recent developments in the U.A.R. Mr. Irwin said that the nationalisation and sequestration measures were likely to have quite a bad effect on the country's development plans. It was true that in the past private enterprise had played little part in productive investment but within the last 10 years a number of wealthy people, many of whom are Lebanese, had begun to invest in industry as opposed to merely in e.g. blocks of flats. They would now lose heart or leave the country and it was difficult to imagine the Egyptian officials being as effective. The U.A.R. was blessed with its fair share of the infrastructure for industrialisation (good ports and communications and relatively efficient agriculture) but it was difficult in present circumstances to imagine development keeping pace with population pressure.

3. Regarding the U.A.R.'s position in the Arab world, Mr. Irwin said it would be a bold man who would make any confident predictions. But he thought that Nasser would be less inclined than in the past to go in for coups against his Arab neighbours, perhaps because he realised that they might lead to consequences which he could not control. He would probably rely more on success in building "Arab socialism" as a means of retaining his leadership in the Arab world. This would bring him into opposition to King Hussein, King Saud, the present Syrian government and even probably Kassem. For this reason the Arab League was likely to remain ineffective. Nasser was likely to have to devote a greater proportion of his time and that of the régime to domestic matters. There was only a small supply of talented people and if they concentrated on foreign and military affairs as in the past the domestic situation would go from bad to worse.

/4.

SECRET

SECRET

4. Mr. Irwin said that it was very difficult indeed to estimate Nasser's chances of surviving. This depended principally on the army and no outsider knew what the army was thinking. All Western Missions were much in the same boat in this respect.

— 8

P.A.R. Blaker.
(P. A. R. Blaker)
December 12, 1961.

Copies to: F.O.R.D. (M.E.)

Chancery, Cairo

P.U.S.D (for J.I.B.)

C.R.O. (Mr. Redpath)

Copies also to Ottawa & Washington?

Abouwenes
13/12

We would agree with all this, which merely confirms our impressions

John White
Dec 13

U.S.
13/12

Please send a copy letter to W'hou + UK del NATO, informing Cairo.

Mr Eden to see [unclear] 14/12
Mr Hanley for action.

P.A.R. Blaker.
14/12.

SECRET

SECRET

(VG 1016/301)

FOREIGN OFFICE, S.W.1.

December 20, 1961.

Dear Chancery,

The former Counsellor of the Canadian Embassy in Cairo, who recently left there on transfer, gave his impressions of the current situation in the U.A.R. to Blaker of this Department on December 12. Blaker has recorded the conversation as follows:-

"Mr. Irwin's remarks were depressing. He considered that the U.A.R. régime was now firmly embarked on the road towards a greater degree of dictatorial control. Nasser was talking about the introduction of real democracy but was making it clear that democracy would exist only for "the people" and not for those who were opposed to the revolution. In other words any serious criticism of the régime would brand the critic as a counter-revolutionary. This was a familiar attitude on the part of dictators and the beginning of a road on which it was virtually impossible to retrace one's steps.

Turning to the economic effects of recent developments in the U.A.R. Mr. Irwin said that the nationalisation and sequestration measures were likely to have quite a bad effect on the country's development plans. It was true that in the past private enterprise had played little part in productive investment but within the last 10 years a number of wealthy people, many of whom are Lebanese, had begun to invest in industry as opposed to merely in e.g. blocks of flats. They would now lose heart or leave the country and it was difficult to imagine the Egyptian officials being as effective. The U.A.R. was blessed with its fair share of the infrastructure for industrialisation (good ports and communications and relatively efficient agriculture) but it was difficult in present circumstances to imagine development keeping pace with population pressure.

Regarding the U.A.R.'s position in the Arab world, Mr. Irwin said it would be a bold man who would make any confident predictions. But he thought that Nasser would be less inclined than in the past to go in for

/coups against

The Chancery,
United Kingdom Delegation to NATO,
Paris.

SECRET

SECRET

coups against his Arab neighbours, perhaps because he realised that they might lead to consequences which he could not control. He would probably rely more on success in building "Arab socialism" as a means of retaining his leadership in the Arab world. This would bring him into opposition to King Hussein, King Saud, the present Syrian government and even probably Nasser. For this reason the Arab League was likely to remain ineffective. Nasser was likely to have to devote a greater proportion of his time and that of the régime to domestic matters. There was only a small supply of talented people and if they concentrated on foreign and military affairs as in the past the domestic situation would go from bad to worse.

Mr. Irwin said that it was very difficult indeed to estimate Nasser's chances of surviving. This depended principally on the army and no outsider knew what the army was thinking. All Western Missions were much in the same boat in this respect."

2. We are sending copies of this letter to the Chanceries at Washington and Cairo and to the Office of the United Kingdom High Commissioner, Ottawa.

Yours ever,

NORTH AND EAST AFRICAN DEPARTMENT

SECRET



Sir R. Scrivener
11/10/61
Enter
10.10.61

BRITISH EMBASSY,

CAIRO.

1014/61G.

December 8, 1961.

SECRET

Mr dear Ronald,

VG1016/305

Thank you for your letter (VG.1016/227) of November 22 about Abu Afia's views. I am sorry that I have not had time to reply before.

