

national controversy. All must hope that the commission, although not a judicial tribunal, will seize the opportunity so to exercise its vast discretionary powers as to convince enlightened sentiment in every land that the States victorious in the war remain steadfast to the fundamental principles of justice and for the sake of which they unsheathed the sword.

CHARLES CHENEY HYDE.

THE NEW ANGLO-PERSIAN AGREEMENT

On August 9, 1919, there were signed at Teheran two agreements between Great Britain and Persia which have been subjected to some severe criticism.¹

As stated in the preamble, the main agreement was concluded "in virtue of the close ties of friendship which have existed between the two governments in the past, and in the conviction that it is in the essential and mutual interest of both in future that these ties shall be cemented, and that the progress and prosperity of Persia should be promoted to the utmost."

In the body of the first agreement the British Government gives the following undertakings:

(1) It "reiterates, in the most categorical manner, the undertakings which they have repeatedly given in the past to respect absolutely the independence and integrity of Persia."

(2) It promises to "supply, at the cost of the Persian Government, the services of whatever expert advisers may, after consultation between the two governments, be considered necessary for the several departments of the Persian administration. These advisers shall be engaged on contracts and endowed with adequate powers,

¹ This agreement was published September 11, 1919, as Senate Document No. 90, 66th Congress, 1st session. This document also includes a subsidiary agreement between the two governments relating to a loan of £2,000,000 at 7%; Article 5 of a contract between the Persian Government and the Imperial Bank of Persia, relating to the Persian Government 5% loan of £1,250,000 of May 8, 1911; and two notes by Sir P. Cox, the British Minister at Teheran, to His Highness Vossug-ed-Dowleh, the Persian Prime Minister.

the nature of which shall be the matter of agreement between the Persian Government and the advisers."

(3) It agrees to "supply, at the cost of the Persian Government, such officers and such munitions and equipment of modern type as may be adjudged necessary by a joint commission of military experts, British and Persian, which shall assemble forthwith for the purpose of estimating the needs of Persia in respect of the formation of a uniform force which the Persian Government proposes to create for the establishment and preservation of order in the country and on its frontiers."

(4) "For the purpose of financing the reforms indicated in clauses 2 and 3 of this agreement, the British Government offer to provide or arrange a substantial loan for the Persian Government, for which adequate security shall be sought by the two governments in consultation in the revenues of the customs or other sources of income at the disposal of the Persian Government. Pending the completion of negotiations for such a loan the British Government will supply on account of it such funds as may be necessary for initiating the said reforms."

(5) "The British Government, fully recognizing the urgent need which exists for the improvement of communications in Persia, with a view both to the extension of trade and the prevention of famine, are prepared to coöperate with the Persian Government for the encouragement of Anglo-Persian enterprise in this direction, both by means of railway construction and other forms of transport; subject always to the examination of the problems by experts and to agreement between the two governments as to the particular projects which may be most necessary, practicable and profitable."

(6) "The two governments agree to the appointment forthwith of a joint committee of experts for the examination and revision of the existing customs tariff with a view to its reconstruction on a basis calculated to accord with the legitimate interests of the country and to promote its prosperity."

The second agreement provides for a loan of £2,000,000 sterling by the British to the Persian Government on such terms as are customary in these cases. The rate of interest—7% payable monthly—might in certain quarters be deemed somewhat usurious. The securities for this loan are thus described in Article 3 of the second agreement:

All the revenues and customs receipts assigned in virtue of the contract of May 8, 1911,² for the repayment of the loan of £1,250,000 are assigned for the repayment of the present loan with continuity of all conditions stipulated in the said contract, and with priority over all debts other than the 1911 loan and subsequent advances made by the British Government. In case of insufficiency of the receipts indicated above, the Persian Government undertakes to make good the necessary sums from other resources, and for this purpose the Persian Government hereby assigns to the service of the present loan, and of the other advances above mentioned, in priority and with continuity of conditions stipulated in the aforesaid contract, the customs receipts of all other regions, in so far as these receipts are or shall be at its disposal.

It is further provided in Article 4 that the "Persian Government will have the right of repayment of the present loan at any date out of the proceeds of any British loan which it may contract for."

There are added to the texts of these agreements two letters, dated August 9, 1919, from Sir P. Cox, the British Minister at Teheran, to the Persian Prime Minister. Of these letters, one conveys the assurance to Persia of British cooperation in securing the "revision of treaties actually in force between the two Powers," "compensation for material damages suffered at the hands of other belligerents," and "rectification of the frontier of Persia at the points where it is agreed upon by the parties to be justifiable." The other letter assures the Persian Government that Great Britain will not claim the cost of maintenance of British troops sent into Persia for the defence of her neutrality, and requests a similar assurance that the Persian Government will not claim indemnity for damage done by British troops in Persian territory.

It is stated that these agreements are the result of negotiations which had been in progress for nine months at the time of the signing of the treaty, *i.e.*, they were begun before the Peace Conference had commenced its labors at Paris and therefore before the Covenant for a League of Nations existed even on official paper. This would seem to dispose of the charge that they constitute a violation of the Covenant of the League of Nations, in spirit at least.

To this charge Lord Curzon has thus replied:³

He had also seen it stated in some quarters that the agreement was a disengagement or deliberate neglect of the League of Nations to which most of us

² For these securities, see No. 3 of the Senate Document, included in it for the purpose of reference.

³ See *London Times*, September 19, 1919.

looked forward with such keen anticipation as one agency which might save us in future from the horrors of recent events. He contended that this was not the case. He said emphatically, and on behalf of the British Government, and after conversation with his Highness that afternoon, that both the British Government and the Persian Government accepted unreservedly Articles 10 and 20 of the Covenant. When the Treaty of Peace was ratified, and as soon as the Council of the League of Nations came into effective existence, it was the intention of both governments to communicate the agreement to the Council of the League, with a full explanation and defence of its conditions.

