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'Mesopotamia. Appointment of Sir Percy Cox as High Commissioner: Instructions of His Majesty's Government'

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About this record

This printed report published by the India Office contains two sets of draft instructions approved by the Finance Committee of the Cabinet for Sir Percy Zachariah Cox's personal guidance as High Commissioner for Mesopotamia to give effect to the policy of His Majesty's Government. The first set is an original draft, dated 5 August 1920, while the second set is a revised draft.

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MESOPOTAMIA.

Appointment of Sir Percy Cox as High Commissioner: Instructions of His Majesty's Government.

(N.B.—The two sets of "Draft instructions" printed below were approved by the Finance Committee of the Cabinet, not as formal instructions for publication or otherwise, but as a general indication, for Sir Percy Cox's personal guidance, of the lines upon which he is authorised, at his discretion, to give effect to the policy of His Majesty's Government.)

DRAFT INSTRUCTIONS.

I.—ORIGINAL DRAFT AS SUBMITTED TO THE CABINET, 5TH AUGUST 1920.

His Majesty's Government have decided to appoint you as their High Commissioner for Mesopotamia and desire that you should take up your duties without delay as soon as a decision has been reached in regard to certain essential factors.

You are aware that a telegram has been received from the Acting Civil Commissioner in Mesopotamia making the suggestion, which is strongly supported by the General Officer Commanding, that Sherif Feisal should be offered the Amirate of Mesopotamia; and that the idea is favoured by His Majesty's Government in principle, provided that—

- (i) A spontaneous demand for Feisal is forthcoming from a sufficiently representative body of public opinion in Mesopotamia;
- (ii) Sherif Feisal is prepared in principle to accept Great Britain as Mandatory Power and to agree to a form of Mandate on the lines already drafted for communication to the League of Nations, or such modification of it as His Majesty's Government can advisedly approve.
- (iii) French susceptibilities can be overcome.

Supposing that the demand is forthcoming, Sherif Feisal accepts in principle, and the question of French susceptibilities is disposed of, your duty will be to get forthwith into personal touch with Feisal, either in Haifa, Cairo, or some neutral town in Europe, and proceed to negotiate with him a document which shall form the basis of the working relations between himself and His Majesty's Government. It is possible that Sherif Feisal, by the light of his experience with the French Government in regard to Syria, may, while accepting the principle of a Mandate and Great Britain as Mandatory, press for the expression of its terms in treaty form. Should this prove the case, His Majesty's Government will be prepared to entertain the proposal.

Should the negotiations above referred to lead to the desired result, you should then proceed to Mesopotamia with Feisal, or, failing that, precede him by a short period in which to prepare the ground for his coming.

As to the form of government which it is proposed to set up, it is common ground that it is to be predominantly Arab; but, in view of the change in the situation arising from our acceptance of Feisal as Head of the Arab State, it is considered that, subject to the safeguarding of our obligations and interests as Mandatory, the government must be as completely Arab as possible. That is to say, that it must be composed as far as, or as soon as, practicable, of Arab Ministers for each Department of State, responsible to the Arab Ruler, each assisted by a British expert as Secretary, such experts to be considered employes of the Arab Government.

It is recognised, however, that for the present special considerations attach to certain Ministries which cannot be overlooked, e.g., the Ministries of War, Foreign Affairs, Finance and Justice. As regards the Ministry of War, it must be clearly laid down in our agreement with Feisal that his Minister of War has no connection with or control over the British garrison in Mesopotamia, which must remain, for the period of the Mandate, under the direct authority of the British Representative.

The Arab Minister of War will simply be concerned for the present with the organisation and distribution of indigenous formations of a military or semi-military character, calculated, with the assistance of such British instructors as may be necessary, ultimately and gradually to replace the present Army of Occupation.

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As regards the control of the future British garrison, it is recognised that in Mesopotamia, as in other parallel cases, the authority of the chief civil representative must be supreme, and accordingly as High Commissioner you will be ex-officio Commander-in-Chief, and will be the sole channel through which the General Officer Commanding will communicate with the Arab Government on the one hand and His Majesty's Government on the other. It will be understood, however, that your position as Commander-in-Chief will carry with it no authority for intervention in matters of military detail.

As regards the conduct of *Foreign Affairs*, His Majesty's Government as Mandatory is responsible for them. It is possible that difficulties may be raised on this point by Sherif Feisal, but the principle must be maintained until the Arab State qualifies for admission to the League of Nations.

