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EGYPT 2

PRIME MINISTER

You asked for a summary of the Foreign Office comment on the proposal by Colonel Jennings-Bramley that Sinai should really be British territory and that the British base at present in Egypt should be moved to Sinai.

The Foreign Office say that H.M.G. have no real legal right to claim Sinai as British. It is also by no means certain that the military base could be established there, and the expense of moving it would be very great. But if there were an Egyptian Government willing to negotiate a Defence settlement with us the suggestion might be worth pursuing provided that the Chiefs of Staff agreed.

LM
9.XII

E.S.

9 December 1951

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6th November, 1951. 4

(NY 1001/6)

~~SECRET~~

In your letter of the 9th November you mention a note by Jennings Bramley about the international status of Sinai. We have been into this question exhaustively and have come to the conclusion that it is not practical politics to attempt to establish a British claim to ownership of the Sinai peninsula. According to the Foreign Office Legal Adviser, Sinai is at best ~~an~~ unsettled and the best claim to sovereignty is undoubtedly Egypt's. This claim is clearly strengthened by the fact that neither His Majesty's Government nor any other Government has been fit to contest this claim in the 30 years or so since the Ottoman Empire ceased to exist.

One/

The Right Hon.
L.S. Amery, P.C., C.B.

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5

Our views and the full reasons for them
have been explained to Jennings Bradley personally,
and a statement of the legal and historical position
was given in reply to a Question in Parliament by
Pitsoy Mankson on 21st February last.

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Boil down

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Foreign Office,
S.W.1.

3rd December, 1951.

R 4.12

Dear Colville,

You wrote to Evelyn Shuckburgh on the 19th November, forwarding some Notes on Sinai, written by Colonel Jennings-Bramley. ^{Mag A}

I now send you a Note prepared in the Foreign Office on the idea raised by the Colonel.

Yours sincerely
F. F. Keilman

J.R. Colville, Esq., C.V.O.,
10 Downing Street.

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7

Colonel Jennings-Bramley, a former Governor of Sinai, who has retired to live in Egypt and is well known to the Embassy, is most persistent in his theme that Sinai should really be British territory. He has corresponded with the Embassy and Foreign Office direct and written to various M.P.s including Brigadier Fitzroy Maclean, who raised the matter in a Parliamentary Question on 21st February of this year.

This matter has been the subject of exhaustive research by Foreign Office legal experts and their conclusions may be summarised as follows:-

- (1) In 1841 the quadrilateral, which the Sinai peninsula may be considered to be, lying South and East of the line Suez-Rafa and South and West of the Line Rafa-Akaba, was not part of the Khedive's hereditary territories, but in fact the Khedive administered it without having any authority from the Ottoman Porte to do so.
- (2) In 1892 the Khedive received the authority of the Porte to administer it, but this authority did not make the quadrilateral part of his hereditary territories and therefore his title to administration there was different from his title to Egypt proper.
- (3) Turkey lost all title to the quadrilateral on the coming into force of the Treaty of Lausanne.
- (4) Egypt continued to administer it with full agreement and assent of His Majesty's Government and has claimed the quadrilateral as Egyptian territory. His Majesty's Government are thus not in a strong position to dispute the Egyptian claim, nor have they any real right to claim it as British. Egypt has now a claim to sovereignty over Sinai which in the opinion of the Legal Adviser would be likely to be upheld in an international court. In fact, if Sinai were not Egyptian it would be res nullius.

A more extensive statement of the legal and historical position is set out in a memorandum of which a copy was sent to the Research Department of the Conservative Party on the 16th January of this year.

A solution of the problem of securing our right to station forces in the Suez Canal Zone on the basis of a successful claim by His Majesty's Government to Sinai is not without attraction. In view, however, of the legal considerations set out above, there would be little use in pursuing it except in the unlikely event that the Egyptians themselves were prepared to give the area up (e.g.

along with/

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8

along with the Gaza strip, as recently proposed by Nuri Pasha, the Iraqi Prime Minister).

