

**Railways, Ports and Irrigation:  
The Sykes-Picot Agreement's Forgotten Regional Moment**

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Abstract

What was the geo-political scale of the Sykes-Picot agreement (May 1916)? What did the British and French mid-level officials who drew lines on its maps imagine as the territorial scope of their negotiations? This essay claims that the Sykes-Picot agreement cannot be understood strictly as the beginning of a story about territorial division in the Middle East, but also as an end of a story of perceived regional potency. Rather than a blueprint for what would later become the post-war division of the region into artificially created independent states, the Sykes-Picot Agreement was still based on a powerful vision of a broad region that is open for a range of developmental possibilities. The paper outlines the historical context of the agreement moving from pre-war ideas and practices of colonial development (II), through war-time exercises of imperial regional management to the immediate and more intimate drafting context (III) and locates the Sykes-Picot agreement within a 'missed' moment of regional grandeur.

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## I. Introduction: Opening Territorial Space

### 1. Preface: December, 1915, 10 Downing Street

On Thursday, December 16, 1915 a meeting was held at 10 Downing Street where Lieutenant-Colonel Sir Mark Sykes was called to give evidence on the Arab Question before the War Committee<sup>1</sup>: ‘You have been very recently in this part of the world: where have you been?’ asked the Prime Minister; Mark Sykes replied laying out a vast tour of the region’s distances:

I went to *Sofia* for a short time, then to the Headquarters at *the Dardanelles*. From there I went to *Alexandria*, from there to *Aden*, then back to *Egypt*, then back to *Aden*, then to *Simla*, and then I was eight weeks with the *Mesopotamia Field Force*, and called at all the *Persian Gulf ports on both sides*. I stayed about a week in *Egypt* on my way back, I missed the connection.<sup>2</sup>

Later in the meeting - as Sir Mark Sykes gave evidence on such varied issues as the Arab nationalist movement, Arab resentment towards the French, French colonial attitudes and plans, Arab-Indian hostility, the Kalifate question, and his views on the benefits for England from backing Arab aspirations, or on the chances to reach an agreement with France - he kept hovering over the region at similar speeds and heights:

... With regard to the Arab question, the fire, the spiritual fire, lies in *Arabia proper*, the intellect and the organizing power lie in *Syria and Palestine*, centered particularly in *Beirut*... In the *Mosul district* the movement is influenced by the Kurds, but *east of the Tigris* the Kurds are pro-Arab. If we come to *the region of Diarbekir* and to the *north of Aleppo*, the Arab movement is spoiled to a great extent by the Armenian question and by Turkish influence...In *Mesopotamia*... the Arabs around *Kerbela and to the south of Bagdad* are very much cut off from the rest of the Arab movement by Shiism – by *the Shia region*. They have a certain sense of race and breed, but they do not fall in with the other people.<sup>3</sup>

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<sup>1</sup> Consisting of the Prime Minister Asquith, Secretary of War Lord Kitchener, Secretary of Munitions Lloyd George and First Lord of the Admiralty Arthur Balfour, War Committee, Meeting held at 10, Downing Street, on Thursday, December 16, 1915, National Archives, CAB/24/1 1-7.

<sup>2</sup> *Id.* at 2. Italics added.

<sup>3</sup> *Id.*

Later, when speaking of French fear of an Arab Kalifate Sir Mark lines up French interests in *Tunis, Algeria and Morocco, Syria, Palestine and Mesopotamia*.<sup>4</sup> And when speaking of the dangers of staying passive with regards to Arab aspirations he moves from *Constantinople* to *Mesopotamia*, and imagines streams of people traveling uninterruptedly from *Persia* to *Afghanistan*, unrest in *India* and in the *Sudan*, and *Indian* pilgrims at *Mecca*.<sup>5</sup> And when speaking of the strategy for an agreement with France he easily links *Aden* with *Mesopotamia, Damascus and Lebanon with Egypt Bagdad and Basra*.

And so we see how Sir Mark Sykes, a midlevel official and a diplomatic advisor for the War Office, while providing his expertise to cabinet just weeks away from reaching the agreement that will famously carry his name, is frantically moving in his mind and in his real travel experiences across large distances and open landscapes, full of dangers and possibilities - from Egypt to Persia, from Afghanistan to Mecca, from Sudan to Beirut – all of that ‘as one definite problem’<sup>6</sup> to British desiderata in the region.

Such geographically broad mindset, this essay suggests, is also the dominant spatial image at the background of the Sykes-Picot agreement. Rather than a treaty that signifies the beginning of the region’s post-war territorial division, it is better understood within a set of legal and diplomatic documents that envision the Middle East as a vast and politically potent space.

## 2. A Forgotten Regional Moment

We tend to think about the path leading from World War I to the mandate system from the after the fact perspective of the region’s ongoing conflicts and commonly acknowledged failures of cooperation.<sup>7</sup> But at least in one sense this narrative is too captivated by the bleak and pressing

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<sup>4</sup> *Id.* at 3.

<sup>5</sup> *Id.* at 4.

<sup>6</sup> *Id.* at 5.

<sup>7</sup> According to that narrative, during the war Britain made conflicting assurances regarding the region's future and thus created expectations for independence that informed the violent conflicts that followed on. See for example in Victor Kattan, *From Coexistence to Conquest: International Law and the Origins of the Arab-Israeli Conflict, 1891–1949* (Pluto Press 2009); Michael J. Cohen, *The Origins and Evolution of the Arab-Zionist Conflict* (University of California Press 1987); Gideon Biger, *The Boundaries of Modern Palestine, 1840-1947* (Routledge, 2004); Isaiah Friedman, *Palestine, A Twice-Promised Land* (Transaction Publishers, 2000); Sahar Huneidi, *A Broken Trust: Herbert Samuel, Zionism and the Palestinians, 1920–1925* (St. Martins Press: 2001); Nick Reynolds, *The Unfulfilled Mandate for Palestine* (Lexington Books 2014) 4-25.

realities of post-mandatory Middle East conflicts and instabilities. In the period that led to the establishment of the mandate system, while different actors negotiated their visions for a new world order, the Middle East was understood to be a very different territorial and political entity than we understand it today. In fact, the regional structure that we are so used to, consisting of independent states, jurisdictionally divided, each with its own government, laws and institutions, was not even a remote dream in the minds of the officials, politicians and commentators who between 1915 and 1922 were deeply engaged in negotiating such ideas as world peace, Arab independence, British-French influence or a Jewish national home. What is for us a basic descriptive and explanatory structure for understanding the Middle East's past, present and future - that it is made out of sovereign jurisdictions - was for them not even an abstract aspiration. *What then were for these actors the concrete spatial structures by which they imagined and negotiated a new world order in this area?*<sup>8</sup>

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<sup>8</sup> A methodological note on the use of 'spatial' terminology is required. An analysis of "spatial structures" is tied theoretically to an interdisciplinary "spatial turn" (mainly in sociology, geography, historiography and anthropology and recently also in law, particularly in international and global legal history) characterized by renewed attention to 'space' as a constructed social and political practice (Puerto Costa, *A Spatial Turn for Legal History? A Tentative Assessment* in Massimo Meccarelli and Maria Julia Solla Sastre (eds.) *Spatial and Temporal Dimensions for Legal History: Research, Experiences and Itineraries* (Max Planck Institute for European Legal History, 2016) p. 27). Since the 1980s, sociologists begin to analyze 'space' as a 'practiced place' (Micheal de Certeau, *The Practice of Everyday Life* (Berkeley: University of California Press, 1984), 17); Geographers analyze 'territory' as a social and spatial phenomenon and territoriality as a relationship between social groups and the localities where they settle (Robert Sack, *Human Territoriality: A Theory*, in *Annals of the Association of American Geographers* 73, 1, 55-74); Historians focused on what happens when historical processes are conceived and described as spatial and local processes (Ethington Philip, *Placing the Past: 'Groundwork for a Spatial Theory of History* in 11,4(2007) *Rethinking History*, 465-493). This move offers an opportunity to rethink both politics and space without assuming their modern representation as an unchangeable and binding conceptual background. The analysis in this chapter and more generally in the project follows the same theoretical horizon. Space is a structured practice that is not only "lived" (as society changes in place) but also "imagined" represented, through particular shared and contested visions and categories (Schlogel Karl, *In Raume Lessen wir die Zeit. Über Zivilisationsgeschichte und Geopolitik*, (München: Verlag, 2003) 9-10. More specifically, by 'spatial structures' (and sometimes, spatial concepts or spatial visions) I refer to concrete and powerful ideas about space that may shape attempts to assert control or influence over a geographical area. The idea of jurisdictional and territorial division that delimits impermeable borders – is one particular spatial structure that coincides with the ideology of modern international law and the modern state. It attributes states as the sovereign, exclusive controlling unit in the territory (Luigi Nuzzo, "Territoriality and the Construction of Colonial Space", in Martti Koskenniemi, Walter Rech, Manuel Jiménez Fonseca, (eds.) *International Law and Empire: Historical Explorations* (Oxford University Press, 2017), 263, also Taylor Peter, *The State As Container: Territoriality in the Modern World-System in Progress*, 17(1994) *Human Geography*, 151-62, Brenner, Neil et al. (eds.) *State/Space. A Reader* (Blackwell, 2003)). But historians, geographers and anthropologists invite us to question the view of impermeable borders seeing borders as spatial divisions but at the same time as intersections of intense social dynamics (Van Houtum, Henk et al. (eds.) *Bordering Space* (Ashgate, 2005)). In this research I follow this critical turn to uncover mental structures of space in the diplomatic negotiations over the fate of post war Middle East that do not coincide with the spatial ideology of the modern state. In the process of colonization, imperialist ambitions reflect visions of new and large "spaces" for influence and control rather than an ideology of spatial uniformity and divisibility (see Scheffler Thomas, "'Fertile Crescent', 'Orient', 'Middle East': The Changing Mental Maps of Southwest Asia", (2003) 2/10 *European Review of History* 253, 255; For a useful and

The context for answering this question is that of empire. At that point in time, all the actors that had anything to do with negotiating the future of the region were necessarily talking in the language of imperial rule. Arab leaders, former functionaries in the Ottoman Empire, nationalist revolutionaries subjects of that empire, Zionist leaders, British and French policy makers and administrators, international diplomats attempting to constrain imperial power – all understood the language of empire and had to converse in it in order to be intelligible.

But empire did not yet speak of states and jurisdictions beyond the confines of (mainly western) Europe. Outside of Europe imperial agents saw vast areas, domains and dominions, colonies and protectorates and geographical spheres of influence. They saw territories and populations, not independent jurisdictions and not even nations. All this would soon change, but at the period we are considering, when a 400 year old empire was shaken to the ground, and the victorious Powers were to plan what will come in its place, it was large and penetrable geographical areas that they envisioned, and certainly not sovereign territorial states. All new ideas that they had to confront, the principle of self-determination of nations, the idea of no annexation, and the prospect of world peace had to be considered within this broad and open spatial framework.<sup>9</sup>

### **3. The Sykes-Picot Agreement: A Region Opening-Up for Development**

The Sykes-Picot agreement can be read as a particular example of such broad regional imagination. As they were negotiating with the Arabs, and in order to safeguard the territorial promises to Sherif Hussein,<sup>10</sup> while at the same time consolidating their war-time relations with

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comprehensive overview of critics of state centered territoriality in the field of Middle Eastern history see Matthew H. Ellis, ‘Over the Borderline? Rethinking Territoriality at the Margins of Empire and Nation in the Modern Middle East (Part I+II), *History Compass* 13/8 (2015): 411–434)). Recovering such alternative spatial visions will hopefully broaden our understanding of the territorial process of colonization.

<sup>9</sup> My analysis is influenced by recent attempts, in the historiography of empire, to unearth alternative spatial concepts that are significant to imperial experiences of governing. Historian of empire over the last few decades (and under impact of post-colonialism, culture studies and feminism), have self-consciously set out to rethink the relation between different parts of empire, and between empires, and to produce a way of thinking about empire that can account for the experiences of both colonial elites and those subjected to the colonial rule. An important facet of this type of imperial history has been the rejection of the colonial or nation state as the dominant analytical framework for considering the relations of persons and places in empire. See Zoe Laidlaw ‘Breaking Britannia’s Bounds? Law, Settlers, and Space in Britain’s Imperial Historiography’ (2012) 55 *The Historical Journal*, 807-830; Shaunnagh Dorsett and John McLaren (eds) *Legal Histories of the British Empire: Laws, Engagements and Legacies* (New York: Routledge, 2014).

<sup>10</sup> For an introduction to the McMahon-Hussein Correspondence see Elie Kedourie, *In the Anglo-Arab Labyrinth: The McMahon-Husayn Correspondence and Its Interpretations, 1914–1939* (Routledge 2000). For the full online

their ally France<sup>11</sup> - the British in early 1915 initiated the negotiations which were culminated on May 16, 1916, in the Sykes-Picot agreement.<sup>12</sup> Commonly and unofficially, titled after the mid-level diplomats that led the negotiations, the agreement divided Ottoman territory into British and French spheres of influence.<sup>13</sup> France assumed control of northern Syria which became Lebanon and Syria including Damascus, Homs, Hama and Aleppo, but also Mosul in Northern Iraq (blue area on the map). Britain assumed the Baghdad Vilayet (red area on the map). Syria to the east of Homs, Hamah and Damascus would become an ‘independent Arab State or Confederation’ but directly under French influence (Area A on the map). South Syria, in what was to become Trans-Jordan, in the general area of the present Jordan-Syria boundary was assigned to be directly under British influence (Area B on the map). Palestine was to be under an international administration.<sup>14</sup>

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text of the correspondence (consisting of ten letters) see: <http://www.jewishvirtuallibrary.org/jsourc/History/hussmac1.html>

<sup>11</sup> See Jukka Nevakivi, *Britain, France, and the Middle East 1914-1920* (Athlone Press 1969) 2-33, Nevakivi sees the Sykes-Picot agreement as a direct continuation of British attempts to manage their relations with the Arabs (*Id.* 22-26).

<sup>12</sup> Although commonly referred to as an ‘agreement’, it does not conform to a treaty format. Instead, it consists of a number of letters exchanged between the British, French and Russian Foreign Ministries in early May 1916 (Cambon to Grey May 9, 1916; Grey to Cambon, May 15, 1916; Cambon to Grey, May 15, 1916; Grey to Cambon, May 16, 1916 (and consequent amendments) in Patricia Toye (ed.) *Palestine Boundaries: 1833-1947* Vol 2 Palestine and Syria I (Archive International Group, 1989) 99-109). Since this peculiar format does not doctrinally affect the party’s obligations and because it was more often than not referred to as an ‘agreement’ by its drafters and other officials as well as by so many of its historiographers, I follow the convention (I thank Magen Donaldson for exchanging comments on this question). For a commonly used text of the Sykes-Picot agreement, see online: <http://unispal.un.org/unispal.nsf/0145a8233e14d2b585256cbf005af141/232358bacbeb7b55852571100078477c?OpenDocument>;

<sup>13</sup> For an influential recent interpretation of the negotiation process see James Barr, *A Line in the Sand: Britain and France and the Struggle for the Mastery of the Middle East* (Simon and Schuster 2011). Since the 2016 centennial to the agreement coincided with the famous ISIS video announcing ‘[the end of Sykes Picot](#)’, hundreds of new scholarly, journalistic and popular interventions were recently added to the already extensive literature on the agreement’s relevance to current debates. For some of the more influential recent works see: Malise Ruthven, ‘The Map ISIS Hates’, *NYR Daily* (June 25, 2014); David Ignatius, ‘Piecing together the shattering Middle East, Wash. Post’ (June 17, 2014); James Gelvin, ‘Don’t blame Sykes-Picot, OUPblog (Feb. 7, 2015); Nick Danforth, ‘Forget Sykes-Picot. It’s the Treaty of Sèvres That Explains the Modern Middle East’, *Foreign Policy* (Aug. 10, 2015) Sara Pursley, ‘“Lines Drawn on an Empty Map”: Iraq’s Borders and the Legend of the Artificial State’ (Part 1), *Jadaliyya* (June 2, 2015); Robin Wright, ‘Imagining a Remapped Middle East’, *International N.Y. Times Sunday Reiew* (Sep. 28, 2013); Jeffrey Goldberg, ‘The New Map of the Middle East: Why should we fight the inevitable break-up of Iraq?’, *The Atlantic* (June 19, 2014). Most of these interventions confront the question of the impact of the agreement on the Middle East’s post-colonial conflicts and border making exercises. This paper does not intervene in such debates but may help to shed some of their underlying anxieties by locating the agreement in a differently imagined territorial space.

<sup>14</sup> ‘1. That France and Great Britain are prepared to recognize and protect an independent Arab state or a confederation of Arab states (a) and (b) marked on the annexed map, under the suzerainty of an Arab chief. That in area (a) France, and in area (b) Great Britain, shall have priority of right of enterprise and local loans. That in area (a) France, and in area (b) Great Britain, shall alone supply advisers or foreign functionaries at the request of the

This rather arbitrary delineations on maps affixed to the treaty was not known to the Arabs when just a month after its signature the Arab Revolt began. The agreement was kept secret but Tsarist Russia was informed. When the Bolsheviks came to power they published the document, and in November 1917 it was printed in the Manchester Guardian.<sup>15</sup> The publication of the secret agreement startled Arab leaders and many in the western world, and is until today considered a classic mark of imperial dishonesty and betrayal.<sup>16</sup> It had, no doubt an immense impact on both British need to reassert legitimacy vis-a-vie the Arabs and through its implementation in the mandate system, on eventual jurisdictional boundaries in the Middle East. But these dramatic implications obscure another aspect of the Sykes-Picot agreement that its secrecy made possible. Since it was not intended for publication, the drafters of the document were quite free to express in it true imperial sentiment. By that I do not necessarily mean their greed and exploitation. These are obviously expressed in the document and are manifested in its commonplace interpretations. Instead I mean to refer to a powerful imperial image of a region that is opening up for innumerable future possibilities for development.