2. I have known Abu Afia for more than two years and I had lunch with him twice in September just before he left Cairo for London. Even then he was surprisingly critical of the régime; and I regard him as a typical example of the Egyptian professional middle classes who used to support Nasser, though perhaps not enthusiastically, but who have been progressively alienated over the past eighteen months and particularly since the recent measures of nationalisation, sequestration, arbitrary imprisonment and public exposure. I can only agree with him, alas, that the chances of our getting satisfaction on points arising out of the Financial Agreement, or indeed on anything else, are poor at the moment. It is very difficult to do business with the Egyptians just now.

3. You will have gathered from recent events, and from our reports, that the position has deteriorated sharply since the middle of October. Our Egyptian friends, unless they are highly placed in the régime (and we know few such - they do not encourage acquaintance) are scared to speak to us, much less come to our houses. Officials are equally shy; and no wonder, when co-operation with the foreigner is reckoned to amount to treason and the most innocent question may be called espionage. Their first tactic is to avoid us - to get an interview with the Sequestrator-General is a major operation requiring a high degree of cunning, whilst the Ambassador has been trying to see Kaissouni for about a month without success; and most officials, even when we catch them, are disinterested or helpless. We are not alone to suffer from this situation: most of our Western colleagues tell a similar story. Cairo is a discouraging place these days.

4. I do not however think that Nasser is likely to fall. The régime seems to have papered over its cracks for the time being at any rate, whilst the Army, which was restless a month ago (I have written to you separately about that), seems now to have been mastered, as far as we can tell. But nobody can speak confidently of the Army (a successful coup is, ex hypothesi almost, one whose preparation we should know nothing about); nor can the likelihood of assassination be estimated precisely - all one can say is that it must have increased lately. Nevertheless I think that the last month has witnessed an improvement in the stability of the régime at the same time as a deterioration in the political and economic situation as a whole. In other words things are getting worse and criticism, though stifled, more widespread, yet Nasser's grip on the country seems paradoxically to be tighter.

/5....


R.S.Scrivener, Esq.,
FOREIGN OFFICE, S.W.1.

SECRET



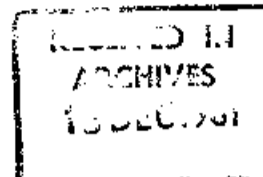
-2-

5. My money is still on Nasser, then, though I feel much less confident now of his survival than I was a couple of months ago. That being so, I do not think it is much use (it would in any case be impossible) trying to "spot outsiders" as you call it. Of the persons at present known Baghdadi is certainly held in the highest esteem as a man of sense and sanity, devoid of the fanaticism of people like Kemaluddin Hussein and unusually gifted in planning and administration. If Nasser himself went, but not his régime, I should guess Baghdadi (who is in any case senior Vice-President) would be his most likely - he would certainly be the most popular - successor. It is however commonly said that Baghdadi (an Air Force man) has little following in the Army, who would (or rather would have, until his Syrian fiasco) preferred Amer.

Yours ever

(G.G.Arthur)

CONFIDENTIAL

1014/61

BRITISH EMBASSY
CAIRO.

VGr. 1014/302

December 8, 1961.

Dear Department,

This is to report the discussions of the Preparatory Committee of the National Congress of Popular Powers which have taken place since our letter (1014/61) of November 30. — 1014/61(262)?

2. The debate of December 3 opened quietly enough. Dr. To'eima al Garf, of Cairo University, drew a distinction between capitalism and democracy: the former stemmed from individualism which was quite different. Capitalists, feudalists and professional politicians should be isolated and enemies of the people should include "rumour-mongers". A Sheikh of Al Azhar entered a plea for tolerance towards those who had been deprived of part of their property and wealth: the country had the authority to eradicate them at any time. After further speeches from the floor the President commented. He reviewed previous revolutions in Egypt, and asserted that they had been frustrated by the parliamentary ~~machine~~ machine, in which the majority had represented an alliance between feudalism and capitalism. The people now shared the responsibility for the social revolution and the latter must be more vigorous. He added the middle class to previous definitions of those for whom socialism was essential.

3. In a long dissertation about the nature of true democracy Nasser again discounted both the previous parliamentary system, which had represented domination by capitalism and feudalism, and communist democracy, which represented only a small proportion of the people. His aim was the participation of the whole people in the political organisation of the country through the National Union. The people must be ready to defend the Revolution, though he did not think a "preventive war" (presumably against capitalism etc.) was necessary. The country should isolate all those whose property had been seized and who had been involved in politics before. The Congress of the National Union would embody all that the Revolution stood for.

4. It was then that Khaled Mohamed Khaled (see paragraph 5 of our letter under reference) made a second speech which has created something of a sensation. His major theme was that of evolution and not revolution. He urged that the concepts of parliament, parties, government and opposition should not be condemned today for the circumstances of yesterday. He defined democracy as a condition in which the people could select and change its rulers by free poll and so exercise its responsibilities. He asked why the drawbacks only of the pre-evolutionary era should be taken into account, and claimed that even during the monarchy, the people and the parliament had the power to enforce free

North and East African Department,
Foreign Office.

/elections.