The publication of the Anglo-Persian Agreement is said to have been received with some annoyance in France, and has even disturbed the wonted serenity of some of the spirits in the Senate of the United States. It is of course seized upon by certain radical and so-called "liberal" elements in all countries as another evidence of British hypocrisy and imperialism.

However, there appears to be nothing in this agreement which need seriously disturb us. The independence and integrity of Persia are recognized in the most absolute and categorical manner, and we see no reason for questioning the good faith of Great Britain in this matter. To be sure, Persia may go the way of Egypt⁴ and Korea, but she may also go the way of Canada and Australia. The direction in which she moves will largely depend upon her own capacity (or the lack of it) for progress and self-government.

In these agreements the form of a Protectorate has been carefully avoided. As observed by Lord Curzon:

Great Britain had always respected the integrity of Persia, and, as regarded the political and national independence of that country, he contended that it was of British as well as Persian interest. Our main interest in Persia was its independence. We did not want Persia to be a mere buffer against our enemies: we wanted her to be a bulwark for the peace of the world. Great Britain had never asked for a mandate for Persia. Had it been offered we should not have accepted it. Great Britain preferred to treat with Persia as a partner on equal terms.

In some quarters suspicion had been aroused as to the real character of the agreement. This arose in the main from a misconception. It was stated that the agreement amounted to a protectorate by Great Britain over Persia. But that was not the case. He would have opposed any idea of a protectorate as contrary to our repeated engagements, and he would have opposed it in the last

⁴ In any comparison between the cases of Egypt and Persia, it should not be forgotten that Great Britain has never promised or recognized the "independence" of Egypt.

resort, because he would have regarded it as inimical to British interests. As a result of the war, Great Britain would have enough to do in the eastern part of the world without assuming the responsibility of a protectorate over Persia.

Those who believed that Great Britain, as a result of this agreement, was going to sit down in Persia to Anglicize or Indianize or Europeanize it were grossly mistaken. All they wanted to do was to give Persia expert assistance and financial aid which would enable her to carve out her own fortune as an independent and still living country.⁵

But whatever be the present intention of the British Government or the legal aspect of the question, it is useless to disguise the fact that in all human probability Persia will remain *de facto* under the virtual protection of Great Britain for an indefinite time to come.

How, indeed, could it be otherwise under the circumstances?

For a century or more the relations between Great Britain and Persia have been particularly intimate. During a considerable portion of this period Russia also exercised a strong political influence in Persia. The dangers lurking in the increasing rivalry between these two Powers were at least temporarily overcome by the Anglo-Russian Convention of 1907.

By the first "Arrangement" of the Convention of 1907,⁶ Persia was divided into three spheres of influence—the British sphere to the south on the seacoast so beloved of Great Britain; the northern or Russian sphere; and an irregular neutral zone lying between these two sections.

The collapse of Russia and the events of the Great War have apparently left Great Britain in sole occupation of Persia, in sore need of defender and guardian. This weak and helpless country stands in need of about everything essential to national well-being and success.

In the first place, she needs protection both against internal disorder and external aggression. It is well to cry out against imperialism and the unscrupulous designs of self-seeking and aggressive nations. But is it also well in pursuit of a *laissez-faire* and anti-imperial-

⁵ *Op. cit.*

⁶ For a discussion and analysis of this convention, see editorial in this JOURNAL for 1907, Vol. 1, Pt. 2, pp. 979 ff. For the text of the convention, see Supplement to this JOURNAL for 1907. For subsequent events, see editorial on "England and Russia in Central Asia" in this JOURNAL for 1909, Vol. III, pp. 170 ff.

istic policy to leave them a prey to the forces of aggression and chaos? Then Persia needs financial support as well as good administration. Above all, she needs roads and railways. Under the old Russian dispensation she was not permitted to construct a single railway.

So far as British interests are concerned, it is unnecessary to point out the importance of securing, free from molestation, this great highway between Mesopotamia and India. And we do not see that these interests conflict in any way with the great aim of securing and maintaining the peace of the world. In fact we believe this end is best furthered by the predominance of British interests (the greatest of which is peace) in this quarter of the globe.

As Lord Curzon well says on this head:

In looking to the future, nothing seemed to him more certain than that a time of great trouble and unforeseen developments lay before the nations of the world. He doubted very much whether, as the result of the war, we had succeeded in pacifying Europe. But whether we had done so or not, it was quite certain that we should not for some time secure stability in Asia. The break up of the Russian and Turkish Empires had produced a vacuum which it would take a long time to fill by settled and orderly conditions. The rise of Bolshevism had introduced a new and disturbing element, and it might be that in escaping the dangers of the recent war we might be confronted by a peril even more serious in the future. If that forecast were not over-gloomy, if it were correct, nothing could be worse for the peace of Asia, and indeed for the peace of the world, than that there should exist in the heart of the Middle East a state which by reason of its weakness became a possible center of intrigue and the focus of disorder.

What they wanted to secure, if possible, was a solid block in which reasonable, tranquil and orderly political conditions would prevail, from Burma on the east to Mesopotamia on the west. So far as Great Britain was responsible, she would devote herself to that task. If that end was a right and reasonable end, it was necessary and vital that Great Britain and Persia work together in order to secure it. Great Britain and Persia were jointly prepared to defend that agreement, and they looked forward to the vindication of its real character by its success.⁷

May this Agreement assist materially in ushering in a new era for Persia as well as aid in stabilizing Asia and thus maintaining the peace of the world!

AMOS S. HERSHEY.

⁷ *Op. cit.*