France and Britain opened the region's map and drew lines. They surveyed the territory as a vast and open space available for division among them, of course - but also for many other sorts of productive activities. What, in the minds of its imperial architects, was this massive territory capable of? What could it contain? The list of the activities that the agreement superimposes on the map is long and ambitious. Among others, the region is being opened to: (in section 1) protection of independent indigenous rule,<sup>17</sup> enterprise and local loans,<sup>18</sup> the supply of

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Arab state or confederation of Arab states. 2. That in the blue area France, and in the red area Great Britain, shall be allowed to establish such direct or indirect administration or control as they desire and as they may think it to arrange with the Arab state or confederation of Arab states. 3. That in the brown area there shall be established an international administration, the form of which is to be decided upon after consultation with Russia, and subsequently in consultation with the other allies, and the representatives of the sheriff of Mecca'. (Sykes-Picot agreement, 1-3).

<sup>15</sup> On 23 November 1917 *Pravda* and *Izvestia* began to publish the secret agreements including the various plans to partition the Arab provinces of the Ottoman empire and the proposal to hand over Constantinople and the Straits to Russia. See James Bunyan and Harold Fisher, *The Bolshevik Revolution 1917-1928: documents and materials* (Stanford University Press) 24.

<sup>16</sup> For a detailed description of the impact on Anglo-Arab relations see Kedourie (n 9) 159-184. For the Impact of the agreement on the shape of subsequent borders and regional relations see Louise Fawcett (ed), *International Relations of the Middle East* (Oxford University Press 2013).

<sup>17</sup> 'That France and Great Britain are prepared to recognize and protect an independent Arab states or a confederation of Arab states' (1)

<sup>18</sup> 'That in area (a) France, and in area (b) Great Britain, shall have priority of right of enterprise and local loans'. (1)

expertise;<sup>19</sup> the establishment of direct and indirect administration or control (in section 2)<sup>20</sup> and the conduct of international<sup>21</sup> and regional<sup>22</sup> relations (sections 3, 9, 10 and 11).

But this broad territorial space can also accommodate much more detailed, administrative and governmental constructions: the expansion and emancipation of ports (in section 5),<sup>23</sup> the establishment of trade and transportation norms, and their harmonization over the territory (also section 5),<sup>24</sup> the transfer of water (section 4),<sup>25</sup> the negotiation with allies over neighboring territories (also in section 4),<sup>26</sup> the establishment of railroads and the control over their path (section 6),<sup>27</sup> the monopolization of rail routes and their distribution according to economic

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<sup>19</sup> ‘That in area (a) France, and in area (b) Great Britain, shall alone supply advisers or foreign functionaries at the request of the Arab state or confederation of Arab states’. (1)

<sup>20</sup> ‘That in the blue area France, and in the red area Great Britain, shall be allowed to establish such direct or indirect administration or control as they desire and as they may think fit to arrange with the Arab state or confederation of Arab states’. (2)

<sup>21</sup> With Russia: ‘That in the brown area there shall be established an international administration, the form of which is to be decided upon after consultation with Russia, and subsequently in consultation with the other allies, and the representatives of the sheriff of Mecca’. (3) but also with Italy and Japan: ‘the conclusion of the present agreement raises, for practical consideration, the question of claims of Italy to a share in any partition or rearrangement of Turkey in Asia, as formulated in Article 9 of the agreement of the 26th April, 1915, between Italy and the allies. His Majesty's government further consider that the Japanese government should be informed of the arrangements now concluded’.

<sup>22</sup> ‘It shall be agreed that the French government will at no time enter into any negotiations for the cession of their rights and will not cede such rights in the blue area to any third power, except the Arab state or confederation of Arab states, without the previous agreement of His Majesty's government, who, on their part, will give a similar undertaking to the French government regarding the red area’. (9) ‘The British and French government, as the protectors of the Arab state, shall agree that they will not themselves acquire and will not consent to a third power acquiring territorial possessions in the Arabian peninsula, nor consent to a third power installing a naval base either on the east coast, or on the islands, of the red sea. This, however, shall not prevent such adjustment of the Aden frontier as may be necessary in consequence of recent Turkish aggression’. (10); ‘The negotiations with the Arabs as to the boundaries of the Arab states shall be continued through the same channel as heretofore on behalf of the two powers’. (11)

<sup>23</sup> ‘That Alexandretta shall be a free port as regards the trade of the British empire, and that there shall be no discrimination in port charges or facilities as regards British shipping and British goods.... That Haifa shall be a free port as regards the trade of France, her dominions and protectorates, and there shall be no discrimination in port charges or facilities as regards French shipping and French goods.... There shall be freedom of transit for French goods through Haifa and by the British railway through the brown area, whether those goods are intended for or originate in the blue area, area (a), or area (b), and there shall be no discrimination, direct or indirect, against French goods on any railway, or against French goods or ships at any port serving the areas mentioned’. (5)

<sup>24</sup> ‘There shall be freedom of transit for British goods through Alexandretta and by railway through the blue area, or (b) area, or area (a); and there shall be no discrimination, direct or indirect, against British goods on any railway or against British goods or ships at any port serving the areas mentioned – theme for the French in its areas’. (4)

<sup>25</sup> ‘(2) guarantee of a given supply of water from the Tigres and Euphrates in area (a) for area (b)’. (4)

<sup>26</sup> ‘His majesty's government, on their part, undertake that they will at no time enter into negotiations for the cession of Cyprus to any third power without the previous consent of the French government’. (4)

<sup>27</sup> ‘That in area (a) the Baghdad railway shall not be extended southwards beyond Mosul, and in area (b) northwards beyond Samarra, until a railway connecting Baghdad and Aleppo via the Euphrates valley has been completed, and then only with the concurrence of the two governments’. (6)

needs (section 7),<sup>28</sup> the transportation of troops (section 7),<sup>29</sup> the control over rates of customs and tariff (section 8),<sup>30</sup> the regulation of custom barriers between the different zones and into the area (section 8),<sup>31</sup> and arms control (section 12).<sup>32</sup>

This is a startling example of imperial regionalism. In secret, when the Powers can speak freely they see the world as divided into regions, to be opened up for influence and for a variety of activities of protection, control, development, political and administrative creation, and for detailed engineering of space and populations. The document that is understood today to symbolize the imposition of territorial boundaries was in fact based on an opposite imperial impulse steeped in regional developmental discourse that pervaded colonial policymaking at least from the turn of the 20<sup>th</sup> century.

The rest of the chapter will follow the agreement's historical context from pre-war colonial development ideas and practices (II) to its immediate war-time drafting process (III) and show that it's drafters and visionaries did more than 'draw lines in the sand', they were, in fact involved in a grand war-time imperial exercise of global and regional management. For the officials who stood over maps in colonial offices in Cairo, Delhi, London and Paris, the Middle East was opening up as a place of dangers and possibilities to be managed and engineered for the benefit of empire.

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<sup>28</sup> 'That Great Britain has the right to build, administer, and be sole owner of a railway connecting Haifa with area (b)... It is to be understood by both governments that this railway is to facilitate the connection of Baghdad with Haifa by rail, and it is further understood that, if the engineering difficulties and expense entailed by keeping this connecting line in the brown area only make the project unfeasible, that the French government shall be prepared to consider that the line in question may also traverse the Polgon Baniyas Keis Marib Salkhad tell Otsda Mesmie before reaching area (b)'. (7)

<sup>29</sup> 'That Great Britain ... shall have a perpetual right to transport troops along such a line at all times'. (7)

<sup>30</sup> 'For a period of twenty years the existing Turkish customs tariff shall remain in force throughout the whole of the blue and red areas, as well as in areas (a) and (b), and no increase in the rates of duty or conversions from ad valorem to specific rates shall be made except by agreement between the two powers'. (8)

<sup>31</sup> 'There shall be no interior customs barriers between any of the above mentioned areas. The customs duties leviable on goods destined for the interior shall be collected at the port of entry and handed over to the administration of the area of destination'. (8)

<sup>32</sup> 'It is agreed that measures to control the importation of arms into the Arab territories will be considered by the two governments'. (12)

## II. Pre-war History of the Sykes Picot Agreement

### 1. The Context of the Agreement in Pre-war Colonial Development

In a recent study of colonial development in Palestine under Ottoman and British rule, Jacob Norris questions the historiographic tendency to divide the history of modern Middle East into neat compartments of imperial rule creating a sense of rapture between the Ottoman Empire and the British mandate that followed it.<sup>33</sup> This approach, he claims distorts our understanding of change in the region and prevents analysis of the two empires in comparative perspective.<sup>34</sup> One particular area of continuity that Norris focuses on is that of colonial development, a notion which he applies through case studies to Ottoman and British practice in Palestine.<sup>35</sup> Although the British were keen to emphasize the ‘amazing pace of change about everything in Palestine since the British occupation’,<sup>36</sup> and successfully to downplay the Ottoman role in enabling development, the reality of colonial development in the British occupied territories is part of a longer story about the ways in which colonial development cut across both Ottoman and British imperial rule. In these territories, from late Ottoman era and well into the mandate years, there is a sense of a peripheral region being incorporated into imperial and global systems of trade and communication. Cities like Beirut, Damascus and Aleppo have long been centers of trade and

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<sup>33</sup> Jacob Norris, *Land of Progress, Palestine in the Age of Colonial Development* (Oxford University Press, 2013). Norris’ case studies concentrate on Palestine but the argument is relevant to the Ottoman Arab territories more generally and relies on historical resources relevant to Egypt, Syria, Trans-Jordan and more.

<sup>34</sup> *Ibid.* 3. For more works that contradict the ‘rapture’ approach see Abigail Jacobson ‘From Empire to Empire: Jerusalem between Ottoman and British Rule’ Syracuse University Press, 2011) Roberto Mazza, *Jerusalem: From the ottomans to the British* (Tauris Academic Studies, 2009). These works alternatively frame the study of the relationship between local communities and the imperial state not purely within the years of Ottoman or British control but to the entire 1910s as a period of intensive restructuring. This allows them to explore the continuity that characterized much of the transition from Ottoman to British rule. Norris frames his own study as starting from 1905, a year that saw revolutionary attempts both internal and external that threatened the old imperial order in Istanbul. By 1908 the Ottoman Sultan was forced to accept a new era of constitutional politics (Norris, 3-5)

<sup>35</sup> By doing this, Norris acknowledges some terminological difficulties, first and foremost the ambiguity and overlap between ‘imperial’ and ‘colonial’, and deliberately adopts a loose definition in order to view both empires within a common framework of empire driven modernization. I will, for now, follow the same route. Acknowledging that colonialism is a phenomenon of great vagueness I adopt loosely Jurgen Osterhammel’s rather abstract definition of the term: a system of domination predicated upon ‘the expansion of a society beyond its original habitat’ Jurgen Osterhammel, *Colonialism: A Theoretical Overview* (Princeton, NJ Markus Wiener 2005, p 4). More to the point – Ottoman historians are reluctant to classify Ottoman control over Arab lands as colonial, because of the territorial contiguity between the Anatolian Ottoman heartlands and the Arab periphery, the shared Islamic heritage, and the lack of settler colonies emanating from the ‘mother country’. Here again I tend to follow Norris’ conceptual ambivalence and his emphasis on the Empire’s officials who often saw themselves as a part of a global system (*ibid.*, 16-17).

<sup>36</sup> Norman Bentwich, ‘Palestine’s Progress’ *Journal of the Royal Central Asian Society* 22, no 1, at 77.

were by the beginning of the 20<sup>th</sup> century already integrated into Ottoman as well as European networks of infrastructure.<sup>37</sup> The areas to the south, and particularly the three districts (*sanjaqs*) that constituted the later British Palestine (Acre, Nablus and Jerusalem) were already established in European and Ottoman consciousness as important religious centers but they gathered a sense of ‘imperial excitement’ as Norris calls it, only in the beginning of the 20<sup>th</sup> century.

Norris suggests that in the years before World War I, and particularly after the 1908 revolution, the Arab provinces of the Ottoman Empire have seen profound colonial development projects in terms of the Ottoman government’s renewed focus on modernizing provincial infrastructure. In this context, successive Ottoman governments viewed the Empire’s Arab provinces as a region of great potential benefit to the overall imperial economy if greater investment was made in infrastructure and resource extraction. At the same time, Ottoman government ministers and their local representatives overwhelmingly subscribed to the idea of progressive history.<sup>38</sup> Furthermore, in the later part of the 19<sup>th</sup> century and up until World War I, a number of European imperial powers, most notably France, Germany and Britain, sought to increase their informal colonial presence in the eastern Mediterranean through a range of measures that included the running of railway concessions, control over a set of commercial sectors, and the modernization of harbors. Often it was not people directly employed by the British and French imperial state who engaged in these activities but a web of common interests existed between the foreign ministries, consuls, shipping companies, engineering firms, and commercialists of any given

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<sup>37</sup> Tomas Philipp and Birgit Schaebler eds. *The Syrian land: processes of integration and fragmentation: bilad ash-Sham from the 18th to the 20th century* (Stuttgart: Steiner 1998).

<sup>38</sup> Much of the scholarship on late Ottoman Empire portrays an imperial state with a strong modernization agenda especially in the areas of infrastructure and resource extraction (Zeynep Celik, *Empire, Architecture and the City: French Ottoman encounters 1830-1914* (Seattle University Press, 2008); Donald Quataert, *Miners and the State in the ottoman Empire: The Zonguldak Coalfield, 1822-1920* (New York: Berghahn, 2006) and Eugene Rogan, *Frontiers of the State in the Late Ottoman Empire: Transjordan, 1850-1921* (Cambridge University Press, 1990)). But many Ottoman historians still describe this agenda in terms of “reform” and “modernization” which is part of the legacy of the Tanzimat - the process of restructuring that took place within the empire from the 1830s onwards. But Ottoman reformism, as Norris Reminds us, was not only a defensive developmentalism, resisting European encroachment, it was also a part of a moment of “global modernity” that gathered speed under imperial rule in the late 19th and early 20th centuries (Leila Tarazi Fawaz and C.A. Bayly (eds.) *Modernity and Culture: From the Mediterranean to the Indian Ocean* (New York: Columbia University Press, 2002) 1-27. Rather than merely defending their realm from European foreign intrusion, officials of the late Ottoman state frequently viewed themselves as part of a global community of modernizers engaged in the improvement of industrial forms of capitalism that would produce a more intensive use of resources and technology ((Michael Meeker *A Nation of Empire: The Ottoman Legacy of Turkish Modernity* (Berkley: University of California Press, 2002) 85-152 and Celik, *Empire, Architecture and the City*, 24-70)).

European country in the region.<sup>39</sup> This intersection of colonial development, between Ottoman imperial rule and European commercial and official interventions, is also where the wider, regional story of the Sykes-Picot agreement begins.

But in order to delve into that story, a note is required about the concept of ‘colonial development’. A number of scholars have in recent years examined the idea of development in historical context tracing its origins to the European enlightenment and its belief in progress as the driving force behind human history.<sup>40</sup> While most studies in the area of development focus on post- World War II projects of development in the context of decolonization, Norris uses the concept of colonial development to relate to a less studied, early foundational era in the history of the field.<sup>41</sup> In this era the focus of new imperial investments was less on welfare of colonial populations and more on infrastructure<sup>42</sup>. The later age of colonial development in the 1940s and 50s which is often explained by post World War II colonial legitimacy crisis, has roots in older patterns that stretch back to earlier decades of the 20<sup>th</sup> century.<sup>43</sup> This ‘first age of colonial development’<sup>44</sup> was also a product of colonial crisis but was formulated more explicitly in terms of benefits to imperial metropole.<sup>45</sup> Imperialists, particularly in Britain and France argued that the vast human and natural resources of the empire should be better exploited to solve problems

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<sup>39</sup> Rashid Khalidi gives a detailed description of how these connections function in the context of railway building, demonstrating that a process of ‘interminable haggling’ in 1909-1910 between rival financiers and senior British and French civil servants over concessions for railways in Syria – the British French rivalry over Ottoman affairs ‘an understanding was reached between the two foreign offices that served as the basis of the actual partition of the region, which only occurred many years later’ Rashid Kalidi, *British Policy towards Syria and Palestine 1906-1914: A Study of the Antecedents of the Hussein McMahon Correspondence, the Sykes picot Agreement and the Balfour Declaration* (London: Ithaca Press, 1980), 113.

<sup>40</sup> For the origins of the concept of ‘development’ in western political tradition and politics see M. P. Cowen and Robert W. Shenton, *Doctrines of Development* (London: Routledge, 1996), 25–33; Gilbert Rist, *The History of Development: From Western Origins to Global Faith* (London: Zed Books, 2008), 35–40; Thomas McCarthy, *Race, Empire and the Idea of Human Development* (Cambridge: Cambridge University Press, 2009), 42–68.

<sup>41</sup> Norris, 6.

<sup>42</sup> See more in Michael Havinden and David Meredith, *Colonialism and Development: Britain and its Tropical colonies, 1850-1960* (London: Routledge, 1993) 206-34

<sup>43</sup> See more Stephen Constantine, *The Making of British Colonial a Development Policy 1914-1940* (London, Frank Cass, 1984). In the 19th-century theories of race and evolution posited Europeans at the forefront of history’s linear advance. This idea was a prominent feature of late European colonial rule. But the perception that the ‘development’ problematic began with decolonization and mainly concerns the South is today questioned as historical and theoretical accounts of development show that the themes of contemporary debates (the environment, debt repayment, liberalization of international trade) directly stem from the preoccupations of the industrialized countries. See Rist, *ibid*, note 40.

<sup>44</sup> Norris, 7.