CONFIDENTIAL



elections. Why therefore should the people be afraid to exercise their will now that they were no longer fettered, when the Government was at their finger-tips (sic) and they were no longer oppressed? Why should the Committee be afraid to let the people rule themselves on the broadest democratic scale?

5. Khaled contrasted political freedoms in a capitalist society including the power to bring the ruler to account, with the domination and suppression produced by socialism. He admitted it might be necessary to wage the "preventive war" on behalf of democracy, but there was nothing in the present situation which called for undemocratic measures. The whole people had faith in the Revolution. Egypt could learn a lesson from the failure of other countries, experiments in isolating the enemies of the people, and particularly China, where parties eventually came to exist with a measure of freedom.

6. To these views the President replied at length. The present, he said, was not a time for evolution: it was a series of revolutions. The sixth principle of the Revolution laid down the need for a genuine democratic system: he did not wish to imply that democracy must be abandoned because that which existed before the Revolution was unsound. He did not wish to condemn people by tribunal nor to abolish the constitution: present action was aimed precisely at the establishment of a constitution. But had the parties achieved the evacuation of the British, and so on? He had run through all of them and found them wanting. He agreed that in democracy the people were empowered to choose their rulers by free ballot: the President would be chosen for a definite period and a vote of confidence might be taken in him every three to four months. The regime had not set up a President Prime Minister system in 1956 because of the danger of party strife, which had caused the Neguib crisis of 1953.

7. Nasser contested Khaled's view of China: the Chinese had used physical liquidation and the communist party dominated the people. He stressed again his view of Egyptian democracy before the Revolution as domination by the small group of feudalists. Socialist parties in Europe (Sweden excepted) had been able to do nothing through evolution. Neither would he adopt communism, with its proletarian dictatorship and monopoly of politics by the party. The system to be adopted in Egypt would be one in which the whole people, after the isolation of their enemies (some 3-5% of the population) would take part. He wanted the people to lead the Revolution: they had faith in it and would never give it up. In a final exchange with Khaled, Nasser admitted that he had told a German journalist that political parties would be allowed in Egypt, but this was in the future, when the country's class divisions had healed.

8. The proceedings of December 4 were not attended by the President and seemed tame after this display of fireworks. One member proposed representation by occupation - agriculture 14%, industry 28%, trade 14%, services 28%, intellectuals 10% and housewives 6%.

9. Several speakers emphasised the right of students to be represented in the National Congress. Dr. Zaki Mahmud of Cairo University took issue with this on the grounds that the students belonged to the "horizontal sector" and not to the "vertical sector", which was to be the basis for the elections. Other speakers strongly opposed the idea of clemency for the enemies



of the state; and a woman member maintained that the "popular base" could not be enlarged unless women were fully represented.

10. At the end of the debate the Committee accepted proposal by Vice-President Baghdadi whereby sub-committees should meet in the morning whilst the general debate continued in the evening. On December 5 the Committee approved the formation of a sub-committee of 21 members which the Secretary-General (Sadat) should nominate to represent all trends of thought in the Preparatory Committee. Eighty nine members volunteered for service on this committee.

11. In the debate which followed, Kamal el Hinnawi, editor of "Al Akhbar", expressed confidence that the inconsistencies in Egyptian society could be removed peacefully: not every member of the old political parties should be isolated. He also stressed the importance of austerity.

12. On December 6 Anwar Sadat announced the composition of the Sub-Committee. This included seven members of university staffs, two representatives of the press, and two from the trades unions. Fuad Galal, former Vice-President of the Assembly and the principal political bully of the regime, is the best known - indeed the inevitable - member. The task of this sub-committee is to define the Popular Forces to be represented in the National Congress, and to make recommendations on the number of members and the method of election.

13. After this announcement a lengthy and at times heated debate on freedom of expression was touched off by Mustafa el Baradei, Chairman of the Bar Association. He asserted that despite all that had been said about freedom of expression, the fact was that people were afraid to talk or express their views in any way. He urged that something should be done to improve this state of affairs: the people must feel secure and free to talk. The press in other countries had been influenced by personal interest and capital. But whereas the press here had become the property of the people, he did not think that it had achieved freedom of expression. Baradei also dealt with social problems and took up the case of workless lawyers. After he had spoken for forty five minutes the Secretary-General intervened to remind him that he had not dealt with the two main issues under study. Baradei retorted that he had prepared a study of the trade unions, but he had not sufficient time to expound his views, for he feared he might be removed from the rostrum. Sadat replied that nobody would remove him; but the rostrum should not be exploited for the discussion of specific interests.

14. Baradei's view was strongly criticised by succeeding speakers. The Rector of Alexandria University (who is, in private, a sensible man) claimed that in a socialist society the press had to be the property of the people. The Editor of "Al Akhbar" recalled the President's request for constructive criticism and said that the press was being run as an independent organisation. After further discussion the Committee was adjourned until December 9. The Sub-Committee will meet the same morning.

15. We are sending copies of this letter to Amman, Baghdad, Beirut, Damascus and Washington.

Yours ever,

Chancery. *A. J. P.*

CONFIDENTIAL

Ghaffar Pasha

Enter
V.G. 1016/316

similar Mr. Philip Noel Baker, M.P. telephoned me on Saturday and asked if I would be free to come round to his house on Sunday for a talk with Ghaffar Pasha, who has been the subject of correspondence between the Foreign Office and Mr. Noel Baker. I accordingly went round and saw him yesterday.