The representation of the Arab Government in foreign states by the British representative should not be a source of difficulty, it being accepted in principle that, as the Arab Government progresses, promising Arab officials may be attached to British Diplomatic or Consular representatives abroad with a view to learning their duties, and thus qualifying for diplomatic employment later on. It is rather your own position in relation to the Head of the Arab State in regard to the handling of Foreign Affairs which presents some difficulty.

There can clearly be no Arab Minister or Ministry for Foreign Affairs. These must be conducted as a branch of the British Residency or Agency, and *primâ facie* all external correspondence must be conducted by the British representative. The Ruler should, of course, be consulted by you in all important matters, and for purposes of routine communication a trustworthy go-between acceptable to both parties should be appointed.

Ministry of Finance.—So long as a British Force has to be maintained in Mesopotamia wholly or partly at the expense of the British Exchequer (and that is likely to be the case to a gradually decreasing degree throughout the period of Mandate), it is essential that His Majesty's Government should be in a position to exercise effective supervision over the finances of the country.

The appointment of a British Minister of Finance would no doubt be a more satisfactory arrangement, but as this may be regarded as incompatible with the principle of truly Arab government, His Majesty's Government will be prepared to accept an Arab Minister of Finance, provided that a British Financial Adviser is appointed with adequate financial powers.

Apart from this, and to strengthen the hands of the High Commissioner in local supervision of finance, His Majesty's Government are prepared to appoint to your staff a representative of His Majesty's Treasury who will act as your financial adviser until such time as the Arab Government is in a position to offer, and His Majesty's Government to accept, a fixed annual contribution to the cost of the British garrison.

Ministry of Justice.—It is recognised that the precise measures necessary for safeguarding the obligations and responsibilities of the Mandatory Power towards foreign subjects need careful consideration, and it is not possible to deal with the subject here. His Majesty's Government will await your suggestions after discussion with Sherif Feisal.

It is considered *primâ facie* that Sherif Feisal must function as a constitutional ruler, with an Elective Assembly, but this essential point must be a matter for discussion in the negotiations with Feisal. Meanwhile it is not considered necessary to suspend the measures already inaugurated in Mesopotamia for creating elective machinery.

In conclusion, it has been decided that, as High Commissioner of Mesopotamia, you will be directly responsible to the projected Department of the Middle East, and will receive the instructions of His Majesty's Government through that Department of State.

II.—REVISED DRAFT.

In pursuance of the Anglo-French Declaration of November 1918 and other pronouncements, His Majesty's Government have decided, now that peace been concluded with Turkey, that there shall be as little delay as possible in the creation of an Arab State in Mesopotamia.

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They have accordingly decided to appoint you as High Commissioner, and to entrust you with the task of preparing and submitting for their approval any steps and measures necessary to that end in consultation with representatives of various sections of opinion in the country itself.

It would be premature at present to lay down detailed instructions for your guidance. Suffice it to say:—

(1) That the precise form of the Government to be created, in which the sovereignty of the Arab State will be vested (subject to such limitations for the time being as may be prescribed in the Mandate) will be a matter for the free choice of the peoples of Mesopotamia, whose wishes you will endeavour to ascertain by whatever means you think fit. Similarly the choice of a ruler (if they decide in favour of a monarchy) will be left to them.

(2) That the Arab Government must accept the Mandate conferred upon Great Britain until such time as Mesopotamia shall be adjudged ready for membership of the League of Nations.

(3) That the personnel of the Government must from the first be as completely Arab as possible, *i.e.*, it must be composed as far as, and as soon as, practicable of Arab Ministers of State for each Department, British assistance being rendered in each case by a Secretary who will be an employé of the Arab Government.

Subject to the following reservations:—

(4) That the control over such British garrison as must be maintained in the country during the period of the Mandate will be with the British representative.

(5) That His Majesty's Government as Mandatory will be responsible for the conduct of the foreign affairs and relations of the State, but you will, of course, keep the Head of the Arab Government informed in all important matters.

(6) That so long as it remains necessary to maintain a British garrison in Mesopotamia wholly or partly at the expense of the British Exchequer, it is essential that His Majesty's Government should be in a position to exercise effective supervision over the finances of the State. It will be your duty to advise how this supervision can be best exercised.

(7) The obligations and responsibilities devolving upon the Mandatory, in view of the absence of capitulations, in regard to the treatment of the subjects of foreign Powers, must be carefully safeguarded, and His Majesty's Government will await your suggestions before deciding how this end can be best achieved.

(8) That in all matters in which any difference of opinion may arise the Arab Government will, in the last resource, act upon the advice formally tendered to it by the High Commissioner on behalf of His Majesty's Government.

INDIA OFFICE,
28th August 1920.

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