<sup>45</sup> Havinden and Meredith, 206-34. On the connection between ideas of imperial development and the increasingly precarious global status of Britain in the Victorian age see Robinson Ronald, Gallagher John and Denny Alice, *Africa and the Victorians: The Official Mind of Imperialism* (McMillan, 1961), and Duncan Bell, *The Idea of Greater Britain: Empire and the Future of World Order 1860-1900* (Princeton University Press, 2007), 1-55, 263.

of urbanism overcrowding, unemployment and political instability in the metropole. Joseph Chamberlain, colonial secretary from 1895 to 1903, championed this vision in British politics, promoting an imperial policy aimed to achieve economic self-sufficiency within the imperial sphere.<sup>46</sup> ‘There is no article of food, there is no raw material of your trade...which cannot be produced somewhere or other in the British Empire’. Britain has to lay the infrastructure to enable the exploitation of these vast ‘undeveloped estates’ of empire.<sup>47</sup>

Among the advocates of such policy was the generation of ‘new imperialists’ who rose to positions of influence in British politics during and just after World War I. Many of them were former officials in the colonial office and shared the drive to transform the 19<sup>th</sup> century empire into a coherent whole.<sup>48</sup> Their ideas found expression in the Roundtable Journal which appeared from 1910 and frequently ran articles in which the Ottoman territory was portrayed ‘as an exciting frontier zone where the principles of colonial development were put to the test’.<sup>49</sup>

In a most comprehensive survey of the region from 1917, ‘Turkey- Past and Future’, a Roundtable anonymous writer enthusiastically hovers over each one of the Ottoman provinces exposing misrule and economic degradation and contrasting it with a dumbfounded account of its development potentialities.<sup>50</sup> Since this essay is particularly expressive of the kind of regional vision that the drafters of the Sykes-Picot agreement shared, it may be worth to describe it in some detail. The essay begins with a description of the vast geographical extent of ‘Turkey in Asia’ stretching out over the globe:

What is Turkey?...The High Yemen, with its monsoons and tropical cultivation ; the tilted rim of the Hedjaz, one desert in a desert zone that stretches from the Sahara to Mongolia ;

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<sup>46</sup> Chamberlain conjoined economic themes with more traditional ideas of character and virtue, oscillating between economic and politico-military justifications, but they were always flavored by concerns over social reform as well as ideas of racial superiority and national glory. See Peter Cain, *Empire and the languages of Character and Virtue* *Modern Intellectual History* 4(2) 249-273 (2007) and J.L Garvin, *The Life of Joseph Chamberlain* (London, 1968), I).

<sup>47</sup> Alfred Milner, *Life of Joseph Chamberlain* (London, Associated Newspapers, 1914) 220. In this spirit, and on the eve of WWI Milner appraised the contribution of Chamberlain to the development of empire: ‘Mr Chamberlain was the first statesman who clearly foresaw the lines on which the Empire was bound to develop... He was the first to direct the attention of his countrymen to the potentialities of their great ‘undeveloped estates’ and to give a much-needed impulse to the work of developing it’. 195-196. <https://archive.org/details/lifeofjosephcham00miln>

<sup>48</sup> Paul Rich, *Race and Empire in British Politics* (Cambridge university press, 1986), 50-69. Also Bell, *Ibid*.

<sup>49</sup> Norris 8. See Roundtable Journals, Volumes 1-8 in each issue (1-32) there is some essay or a part of an essay which relates to the Ottoman territories or the Imperial relation with Islam. [http://www.tandfonline.com/loi/ctr20?open=7&repitition=0#vol\\_7](http://www.tandfonline.com/loi/ctr20?open=7&repitition=0#vol_7). The most comprehensive is in issue 7, ‘Turkey: A Past and a Future’, *The Round Table*, 7:27, 1917, 515-546. The Articles are anonymous.

<sup>50</sup> ‘Turkey: A Past and a Future’, *ibid*.

the Mesopotamian rivers, breaking the desert with a strip of green; the pine-covered mountain-terraces of Kurdistan, which gird in Mesopotamia as the hills of the North-West Frontier of India gird the Plains ; the Armenian Highlands, bleak as the Pamirs, which feed Mesopotamia with their snows and send it the soil they cannot keep themselves ; the Anatolian Peninsula-an offshoot of Central Europe, with its rocks and fine timber and mountain streams, but nursing a steppe in its heart more intractable than the Puszta of Hungary ; the coast-lands - Trebizond and Ismid and Smyrna, clinging to the Anatolian mainland, and Syria interposing itself between the desert and the sea, but all, with their vines and olives and sharp contours, keeping true to the Mediterranean ; and then the waterway of narrow and landlocked sea and narrows again, which links the Mediterranean with the Black Sea and the Russian hinterland, and which has not its like in the world.<sup>51</sup>

This vast, geographically diverse and wondrous space is then portrayed by its past achievements and future possibilities hindered by a political present of a shattered bloodthirsty empire that is now falling in the face of progress:

All the props of Ottoman dominion in Asia has fallen away, but nothing dooms it so surely as the breath of life that is stirring over the dormant lands and peoples once more. The cutting of the Suez Canal has led the highways of commerce back to the Nearer East; the democracy and nationalism of Europe have been extending their influence over Asiatic races. On whatever terms the war is concluded, one far reaching result is certain already: there will be a political and economic revival in Western Asia, and the direction of this will not be in Ottoman hands.<sup>52</sup>

The text then moves to a detailed description contrasting the economic failures and the potential human and natural resources in each of the Ottoman provinces. With the help of the European nations the barren lands of this vast region are soon to be opened up for progress and development:

There is much to be done: reform of Justice, to obtain legal release from the Capitulations; reform in the assessment and collection of agricultural tithes... Agrarian

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<sup>51</sup> Ibid, 515.

<sup>52</sup> Ibid, 520

reform, to save peasants proprietorship, which in Syria, at any rate, is seriously in danger; genuine development of economic resources; unsectarian and non-nationalistic advancement of education. But the Jews, Syrians and Armenians are equal to their task, and with the aid of the foreign nations on whom they can count, they will certainly accomplish it. The future of Palestine, Syria and Armenia is thus assured; but there are other countries, once as fertile, prosperous and populous as they - which have lost not only their wealth but their inhabitants under the ottoman domination. These countries have not the life left in them to reclaim themselves, and must look abroad for reconstruction.<sup>53</sup>

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What this passionate ‘new imperialist’ text does not mention in its sweeping narrative of decline and progress, is that prior to the war, economic revival was a shared narrative and an ongoing experience in inter-imperial relations. The idea of Ottoman countries ‘looking abroad for reconstruction’, was not new to British and French political imagination. In the second half of the 19<sup>th</sup> century, projects of Ottoman development were central to the political economy of European states. In the following pages I will briefly outline the prewar history of European intervention in Ottoman development projects in the ‘first age of colonial development’ (as Norris appropriately titled it). This history is usually told in an attempt to explain how foreign intervention invaded Ottoman sovereignty and weakened the regime. Since I’m not focusing on sovereignty but on a broader sense of jurisdictional interface, my inquiry pays attention to the type of interaction that Ottomans and Europeans maintained in managing ottoman projects. Ottoman development was a strong economic interest of Ottoman and European governments and thus, the issue is not strictly whether European intervention in the race for railway concessions or in the management of debt was detrimental to Ottoman sovereignty but what were the conditions and what was the scope of jurisdictional interaction with respect to Ottoman development processes. Here, I claim, a dynamic regional interaction rather than sovereign politics prevailed. This dynamics is to be seen as the prewar context for the wartime negotiation that culminated in the Sykes-Picot agreement.

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<sup>53</sup> ‘Turkey: A Past and a Future’, p. 536.

## 2. Railways, Ports and Debt Administration: Shaping Routes in Ottoman Space

The Era of Ottoman colonial development included a wide range of European actors all seeking to gain position in modernization projects that were out under Ottoman imperial control. France and Britain most notably, and in the later period Germany, sought to increase their informal colonial presence in the Eastern Mediterranean through a range of measures that included the running of railway concessions, commercial penetration, extraction and exportation of raw materials and modernization of harbors. While towards the end of the 19<sup>th</sup> century Britain increasingly replaced France as the dominant foreign commercial power, in the years leading up to the First World War, Germany threatened to outgrow both especially in the area of railways and communication.<sup>54</sup> European inter-imperial politics concerning the ‘eastern question’ was in many respects the politics of Ottoman development – and Ottoman development was in that sense a common, inter-imperial operation.<sup>55</sup>

It goes without saying, that none of the foreign actors involved in Ottoman development activities was formally engaged in colonial control over territory. During the decades before 1914 financial and industrial investment, rather than territorial expansion, was the precondition

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<sup>54</sup> Ulrich Trumpener, ‘Germany and the End of the Ottoman Empire’ in Mariam Kent ed. *The Great Powers and the End of the Ottoman Empire* (Routledge, 2005), 107-136.

<sup>55</sup> This is not to say that classic strategic and territorial concerns were not relevant in European-Ottoman relations in that period, of course they were. European Powers were, for one, constantly engaged, directly and indirectly in the process of Ottoman territorial flux. In the treaty of Berlin (1878) the Ottomans lost two fifth of the empires' territory and one fifth of its population in the Balkans and eastern Anatolia. They also lost Cyprus to Britain in 1878 and France occupied Tunisia in 1881. Prior to 1875 there were already a number of territorial withdrawals coerced by European powers - the Russian and Habsburg armies forced the ottomans to withdraw from the northern and eastern Black Sea between the treaties of Kucuk-Kaynarca 1774 and Bucharest 1812; France invaded Egypt in 1789 and occupied Algeria in 1830; throughout the 19<sup>th</sup> century secessionist movements disturbed the Balkan provinces. The Serbians initiated a series of revolts encouraged by the Austrians and the Russians in the 1810s. The Greek nationalists launched a revolt in 1821 that after western intervention led to Greek independence in 1830. In Egypt, between 1831 and 1840, the Ottoman appointed governor Ali Pasha crushed the Ottoman forces sent to contain him. Britain intervened in Egypt's 1882 crisis and placed the autonomous Ottoman province under British colonial rule (Eugene Rogan, *The Fall of the Ottomans: The Great War in the Middle East* (Basic Books: 2015), pp 1-3. These were all dramatic moments in European-Ottoman relations; however at the background, a common economic expansion agenda sustained an ongoing inter-imperial environment. Also, even in the period of territorial deterioration of the Empire, the scope of Ottoman territories with which Europeans engaged was immense. It stretched from the borders from the Austro Hungarian Empire in the west to the Russian Empire and Persia in the North and the east and the Arabian Peninsula, Egypt and North Africa in the South. In the imperial mind, this whole stretch was a frontier for development.

for solid political influence.<sup>56</sup> More often than not, these actors were not even employed by the imperial states. Nevertheless, a web of common interests existed between foreign ministries, consuls, shipping companies, engineering firms, financiers and commercialists of all European countries involved in the region.<sup>57</sup> But the role played by foreign consuls and financiers should not be overstated. In the era of Ottoman colonial development the Ottoman state was increasingly asserting itself through the implementation of infrastructural development.<sup>58</sup> Moreover, a range of local actors, both on the economic and the political level, including not only Ottoman ministers and bureaucrats, but local merchant classes as well as local labor perceived new opportunities in such projects.<sup>59</sup>

The extent to which the Ottoman state was attuned to the benefits of colonial development, and that local actors saw themselves as part of the ‘modernization web’, sharing its discourse of progress is illustrated in writing of Syrian intelligentsia. Among the most discussed topics in the Arab speaking pamphlets of the period was the Hejaz Railway, the Damascus-Medina line which was the largest and most ambitious of all Ottoman development projects.<sup>60</sup> Written by local

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<sup>56</sup> Between 1907 and 1909 a number of detailed memoranda and reports were drawn up by British government departments concerned about German threat to British interests in the Persian Gulf and Mesopotamia. Their conclusion, summed up by the Committee of Imperial Defense, was that commercial dominance was the key to political dominance, ‘any direct political action was bound to be counter-productive’ see in Kent ed. *The Great Powers and the End of the Ottoman Empire* (Routledge, 2005), p. 173. For a similar French position see Thobie, *Jacques Intérêts et impérialisme français dans l’Empire ottoman (1895-1914)* (Publications de la Sorbonne, 1977), p. 3.

<sup>57</sup> See Bruce Fulton, ‘France and the End of the Ottoman Empire’ and Marian Kent, ‘Great Britain and the End of the Ottoman Empire, 1900–23’ in Kent, *The Great Powers and the End of the Ottoman Empire* (Routledge, 2005), 137-198.

<sup>58</sup> An interesting example for Ottoman state consolidation by infrastructural projects is the construction of telegraph lines that connected Beirut to Damascus in 1861 and then ran down the coastline as far as Gaza. By the late 1860s these state controlled projects helped regulate bureaucratic governance in regions far from the imperial center (Eugene Rogan, ‘Instant Communication: The Impact of the Telegraph in Ottoman Syria’, in Thomas Philipp and Birgit Schaebler (eds), *The Syrian Land: Processes of Integration and Fragmentation: Bilad ash-Sham from the 18th to the 20th Century* (Stuttgart: Steiner, 1998), 113–28).

<sup>59</sup> For this web of ‘modernizers’ see in Cem Emrence, *Remapping the Ottoman Middle East: Modernity, Imperial Bureaucracy and the Islamic State* (London: I. B. Tauris, 2001); For labor relations in Ottoman development especially in the areas of ports and railway construction, see: Halil Inalcik and Donald Quataert, 803-823; For employment patterns in the Public Debt Administration see Donald Quataert, ‘The Employment Policies of the Ottoman Public Debt Administration 1881-1909’, *Wiener Zeitschrift für die Kunde des Morgenlandes, Festschrift Andreas Tietze zum 70. Geburtstag gewidmet von seinen Freunden und Schülern* 76 (1986), pp. 233-237

<sup>60</sup> On the Hejaz Railway, the only Railway that the Ottoman government decided to run with no outside funding, see in great detail in Murat Ozyuksel, *The Hejaz Railway and the Ottoman Empire: Modernity, Industrialisation and Ottoman Decline* (I.B. Tauris, 2014). For the Ottoman bureaucrats ideology of reform that motivated the railway project see *ibid* 10-11. For the extent of Syrian elite interest in the project see Jacob Landau’s introduction in ‘The Hejaz Railway and the Muslim Pilgrimage: A Case of Ottoman Political Propaganda’ (Routledge 2016[1971]), 7-31.

notables who were keen to display their allegiance to the Ottomans, they reflect the discourse of civilizational progress that the Ottoman government was promoting. In a 1900 treatise on the merits of the railway, Mohammad Arif, a local administrator in Damascus pointed out the benefits of the railway to the Bedouin communities whose territories it was about to penetrate by the more developed and efficient forms of economic production that the railway will bring.<sup>61</sup> He also raves about the possibilities of mineral mining that will occur as a result of the railway's extension into the Hejaz region and to the east of the Dead Sea: 'When the construction of this railway is complete, it will be easy to dig the earth and drill the sands and consequently coals and minerals will be discovered.'<sup>62</sup> Describing the 'unknown treasures' in these 'wastelands'<sup>63</sup> Arif was using the same language of colonial development shared by his contemporary Joseph Chamberlain, the "new imperialists" of the Roundtable Journal and imperial governments from Paris to Istanbul.<sup>64</sup> "In areas such as Ghawr Bayan", he wrote, "it would be appropriate to plant sugar cane, coffee, tea, and the like; our country spends a great share of its wealth to import these things from India, Japan, and elsewhere".<sup>65</sup>

Geographically, although important differences often separated areas of different modernization agendas, different actors involved and different levels of development (for example littoral from its interior highland areas<sup>66</sup>), no easy divisions can be made in this rapidly growing economy.<sup>67</sup> In fact much of the motivation in the larger development projects had to do with overcoming geographical distances and topographical hurdles. Many of these projects were therefore first and foremost focused on creating connections between imperial spaces.<sup>68</sup> While the construction of ports was of particular concern for colonial developers, interior areas of interest were

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This is Landau's introduction to the translation of Muhammad Arif Husayni, Al-sayyid 'The Book of the Increasing and Eternal Happiness – The Hejaz Railway').

<sup>61</sup> Ibid, 35-178.

<sup>62</sup> Ibid, 127

<sup>63</sup> Ibid.

<sup>64</sup> Norris, 34.

<sup>65</sup> Arif Husayni, Al-sa 'adah al-namiyah' p. 58.

<sup>66</sup> Cem Emrence distinguishes the 'frameworks' of 'the coast', 'the interior', and 'the frontier'. *ibid*.

<sup>67</sup> Some divisions in Ottoman historiography (...Owen: Anatolia, Egypt, Greater Syria, Iraqi Provinces), other divisions follow Ottoman administrative... (omitted)

<sup>68</sup> Inalcik and Quataert line up areas of development from shipping, to port development, from transportation to the administration of their inter-imperial finance and claim: 'The overwhelming majority of the invested funds built enterprises that facilitated commercial exchange with the international economy' (Railway investment accounted for two-thirds of foreign capital; ports and public utilities made up another 10 percent), *Ibid*, 774, 798-823.

increasingly being connected to the coastal sphere of development.<sup>69</sup> Furthermore, particularly located infrastructural projects influenced development of infrastructure in other localities. The success of the British constructed Izmir-Iyidin and Izmir-Kasaba lines in the 1860s-1870s encouraged the Ottoman administrators to extend these lines further and to start the construction of new ones towards the Persian Gulf,<sup>70</sup> and the 1894 deep water harbor in Beirut which was largely carried out by French construction companies, became the prototype for the later British development of Haifa.<sup>71</sup> These newer connections themselves followed older ones as infrastructural development in Ottoman territory was influenced by changes in European industrial technology since the 16<sup>th</sup> and 17<sup>th</sup> centuries. Improvements of European textile industry, for example, caused such established ports as Tripoli, Beirut Acre and Jaffa to develop their own agricultural hinterlands – bypassing the long distance trade in Persian silk that traditionally centered around Aleppo and Damascus.<sup>72</sup>

As was already mentioned, rail construction was in the pre-war period a major concern of inter-imperial relations.<sup>73</sup> The story of railways in the Ottoman Empire and the inter-imperial “haggling” over the concession for their construction is sometimes told as the story of the first overt move towards the post-war partition of the Middle East into areas of imperial control.<sup>74</sup> But, railway diplomacy was in fact not about partition as much as it was about connectivity over large geographical spaces. Ottoman railroads were part of an expanding European network of rail construction that radiated steadily “outward”.<sup>75</sup> Of British origin, main routes in Europe often financed by French investors were built in several directions, towards Spain Austria Russia and

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<sup>69</sup> Norris shows that this trend persisted into the mandate era. For example - mandatory planners in Palestine viewed Haifa’s ‘hinterland’ as stretching as far inland as the oil fields of Mosul. This tendency, Norris explains, continued and expanded a process that was already set in motion in the Ottoman years (Norris, *Land of Progress*, p. 28).