2. There were two aspects of our conversation. The first related to Ghaffar Pasha's private affairs. As far as these were concerned I told him that we had passed on to the Home Office his request for a travel document. The other personal matter related to his son and I explained that in his son's own interest our Embassy had to be very careful about appearing to be curious. Ghaffar Pasha entirely accepted this and said he would be grateful, nevertheless, for any news about his son's welfare which we might be able to secure.

3. Ghaffar Pasha's main purpose in arranging the talk was, however, to plead that H.M.G. should impress on the Americans what Ghaffar Pasha described as the "disastrous programme of aid" which the Americans were giving to Egypt. It was this aid which was keeping Nasser in the saddle and allowing him to flirt with the Communists. The provision of American cotton to Egypt, for example, was serving as a straightforward subsidy to permit the Egyptians to export their own cotton to Russia. I pointed out to Ghaffar Pasha that this was not the whole story; if the West was to cut off all aid to Nasser this would push him even further towards alignment with the Communist bloc. He did not dispute this.

4. Ghaffar Pasha told me that it had been his intention to seek an interview with the Secretary of State. I therefore undertook that his remarks would be submitted.

5. After I had finished my talk with Ghaffar Pasha and he had gone off to catch his train back to Oxford, I had a talk with Mr. Noel Baker who told me that he had thought of getting his father to write a personal letter to Nasser asking that Ghaffar Pasha's son should be set free. He asked me what I thought about it, reminding me that his father had consistently opposed the Suez operation. I asked Mr. Noel Baker whether his father was personally acquainted with Nasser; he explained that he was not but that he personally, Mr. Francis Noel Baker, had seen Nasser on three or four occasions. I told him that my own personal opinion was that his father's record over Suez would be of no assistance whatever in any direct appeal to Nasser, and indeed I doubted the usefulness of any such approach from anyone in this country, and particularly one from a Privy Counsellor. In fact, between him and his father I thought that he would probably have a better chance, given that he was at least personally known to Nasser which his father was not. Mr. Noel Baker said he would think this over.

R. S. Scrivener
(R. S. SCRIVENER)
December 18, 1961

12/18
CONFIDENTIAL

/Copies to:

Please note that this copy is supplied subject to the Public Record Office's terms and conditions and that your use of it may be subject to copyright restrictions. Further information is given in the enclosed 'Terms and Conditions of supply of Public Records' leaflet

Defn.
Legal Adviser



BRITISH EMBASSY,

PARIS

December 20, 1961

(1654/75/61)

CONFIDENTIAL

I think we only went into the legal position because we didn't want the French to make the thing up at the UN, where name is never anyway

Since sending you our telegram No. 756 about the French officials in Cairo, I have again been attacked by Sauvagnargues on the legal position. I had not reported this to you as I was waiting for the further papers promised in your telegram No. 4759 which has now turned up under your Chancery letter VG1016/278 of December 15. I think it is now clear that, whatever worries Sauvagnargues may have had about the legal position (Paris telegram No. 737), these were probably to do with the Zurich Agreement of 1958 and the "special mission" argument disposed of by the assistant Legal Adviser in para. 3 of his opinion. He now seems pretty confident that the French have a cast-iron case based on the Egyptian Note of April 23, 1959.

VG 1016/278
VG 1016/264

No. 737 was there from 1958
VG 1016/311

2. Sauvagnargues' argument is as follows:- The Egyptians in an official, governmental document transmitted to the Swiss gave to the French Mission (and our Mission) "immunities against legal procedures". It was only on this undertaking by the Egyptians that the French agreed to send their Mission. Clearly, there could not be the normal exchange of notes between parties which would have constituted the usual international agreement, since the parties were not in diplomatic relations and therefore had to correspond through a third party. Whether the French sent a reply to the Swiss saying they accepted the Egyptian offer is really beside the point (I have tried, without success, to discover if there is a French reply in existence and I rather suspect that there is not one) because the actual despatch of the Mission amounted to acceptance of the Egyptian terms.

VG 1016/264

3. The Egyptian Law No. 216 has really nothing to do with the case. If a country agrees to do something with or for a second country, what steps it takes with regard to its own internal law are its own affair. It is still bound by its international agreement rather than by any internal legislation. For instance, if Saudi-Arabia signs an international agreement to abolish slavery, and yet either takes no action to implement this by internal laws or passes a law saying that slavery is illegal but that all Christians may be made slaves, can Saudi-Arabia plead that it is not bound by the international agreement because its own internal legislation does not line up with this agreement? The Egyptians cannot therefore treat their law 216 as over-riding any undertaking they gave in their note of April 23. In any case, it is a tenet of international law that international agreements have prior validity over national laws.

4. On the other hand, although the terms of Egyptian law 216 cannot absolve the Egyptians from honouring their undertakings to the French, in international law the French can, if they wish, pick on any parts of law 216 which suit them and argue, in an international court, that the Egyptians should abide by these.

