

GRANDE-BRETAGNE
ET IRLANDE DU NORD
ET ÉGYPTE

Convention relative à l'abolition de la Caisse de la Dette publique égyptienne avec déclaration du Gouvernement égyptien y annexée, signées au Caire, le 17 juillet 1940, et procès-verbal de signature de la même date.

Texte officiel français communiqué par le sous-secrétaire d'Etat aux Affaires étrangères du Royaume d'Égypte, et par le secrétaire d'Etat aux Affaires étrangères de Sa Majesté en Grande-Bretagne. L'enregistrement a eu lieu le 31 juillet 1940.

GREAT BRITAIN
AND NORTHERN IRELAND
AND EGYPT

Convention relative to the Abolition of the Egyptian "Caisse de la Dette publique", with Declaration by the Egyptian Government annexed thereto, signed at Cairo, July 17th, 1940, and Procès-verbal of Signature of the Same Date.

French official text communicated by the Under-Secretary of State for Foreign Affairs of the Kingdom of Egypt, and by His Majesty's Secretary of State for Foreign Affairs in Great Britain. The registration took place July 31st, 1940.

N^o 4738. — CONVENTION ENTRE LA GRANDE-BRETAGNE ET L'IRLANDE DU NORD ET L'ÉGYPTÉ RELATIVE A L'ABOLITION DE LA CAISSE DE LA DETTE PUBLIQUE ÉGYPTIENNE. SIGNÉE AU CAIRE, LE 17 JUILLET 1940.

SA MAJESTÉ LE ROI D'ÉGYPTÉ et SA MAJESTÉ LE ROI DE GRANDE-BRETAGNE, D'IRLANDE ET DES DOMINIONS BRITANNIQUES AU DELÀ DES MERS, EMPEREUR DES INDES,

Considérant que, par le Décret Khédivial¹ du 2 mai 1876, il a été institué une commission spéciale et une caisse pour le service de la Dette publique égyptienne, désignée ci-après sous la dénomination de « Caisse de la Dette » ;

Considérant que, par une Convention² signée à Londres le 18 mars 1885, entre les Gouvernements de l'Autriche-Hongrie, de la France, de la Grande-Bretagne, de l'Italie, de la Russie et de la Turquie, il a été convenu que le service de l'emprunt dont la garantie a résulté de ladite convention serait confié à la Caisse dans les mêmes conditions que le service de la Dette privilégiée et de la Dette unifiée faisant à cette époque partie de la Dette publique égyptienne, conformément au Décret Khédivial précité, et que ladite convention a été rendue exécutoire par le Décret Khédivial³ du 27 juillet 1885 ;

Considérant que, par la Loi N^o 17 du 28 novembre 1904⁴, promulguée avec l'assentiment de toutes les Puissances signataires de la convention précitée du 18 mars 1885, lesdits Décrets Khédiviaux du 2 mai 1876 et du 27 juillet 1885 ont été abrogés et que le fonctionnement de la Caisse de la Dette a été dorénavant réglé par les dispositions de ladite loi ;

Considérant que le régime institué par la Loi N^o 17 du 28 novembre 1904 ne se justifie plus en raison de la stabilité financière de l'Égypte et que le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord a accepté qu'il fût supprimé, et considérant, d'autre part, que le Gouvernement royal égyptien a accepté d'adopter des dispositions assurant aussi efficacement que par le passé le service des emprunts encore compris dans la Dette publique égyptienne ;

Ont décidé de conclure une convention à cette fin et ont désigné pour leurs Plénipotentiaires, savoir :

SA MAJESTÉ LE ROI D'ÉGYPTÉ :

Son Excellence HASSAN SABRY Pacha, président du Conseil des ministres, ministre des Affaires étrangères,

SA MAJESTÉ LE ROI DE GRANDE-BRETAGNE, D'IRLANDE ET DES DOMINIONS BRITANNIQUES AU DELÀ DES MERS, EMPEREUR DES INDES :

Son Excellence Sir Miles Wedderburn LAMPSON, G.C.M.G., C.B., M.V.O., ambassadeur extraordinaire et plénipotentiaire en Égypte,

Lesquels, après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des dispositions suivantes :

Article premier.

Le Gouvernement du Royaume-Uni consent, sous réserve des dispositions énoncées dans les articles suivants, à l'abrogation de la Loi N^o 17 du 28 novembre 1904.

¹ *British and Foreign State Papers*, Vol. 67, page 1014.

² DE MARTENS, *Nouveau Recueil général de Traités*, deuxième série, tome XI, page 94.

³ DE MARTENS, *Nouveau Recueil général de Traités*, deuxième série, tome XI, page 98.

⁴ *British and Foreign State Papers*, Vol. 97, page 41.

¹ TRADUCTION. — TRANSLATION.