<sup>70</sup> See in Murat Özyüksel, *The Hejaz Railway and the Ottoman Empire*, p 14.

<sup>71</sup> Norris, 28-9.

<sup>72</sup> Bruce MacGowan, ‘The Age of the Ayans, 1699– 1812’, in Halil İnalcık and Donald Quataert (eds), *An Economic and Social History of the Ottoman Empire: Volume Two, 1600– 1914* (Cambridge: Cambridge University Press, 1994), 733– 4

<sup>73</sup> See in details in Murat Özyüksel, *The Berlin-Baghdad Railway and the Ottoman Empire: Industrialization, Imperial Germany and the Middle East*, Chapter 1 and 2.

<sup>74</sup> Rashid Khalidi, *British Policy towards Syria and Palestine*, p. 113. Also Rashid Khalidi, ‘The Economic Partition of the Arab Provinces of the Ottoman Empire before the First World War’, *Review* (Fernand Braudel Center) 11:2 *Ottoman Empire, Nineteenth Century Transformations* (spring 1988) 251-264. What Khalidi documents as a process of delimitation of domains (ibid. 259) is more convincingly a process of continuing negotiations over influence and entry – not only over delimitation.

<sup>75</sup> Halil İnalcık and Donald Quataert (eds) *Economic and Social History of the Ottoman Empire Vol 2 1600-1914* (Cambridge 1994), p. 807

Italy. As these networks were established investors turned to other “rail-less” regions. Railways thus spread southeastward into the Balkans and Anatolia. British capital built the first railway in what became Romania, followed quickly by construction on the Izmir- Aydin railway in west Anatolia.<sup>76</sup> The chief of the European lines was the oriental railway which begun in the early 1870s and completed in 1888. The system ultimately encompassed 1300 km of track and connected Istanbul to Edirne and Sophia with a branch from Edirne to Salonica.<sup>77</sup> Finally in the 1890s rail construction reached further east into the Syrian provinces followed by building in the Iraqi and Arabian Peninsula area after 1900.

As historians repeat the story of Ottoman rail construction, they often draw a picture of an “ever extending” network, starting from the European lines and steadily moving to the Balkans, to western Anatolia and then south to the Syrian provinces all the way down to the Arabian peninsula and to the Persian Gulf.<sup>78</sup> This image of a long extended route, a stream of technological, communication and industrial progression starting from Western Europe and moving southeast until it reaches the holy city of medina - can be misleading. Tanzimat reformists and Syrian intelligentsia were indeed impressed with the economic promise of the railways,<sup>79</sup> but the process of Ottoman rail construction posed unusual financial and technological problems for the government in Istanbul. The technology was alien and therefore had to be imported in its entirety, and at least at the beginning so was labor. Most importantly, the financial burden involved was enormous. Rail construction required vast sums to lay track and to purchase engines and cars before operations could be initiated. Thus, foreign capital and workers played a critical role in the process and the image of “connecting routes” and integration was interlinked with less hopeful visions of imperial crisis.

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<sup>76</sup> Ibid.

<sup>77</sup> Ibid, 808.

<sup>78</sup> See Inalcik and Quateert 804-809, also see Murat Ozyüksel, *The Hejaz Railway and the Ottoman Empire* and Murat Özyüksel, *The Berlin-Baghdad Railway and the Ottoman Empire*.

<sup>79</sup> See fn xx and the statement of the council of the Tanzimat from 1854 ‘One of the most important improvements which will do most to develop sources of wealth, is the building of connecting routes in the empire... To achieve this there must be great unifying arteries, that means a network of railroads that go from the agrarian areas to the sea cutting across the most fertile provinces’ Quoted in Inalcik and Quataert, 805

Underlying and enabling inter-imperial projects of colonial development over broad spaces and by such diverse actors was a particular set of inter-imperial legal and administrative structures. These included at the background Ottoman treaty making and the traditional mechanisms of capitulations, and at the foreground, concession agreements and the international administration of sovereign debt. This fragmented legal structure was fluid and dynamic enough to sustain an extensive project of inter-imperial and colonial development. Before moving to the wartime context of the Sykes Picot agreement, it is worthwhile to describe the prewar international law context in which inter-imperial colonial development thrived.

International lawyers in the late 19<sup>th</sup> century in Europe and in Turkey engaged in an extensive debate over the proper place of the Ottoman Empire within the European ‘Family of Nations’.<sup>80</sup> What sustained this debate, according to Aimee Genell, who studied the period’s European and Ottoman instructional books in law, was a history of extensive treaty making between Europe and the Ottoman Empire and especially the 1856 Treaty of Paris that concluded the Crimean War, sanctioning Turkey’s admission into the international community and guaranteeing Ottoman territorial integrity.<sup>81</sup> For Ottoman lawyers and diplomats, the Paris Treaty was at the basis of foreign policy from the late 1860s to the beginning of the First World War. European lawyers on the other hand tended, from the latter part of the 19<sup>th</sup> century, to dismiss the long history of European-Ottoman treaty relations and to claim that the Ottoman empire’s equal stand in the European state system is undermined by its ‘diminished sovereignty’ – evident by the existence of Capitulations, consular jurisdiction and autonomous provinces.<sup>82</sup> In this debate, both European and Ottoman lawyers understood Capitulations as western imposed limitations to full Ottoman Sovereignty. “On general principle”, claimed William E. Hall, a British lawyer in a 1909 treatise, with the treaty of Paris bringing Turkey within the pale of international law, “the Capitulations should have been abrogated... They have nevertheless been maintained... as her

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<sup>80</sup> Aimee Genell, *Autonomous Provinces and the Problem of ‘Semi-Sovereignty’ in European International Law*, *Journal of Balkan and Near Eastern Studies* 16:6 (2016) 533-549.

<sup>81</sup> The treaty also included a statement of non-intervention into Ottoman affairs – on the condition that the empire adheres to the Reform Edict of February 1856 which guaranteed equal treatment to its Christian subjects. The two key articles in the Treaty of Paris were Article 7 and Article 9. For the text of the treaty see T. E. Hall (ed.), *The European Concert in the Eastern Question: A Collection of Treaties and Other Public Acts* (Clarendon Press, 1885), pp. 241–259. Any violation of article 7 was to be submitted to the Concert of Europe.

<sup>82</sup> Genell, 536.

institutions were not in reasonable harmony with those of European countries.<sup>83</sup> In contesting such claims Ottoman diplomats, lawyers and intellectuals also drew upon civilizational discourse – appropriating European standards to prove legal equality. The problem of obtaining full political recognition was not that the Ottoman Empire lacked civilization. Rather, the problem was the legal mechanisms imposed upon the Ottoman Empire by European powers, specifically the Capitulations and autonomous administrative schemes.<sup>84</sup>

But as recent scholarship shows, both Capitulations and autonomous administrative zones<sup>85</sup> – were much more complicated mechanisms than they were portrayed in the late 19<sup>th</sup> century legal debates about the status of Ottoman sovereignty. In fact, just like other types of Ottoman-inter-imperial treaties, capitulations were part of a longer negotiated relationship between Ottoman and neighboring empires reaching back to the 16<sup>th</sup> century when Western governments and Russia established regular diplomatic relations in the Ottoman court.<sup>86</sup> Such grants of protective privileges, were not only a matter of customary practice but were embodied in legal agreements

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<sup>83</sup> William Edward Hall, *A Treatise on International Law*, Clarendon Press, Oxford, 1909, p. 52.

<sup>84</sup> For this type of claim Genell (p 536) quotes Ahmed Salâhaddin, a professor of the Law Faculty at the *Darülfünun*, who wrote and translated several important works on international law during the late 19th and early 20<sup>th</sup> (Ahmed Salâhaddin, *Hukuk-u beyneddüvelin mukaddimât-ı nazariyeye safahat-ı tekamüliyesi* [The Theoretical Elements and Development of International Law] (Kanaat Matbaası, Istanbul, [1915]), p. 6)). Also see a 1916 note from Ottoman ambassador in Berlin İbrahim Hakkı Paşa to the German foreign minister declaring the termination of the internationally guaranteed autonomous regime in Mt. Lebanon. The Ottoman Empire he explained ‘entered the group of European powers with all the rights and prerogatives of a completely independent Government’. European-imposed autonomous provinces invited intervention into Ottoman internal affairs and damaged the empire’s international standing. The province’s autonomy was ‘incompatible with territorial sovereignty’. Quoted in Genell, p. 533.

<sup>85</sup> Here I will further focus on capitulations which are more immediately relevant to the legal framework of Ottoman colonial development. As for the autonomous territories (provinces whose administrative status was imposed by Great Powers in the aftermath of rebellion and intervention, and were located in areas of strategic importance or arenas of intense inter-imperial competition; for example, Samos (1833), the Danubian Principalities (1834), Serbia (Principality of Serbia) (1829–78), Egypt (1841), Mt. Lebanon (1861), Eastern Rumelia and the Principality of Bulgaria (1878), Crete (1898), among others). Aimee Genell shows how early 19th century textbooks do not relate to such arrangements as anomalies or damages to territorial sovereignty but as integral parts of imperial domains whose status are firmly anchored in European treaty law (ibid. 533). They were in fact, described as a model for imperial flexibility and a particular feature of Ottoman rule: ‘In large bodies’, such books often quoted Edmund Burke (speaking of conciliation with American colonies), ‘the circulation of power must be less vigorous at the extremities’ (quoted in Genell, ibid, 537). Only later, towards the end of the 19th century, and particularly after the Treaty of Berlin and the extensive loss of Ottoman territory (in the Balkans in 1878 and the British occupation of Egypt in 1882), legal interpretations of semi-sovereignty in the Ottoman Empire began to shift from descriptions of a form of imperial administration towards a sign of state incapacity (Ibid, 539-40).

<sup>86</sup> See in Arnulf Becker Lorca, ‘Universal International Law: Nineteenth-Century Histories of Imposition and Appropriation’, *Harvard International Law Journal* 51:2 (2010), 475, 506. The history of capitulations reaches back even before the Ottoman Empire when local authorities within the Byzantine empire granted certain privileges to foreign merchants, including jurisdictional exemptions (Alexander H. de Groot, *The Historical Development of the Capitulatory Regime in the Ottoman Middle East from the Fifteenth to the Nineteenth Centuries*, 83 (2003) *Oriente Moderno* 575).

concluded between sovereigns whose merchants participated in a commercial network connecting the Mediterranean basin.<sup>87</sup> By the beginning of the 19<sup>th</sup> century the jurisdictional regimes that the capitulations established were in common usage and well entrenched in the law of nations.<sup>88</sup> But, as Arnulf Becker Lorca claims, such customary and entrenched jurisdictional arrangements became an exception as the international order progressively moved in the 19<sup>th</sup> century toward the principle of territorial sovereignty.<sup>89</sup>

Capitulations took the shape of peace treaties (*ahdnames*) routinely entered into with Christian states.<sup>90</sup> An Ahdname is given unilaterally but recognizes, under oath, a privilege which binds the giver before God.<sup>91</sup> In the peak of Ottoman power, these pacts included unilateral and non-reciprocal concessions that the sultan granted to the foreign state, reserving for himself the right to abrogate the covenant at will if conditions were breached.<sup>92</sup> When the power of the Ottoman Empire declined, they were also signed as bilateral agreements or peace settlements, conferring reciprocal rights to both signatories. Since Turkey could only abrogate capitulations if they were conceptualized as unilateral concessions, 19<sup>th</sup> century and early 20<sup>th</sup> century scholars debated the unilateral or bilateral character of Ahdnames.<sup>93</sup> But the Ahdname document itself was a type of decree, or edict, issued by the Sultan – and containing the trade privileges granted to individual foreign merchants first, and to the states.<sup>94</sup>

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<sup>87</sup> Roberto Ago argued that at the beginning of the ninth century an international community of “coexisting sovereigns” developed in the Euro-Mediterranean area and that in the next centuries treaties governed relations between sovereigns belonging to the Roman Christian, Byzantine and Islamic Laws (Roberto Ago, ‘Pluralism and the Origins of the International Community’ 3 (1977) *Italian Yearbook of International Law*)

<sup>88</sup> Becker Lorca refers to British, French and German text books from the late 19<sup>th</sup> century to show that capitulations were not regarded as exceptional or necessarily in conflict with the law of nations, ‘Instead’, he says, ‘they were a matter of international law’s global expansion’ (Ibid, 507).

<sup>89</sup> Ibid.

<sup>90</sup> ‘Ahd-name’ was one of the official terms used by Ottomans for ‘treaty’ (J.M. Landau, Mu’ahada, in *Encyclopedia of Islam* (Bearman Heinrich et al. eds. 2<sup>nd</sup> ed. 2008). According to Feroz Ahmad, Ottomans also used the term ‘imtiyazat’, which means ‘privilege’ or concession for foreigners’ (Feroz Ahmad, ‘Ottoman Perceptions of the Capitulations 1800-1914’, 11(2000) *Journal of Islamic Studies*, p 1.

<sup>91</sup> Inalick and Quartaert, *ibid.* vol.1, p 189.

<sup>92</sup> Becker Lorca, *Universal International Law*, *ibid.*, 508.

<sup>93</sup> Viorel Panaite, ‘The ottoman Law of War and Peace: The Ottoman Empire and Tribute Payers’ (Columbia University Press, 2009) 239-42.

<sup>94</sup> These were, in Panaite’s terminology ‘imperial charters’ (Viorel Panaite, *Overview of the Empire in Time of Change* H-Net book review, March 2003 (Quoted in Becker Lorca, at fn 99).

In European languages, both bilateral peace agreements and unilateral concessions came to be known as capitulations.<sup>95</sup> The term was first used to describe a treaty concluded with France in 1535 – and then confirmed, extended and systematized into a complete list of privileges by a treaty signed in 1740. It then evolved through usage and interpretation to subsequent treaties with other western powers by most favored nation treatment clauses to include England (1579), Holland (1579), Austria (1615), Russia (1711), Sweden (1737), Denmark (1858).<sup>96</sup> This general corpus of rules governed the relationship between the Ottoman Empire and Western Powers and Russia, and determined the legal status of foreigners within the Ottoman Empire. As the original practice of protecting foreign nationals expanded, some treaties also claimed protection for non-muslim subjects of the Empire. Moreover, when ambassadors attributed a number of individualized certifications (that is – jurisdictional exemptions and tax and commercial privileges to individuals on their delegations – such as dragomans, commercial agents or employees), they often sold them to affluent Ottoman subjects such as Armenians, Jews, Greeks – greatly extending the protective role of ambassadors over Ottoman subjects.<sup>97</sup>

Note that capitulations offered only a general framework requiring negotiations between Ottoman authorities and western representatives each time a controversy came up. No single legal text defined the scope or nature of the privileges conferred. These depended on particular diplomatic or consular conditions, invoking customs and precedents.<sup>98</sup> Scholars however distinguished between personal, economic and juridical privileges.<sup>99</sup> The personal privileges granted foreigners permission to visit and reside in Ottoman territories. They included freedom of movement, worship, commerce and the exercise of professions, the privilege to hold private

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<sup>95</sup> Originally referring not to the idea of “surrender” but to the agreements’ division in ‘chapters’ (Feroz Ahmad, *ibid*).

<sup>96</sup> Philip Brown, *Foreigners in Turkey; Their Juridical Status* (Princeton University Press, 1914) 40-43.

<sup>97</sup> Salahi R. Sonyel, ‘The Protégés System in the Ottoman Empire’, *Journal of Islamic Studies* 2(1991) , 56, 58-9. Sonyel claims that by 1860 in Istanbul alone, around 50,000 Ottoman subjects enjoyed foreign national status. *Ibid*, 58, 64. According to later capitulations a consul gained full diplomatic immunities as the deputy of the Ambassador. He was to supervise the affairs of the merchant community in the area under jurisdiction. He was supposed to register imported goods and collect fees. No ship of his nation could leave port without his permit. He resolved disputes and settled suits between members of his nation according to his home country’s laws and customs. Criminal cases and suits between foreigners and Muslims had to be heard in local courts but many articles in capitulations were added to ensure just treatment for foreigners in such courts and it could not sit without the presence of a Dragoman interpreter. See in Inalick and Quatret, *ibid*. vol I pp 190-91.

<sup>98</sup> Maurits H. Van Den Boogert, *The Capitulations and the Ottoman Legal System: Qadis, Consuls, and Beraths in the 18th Century* (Brill, 2005).

<sup>99</sup> Nasim Susa, *The Capitulatory Regime of Turkey, Its Historical Origin and Nature* (John Hopkins University Press, 1933) 70-88

religious services, to send and receive letters unopened by the Turkish authorities and to have an inviolable domicile.<sup>100</sup> Economic privileges included exemptions from taxation, from internal taxes on foreign goods and on goods in transit, and from the regulation of import and export duties.<sup>101</sup> Juridical privileges were complex and subject to changes through time. Consuls had absolute jurisdiction to resolve civil (and some criminal) cases involving foreigners of the same nationality, and mixed tribunals were established for cases involving foreigners of different nationalities.<sup>102</sup> But capitulations were also international treaties regulating interstate matters, from ordinary diplomatic relations to implementation of political settlements. They were used to redraw boundary lines and guarantee the right of river navigation. Capitulations operated as peace agreements, declaring the end of hostilities, establishing demilitarized zones and war compensations, and securing integration of local markets into the international economy.<sup>103</sup>

This loose and broad legal framework was a fertile ground on which colonial development networks could be sustained. Although, officially no longer in the form of ‘*ahdnames*’, concessions agreements sought by foreign governments and companies from the mid-1850s for the purpose of constructing projects of infrastructure, the extraction of minerals, and more, and granted by ottoman government, had a familiar capitulatory function, and often raised similar legal questions. Concession agreements are international economic development contracts which include ‘a grant by the state to a concessionaire of the privilege to enter into the system of economic relations defined by the instrument’.<sup>104</sup> In the history of colonization, concession agreements were used as legal instruments for the colonization of overseas territories by European states – European trading companies used them to receive trade and jurisdictional

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<sup>100</sup> Ibid, 106, pp 70-72.