/ (I

J.G.S. Beith, Esq., C.M.G.,
North and East African Department,
Foreign Office,
LONDON, S.W.1.

CONFIDENTIAL



CONFIDENTIAL

- 2 -

(I assume, from this argument of Sauvagnargues, that the French consider that the immunity of premises, archives and documents can be claimed under law 216, although not specifically mentioned in the Egyptian note of April 23). Juridically speaking, at the time of the promulgation of law 216, the French had no locus standi to comment on its terms or question its applicability. Indeed, they were never officially seized of its existence by the Egyptians.

5. Sauvagnargues then takes a more personal and less legal line and says he wonders how our lawyers can now find fault in the French position since this was based on documents which in the first place applied to our Mission and only secondarily accorded the French the same rights. Did we, for instance, ever raise with the Egyptians the terms of their law 216? Presumably the Foreign Office, before placing Colin Crowe and his Mission in peril, took the advice of the Foreign Office lawyers, who satisfied both themselves and the Foreign Office authorities that the sort of thing that has happened to the French Mission could not happen, with any show of legal justification, to Colin Crowe and his people. By suggesting that the French legal case is weak, our legal advisers are admitting that they placed our own Mission in danger by, lightheartedly as it now turns out, telling the Foreign Office that it was all right for us to send them to Egypt.

6. Finally, his argument runs, if the Egyptians get away with their present act with a certain amount of international legal opinion on their side to the effect that the immunities agreed to are not absolutely water-tight, then we had all better get our legal experts on to examining our position in every country in the world. Are we sure, for instance, that our Mission, in e.g. Nicaragua is fully covered not only by a bi-lateral or international undertaking by the Nicaraguan government but also by Nicaraguan internal law? Even if they are, could we ever really dare send some special mission to Nicaragua to an international conference or in order to negotiate, for instance, a postal convention with the Nicaraguans without first of all going through elaborate negotiations with regard to the immunity of that particular mission?

6/10/16/253
7. As a layman, I must confess there seems to me to be a good deal of juridical sense in Sauvagnargues' arguments in paras. 2-4 above and some horse (if not juridical) sense in his arguments in paras. 5 and 6. In my interview with him recorded in our telegram no. 737, I took the line with him I did, not only because we had been instructed not to reveal to the French our legal doubts about their case (your tel. No. 1784 to Cairo) but because we did not have any convincing material here to dispose of the French case built on the Egyptian note of April 23. Looked at in retrospect it was perhaps a mistake to have revealed to Sauvagnargues our legal doubts as instructed in your telegram No. 4690. Until then we were doing fairly nicely with the Afrique-Levant people. Now we have brought out a side in Sauvagnargues, which is latent but always there, of a certain intellectual arrogance coupled with suspicion of our motives, despite his satisfaction at the nature and tone of our interventions on the French behalf. I hope nevertheless we have held the position open with regard to French appeal to the Security Council and we shall, at least, be warned well in advance. In the meantime I shall avoid getting drawn into further juridical arguments with Sauvagnargues, but would be grateful if this letter could be looked at by our Legal Advisers so that they can supply a refutation of Sauvagnargues' various points.

/ If

CONFIDENTIAL



CONFIDENTIAL

- 3 -

If we are again to argue against a French appeal to the Security Council it will be useful to have arguments to shake Sauvagnargues' belief that the French have a good case in international law. This would help the strong arguments we already have which are based on the terms of the U.N. Charter, the non-impartiality of the majority of the member states and the likelihood of a Russian veto.

I am copying this letter to Beeley in Cairo.

Yours ever
Michael Hadow.

(R.M.Hadow)

CONFIDENTIAL

CONFIDENTIAL

FOREIGN OFFICE, S.W.1.

(VO 1016/317)

January 18, 1962.

In paragraph 7 of your letter No. 1654/75/61 of December 20, you asked for material with which to refute the various points put forward by Sauvagnargues about the legal position in relation to the arrested French officials in Cairo.

2. To begin with, the argument reported in your second paragraph, i.e. that the actual despatch of the Mission amounted to acceptance of the Egyptian terms, is wrong on factual as well as presumably on legal grounds, since according to our information the French Mission was in fact established in Cairo in the autumn of 1958, i.e. several months before the Egyptian undertaking to grant "immunities against legal procedures". Moreover the absence of diplomatic relations does not prevent the making of treaties, as witness the Financial Agreements we and the French made with the U.A.R. while not in relations with that country.

3. Although this point is not raised specifically in your letter, I should perhaps for the sake of completeness quote here the views of the Department's Assistant Legal Adviser on whether the Egyptian Note of April 23, 1959 can be regarded as constituting an international obligation or not. He has commented:-

"The Egyptian Note of April 23, 1959 is unilateral in form but may have been contractual in substance. We cannot say whether it was, in so far as it related to the French, because (i) we do not know whether the Swiss, acting in their capacity as protecting power for the French, addressed any communication to the Egyptians on the subject or (ii) whether the French gave any quid pro quo for it. For the moment therefore I do not think it has been established that the Note was contractual in substance. It may however, even as a unilateral declaration, have been binding in international law. The French did not, on the faith of the declaration, change their position (their Mission having already been established in the autumn of 1958), or take action on the basis of it, except in the negative sense of not removing their mission. Nevertheless the declaration appears to have been held out to them as an instrument on which they could rely, and under which the Egyptians

/ purported

R.M. Hadew, Esq.,
Paris.