Even if such an arrangement could be made, it is by no means certain without further investigation that the east bank of the Canal would be a practical location for our military base and the expense of moving our installations and Air Force would no doubt be very great.

CONCLUSIONS

It does not appear worth pursuing this idea at the present time, but, subject to the agreement of the Chiefs of Staff, it may be worth suggesting the possibility of moving the base to the east side of the Canal and the establishment of an Anglo-Egyptian condominium over Sinai, to any future Egyptian Government willing to make a real effort to negotiate a defence settlement with us.

FOREIGN OFFICE, S.W.1.

3rd December, 1951.

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B.F. 22.11.51

Egypt

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19th November, 1951.

My dear Shuckburgh

I enclose a copy of "Notes on Sinai" written by Colonel Jennings-Bramly and forwarded to the Prime Minister by Mr. Leo Amery who has already suggested the possibility of detaching the Suez Canal Zone and Sinai from Egypt and making them a United Nations Trusteeship.

The Prime Minister was much interested in Colonel Jennings-Bramly's memorandum and would like a considered report on it from the Foreign Office. He does not, however, wish Mr. Eden to be bothered with the memorandum personally unless, of course, you think Mr. Eden would like to read it.

RC

E. Shuckburgh, Esq., C.M.G.,
Foreign Office.

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10

SLOANE 1543.

112, EATON SQUARE,
S.W.1.

13th November 1951.

My dear Winston,

You may remember that just before the Election I wrote to you about working towards the detachment of the Suez Canal Zone and Sinai from Egypt and making it a United Nations trusteeship. I have since come across the enclosed note by Colonel Jennings-Bramly, a former Governor of Sinai, which shows that the greater part of the Sinai Peninsular, including several miles of the eastern bank of the Suez Canal have never been, strictly speaking, Egyptian territory. Presumably that area was part of the territory surrendered to the Allied and Associated Powers by Turkey after the first world war and, even if we acquiesced in its administration by Egypt, its legal status would form a reasonable basis for a UNO trusteeship.

I was much moved by your speech on Friday night. All good luck to you in the big tasks ahead of you.

No answer required.

Yours ever,

Joe Amery

The Rt. Hon. Winston Churchill,
O.M., C.H., M.P.,
10 Downing Street,
London, S.W.1.

*P.S. I have not built up a copy of
Jennings-Bramley's note.*

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Please report on the accuracy of the will

Notes on Sinai

By the Governor of Sinai - Jennings-Bramly
1st August 1951.

The eastern boundary of Egypt is drawn on the map attached to the Firman appointing Mohamed Ali Viceroy of Egypt, by Turkey in 1841.

17.XI

That boundary runs from Suez to approximately Rafah. North of this line is the vicereignty of Egypt, south of this line is Arabia, it is part of the province of Arabia Petraea.

That line has been the boundary of Egypt since the Roman period. See "The Grandeur that was Rome", J.C. Stobart, page 194 (map). The map attached to the Firman was reprinted in 1927. "Imprimerie Nationale de Caire" for "Accord Italo-Egyptian du 6 December, 1925."

Shortly after Mohamed Ali had been named Viceroy he asked permission of Turkey to put a police post at Nekhl. This was granted and from 1841 to 1906 the police post at Nekhl is all that Egypt had to do with south Sinai - the police post, together with others in Arabia, were to secure the safety of the Egyptian Pilgrims to and from Mecca. In 1892, when Abbass Pacha came to the Viceroyalty of Egypt the Firman appointing him did not include the permission for the Police post at Nekhl. Lord Cromer insisted that this be included and went so far as to intimate that he would appoint Abbass to the Viceroyalty without the firman from Turkey, if the post was not included. After much discussion, a Firman, exactly similar to that appointing Tewfick Pasha, the father of Abbass, was accepted by Turkey. (White Paper, Egypt 1906).