<sup>101</sup> Ibid, 72- 75

<sup>102</sup> Van den Boogert, *ibid*, 159-79, 207-24.

<sup>103</sup> Esin Orfici, ‘The Impact of European Law on the Ottoman Empire and Turkey’, in *European Expansion and Law: The Encounter of European and Indigenous Law in 19<sup>th</sup> and 20<sup>th</sup> Century Africa and Asia*, Wolfgang Momon and Jaap de Moors, eds. (1991) p 39.

<sup>104</sup> Kenneth S. Carlston, Concession Agreements and Nationalization, *The American Journal of International Law*, Vol. 52, No. 2 (Apr., 1958), pp. 260-279., 260. For a more contemporary definition see in the Draft Multilateral Agreement on Investment (MAI) negotiated under the auspices of the OECD (April 1998): ‘a concession is any delegation, direct or indirect, which entails a transferring of operation of activities, carried out by a government authority, national or subnational, or any public or para-public authority, to a distinct and independent legal entity. The delegation shall be realised either by any laws, regulations, administrative rulings or established policies, or by any private or public contract. The aim of the delegation is to entrust a distinct and independent legal body with the operation of public services, including the operation of networks or infrastructures, or the exploitation of natural resources and if needed with the construction of all or part of networks or infrastructures (OECD Doc DAF/MAI(98)7/REV1 <http://www1.oecd.org/daf/mai/pdf/ng/ng987r1e.pdf>, Art 41).

privileges.<sup>105</sup> With new technologies developing rapidly in the 19<sup>th</sup> century concession agreements spread internationally together with telegraph, telephone and railway lines, waterways, ports and natural resources industrial extraction.<sup>106</sup> In the development context, concessions were means to develop by foreign investment, mineral resources, and public utilities and often involved complicated systems of rights and duties between on the one side, a state seeking to develop a particular area and the concessionaire on the other.<sup>107</sup>

International law debates about the nature of *capitulations* in late 19<sup>th</sup> century Ottoman context interestingly resonate in debates about *concession agreements* in the 20<sup>th</sup> century, Are such agreements better interpreted as discretionary grants (as Ottoman lawyers argued regarding capitulations and developing countries claimed in the 20th) or are they bilateral arrangements controlled by both sides? Do they constitute relationship in public or private law? (discussion omitted)

The move from capitulations to infrastructural concession agreements coincided with another form of investment by European powers in Ottoman development, that of capital. With industrialization Europe began to export profits, and towards mid-19<sup>th</sup> century as the floating of loans turned to be a profitable enterprise, it became the ‘banker of the world’.<sup>108</sup> By 1914, Britain, France and Germany together counted for one third of all foreign owned capital.<sup>109</sup> Geographically, the trend resembled the spread of railway construction from England to France eastward and the first Ottoman foreign loan was contracted in 1854 (while there was still little *direct* European investment in Ottoman development until 1880s). As debt and infrastructure

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<sup>105</sup> British East India Company and other chartered companies received considerable trading, sometimes even jurisdictional privileges by way of concessions. Christoph Ohler, ‘Concessions’, in *Max Planck Encyclopedia of Public International Law*, 2013 <http://opil.ouplaw.com/view/10.1093/law:epil/9780199231690/law-9780199231690-e1512>;

<sup>106</sup> Ibid. Today the technical term ‘concession agreement’ is used rather rarely in international practice. Insofar as an agreement refers materially to a concession, a multitude of titles are possible in practice. These contracts are called ‘termed agreement on foreign capital investment’, ‘economic development agreement’, ‘establishment convention’, ‘exploration and production sharing agreement’, ‘joint venture agreement’, ‘licence agreement’, ‘master agreement’, ‘mining convention’, Dickstein, M.E ‘Revitalizing the International Law Governing Concession Agreements’ 54(1988) *International Tax and Business Law Journal*. Nicholas Miranda, ‘Concession Agreements - From Private Contract to Public Policy’ (2007) 117 *Yale Law Journal* 510

<sup>107</sup> Also see: K. S. Carlston, ‘International Role of Concession Agreements’, *Northwestern University Law Review* 52 (1957) 618

<sup>108</sup> Incalick and Quataret, *ibid* 773

<sup>109</sup> *Ibid*.

simultaneously escalated in the 60s, loan followed loan.<sup>110</sup> The majority of invested funds were intended for enterprises that facilitated commercial exchange with the international order (such as railways, shipping, ports, and communications).<sup>111</sup> The funds, however, were lent at increasingly unfavorable terms with average effective interest rate of 10-12% and in the 1873 depression capital imports seized. The Istanbul government declared a debt payment moratorium which led in 1881 to the Public Debt Administration (PDA).

The PDA was a bondholder's fund management agency set up pursuant to negotiations by an Ottoman decree, with the primary aim to safeguard the position of foreign shareholders in the Ottoman public debt and the secondary aim – of opening up the Turkish economy to further European economic development.<sup>112</sup> The outstanding debt of the Empire was reduced from £215,500,000 to £128,600,000, bringing it down to a more manageable size.<sup>113</sup> In return, the government agreed to surrender totally and irrevocably all revenues from stamp, spirits, and fishing taxes, the silk tithe, and salt and tobacco monopolies.<sup>114</sup> Overall, the arrangement meant that about one fifth of the state's revenues would be irretrievably ceded to the administration until the complete settlement of the outstanding debt.<sup>115</sup>

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<sup>110</sup> The first loans which were sought to finance the Crimean war in 1854 and 1855 loans of £3,000,000 and £5,000,000 organized by Dent, Palmers & Co. and Rothschilds of London, respectively, constituted the starting point of a long series of loans contracted on the European markets. Edhem Eldem, 'Ottoman Financial Integration with Europe: Foreign Loans, the Ottoman Bank and the Ottoman Public Debt' 13:3 (2005) pp. 431-445, 434.

<sup>111</sup> Inalick and Quataret, *ibid* 774 The first loans were financed by much better rates dictated by the political context of the time, with an avowed desire of Britain and France to finance their ally. The 1854 loan had been issued at the rate of 80%, and an interest rate of 6%; the 1855 loan had been contracted at an even higher issue rate, above par at 102.6%, and at only 4% interest (Eldem, *ibid*, 434.)

<sup>112</sup> See generally in Donald C. Blaisdell, *European Financial Control in the Ottoman Empire: A Study of the Establishment, Activities, and Significance of the Administration of the Ottoman Public Debt* (Columbia University Press, 1929). Roger Owen, *The Middle East in the World Economy, 1800-1914* (Methuen, 1981) 189-215. The negotiations started in October 1880, and led to the signing of the Muharrem Decree, on 20 December 1881; Eldem, 441.

<sup>113</sup> *Ibid*, 442. In similar fashion, the yearly charges on the debt were also reduced significantly, from approximately £13,600,000 to £2,700,000.

<sup>114</sup> In November 1879, prior to the PDA negotiations an agreement was reached, between the government and its local creditors, whereby the state would surrender its indirect revenues from these monopolies to an administration of local creditors managed by representatives of the Ottoman Bank. The arrangement was deemed a success, as the proceeds proved sufficient to meet the charges of the internal debt. 'This success', Edhem Eldem claims 'ended up creating a feeling of frustration among foreign bondholders, who felt left out of a successful deal. Pressuring their governments, they obtained the opening of negotiations for the settlement of the larger question of the foreign debt.' With the PDA, the internal solution was aborted. *Ibid* 441-2.

<sup>115</sup> *Ibid* 442

The Muharrem Decree that set up the PDA in Ottoman law was, in some ways itself a capitulation and a concession. It granted sovereign rights over revenues, not to another power, but to private foreign creditors. Article 21 of the decree included a diplomatic dimension (demanding the communication of the decree to the great Powers), but it remained, in essence a private arrangement. The PDA consisted of a seven men consul composed of the representatives of the main groups of bondholders (British, Dutch, French, German, Austro-Hungarian, Italian, and local Ottoman) plus a member nominated by the Ottoman bank assisted by a large staff of permanent administrators and officials.<sup>116</sup> Most members of the council were appointed with the active though usually covert support of their respective national governments. The Ottoman government itself was given watching brief through the right to send a commissioner to attend meetings but with no vote.<sup>117</sup>

Within a few years the PDA gained a wide variety of other duties including the farming of more revenues, direct collection of certain duties on behalf of the ottoman Ministry of finance and assisting the Ottoman government in obtaining a whole series of new foreign loans.<sup>118</sup> The PDA encouraged the promotion of a variety of schemes for railway construction, mineral extraction and the provision of public works.<sup>119</sup> Working closely with the three major foreign controlled banks - the Imperial Ottoman (under French control), the German owned Deutsche Bank and the (largely British) national Bank of Turkey, with diplomatic support offered by the most important European embassies in Istanbul and in numerous other locations, the PDA was successful in producing steady increase in the value of shares in the public debt.<sup>120</sup> But while it was instrumental in underwriting government credit and ensuring much more favorable terms for new loans, it presented, from an Ottoman point of view, a challenge to administrative and financial independence. It was after all operating as a foreign managed independent agency within the state.<sup>121</sup> In 1886 it employed 3040 staff which increased by 1912 to 5500 full time officials (more full time workers than the Ottoman finance ministry itself).<sup>122</sup> Each of its three main auxiliaries - the European controlled banks - acted in support of the interests of its own nation's

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<sup>116</sup> Roger Owen, *The Middle East in the World Economy*, 192

<sup>117</sup> *Ibid.*

<sup>118</sup> *Ibid.*

<sup>119</sup> *Ibid* 193.

<sup>120</sup> As quoted in *major financial markets Ibid* 192-194

<sup>121</sup> "A state within a state" in the words of Erdam, *ibid.* 442.

<sup>122</sup> Owen, *Ibid.* 194

companies, all anxious to sell goods or manage the construction of railways and other large projects. But in spite of their rivalry they reached considerable degree of cooperation with each other and with the PDA Council expanding European penetration into Ottoman profits. As an insider to the PDA Council recalled: “Both parties [the Imperial Ottoman and the Deutsche Bank] made advances at high rates of interest and when desired to force the government to accept the terms of a loan operation by either party, the door of both German and French establishments were closed to further temporary accommodation. The Ottoman government is therefore obliged in its present penurious condition to accept the usurious terms which are offered’<sup>123</sup>

The complex history of Ottoman capitulations, concessions and debt management was brought here in some detail not in order to express, as many studies do, the damaged sovereignty of the Ottoman State. As we saw, the system of capitulations signposted foreign imposition only when sovereignty was increasingly understood under a territorial principle while at the same time Ottoman territorial holdings declined. Instead, the aim was to begin to reconstruct, a particular legal and jurisdictional experience that structured the daily life and trajectories of Ottoman inter-imperial colonial development in the pre-war era. The intricate web of foreign actors involved in the development projects operated in a legal environment of extraterritorial, constantly negotiated regional possibilities. In this environment long term practices, debates and entrenchments created shared expectations about their legal force.

As we will see in the next chapter, the war did not completely shutter such expectations. Indeed, this was the pre-war context of the Sykes-Picot agreement - the British and the French practiced Ottoman colonial development as insiders. They had a growing stake in it. They experienced it as a global enterprise of development in which their interests continually interwove with other European powers’ and with Ottoman interests. The geography of that enterprise was wide and its organizing principle was connectivity - the question was how to connect inland resources with

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<sup>123</sup> Sir Adam Block, quoted in Owen 19. Block was himself a characteristic agent of foreign (British) penetration. He was a chief Dragoman of the Constantinople embassy until 1903 when he left consular life but kept up contact with the embassy and with the Foreign Office. As Delegate of the British bondholders on the Council of the PDA as well as alternate President of the Council and President of the British Chamber of Commerce in Constantinople he was well informed on the position and needs of British commercial interests in the Ottoman Empire. His position on the Debt Council as an Ottoman public servant did not appear to inhibit him from giving information and advice to the Foreign Office (see Marian Kent, ‘Great Britain and the End of the Ottoman Empire, 168-169) This type of blending of commercial interests with national interests and the PDA work, was highly characteristic (See in Kent, *ibid* 165-198 and Bruce Fulton, *France and the End of the Ottoman Empire*’ in Kent, *Ibid*, 137-164).

export outlets, how to finance such connections and how to manage hurdles and blocks along the way. This experience was the context for the war time negotiations over the future of the region

### **III. The War-time History of the Sykes-Picot Agreement**

#### **1. Britain's First War-time Attempts to Envisage its Post-war Regional Desiderata**

The pre-war history of European interventions in imperial development of the Ottoman territories is the background to the more immediate diplomatic context of the war-time agreement. This story, in turn, begins one year before the Sykes-Picot agreement was signed, with a Russian diplomatic war-time initiative. On March 2<sup>nd</sup> 1915, the Russians approached their British and French allies and initiated the first set of inter-imperial arrangements regarding the fate of Ottoman territories after the war.<sup>124</sup> Claiming possession of - Constantinople, the European coast from the Black Sea to the Dardanelles, the Asiatic shores of the Bosphorus, the islands in the Sea of Marmara, Umbria and Teuedos - the Russians proposed a grand scheme of post-war order in which each of the powers acknowledge the interests of the others in the (not-yet-previous) Ottoman territories.

The British government agreed in principle conditioned on the achievement of French and British interests in the Ottoman territories and beyond<sup>125</sup> and asked for commercial freedom for merchant vessels passing through the Straits and for the creation of a free port in Constantinople for goods in transit to and from territories other than Russian.<sup>126</sup> It stated, however, that the exact consideration of British desiderata 'in what is now Asiatic Turkey' is yet to be done and that French and Russian governments will be consulted. Notwithstanding, it stressed the hope that Russia will 'spare no pains' to relieve the apprehension of other powers who are likely to participate in the offensive or those states who will be affected by the new Russian possessions

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<sup>124</sup> *The Constantinople Agreement* is composed of a set of letters exchanged between the triple Entente between March 2<sup>nd</sup> and 20<sup>th</sup>; Available in Patricia Toye (ed.) *Palestine Boundaries: 1833-1947* Vol 2 Palestine and Syria I (Archive International Group, 1989) 3-16.

<sup>125</sup> Britain also requested to amend the 1907 agreement between Russia and Great Britain regarding the Persian frontier to enlarge its zone of influence and Russia agreed with the condition that it will be allowed to enlarge its own sphere between Russia and Afghanistan. British Memorandum from March 12, *Palestine Boundaries*, Ibid. p 13-14, at 14.

<sup>126</sup> Ibid. 13-14.

such as Greece, the independent Balkan States and particularly, Romania and Bulgaria. Finally it requested that when Russia acquires Constantinople, it will be made known that ‘throughout the negotiations His Majesty’s Government have stipulated that the Mussulman Holy Places and Arabia shall under all circumstances remain under independent Mussulman dominion’.<sup>127</sup> The French government also agreed to the terms requested by Russia but was much clearer on its own territorial claims asking Russia to consent to the French annexation of Syria, the Gulf of Alexandretta and Cilicia up to the Taurus range.<sup>128</sup> The Russian government was quick to accept all requests and the Constantinople Agreement, although never carried out, was completed by the end of March 1916.<sup>129</sup>

This first war-time inter-imperial exercise of strategic post-war imagination is important to our story in two respects. First, it expresses once more the wide geo-political scale of imperial self-understanding, especially in its British mitigation. While the Russians and the French use the opportunity to secure Entente consent for direct possessions in large stretches of Ottoman territory (that they have for years attempted to control by a range of indirect interventions in Ottoman imperial politics and economy), the British use it to initiate a much broader process of regional integration. While unclear about their own territorial interests, the British response to the Russian request brings this inter-imperial exercise to an even broader and interconnected open territory: imagining free trade throughout the different zones and between South East Europe and Asia Minor, a free port in Constantinople, appeasement of the Balkan states, Muslim independence in Arabia and an extended penetration in the Persian eastern frontiers.<sup>130</sup>

But even more important to our story is the way the Russian proposal stimulated the British government to initiate its own internal exercise in geo-political imagination in the *de Bunsen Report* and to urgently attempt to operationalize it in the negotiations with the Arabs and the French.

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<sup>127</sup> Ibid, 14. Britain also requested to amend the 1907 agreement between Russia and Great Britain regarding the Persian frontier to enlarge its zone of influence and Russia agreed with the condition that it will be allowed to enlarge its own sphere between Russia and Afghanistan.(...)

<sup>128</sup> French Ambassador in Petrograd to Russian Foreign Minister, March 14, Ibid p. 15. A further question regarding the French intention to include Palestine in annexed Syria, was raised...

<sup>129</sup> See, fn 53.

<sup>130</sup> The Russian initiated Constantinople Agreement was complimented by another secret treaty signed with Italy on April 26, 1915, by which Italy entered the war on the Allied side in return for promises of an ‘equitable share’ in the Ottoman Empire. See the text of the Anglo-French-Russian-Italian agreement in *Palestine Boundaries*, ibid, p19-20.