CONFIDENTIAL

CONFIDENTIAL

purported to assume obligations. Therefore applying Sir G. Fitzgibbon's test (B.Y.I.L. Vol 33 (1958) p. 250), I think that the declaration probably ought to be regarded as constituting an international obligation owed by the Egyptians to the French."

This, at least, is one up to the French, though their case is far from being cast iron even on this point.

4. In your third paragraph you report Sauvagnargues as taking the view that Law No. 216 is irrelevant. The Assistant Legal Adviser does not agree with this, and points out that the real weakness in the French case is that they have never protested to the U.A.R. over the effect of this Law in relation to the provisions of the earlier Note of April 23, 1959. His detailed comments are:-

"The Egyptian law of September 16, 1959 gave members of the French mission immunity from legal process in respect of their official acts only. It is the duty of governments to manipulate their laws as far as may be necessary to conform with their international obligations, but I agree with Mr. Watts that the mere passing of this law was not a breach of the U.A.R.'s international obligations, because it might have been possible for the Egyptians to make up any deficiency in some other way. However, although I have no knowledge of Egyptian law, it would seem rather extraordinary if a law signed by the President were necessary to give immunity in respect of official acts but none were necessary in the case of unofficial acts, and I think that the French ought to have been more on their guard. Indeed we were ourselves on the point of protesting about the law when our Mission was granted diplomatic status, and the question became academic so far as we were concerned. The fact that the French have made no protest about this law during the two years since it has been in force seems to me to weaken their case, because it can be argued that the French acquiesced in, and therefore tacitly accepted, an interpretation of their rights under the Note of April 23, 1959. I do not regard this as a natural interpretation of the Note, but it is not an impossible one. The argument might run as follows. The Note agreed to grant "immunities [plural] against legal procedure" ("immunités judiciaires"), without specifying what those immunities would be. The law granted certain immunities against legal procedure and thus complied with the strict letter of the Note. Incidentally, the Note suggests (in connexion with identity cards) that the mission was non-diplomatic, and the Egyptian law in fact granted it the limited immunities to which consuls are normally entitled. But whether this was

/ a

CONFIDENTIAL

CONFIDENTIAL

a good or bad interpretation of the Note is now largely immaterial, because the real weakness in the French case is that they have for two years acquiesced in this interpretation."

5. On the point made in the two final sentences of your fourth paragraph, the Assistant Legal Adviser's opinion is that the mere absence of an official notification by one Government revealing that it is not carrying out its obligations to another does not prevent the latter from making diplomatic representations on the subject.

6. The answer to your fifth paragraph is that, as mentioned in the Assistant Legal Adviser's comments on paragraph 4 above, we were disturbed about Law No. 216 when it was first promulgated and would certainly have made representations about it to the U.A.R. but for the resumption of diplomatic relations between our two countries on December 1, 1959. (I believe Scrivener mentioned this point to you when you saw him in Paris). Had a member of our Commission been arrested after the promulgation of Law No. 216 of September 16 but before the resumption of diplomatic relations, the time which had elapsed would have been so short that we consider that the U.A.R. authorities would not have been able to claim, as they now could in the case of the French, that our failure to protest implied acquiescence by us in the terms of Law No. 216.

7. Our Mission in Nicaragua, which you cite as an example in your sixth paragraph, is a diplomatic one and is protected by customary international law. A special mission attending an international conference in that country would be exercising a diplomatic or quasi-diplomatic function and our view is that, in principle, it ought to be accorded some measure of immunity. How far, if at all, it is entitled to such immunity is, however, open to question. This point was dealt with in paragraph 3 of the Assistant Legal Adviser's minute which was enclosed with North and East African Department's letter No. VG 1016/278 of December 15 last to your Chancery.

8. These details reveal, I think, that the French case is not as strong as they believe, and certainly not "cast iron", as Sauvagnargues appears to think. I am not sure, incidentally, that I agree that it was a mistake to reveal to Sauvagnargues our legal doubts. The reason why we gave him our views is that he asked for them (paragraph 4 of your telegram No. 737 refers).

/ Besides,

CONFIDENTIAL

CONFIDENTIAL

Besides, we did not want them to make a mess of things at the United Nations, where they were threatening to take action at half-cock. If the French case is not water-tight, the U.A.R. can no doubt manage to cloud the issue with all sorts of counter arguments; in paragraph 3 of your telegram No. 756 you said that you had pointed this out to the French.

9. Finally, I hope you will not let the French lose sight - should they attack you - of the main factor in the whole situation, which is that we took some pains to get back to full diplomatic relations with the U.A.R. whereas the French did not attempt this (no doubt because of the influence of Algeria on their whole Arab policy). The result was that we enjoyed diplomatic immunity when this particular storm broke and they did not. Talking to some French friends who stayed with us the other day, I found that they were blissfully unaware of this point. They were in good company, however, because Chauvel wrote to Hoyer-Millar on December 4, enclosing copies of the documents we had asked for relating to the status of the French Mission, and added this comment:

"Comme vous pourrez le constater, ces deux textes visent en premier lieu la Mission britannique, qui risquerait d'être mise en cause un jour sous un prétexte analogue".