In 1906 Turkey again stated it would take over its province of South Sinai and police it, as the pilgrimage no longer went by the desert, but by boat to Jedda. Lord Cromer applied to Abbass Pasha to claim South Sinai - Abbass Pacha refused, he said it was not within the boundaries of Egypt. It was then stated that the map attached to the firman had been lost - and Lord Cromer said that it would be a case of War with England if Turkey advanced into Sinai and took over, as it had a right to do, its province in the South of the Sinai peninsula. Turkey faced by a much stronger power, gave way, and agreed to a line being drawn from Rafah to Akaba, as an administrative boundary for Egypt, but retained sovereignty over South Sinai (White Paper, Egypt 1906).

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12

Note - The action taken in stating the Firman was lost, was to allow of uncertainty as to where the boundary had been drawn. I think that Lord Cromer had knowledge that the map attached to the Firman in Turkey had been lost - and arranged that the map, the copy in Egypt, should be lost also. When Ziya Pacha reprinted it in the "Accord Italo-Egyptian" I can remember an Egyptian Minister saying "We shall regret the day that this has been allowed".

In 1926 Lord Lloyd asked England, for Egypt, if the Agreement of 1906 still held good - he was told it did.

In the meantime, in 1918, Lord Allenby had conquered all the Turkish colonies and advanced to the borders of Asia Minor - that conquest included South Sinai.

In 1927 at Lausanne Turkey gave up all its colonies, all were disposed of, except South Sinai, which England up to this moment has not claimed, although she conquered the sovereignty from Turkey - a sovereignty stressed in the 1906 Agreement. "International Affairs" state today that South Sinai is no man's land - de facto Egypt, since Egypt has been told to administer it - "de jure" no ones, at present, since England has not claimed it - after conquest.

That is the position today, and neither the F.O. nor the Embassy have been able to give me any valid reason for not claiming what, without any doubt, we have the best claim to, by conquest.

Egypt has put forward squatters' rights, but there can be no question to such a claim, since Egypt asked permission to enter South Sinai, and South Sinai has always been pleased to be under Turkish sovereignty when the question has come up.

If the F.O. or Embassy had any real reason for saying that South Sinai was Egyptian territory, "International Affairs" would not say it was no man's land.

I agree, that, to get something else the F.O. might be quite ready to consider that Sinai was Egypt, but South Sinai is much too valuable to England and the Jews have stated that they know that Egypt has no claim to South Sinai and will be on the canal directly England fails to protect it.

My solution for the position is that Egypt acknowledges English conquest and England agrees to compensate Egypt for administration since 1906 by a condominium government.

The point that makes South Sinai so valuable to England is that 5 miles of the Suez Canal are not in Egypt. Therefore England would be in a very strong position when questions regarding the shipping that uses the canal come before the canal council from Suez to Port Tewfik. If England moves all her troops to Port Tewfik, she is in a position to take part in the defence of the canal - and Egypt can state that no foreign troops are any longer on Egyptian soil.

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END.

At Port Tewfik an important commercial centre will grow up, because the condominium government will offer more reasonable terms to commercial firms than does Egypt. The army has said to me that Egypt could make Port Tewfik impossible by refusing to supply labour and cutting off the water. The Sudan can supply labour and there is water on the Sinai side which can be used, for the troops, so that Egypt would only be forcing its own people to evacuate if it cut off the water. I do not for a minute think such a step will be taken. Egypt knows it must depend on us for protection against the Jews if none else. I feel that the step now is to publish as widely as possible the fact that the Suez-Rafah line has been the boundary of Egypt since the beginning of time, and that South Sinai has always been Arabia. I think that if this is given much publicity and discussed by many, Egypt may feel much more ready to come to an agreement with us. Our having conquered South Sinai should also come in, as a fact, without discussing our not having claimed it.

Or: The matter could be brought up, for wide discussion, on the basis of who is the owner of the Island of Tiran at the mouth of the Gulf of Akaba. Here, without any permission, Egypt has put men and guns, lately - and quite lately - opened fire on an English ship carrying stores to Akaba.