The de Bunsen Committee (in its official title: *Committee of Imperial Defense: Asiatic Turkey*<sup>131</sup>), was appointed by prime minister Asquith in April 1915 to ‘consider the nature of British desiderata in Turkey in Asia in the event of a successful conclusion of the war’ ...<sup>132</sup> Its report, issued on June 30<sup>th</sup> 1915, directly frames its mission around the events of the Constantinople Agreement: ‘The next step’ the Report explains, after laying out the terms of that agreement, ‘was therefore for His Majesty’s Government to formulate their definite desiderata in Asiatic Turkey’.<sup>133</sup> The Report, therefore, goes on to consider and lay out British desiderata in the region - the background assumption for these as stated in the Preliminary Considerations section, is an already existing and quite expansive European involvement in the pre-war period and the ‘gradual growth and development of British interests in the Persian Gulf and Asiatic turkey’.<sup>134</sup>

The list of desiderata which follow directly expresses both the grandeur of the geo-political scale of British interests in the region and its particular focus on strategy and development. The British seek: Final recognition and consolidation of British position in the Persian gulf (i); Prevention of discrimination of all kinds against trade throughout the territories belonging to Turkey, and the maintenance of the existing important markets for British commerce there (or compensatory advantages for their loss) (ii); Fulfillment of pledges to Arab chiefs and to Sherif Hussein (iii); Security for the development of British enterprise, ‘such as oil production, river navigation and construction of irrigation works’ (iv); Development of the corn supply which an irrigation Mesopotamia is expected to provide, and a possible field for Indian colonization (v); Maintenance of strategic position in the eastern Mediterranean and in the Persian Gulf, and security of communications (vi); Moslem rule for Moslem holy places, explicitly expected ‘to appeal (or at least not to antagonize) Indian Muslim feelings’, and to ‘provide a satisfactory

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<sup>131</sup> Commonly titled after its Chair, Sir Maurice de Bunsen.

<sup>132</sup> De Bunsen Committee Report, June 1915 (CAB 42/3), Ibid p. 23-78; Terms of Reference from April 8 1915, Ibid. p. 26. While all members appointed on the Committee were officials affiliated with a particular office of the British government, Foreign Office, India office, Admiralty, War Office and Board of Trade, Sir Mark Sykes was the only M.P. member. He was included as Lord Kitchener’s representative in the Committee and regularly reported to him, (Kedourie, In the Anglo-Arab Labyrinth, p 58).

<sup>133</sup> De Bunsen Report, par. 6, Ibid, p 28. An interesting point regarding the purpose of this exercise is in the Report’s stress on imperial limitation: ‘Our empire is wide enough already and our task is to consolidate the possessions we already have, to make firm, lasting the position we already hold, and to pass on to those who come after an inheritance that stands four square to the world... It is then to straighten rugged edges that we have to take advantage of the present opportunity and to assert our claim for a share in settling the destiny of Asiatic Turkey’. De Bunsen Report, par 10-11.

<sup>134</sup> De Bunsen Report, Par. 12, Ibid. p 29.

solution to the question of the Khalifate' (vii); A satisfactory solution of the Armenian problem (viii); A settlement of the question of Palestine and the holy places of Christendom (ix).<sup>135</sup> From the British possessions in the Persian Gulf to the markets of Constantinople, Beirut and Damascus, from Arab territories to Arminian territories, from Mesopotamian irrigation to Persian Oil, from the coast of the Eastern Mediterranean to Jerusalem, the Hedjaz and all the way to India – British desiderata is stretching the region's borders and calling for careful management.<sup>136</sup>

From here the report moves to formulate four possible post-war solutions, each appears as a grand and detailed scheme of regional management: A. *Partition of the Ottoman Empire* among the European Powers with Turkish sovereignty limited to Anatolia; B. *European zones of political and commercial interests* with a nominally independent Ottoman Empire; C. *An independent Ottoman Empire* 'with the same rights, liabilities and responsibilities as before the war'; and D. *Decentralized federalized territory*.<sup>137</sup> Each grand solution is accompanied with a map and the multinational or binational agreement relevant to its operation,<sup>138</sup> each is considered in relation to the enumerated desiderata and the benefits and disadvantages it raises.

A survey of these considerations reflects the same sense of an expanded and expanding regional management program with a mix of military, political and commercial considerations. While considering different forms of 'partition', the analysis favors open spaces and a flow of goods and communication;<sup>139</sup> it is quick to connect localities across distances,<sup>140</sup> and lay out broad

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<sup>135</sup> De Bunsen Report , Ibid, p. 29. The last three on the list are set aside for later negotiations with 'other Powers' para. 13.

<sup>136</sup> The Report goes on to explain the extent of British share in the 'disintegrating Turkish Empire' as a consequence of pre-war inter-imperial politics and their reassessment, now that Germany is out of the picture : '...we have hitherto sought to combine our Persian Gulf interests with the maintenance of Turkey; In this spirit we negotiated just before the war, a series of agreements with Turkey and Germany, designed to save a part of what is now included among our desiderata from the advancing wave of German competition, but intended also to strengthen the economic life and prosperity of Turkey'. De Bunsen Report, para 14, ibid.

<sup>137</sup> De Bunsen Report, para 15, ibid, p. 30.

<sup>138</sup> De Bunsen Report, para 54 – 56, Schedules I-IV & Maps I-V, Ibid pp. 54-78.

<sup>139</sup> The aim is that 'the whole of Asiatic Turkey will remain open under the tariff of 15 percent ad valorem...for throughout the country British or British-Indian trade is predominant, and with increased facilities of communication and better organized administration, would naturally tend to expand and annexation is considered the aim is to extend the British sphere of trade so that as much free trade prevails' (par. 22-24). Generally - when partition is considered and assumed, the impulse is to connect the different part of the region by lines of communications (para. 17-45). The liabilities of partition are considered as grave and threatening and a poor but inevitable alternative to the risk of seeing a European Power in the Gulf (para 45).

commercial and industrial interests that justify such connections,<sup>141</sup> special consideration is accorded to the dangers and possibilities of control over communication in the region – especially if partition is envisioned. It is critically important, according to the Report, to maintain communication routes for the transfer of goods and people across the different parts of the region, whether they are controlled by the British or by other Powers<sup>142</sup> - and the particular routes are laid out on the maps.<sup>143</sup> When lines are attempted, they are very general and parse - they do not express jurisdictional divisions but limitation of interests, interconnectivity and inter-imperial diplomacy.<sup>144</sup> Even buffer zones when they are promoted are considered as ways to mitigate inter-imperial threats, rather than to close up territorial possessions.<sup>145</sup> Development, industrialization and communication are constantly repeated as factors in the assessment of the

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<sup>140</sup> When stretching down south it considers the importance of holding Bagdad for the development of Basra, and the other way around (para 25) and when stretching north, the importance of Bagdad to the 'chain of oil wells on the Turco-Persian frontier (para 26).

<sup>141</sup> 'whoever holds Bagdad commands not only our trade with Mesopotamia but also that with north west Persia... (25). ...Mosul, too secures the full command of the area which will eventually come under irrigation and of the water supply for that purpose; its possession is therefore called for if we are to take full advantage of our opportunity to create a granary that should ensure an ample and unhampered supply of corn to this country (26);... British enterprise has long maintained [in the Bagdad region] river navigation and enlarged opportunities for it in that respect had been secured just prior to the war. British engineering firms have been engaged upon large schemes of irrigation; there are extensive oil deposits, the exploitation of which was being obtained in part for British concessionaires; the conservancy of the Shatt-el-Arab was to be British; and by the agreement that had been negotiated with the Germans, we had secured British participation in the construction and management of the riverain ports. Also mentions some other industrial projects elsewhere 'in Asia Minor' the Smyrna-Aidin Railway, for which an extension had been negotiated with the Turks (para 27).

<sup>142</sup> ...'It would not matter to Great Britain whether goods were landed at Haifa or Tripoli or Alexandretta, so long as they arrived at their destination; but this would entail arrangements regarding to rolling stock, harbour dues, customs, & c, and a spirit of businesslike goodwill hard to imagine, unless the French concessioners should change their whole habit of thought.' The solution is to link the railway system within the British annexed area to the eastern Mediterranean by a British railway. Such line is a necessity in case of annexation but it also is expedient commercially in any solution: 'The existing cereal produce of the Sinjar and the vilayet of Mosul, regions equidistant from the Mediterranean and Persian gulf may supply a certain supply of freight westward and the imports of agricultural machinery and general goods for those districts would provide a balance of eastward traffic. Such a line would also prove attractive to pilgrims from Azerbaijan, Kurdistan, Mesopotamia and even Bombay, as it would enable them to join the Haj pilgrimage at Damascus and thus perform the whole pilgrimage. In this connection, it may be noted that the Hedjaz railway, in spite of inefficient administration and large grants to keep the Bedouin quiet, shows a substantial profit from pilgrim traffic alone'.

<sup>143</sup> Envisioning the communication line from the Mediterranean to Mesopotamia: 'from Haifa the line will run through Mezerib and Tadmor (Palmyra) to some point on the Euphrates such as Abu Kemal (near Deir on the map) whence there will be branches to Mosul and Bagdad. It is true that a line from Homs to Tadmor would divert much traffic to Tripoli, but competition and rate cutting would lead to pooling the traffic and in any case while in such an eventuality the Haifa Euphrates line would become chiefly strategic between Mezerib and Tadmor, it would remain a business line from the Euphrates to Tadmor and from Haifa to Mezerib'. Para 30

<sup>144</sup> Limits are expressed by 'lines' on the maps but they are discussed as 'frontiers' rather than as 'borders' (see para 36, 41, 44). In Paragraphs 33-37 limits are discussed in relation to the other Powers' aspirations focusing on issues of connectivity, such as how to connect the Mediterranean coast to Mesopotamia rather than jurisdictional divide.

<sup>145</sup> Para 34, 44 in relation to France; par 41-42 in relation to Russia.

different solutions,<sup>146</sup> and the different zones are shaped and reshaped according to a mix of strategic, reform and development concerns.<sup>147</sup> Issues of Ottoman development are at the heart of inter-imperial relations and future threats are constantly anticipated and managed: ‘...we have to face the fact that now is an opportunity of settling once and for all our position on the Persian Gulf, and that if we miss it now we miss it at the initiation of a new era, which must differ strategically and politically from anything that has existed in the past’.<sup>148</sup>

## 2. Anglo-French Negotiations: Shaping a Future Regional Order

Although the negotiations with the French formally began only in November 1915, it is quite plausible that the de Bunsen Committee was set up in preparation for such talks.<sup>149</sup> ‘As the question of Constantinople and the Straits had now been disposed of’ - the French ambassador informed Grey of his government’s opinion in mid-March 1915 – that unofficial discussions should be held between the French and the British on their various desiderata in Asia Minor.<sup>150</sup> And indeed, this sequence of diplomatic events is the natural path to understanding the eventual agreement as an inter-imperial exercise of regional imagination of future control. The Russian initiative to approve its ambitions in the Ottoman territories upon defeat, led the British and the

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<sup>146</sup> In the advantages of partition: ‘Greater freedom to restore and develop the swamped and buried wealth of Mesopotamia than would be possible under a scheme of zoned of interest... we should have to find the capital, the science, and the energy from which will result a definite gain to mankind as a whole ... Given back to cultivation 12.000,000 acres of fertile soil; Emergency granary against dependence on foreign harvests; Unrestricted opening for British commerce and industry and we can develop oil fields and establish Indian colonists with reference only to our own interests and convenience; ...’ (para 46), These benefits are considered against the loss of markets in French/Russian territories (para 47) which is also a risk expressed with relation to the interest zone solution (para 49-50)

<sup>147</sup> The possibility of shifting the Ottoman capital to Damascus, para 60-61; The envisioning of reform and some international control over administrative and commercial in the different zones ‘The zones cannot be treated merely as private preserves for concession hunters, whose interests will be pushed by an energetic ambassador and an enterprising bank at the Turkish capital. They must mean, if they are to have any justification, that the welfare of the inhabitants shall progress *pari passu* with their material development, and for this it is essential to devise some restraint upon obstruction and maladministration at the seat of government ....some form of international body there may have to be in order to ensure that when advise has to be tendered or a demand for action formulated, the Turkish government may realize that it is the powers speaking as a whole, and may not be able to play one power against the other *ad infinitum*’ (63-64); the possibility, favoured by the committee, to decentralize the empire and federalize it according to ethnographic and historical lines to Anatolia, Armenia, Syria, Palestine, Irak-Jazirah (Map V) leaving out Arabia. ‘the moment is therefore favorable (because Turkish Empire is about to lose its center of administration) to strengthen the local administrations, to free them of the vampire-hold of the metropolis, to give them a chance to foster and develop their own resources’ (para 81-82)

<sup>148</sup> Para 79. This may be a way to understand the urgency of completing an agreement with France (and other rushed commitments), because this looks like a onetime opportunity which may be easily missed .

<sup>149</sup> That’s certainly the opinion of Eli Kedourie, *The Anglo-Arab Labyrinth* 58.

<sup>150</sup> Grey’s dispatch to Bertie, 23<sup>rd</sup> March 1915, F.O. 371/2486, 34982. Quoted in Kedourie, *Ibid*, 58.

French to diagnose their own interests more clearly and to reach an agreement which will solidify a conditional but realizable post-war plan.<sup>151</sup>

But the urgency in finalizing such plan at this point in the war does not only relate to inter-ally relations but also to other regional possibilities and dangers that the war brought up – namely, in relation to the Arab, Muslim population. Starting from very early in the War, the British Cairo War Office engaged in secret negotiations with representatives of Sherif Hussein, the custodian of the holy cities of Mecca and Medina in order to persuade him to rebel against the Ottoman Empire.<sup>152</sup> Fearing the Ottoman government will be successful in raising religious sentiment by their call for jihad in the war against the Christian Powers, they promised the Arabs support and protection of a vast independent Arab empire to replace the Ottomans in Asiatic Turkey in return for support in the war in the form of an Arab rebellion.<sup>153</sup>

Along the way, and at every stage of the Arab-British negotiations, the British brought up their commitment to the interests of their ally France as a limiting condition to their enthusiastic acknowledgement of a fantastically wide future Arab independent territory.<sup>154</sup> In this context, many scholars see the Sykes-Picot agreement as a necessary next step to the operationalization of

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<sup>151</sup> As the de Bunsen Report puts it, the aim is expressed in management terms such as to ‘consolidate’ to ‘make firm and lasting’ ‘to straighten ragged edges’ and to ‘share in settling the destiny of Asiatic Turkey’ (de Bunsen Report, para, 10-11, Ibid, 28).

<sup>152</sup> See fn x (and add note about Indian Muslim concerns)

<sup>153</sup> The vast literature assessing the extent and status of the McMahon-Hussein correspondence is discussed in a separate chapter. Suffice is to say that although the British (and many scholars involved in the historiographic debate regarding the extent of what was promised to the Arabs) tend to minimize the McMahon-Hussein correspondence’ territorial commitments there are indications that the grandeur of territorial consent was an important aspect of the British understanding of the correspondence. In his memoir, Grey speaks of a secret treaty with Hussein that promised an entirely Muslim independent Arabia (Viscount Grey of Fallodon, *Twenty Five Years 1892-1916, 1925*, vol II p 229).

<sup>154</sup> The Sherif’s July 14 1915 demand that ‘England will acknowledge the independence of the Arab countries, bounded on the north by Mersina and Adana up to the 37th degree of latitude, on which degree fall Birijik, Urfa, Mardin, Midiat, Jezirat (Ibn ‘Umar), Amadia, up to the border of Persia; on the east by the borders of Persia up to the Gulf of Basra; on the south by the Indian Ocean, with the exception of the position of Aden to remain as it is; on the west by the Red Sea, the Mediterranean Sea up to Mersina. England to approve the proclamation of an Arab Khalifate of Islam’ was answered affirmatively in October 24, 1915 with the following limitations: ‘The two districts of Mersina and Alexandretta and portions of Syria lying to the west of the districts of Damascus, Homs, Hama and Aleppo cannot be said to be purely Arab, and should be excluded from the limits demanded. With the above modification, and without prejudice of our existing treaties with Arab chiefs, we accept those limits. As for those regions lying within those frontiers wherein Great Britain is free to act without detriment to the interest of her ally, France, I am empowered in the name of the Government of Great Britain to give the following assurances and make the following reply to your letter...’ see the Mc-Mahon Correspondence, fn x. (Also in *Palestine Boundaries*, p. 84 and p. 88).

the Arab commitments.<sup>155</sup> Since French interests are an inseparable part of British Arab commitments, an agreement with the French on the extent of their territorial desiderata is necessary in order to operationalize the details of such commitments.<sup>156</sup> Furthermore, the most important stages of the British negotiations with the Arabs and with the French started and culminated at around the same time: from summer 1915, when the Sherif presented his official demand<sup>157</sup> to spring 1916, when the Sykes-Picot agreement was signed and the last letter from McMahon to the Sherif was delivered.<sup>158</sup>

This is what may explain the fact that many policy papers and drafts in the British-French negotiations relate to the Arabs almost as a ‘party’ to the Anglo-French agreement.<sup>159</sup> Ironically, while both the Arabs and the French were kept in the dark regarding the specific details of British commitments to the other party, their interests were seen by the British as critical factors in each stage of negotiations. From the British point of view, therefore, the Sykes-Picot agreement, together with the Arab correspondence was seen as part of the same war-time project: to manage the region’s present threats and possibilities by diplomatically shaping its future. This may explain why the British were not alarmed or deterred by the evidence that Arab opinion about future French involvement in the region was a far cry from actual British-French territorial arrangements, or by the evidence that the French government is dismissive towards any concrete form of Arab independence in their sphere: they had a somewhat holistic view about the aim of the negotiations.<sup>160</sup>

The French easily subscribed to the same loose method of negotiations, at least with relation to the Arabs. Whenever informed about Arab anti-French attitudes they dismissed them as beyond

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<sup>155</sup> See Jukka Nevakivi, *Britain, France, and the Middle East 1914-1920*, p 25. Also see Kedoui, p `114. It was, in fact McMahon who in February 1915, in the midst of his early negotiations with the Husseins, urged the foreign office to take steps for working out an agreement with the French to specify both powers’ respective spheres in the region. (McMahon to Grey, February 1915, letter no. 23, quoted in Nevakivi, *ibid*, 26).

<sup>156</sup> See Jukka Nevakivi, *Britain, France, and the Middle East 1914-1920*, p 25. Also see Kedoui, p `114. It was, in fact McMahon who in February 1915, in the midst of his early negotiations with the Husseins, urged the foreign office to take steps for working out an agreement with the French to specify both powers’ respective spheres in the region. (McMahon to Grey, February 1915, letter no. 23, quoted in Nevakivi, *ibid*, 26).