This comment is, to say the least, inaccurate.

10. There is no question, I think, that we were right in basing our strenuous representations to the U.A.R. Government, for which the French were grateful enough at the time, on the argument that the Egyptian treatment of the French officials was unworthy of a civilised member of the international community and inconsistent with normal international practice.

11. I am sending a copy of this letter to Harold Bealey.

(J.G.S. Beith)

P.S. This letter had already been typed before I received your interesting letter (1076/15/62) of January 18 to which I shall be sending a considered reply in due course.

CONFIDENTIAL

CONFIDENTIALFROM CAIRO TO FOREIGN OFFICE

Cypher/OTP

FOREIGN OFFICE AND
WHITEHALL DISTRIBUTION

Sir H. Beeley

No.1235
December 24, 1961

D. 2.41.p.m. December 24, 1961
R. 3.9.p.m. December 24, 1961

CONFIDENTIAL

Addressed to Foreign Office telegram No.1235 of December 24.
Repeated for information to: Amman

and Saving to: Beirut, Damascus, Baghdad,
Bahrain, P.O.M.E.C.(Aden),
Nicosia (for Porter),
Tel Aviv, Paris, Washington,
U.K. Del N.A.T.O., Taiz

Nasser's "Victory Day" speech at Port Said yesterday was one of his worse rabble-rousing performances. Although something of this kind was only to be expected in view of the occasion his attacks on King Hussein and King Saud were particularly scathing, and I think this is the first time he has publicly attacked the Imam of the Yemen. Other noteworthy features were his references to the pressure brought to bear on him on behalf of the French, which has obviously nettled him considerably, and the inclusion of the Swiss in his strictures. At one point he appeared to threaten to nationalize such land as still belongs to foreigners.

2. Summary of main points in my immediately following telegram. My second immediately following telegram contains verbatim excerpts relating to foreign interests.

Foreign Office please pass Saving to Beirut, Damascus, Baghdad, Bahrain, P.O.M.E.C.(Aden), Nicosia, Tel Aviv, Paris, Washington, U.K. Del N.A.T.O. and Taiz as my telegrams Nos.100, 123, 52, 27, 34, 1, 20, 37, 147, 66 and 21 respectively.

[Repeated as requested to Foreign Service posts].

[Copy sent to Telegram Section C.R.O. for repetition to Nicosia Saving].

#####

CONFIDENTIAL

REC
AD
17
3
01
VA 1016 B21
26 DEC 1961

FROM CAIRO TO FOREIGN OFFICE

Mr. Clair

FOREIGN OFFICE AND WHITEHALL
DISTRIBUTION

Sir H. Beeley

VC1016/322

No. 1236

D. 4.24 p.m. December 21, 1961

December 21, 1961

R. 5.10 p.m. December 21, 1961

Addressed to Foreign Office telegram No. 1236 of December 21.

Repeated for information Saving to :

Amman	Nicosia (for Porter)
Beirut	
Damascus	Tel Aviv
Baghdad	Paris
Bahrain	Washington
POMECS (Aden)	UKDEL NATO
	Tairs

VC1016/321

My immediately preceding telegram.

Nasser devoted the first part of the speech to expounding his concept of the Second Social Revolution, designed to create a society genuinely free from exploitation and class distinctions. The old society, (when Egypt had been a farm for producing cotton for Britain at minimum prices), had now been liquidated and the country's wealth given back to the people. If the British or other foreign newspapers did not like this they could "go to hell". It was nonsense to say that the UAR was heading towards economic collapse.

2. Nasser then developed an extended attack on the alliance that the imperialists and reactionaries had formed to combat UAR Socialism. King Saud said Socialism was against Islam and the Imam of Yemen was writing a poem against it, the Yemeni and Saudi reactionaries who had usurped their peoples' money would not like them to demand their rights. The UAR had not incited these peoples, but the peoples would not tolerate the spending of the wealth on concubines and a life of slavery for themselves.

3. The imperialist reactionary conspiracy had succeeded in Syria, but it had only strengthened Arab nationalism and sharpened its resistance. Damascus Radio talked nonsense about the Army in Alexandria and on the Suez Canal having revolted, and the British Press said Nasser was finished. But the Syrian people would respond to Cairo Radio which represented their true feelings. /4. King

Cairo telegram No. 1236 to Foreign Office

- 2 -

King Hussein, after his hypocritical approach to Nasser last year, was trying to instigate rebellion in Gaza on behalf of Israel. He went to London, allegedly for a rest. Then suddenly the news agencies, including the Arab News Agency, which was in the imperialists' pay, reported a broadcast of his from Amman abusing Nasser and speaking of Egyptian Pharaohs. Nasser had not deigned to reply. But he had received a flood of indignant letters from the Arab countries saying that the Arabs would get rid of King Hussein as they had got rid of his grandfather, he and his family of Hassish-dealers would not survive the advent of Socialism.

5. The UAR was strengthening its armed forces to meet this conspiracy. Three regiments were being added to the Army, and, meanwhile, an Armed National Guard should be established. Hussein naturally wanted to provoke Nasser to go to war with Israel prematurely, but he would wait until the Arab countries had been purged of their fifth columns and the UAR was stronger.

6. Other conspiracies were continuing. Yet the British Press accused Nasser of engineering conspiracies abroad. This was untrue - he had never plotted murder or anything else, nor would he do so, but anyone against whom he did conspire would not last for two months.

7. The French clandestine broadcasts were futile, and the British had recognised the futility of their broadcasts from Cyprus. Imperialism was hatching plots in Iraq, and the UAR would disclose details.

8. After a passage about foreign pressure, (for which see my immediately following telegram) Nasser declared that the UAR belonged to its people, who would rebuild it in a way they wished with complete Social freedom without any foreign influence.

Foreign Office please pass Saving to Amman, Beirut, Damascus, Baghdad, Bahrain, POMEC (Aden), Nicosia, Tel Aviv, Paris, Washington, UKDEL NATO and Taiz as my telegrams Nos. 12, 101, 124, 53, 28, 35, 2, 21, 38, 148, 67 and 22 respectively.

[Repeated as requested to Foreign Service Posts]

[Copy passed to Telegraph Section, G.R.O. for repetition to Nicosia]

FROM CAIRO TO FOREIGN OFFICE ✓

En Clair

Sir ... Beeley

No. 1237

December 24, 1961

FOREIGN OFFICE AND WHITEHALL

DISTRIBUTION

VC1016/323.

D. 5.22 p.m. December 24, 1961

R. 5.40 p.m. December 24, 1961

Addressed to Foreign Office telegram No. 1237 of December 24.

Repeated for information Saving to: Amman Beirut
 Damascus Baghdad Bahrain P.O.M.E.C. (Aden)
 Nicosia (for Porter) Tel Aviv Paris Washington
 U.K. Del. N.A.T.O. Tais

VC1016/324

My 2nd immediately preceding telegram. Following is text.

Begins. "We are here in our country and imperialism will not have any effect on us. After having arrested the French criminals, we found a pressure imposed on us by the Western countries. The British asked our Ambassador why we arrested the men of France. The British Ambassador here called on the Deputy Foreign Minister and asked him how we arrested the French criminals. The Deputy Foreign Minister told the British Ambassador that he was under the impression that it was Switzerland and not Britain which sponsored the interests of France in the U.A.R. The Deputy Foreign Minister asked the British Ambassador whether this situation was changed and whether Britain had taken over as being the caretaker of French interests in the U.A.R. When the British Ambassador answered in the negative, the Deputy Foreign Minister explained to the Ambassador that we don't accept such an inquiry from him and that this used to happen in the old days but not any more.

2. The Americans started a campaign in their Press. The story is that there were certain persons who did not have diplomatic immunity who engineered a conspiracy against this country and who were arrested. They confessed that they conspired against us.

3. The Press of Switzerland also sided with France and attacked us, although we thought that Switzerland was a neutralist country. I don't see why the Swiss Press should attack us. The French subjects whom we arrested indicated that they used to smuggle currency and letters through the Swiss diplomatic bag. Why should the people of Switzerland lose their temper and attack us? We did not accuse the Swiss Embassy, it was the French subjects who accused it. The Swiss people should stand to defend the honour of their neutrality. Instead, their Foreign Minister attacked the U.A.R. and said that the nationalisation laws affected Swiss interests. Only one day earlier, a British Minister of State also said that the nationalisation affected the interests of Britain.



Cairo telegram No. 1257 to Foreign Office

- 2 -

4. Nationalisation is part of our policy and foreign interests in our country constitute an exploitation which came to an end. We will nationalise all the land which belongs to the foreigners because it is not logical to leave the fellah finding no food to eat whereas the foreigner here has land from which he obtains blessings. This is against logic and we cannot accept it under any circumstances.

5. From where did this property come? From where did these investments come? The Swiss Foreign Ministry said that we nationalised certain firms and that this affected Swiss interests. This is our social system. If anybody does not like it he should leave the country. The customs is open and so is the airport. Anybody who wants to leave the country is most welcome to do so. The Minister of Interior stands ready to give them visas to leave our country thus leaving our blessings for ourselves.

6. We know our enemies and we are aware of the methods used by the Western countries to frighten us. We have gone through these drills such as the economic blockade and economic barriers. He who would go against us once, we will go against him one hundred times. He who would try to take a measure against us, we will take ten measures against him. This is our policy and it is a clear one. He who would say a word against us, we will say ten words against him and he who would direct one curse against us we will direct ten curses against him."

Ends.

Foreign Office pass Saving to Amman, Beirut, Damascus, Baghdad, Bahrain, POMEC (Aden), Nicosia, Tel Aviv, Paris, Washington, U.K. Bel. NATO and Taiz as my telegrams Nos. 13, 102, 125, 54, 29, 36, 3, 22, 39, 149, 68 and 23 respectively.

[Repeated as requested to Foreign Service Posts.
Copy passed to Tel. Section C.R.O. for repetition
to Nicosia Saving]

PPPPPP

0-0-0-0