<sup>157</sup> July 14<sup>th</sup> 1915... (p 84)

<sup>158</sup> May 16<sup>th</sup> and March 10<sup>th</sup> respectively (*Palestine Boundaries*, p. 104 and p 96 respectively)

<sup>159</sup> See for example, Memorandum by Mark Sykes from January 5<sup>th</sup> 1916 in which he explains the attached draft agreement (from January 4<sup>th</sup>) in terms of the parties’ interests and includes Arabs, French and British as ‘parties’.

<sup>160</sup> See in Megan Donaldson, ‘Textual Settlements: The Sykes Picot Agreement and Secret Treaty Making’, *AJIL Unbound* (2016): 110, 128; Donaldson claims that officials did not tend to think in binary terms on whether texts were binding treaties or not; ‘rather, they understood obligations holistically, involving legal, moral and prudential dimensions...’

the point or irrelevant. The same was true about Arab position regarding French interests. When in his December 17, 1916 letter McMahon reminded the Sherif that ‘the interests of our Ally France are involved’ and therefore, ‘the question [of the fate of the vilayets of Aleppo and Beirut] will require careful consideration’<sup>161</sup> – the Sherif replied making clear that the Arabs will not budge from the territorial limits requested but that they understand the British war-time commitments ... “the Eminent Minister should be sure that, at the very first opportunity after this war is finished we shall ask you (what we avert our eyes from today) for what we now leave to France in Beirut and in the coast’.<sup>162</sup> The response to this remark is telling. Arthur Hirtzel, secretary of the political department at the India Office, commented that the French should be told of the Sherif’s attitude, so that the British might not be accused later of bad faith. Permanent under Secretary Arthur Nicholson then told Cambon, the French Ambassador in London, of the Sherif’s views and recommended the French ambassador’s reply.<sup>163</sup> Cambon wrote back saying that he did not take it very seriously and: remarked that the Sherif ‘would not be an Arab if he did not say something of the kind’. Grey told Cambon that he had not yet communicated to the Sherif the proposal as to the northern limits as we intend to wait till we have the consent of Russia’.<sup>164</sup>

This latter interaction recorded in early May 1916, very close to the conclusion of the Sykes-Picot agreement is indicative of the position of the three “parties” to the negotiations. While the British controlled the amount of information that each party received about the position of the other party, the French as well as the Arabs did not take seriously each other’s positions. They were quite content with letting the British loosely manage their relationship.<sup>165</sup> The British, on

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<sup>161</sup> McMahon to Sherif Hussein, December 17 1916, Palestine Boundaries, at 90.

<sup>162</sup> Sherif Hussein to McMahon, January 1<sup>st</sup> 1916, Palestine Boundaries, at 91.

<sup>163</sup> F.O. 371/2767, 39490/938.

<sup>164</sup> The story appears in Kedoury, p 121 n 3

<sup>165</sup> The story of the British management of information in the secret agreements is well known. When the agreement was in Russian hands in early May 1916, British officials in Cairo considered and dismissed the need to divulge the information to the Arabs. G.F Clayton, director of Intelligence in the Egyptian War Department wrote ‘...I feel that divulgence of agreement at present time might be detrimental to our good relations with all parties and possibly create a change of attitude in some of them which would be undesirable just at present and would certainly handicap our intelligence work. It might also prejudice the hopes for action of the Sherif who views French penetration with suspicion. Although the agreement does not clash with our engagements to him, it is difficult to foresee the interpretation he might place on the two spheres of influence. Lapse in time accompanied by favourable change in the situation, will probably render acceptable in the future what is unpalatable now’. May 3<sup>rd</sup> F.O. 882/16, and almost in the same wording McMahon wrote ‘Although there is nothing in arrangement agreed between France and Russia and ourselves as defined in your telegram that conflicts with any agreements made by ourselves or assurances given to Shereef and other Arab parties, I am of the opinion it would be better if possible not to divulge

their end, while managing the information, made sure until the very end that it will be clear to each side that the other's interests are being considered. Until the very last minutes before signing, they kept the Arabs and the French far from each other but in full sight. On May 11<sup>th</sup> 1916, Grey wrote, 'The French ambassador pressed me earnestly to sign the note of agreement about Asia Minor. I again referred to the point of it being conditional upon action taken by the Arabs'. He recorded the French Ambassador dismissing the concern: 'it was well understood that it was dependent on an agreement with the Sherif of Mecca and that this provisional character was already in writing'.

### **3. The Territorial Scope of the Negotiations**

But what was the territorial space that the British attempted to 'manage' in the negotiations with the French? As we saw, the de Bunsen Report was drawing lines on the map of Asiatic Turkey in order to connect – rather than to divide and isolate the Ottoman territories. Even when partition was explicitly considered – the lines were not expressive of an impulse to close up jurisdictions but to manage and control threats and possibilities. This is apparent in the Anglo French negotiation as well.

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details of the agreement to Arab parties at present. Moment has not yet arrived when we can safely do so without some risk of possible misinterpretation by Arabs. (F.O. 371/2768, 84855/938 May 4 1916); And D.G Hogarth the director of the newly established Arab Bureau wrote that the agreement should be kept secret temporarily because the Sherif has not receded from the broad territorial claims and his hostility to French penetration – 'it has become our policy to remain uncommitted in the matter of boundaries and to give him no cause to think that we are in any better position than we were to define these' (F.O. 882/14, 125 on May 3<sup>rd</sup>). It is interesting however, that Mark Sykes and George-Picot themselves, unsuccessfully attempted at least twice to conjure conditions for more direct negotiations between the French and the Arabs about the Syrian arrangements. First in February 1916, when Mark Sykes was on his way back from Petrograd he telegraphed to Clayton and asked him to send 'two Arab officers representative of intellectual Syrian Arab mind' with whom George-Picot might hold discussions about the boundaries of the Arab State in the framework of the agreement, and particularly about an outlet to the sea for the Arab state in Syria. Clayton was not in favor of putting the Arabs in touch with Picot: 'I feel it would be most impolitic to raise now with Arabs Syrian question which is quiescent for the moment' (Kedourie, 124, F.O. 371/2768, 70889 and 7601/938 telegram no. 287, Sykes to Clayton, 14 April and Clayton reply, telegram no 278, Cairo 20 April 1916). The second attempt was made one year after the agreement in Spring 1917, when Anglo-French relations in the region were strained again Mark Sykes was sent to Cairo as a political officer to manage cooperation with the French. George Picot, is sent with him as the French Commissioner. Here Sykes finally succeeds in bringing Picot and the Sherif together, but the negotiations end with no concrete results (see documents on the 1917 political mission to implement the Sykes Picot agreement p. 48 and on). But this attempt too involved careful management of information: 'Main difficulty was to maneuver the delegates without showing them a map or letting them know that there was an actual geographical or detailed agreement, into asking for what we are ready to give them' p90.

Recall that until late November 1915 the negotiations between the British and the French were moving slowly and with great difficulty. The French government under pressure of the French imperialist 'Syrian party' which was zealously active that summer inside and outside French Cabinet and Parliament,<sup>166</sup> put forward a demand for annexation of Syria and Palestine. The 'Syrian party' is the English label for the French pressure group (organized particularly in the Comité de l'Asie française and the Comité d'Orient) that played an important role as link between French official and private overseas capitalists devoted to influence French policy in Asia.<sup>167</sup> On April 21 1915, in its general meeting, the Comité de l'Asie française passed a resolution 'On the Defense of French Interests in Syria' proposed by Robert de Caix (then head of the publication l'Asie Française, an organ of the committee, and later a key figure of French Syrian policy during the peace settlement). French Syrian expansionist interests were then paraded before senatorial groups and the Foreign Office in lectures and bulletins from April to July 1915.<sup>168</sup>

George-Picot, the sole French representative to the official Anglo French negotiations that finally began that autumn, was a member of the Comité and strongly influenced by its Syrian policy.<sup>169</sup> When on November 23<sup>rd</sup> he met with the British interdepartmental negotiation committee (composed of representatives of the Foreign Office, the India Office and the War Office and Chaired by the Foreign Office's permanent secretary, Sir Arthur Nicolson), he laid out French claims for *la Syrie inte`grale* – a vaguely defined zone which included Syria and Palestine,

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<sup>166</sup> Nevakivi, p. 16-17 describes the pressure that the Comité de l'Asie Française - put on Déclassé that summer to lay claim to Syria and Palestine. Etienne Flandin spoke in the French Senate on May 15, listing the economic benefits of taking control of the country - 'everything from the healing powers of thermal springs to perfumes and flower oils, and in passing, petroleum. He promised renewed fertility once ancient Roman irrigation channels were discovered. But he too failed to move Déclassé although his accusation of inactivity did in due course sting' Ibid. p 17

<sup>167</sup> Nevakivi, p 30. For more on the French colonial societies, seeking to promote French colonial politics in the pre-war era see Michael Heffernan, 'The Spoils of War: The Société de Géographie de Paris and the French Empire 1914-1919' in Morag Bell, Robin Butlin and Michael Heffernan, *Geography and Imperialism 1820-1940* (Manchester University Press, 1995) , 221-264. The Comité de l'Asie française's members included present and future ministers as Berthelot, Briand, Herriot, Millerand, Pichon, Ribot and Tardieu, as well as publicists as Cressaty, Gauvain, Berard, and of financiers like Reinach, Rothschild, and Schneider, Arsene Henry director of the Compagnie du port de Beyrouth and Coubt George Vitali, the leading stock holder of the Régie Générale des chemins de fer of Syria.

<sup>168</sup> In June 1915 a letter was handed to the French Foreign Office on behalf of the chamber of commerce of Lyons, advocating the French acquisition of Syria. The chamber of commerce of Marseilles soon sent a similar letter (l'Asie Française, April -July 1915, pp 45-6 and January 1916pp. 39-44)

<sup>169</sup> Francois-Marie-Denis George-Picot, then forty years old, had served in Copenhagen, Beijing and in the Political and Commercial Affairs Division of the French Foreign Ministry. At the end of January 1914 he was put in charge of the consulate-general in Beirut and assigned to Cairo in November and then posted in London in August 1915. For Georges-Picot's position as a strong backer of La Syrie integrale and his high standing among the imperial enthusiasts see Christopher M. Andrew and A.S.D. Kanya-Forstner, *France Overseas: The Great War and the Climax of French Imperial Expansion* (London, 1981) pp. 74-75

limited in the north by the Taurus mountains beyond Adana and in the South by the Egyptian border.<sup>170</sup> From the British ‘surprised’ response asking him to make clear to Paris the gravity of the danger the allied faced in the Muslim world, George-Picot realized that the British were not interested in delimiting French interests on the ground but rather in a French support for a future Arab state so that Britain could hold out a concrete goal to Hussein.<sup>171</sup>

In George-Picot’s impression of the situation that he sent to the French Foreign Ministry he expresses what he found to be the English real aim: they are not really concerned with defining the future territorial boundaries in the Near East, instead they want to persuade Paris to give up its aim of colonial rule in Syria so they could offer statehood to the Arabs. For that they are willing to compensate France ‘If we accept the sacrifice we are being asked to make, the English would be disposed to be rather accommodating to our sphere of influence and the rights we could obtain there’.<sup>172</sup> Further, the British seemed to George-Picot panicked by the reports coming in from Egypt and Mesopotamia and France should take advantage of this British sense of urgency to pressure them to agree to ‘the maximum amount of territory outside the Arab kingdom and ... the maximum number of privileges within the sphere of influence that will be assigned to us’.<sup>173</sup> At the same time, the Asia and Oceania division at the Quai d’Orsay, was also drawing up a

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<sup>170</sup> Edward Peter Fitzgerald, ‘France’s Middle Eastern Ambitions, the Sykes-Picot Negotiations, and the Oil Fields of Mosul, 1915-1918’ *The Journal of Modern History*, Vol. 66, No. 4 (Dec., 1994), pp. 697-725, 709. The Foreign Ministry’s formal instructions to its ‘special envoy’, which Picot actually drafted himself, called for him to argue that France needed to be compensated for the disappearance of its privileged position in the Ottoman Empire, in the form of la Syrie integrale, ‘Greater Syria’: ‘Our Syria needs extensive borders that will make it capable of earning its own way. In practice this meant the inclusion of Palestine to the south and Cilicia to the north, with the eastern frontier, running along the Taurus mountains in the vilayets or mutasserifliks of Ma’muret ul-’Aziz, Diyarbakir, and Van, ‘thence to the south following the mountains which define the Tigris basin, cutting across this river below [the town of] Mosul, ... and reaching the Euphrates at the border of the province of Zor, which will also remain in our zone’. This demarcation line, the instructions noted, would put copper, lead, and other mineral deposits found in the area within the borders of a future French Syria. ‘It would also be desirable to have the mining regions around Kirkuk included in our zone’. Edward Fitzgerald’s translation of a November 2<sup>nd</sup> letter from Briand to Georges-Picot, ‘Pourparlers avec les Anglais concernant les limites de la Syrie,’ MAE, A-Paix, 1918-25, file 177

<sup>171</sup> French-language minutes of the meeting of November 23, 1915, MAE, A-Paix, 1918-25, file 178, translated by Fitzgerald, *ibid*, 710-11. Historians who have read the English-language minutes present this meeting as a hostile confrontation, with an ‘adamant’ Georges-Picot pressing ‘staggering’ demands leading to an ‘impasse’ followed by the French envoy’s departure for consultations with his government. (See Wilson Jeremy, *Lawrence of Arabia: The Authorised Biography* of T. E. Lawrence (London, 1989, p. 231; Isaiah Friedman, *The Question of Palestine, 1914-1918: British-Jewish-Arab Relations* (London, 1973) p. 103; and Nevakivi, 30.) According to Fitzgerald, the French-language minutes convey only ‘an atmosphere of forthright discussion, spirited but not hostile’. (*Ibid*: 711) He claims that it is not correct to maintain that Georges-Picot quit London as a result of this initial ‘confrontation’. He left because Nicolson insisted that he goes back to Paris in order to convince the French authorities of the seriousness of the political-military situation in the Middle East. (*Ibid*)

<sup>172</sup> Georges-Picot to Margerie, handwritten letter, December 2, 1915, MAE, A-Paix, 1918-25, file 178., Fitzgerald’s translation (*ibid* 711- 712).

<sup>173</sup> *Ibid*.

report on the London situation.<sup>174</sup> While expressing annoyance with the British ‘strange proposal’ of an Arab Kingdom asking the French to make the sacrifice, the report also states its perceived benefits. As long as the Arab Kingdom is limited to the easternmost frontiers of greater Syria and the British zoned provinces of Basra and Bagdad, and that it is a ‘weak federation’ with Hussein serving as a nominal overlord over local emirs ‘advised’ by French residents who will be the real power – France might agree to the British scheme.<sup>175</sup>

#### **4. A More Intimate Anglo-French Drafting Process**

These impressions were the basis for reformulation of new instructions to the French delegate. French acquiescence to the new British Middle East scheme would be bought by extending the zone of French control to include Mosul.<sup>176</sup> With this George-Picot went back to London on December 15. A week later, in his next meeting with the British negotiating committee he presented the French position as a great sacrifice to be compensated.<sup>177</sup> Right after the meeting on December 21<sup>st</sup> Mark Sykes who attended the meeting as a representative of the War Office, approached George-Picot with a friendly proposal to hold private talks in order to arrive at a set of compromises that could then be put before the committee. Nicolson gave George-Picot his assent and from that point, private meetings took place almost daily in the French Embassy.<sup>178</sup> The French, involved as they were that previous summer in domestic politics of colonial development were starting to see the possibilities of a more flexible diplomacy of regional spaces and Mark Sykes was just the person to guide them.

Sir Mark Sykes was at the time a young Tory M.P., a Catholic and a Francophile with little experience in negotiations but sympathy towards France’s defense of its traditional position in

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<sup>174</sup> Ibid, 712

<sup>175</sup> ‘In this way we could set up, under a French protectorate, emirs of Damascus, Aleppo, and Mosul, who would divide among themselves the present vilayets of Damascus and Aleppo, plus the southern parts of Ma'muret ul-'Aziz, Diyarbakir, Mosul, and Zor’. Handwritten note by ‘J. G.’, December 2, 1915, MAE, A-Paix, 1918-25, file 178 (Fitzgerald, *ibid*)

<sup>176</sup> Especially, Mosul’s oil rich southern provinces: ‘A lessening of our sovereignty over inland Syria [i.e., giving up colonial control for indirect rule] should be compensated by an extension of our protectorate over the Arab lands on its eastern borders (Zor and Mosul), with the award of the Kirkuk oilfields also representing an element of this compensation’ Briand to Cambon, ‘Question de Syrie,’ December 14, 1915, MAE, A-Paix, 1918-25, file 178 . (Fitzgerald’s translation, *ibid*, 713).

<sup>177</sup> French-language minutes of the meeting of December 21, 1915, MAE, A-Paix, 1918-25, file 178. (Fitzgerald, 713)

<sup>178</sup> Georges-Picot to Cambon, January 3, 1916, MAE, A-Paix, 1918-25, file 178 (Fitzgerald, *ibid* 714). In fact, it was Nicolson who asked Sykes to intervene to break the impasse with the French (see Nevakivi, p 30)

the Levant.<sup>179</sup> He has been honorary consul at the British embassy in Istanbul in 1905-7 and had published three travel books on the Near East before the war and eventually got into the War Office as a lieutenant colonel detached for political work; his ascent to policy-advising circles came as a result of his appointment to the de Bunsen Committee, where he played an important role in shaping the final recommendations.<sup>180</sup> At the time of Georges-Picot's first meeting with the negotiation committee, Sykes had been in Cairo and extensively traveling the region.<sup>181</sup> But a few days before the second meeting he was back in London, impressing the cabinet with what appeared to be a sweeping command of the 'Arab Question'.<sup>182</sup> As recollected in section 1 of the paper, in the evidence he provided at that meeting, Sykes moved easily across vast spaces when assessing the chances of getting the French to agree on an Arab independence in Syria: 'I think that [French] financial groups work upon a perfectly honest sentiment', he told the Cabinet's War Committee,

On the other side, they work on the fears of the French Colonial party of an Arab Khalifate, which will have a common language with the Arabs in Tunis, Algeria, and Morocco. The French machinery in Tunis, Algeria and Morocco has been very satisfactory, but they are afraid, I think of a Kalifate, or an independent State, speaking the same language as their Mohammedans. I think, at the back of all this, the influence that is moving them is sinister. I think that the Financiers have three objects: I think they believe that if the Entente wins they want to have Syria, Palestine, and North Mesopotamia. M. Picot's request for the vilayet of Mosul suggests to me that they want also to get the Suj Bulak Pass and link up with the Trans-Persian railway. ..I take to be a

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<sup>179</sup> Shane Leslie, *Sir Mark Sykes: His life and Letters* (London 1924) pp 242-3.

<sup>180</sup> The professional Arabists in Cairo war office resented Mark Sykes' pretensions to expertise on Middle Eastern affairs. See Bruce Westrate, *The Arab Bureau: British Policy in the Middle East, 1916-1920* (Pennsylvania State University Press, 1992), pp. 26-29 and 153; and Kedourie's portrayal of Sykes's outlook in *England and the Middle East* (Bowes & Bowes, 1956) chap. 3.

<sup>181</sup> See Kedourie, *Anglo-Arab Labyrinth*, p. 58; and Wilson, pp. 227-30

<sup>182</sup> Although in the December 16 1915 meeting (described above in section I. 1.; See fn. 1) Sykes was delivering evidence and opinions on a wide range of issues relating to Ottoman territories, the meeting's transcripts document is titled 'Evidence of Lieutenant-Colonel Sir Mark Sykes, Bart., M.P., on the *Arab Question*'. When discussing French negotiations Sykes expressed mixed opinions regarding French bankers, whom he suspected pushing the French demands since the beginning of the negotiations (see also: Sykes on the pre-war 'intrigue and corruption of international finance as organized in Stambul - nothing less than organized corruption...' Mark Sykes, *Future of the Near East* (Armenian Bureau Publications, London, 1918) p. 5.) and stated that the French wanted to extend their territory up to the Persian border in order to give their railway interests an opportunity to link the Syrian and Bagdad networks with a trans-Persian railway (Sykes warning was taken seriously in government circles 'we should then be confronted with the pressure of international financiers whose interests lie in pulling strings in Constantinople, and whose power is felt in every European Capital'. Hankey to Deeds, 27 January 1916, private letter. See Nvakivi, p. 33

very evil force working two honest forces, which are unconscious of the real purport of it. I think to meet that, we require diplomacy which would be able to show great sympathy with the clerical feeling in France...<sup>183</sup>

With that sympathy and an understanding of the relevant scales of imperial appetite and concern, that can move from Tunis, Algeria and Morocco to Palestine and Syria, North Mesopotamia and the Persian frontier, Mark Sykes began his mission of direct negotiations with George-Picot. From the moment the two started to meet regularly and intimately in the French Embassy, the negotiations moved quite fast. A draft was distributed on January 4<sup>th</sup> and then endorsed by the British on February 4<sup>th</sup> and by the French on February 8<sup>th</sup>.<sup>184</sup>

We learn about the content of these more intimate negotiations from a war department memo that was attached to the draft and distributed for departmental comments on January 5<sup>th</sup>. The memo, which according to its introductory note was drafted conjointly by Sykes and George-Picot<sup>185</sup> lays out the 'requirements' of the 'parties' (including the Arabs) which will be 'harmonized' in the agreement.<sup>186</sup> These 'requirements' mix up commercial, cultural and military interests. France's interests, according to the memo, require a settlement which will compensate her for the disruption of the Ottoman Empire, safeguard her traditional position in Syria and assure her full opportunity of realizing her economic aspirations in the Near East.<sup>187</sup> Britain's interests require an assurance of her position in the Persian Gulf, opportunities to develop lower Mesopotamia, commercial and military communication between the Persian Gulf and the Mediterranean by land. They also require influence in an area 'sufficient to provide the personnel engaged in Mesopotamian irrigation work with suitable sanatoria and hill stations, and containing an adequate native recruiting ground for administrative purposes, and to obtain

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<sup>183</sup> December 16<sup>th</sup> meeting, Ibid, n. 1, p. 3.

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<sup>185</sup> Who were ordered by Nicolson 'to examine the whole question so as to clear the ground of details', *ibid*.

<sup>186</sup> *Ibid*

<sup>187</sup> France' claims relate to her role in the 'intellectual development' of Christians and Moslem Arabs - especially in Aleppo, Beirut, Damascus and Mosul.(2) This led to a 'strong public opinion in France favorable to French expansion in Syria and Palestine "the development of French railway enterprises in Syria has confirmed this opinion and has made it a permanent factor in the average French point of view'. (3) 'The participation of French capital to the extent of 30 percent in the Bagdad railway and the terms of the Franco Ottoman loan of 1914 have complicated the case by including in French interests certain Areas which would not naturally come under consideration were the subject matters of discussion confined to the traditions and activities referred to in par 1,2,3,4 of this section' (Christian protection in Lebanon, intellectual development in Syria, public opinion in France railway enterprises in Syria). From this France lay claims to: 'Commercial and political predominance in an area bounded on the south by a line drawn from El Arish to Kasri Shirin, and on the North by the main ridge of the Taurus and antiTaurus, beginning in the vicinity of Cap Anamur and ending about Koshab. (6)

commercial facilities in the area under discussion'.<sup>188</sup> The Arabs who mysteriously appear almost as an equal 'party' in the memo ask for recognition of nationality, protection, and 'opportunity to contribute to the world's progress'.<sup>189</sup>

Here development interests are manifest and prominent and they sit comfortably with traditional strategic concerns: France has traditionally invested in the development of Syria and Lebanon and recently also in southern parts of the region. Britain is concerned with opportunities to develop Mesopotamia. Arabs are interested in a European protected zone of independence.<sup>190</sup> In the inter imperial rivalry over the question of spheres of influence in this new open space - these interests are presented as dominant and a reason to consider the precise lines of division, and the points of sacrifice.

## **5. Developmental or Strategic Concerns? The Reactions to the Agreement inside British Administration**

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<sup>188</sup> 'Administrative control and priority of enterprise in an area bounded by the line Acre, Tadmor, Ras ul Ain, Jezirret-ibn-Omar, Zakhu, Amaida, Rowanduz., combined with the possession of Haifa, with a suitable hinterland connecting the Euphrates Valley with the Mediterranean, and rights of railway construction connecting Alexandretta with Bagdad. Further, that Great Britain should have a veto on irrigation schemes likely to divert water from Lower Mesopotamia'

<sup>189</sup> 'Although divided by religion, custom, social habits and geographic circumstances, there is a considerable desire for unity among the bulk of the peoples of Arabia proper, and the Arabic speaking peoples of the Asiatic provinces of the Ottoman Empire. (1) The leaders of this movement recognize that a closely compacted Arab State is neither in harmony with the national genius of the Arabs nor feasible from the point of view of finance and Administration; however they are of the opinion that if protection against Turkish and German domination is assured, a confederation of Arab speaking States could be formed which would satisfy their racial desire for freedom, and at the same time conform with their natural political customs. (2).The ideal of the Arab leaders would be to establish a confederation of States under the aegis of an Arabian prince roughly approximating to the Arabian Peninsula plus the Ottoman provinces of Basra, Bagdad, Jerusalem, Damascus, Aleppo, Mosul, Adana and Diarbekir, with its littoral under the protection of Great Britain and France. That such a state should agree to select its administrative advisors from subjects of the two protecting powers and that it should accord especial facilities to both powers in matters of enterprise and industrial development.' (3)

<sup>190</sup> It is interesting to ask why are the Arabs included in the memo as a "party" to an agreement that is kept hidden from them. What is the purpose of articulating Arab interests (as equal party) in preparing the British – French agreement? Why make their role up? Arab interests are seen as crucial to the inter-imperial contest first because the whole point of the agreement, from the British point of view, is to stabilize with the French, commitments to the Arabs so that these could be presented to the Arabs as allied assurances of commitment and a further reason to back the Allies against the Turks, or at least prevent them from joining the German incited Jihad. But at this stage (nor at any time later) the Arabs are not made aware of the agreement. Their inclusion must be for an internal reason. To the Arabists in the war department and in Cairo Mark Sykes would like to present Arab concerns as relevant to the French – British agreement; To the French – the British are presenting a picture of strong British – Arab connection as well as strong and coherent Arab interests to express that their hands are tied. The Arabs are used to reach a more favorable position from France.

In the next weeks the memo and the draft circulated and received mixed reactions from officials in the Foreign Office, War office, the Indian Office, and the Naval and Army Intelligence<sup>191</sup>. The first note by Brigadier General Macdonough, Director of Intelligence in the War Office<sup>192</sup> is from January 6<sup>th</sup> and reveals a sense of urgency regarding the agreement. The danger of the Arabs joining the enemy's plea for a jihad is the main point of the French British agreement, explains Macdonough, that will allow the British to inform the Sheikh what are 'the approximate limits of the country which we and the French propose to let him rule over... We cannot afford to waste any time. It is essential that we should get the Arabs to side with us at once; otherwise they may first incline to the one party, then to the other, and finally join the Jihad, which the Germans are trying to raise in the Near East. The critical time is from now to the beginning of May. A Turkish advance on Mesopotamia and Persia would be very difficult if opposed by the Arabs, and correspondingly easy if assisted by them. And so the agreement – which indeed is signed in May – is seen here as first and foremost intended to facilitate the relations with the Arabs – which is a crucial, urgent strategic concern.

The second note comes from the Indian Office (written by Sir A. Hirtzel, Secretary of the Political Department in the Indian Office), and it is dominated by a mix of development and strategy agendas.<sup>193</sup> The loss of Mosul and Alexandretta is assessed in economic terms raising the question of connectivity between the different areas: first regarding the outlet of trade from the Mosul Area. 'We have old established trade at Mosul', says Hirtzel, 'which some hold, wrongly... should find its natural exit at Basra. In the future it will go to Alexandretta certainly'. The second has to do with the danger of the Bagdad railway from Alexandretta to Mosul which will be in French hands, 'i.e. exposed to German financial influences and the French will be entitled to extend it to their border down the Tigris'.<sup>194</sup>

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<sup>191</sup> The replies were all sent to Nicolson and it is clear that they were all quite rushed; Sykes and Picot's memo was sent on January 4<sup>th</sup> and all senior official responses were issued in the next week and no later than January 13<sup>th</sup>. A sense of urgency was clearly conveyed to the commentators. It is interesting to note that another set of comments was solicited from the Cairo Office in April-May, after the agreement was already approved and was awaiting Russian Assent.

<sup>192</sup> January 6<sup>th</sup>

<sup>193</sup>

<sup>194</sup> January 10<sup>th</sup>

The next memo on the suggested agreement is by Captain W. R. Hall, Director of Naval Intelligence,<sup>195</sup> This document also raises economic and strategic concerns at the very beginning, as Hall lays out the basic assumptions in light of which the agreement with France is to be considered - 'there should be railway communication between the Mediterranean and Mesopotamia through the territory which is either British or under British influence. This is essential now for the safety of Mesopotamia, and in the future will be imperative to safeguard British interests in a sphere of influence which will run without a break from Egypt through Mesopotamia and Southern Persia to Baluchistan and India.'<sup>196</sup> This is the framework of strategic imperial concerns - British interests are framed in a classic language of maintaining a sphere of influence that will safeguard continuous communication between the Mediterranean and India. The economic aspect of these concerns is seen as a part of this strategy: 'It is also economically desirable, if not essential, that the railway should pass through country within a British sphere of influence'. But in the context of imperial rivalry this framework broadens to include the interests, political, economic and strategic of the ally, France. The agreement doesn't seem consistent with these concerns, says Hall 'it can therefore only be justified if its conclusion will produce advantages of greater importance. These advantages can only arise if the agreement is an essential part of a considered plan of allied strategy....' In this context - the Arab question is first discussed. The issue that seems urgent now - given the British retreat in Mesopotamia - is not strictly getting the Arabs to support the allies but 'preventing them from joining the enemy' - the fear of a 'general Moslem jihad directed against us'.<sup>197</sup> But the agreement - Hall complains - doesn't confront any of these fears. The agreement does not provide the territorial assurances demanded by the Arabs. And this is a big disadvantage to the grave strategic concern that the Arabs will not join the enemy.

Then, Hall moves to consider the agreement's benefit for the relations with France. Here the joint economic concerns become a significant advantage. Hall recognizes a financial interest element in France politics that may endanger the unity of the Entente. The price is high - giving up Alexandretta to the French, and excluding from British sphere of influence Aleppo and the rich

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<sup>195</sup> to sir A. Nicolson from January 12 (received January 13 1916); Famously referred to as 'The dividing the bear's skin while the bear is alive' document, but the metaphor was used already by Macdonough on January 6<sup>th</sup>, which leads to the conclusion that Hall had access to Macdonough's comment when he was writing his own comment.

<sup>196</sup> Ibid. p. 1.

<sup>197</sup> Ibid.

cultivable country to the east, with a river and railway running through it. Giving the French 'all the large towns and practically all the cultivable area in Syria and Northern Mesopotamia, and a self-supporting line of railway; while Great Britain secured only a naval base at Haifa and a right of user or construction of a railway through a waterless desert, with no right to maintain a force to defend it'.<sup>198</sup> And so - Hall understands that dividing the region with France is done for the sake of internal French economic financial interests which are necessary for allied politics. He asks what is the price for the strategic concern of keeping the unity of the Entente: a loss in the British 'sphere of influence' which is then also already described as a loss in development interests (the French will get the cultivable lands, the big cities and the supporting railways).

The final response in this set from January 13 is by Thomas Holderness, Permanent under Secretary of State for India, 'I am not sanguine that the eventual connection of Baghdad with the railway that goes by its name can be resisted. But might we not stipulate that the claims of the Baghdad railway for the construction and working of railways, and for the working of minerals within area B shall be renounced in favor of a company to be approved by the British government and the lines already constructed within that area transferred to the new company; suitable compensation to be paid to the Baghdad railway? Also, might we not demand that no discrimination, direct or indirect, either as regards facilities or rates of charges, shall be permitted on the railway'?"<sup>199</sup> Finally, Holderness relates to the water supply from area A for irrigation - 'Any such agreement would have to be worked by means of a joint commission. Some agreement of the kind is highly desirable' And on customs - 'Would it be possible to stipulate that in respect of customs duties British goods shall enjoy national treatment in the French protectorate and spheres of influence, and conversely French goods in the British protectorate and sphere of influence?'

More on the later set of responses from the Cairo Office (omitted).

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<sup>198</sup> Ibid. 2-3

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After the draft agreement was endorsed by both the British and the French governments in early February, Mark Sykes and Georg-Picot traveled to Petrograd to ensure Russian assent, as both governments saw the agreement as the annex of the uncompleted Constantinople Agreement.<sup>200</sup>

On March 10 they submitted an aide-memoire explaining the agreement they had reached.<sup>201</sup> The Russian government insisted on some modifications of the proposed frontier (the mountain passes around Bitlis and Urmia Lake were to be under Russian control), but otherwise accepted the accord as it stood.<sup>202</sup> This cleared the way for final ratification. After Georges-Picot returned from Petrograd, Cambon wrote to the Foreign Office to request that an exchange of formal letters of ratification not be put off. On May 9<sup>th</sup>, after further delays, a complete restatement of the terms of the January 4<sup>th</sup> draft that was subsequently approved in Petrograd, along with a covering letter proposing to supply assurances about the British schools, hospitals, and business concessions that fell into the French zone.<sup>203</sup> Grey replied, asking for an explicit French pledge that ‘any existing British concessions, rights of navigation or development... will be maintained’ in those areas.<sup>204</sup> Cambon immediately responded ‘that the French Government is ready to approve various British concessions definitely concluded before the outbreak of the war in the regions assigned to France or to French administration’.<sup>205</sup> Satisfied with this guarantee, Grey forwarded official British approval on following day, May 16, along with a restatement of the entire agreement. Acceptance was conditional on these French assurances, as well as on ‘the cooperation of the Arabs’.<sup>206</sup>

#### **IV. Conclusion: Managing Imperial War Politics in a Vast Opening Region**

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<sup>202</sup> ‘Aide-memoire’, Petrograd, March 4/17, 1916; Count Sergei Sazanov to Maurice Paleologue, April 13/26, 1916, where the eastern areas of the French zone are called ‘Arabie’; Paleologue to Sazanov, April 13/26, 1916; Paleologue to Briand, April 26, 1916; all in MAE, A-Paix, 1918-25, file 179

<sup>203</sup> Cambon to Grey, May 9, 1916, MAE, A-Paix, 1918-25, file 174.

<sup>204</sup> Grey to Cambon, May 15, 1916, MAE, A-Paix, 1918-25, file 174.

<sup>205</sup> Cambon to Grey, May 16, 1916, MAE, A-Paix, 1918-25, file 174. Grey was ready to extend a reciprocal guarantee of existing French interests in the future British zone. According to Clemenceau's close collaborator, Andre Tardieu, the three British firms which held 75 percent of the share capital of Turkish Petroleum Company-National Bank of Turkey, Anglo-Persian Oil Company, and Anglo-Saxon Oil Company (a subsidiary of Royal Dutch/Shell)-had vigorously lobbied the Foreign Office for a guarantee of existing concessions. See his article, ‘Mossoul et le ptdrole’, in *L'Illustration* (June 19, 1920), p. 380.

<sup>206</sup> Grey to Cambon, May 16, 1916, MAE, A-Paix, 1918-25, file 174 (copy in file 179): His Majesty's Government ‘[is] ready to accept the arrangement now arrived at, provided that the cooperation of the Arabs is secured, and that the Arabs fulfill the condition and obtain the towns of Homs, Hama, Damascus and Aleppo’.