No. 4738. — CONVENTION BETWEEN GREAT BRITAIN AND NORTHERN IRELAND AND EGYPT RELATIVE TO THE ABOLITION OF THE EGYPTIAN "CAISSE DE LA DETTE PUBLIQUE". SIGNED AT CAIRO, JULY 17TH, 1904.

HIS MAJESTY THE KING OF EGYPT and HIS MAJESTY THE KING OF GREAT BRITAIN, IRELAND AND OF THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA,

Considering that, by the Khedivial Decree ² of the 2nd May, 1876, there was instituted a special commission and a "caisse" for the service of the Egyptian Public Debt, hereinafter described as the "Caisse de la Dette";

Considering that, by a Convention ³ signed in London on the 18th March, 1885, between the Governments of Austria-Hungary, France, Great Britain, Italy, Russia and Turkey, it was agreed that the service of the loan of which the guarantee resulted from the said Convention should be entrusted to the Caisse under the same conditions as the service of the Privileged Loan and of the Unified Loan, forming at that time part of the Egyptian Public Debt, in conformity with the above-mentioned Khedivial Decree, and that the said Convention was put into execution by the Khedivial Decree ⁴ of the 27th July, 1885;

Considering that, by Law No. 17 of the 28th November, 1904 ⁵, passed with the consent of all the Powers that signed the above mentioned Convention of the 18th March, 1885, the said Khedivial Decrees of the 2nd May, 1876, and the 27th July, 1885, were abrogated and the functioning of the Caisse de la Dette has since then been regulated by the terms of the aforesaid Law;

Considering that the régime instituted by Law No. 17 of the 28th November, 1904, is no longer justified in view of the financial stability of Egypt and that the Government of the United Kingdom of Great Britain and Northern Ireland have agreed that it should be suppressed, and considering, on the other hand, that the Royal Egyptian Government have agreed to adopt measures assuring as efficaciously as in the past the service of the loans still included in the Egyptian Public Debt;

Have decided to conclude a Convention with this object and have appointed as their Plenipotentiaries:

HIS MAJESTY THE KING OF EGYPT:

His Excellency Hassan SABRY Pasha, President of the Council of Ministers, Minister for Foreign Affairs.

HIS MAJESTY THE KING OF GREAT BRITAIN, IRELAND, AND OF THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA:

His Excellency Sir Miles Wedderburn LAMPSON, G.C.M.G., C.B., M.V.O., Ambassador Extraordinary and Plenipotentiary in Egypt,

Who, after having exchanged their full powers, found in good and due form, have agreed upon the following Articles:

Article I.

The Government of the United Kingdom agree, with the reservations set out in the following Articles, to the abrogation of Law No. 17 of the 28th November, 1904.

¹ Traduction du Foreign Office de Sa Majesté britannique.

¹ Translation of His Britannic Majesty's Foreign Office.

² *British and Foreign State Papers*, Vol. 67, page 1014.

³ *British and Foreign State Papers*, Vol. 76, page 348.

⁴ *British and Foreign State Papers*, Vol. 76, page 352.

⁵ *British and Foreign State Papers*, Vol. 97, page 41.

Article 2.

The Royal Egyptian Government will assure as a first charge on its general resources and in the following order the service (interest and amortisation) of the Guaranteed Loan, of the Privileged Loan and of the Unified Loan. The Royal Egyptian Government undertake to take no action prejudicial to the maintenance of that priority.

Article 3.

The Guaranteed Loan carries interest at the rate of 3 per cent. per annum payable on the 1st March and the 1st September. Its service involves a fixed annuity of 315,000 pounds sterling for the payment of the interest and amortisation. The portion of that annuity which cannot be absorbed by the service of the interest will be applied to the amortisation of the Guaranteed Loan. That Loan will continue to benefit by the guarantee envisaged by the International Convention of the 18th March, 1885.

The Privileged Loan carries interest at the rate of 3 ½ per cent. per annum payable on the 15th April and the 15th October.

The Unified Loan carries interest at the rate of 4 per cent. per annum payable on the 1st May and the 1st November.

Article 4.

The coupons of the three Loans of the Public Debt mentioned in Article 3 above are payable and their bonds repayable in pounds sterling without any deduction. The payments and the repayments are made in Egypt, in London and in Paris.

Article 5.

The Royal Egyptian Government will have full liberty to proceed, at any moment, to the repayment at par of the Guaranteed Loan, of the Privileged Loan, and of the Unified Loan, either at one and the same time or at different times, or to the amortisation of any one of these Loans. When the market price is under par, amortisation will take place by purchases at market price. If the contrary is the case, amortisation will take place at par by means of drawings which will be made in public.

Notice will be given in the *Journal Officiel* two months in advance in the case of amortisation in accordance with this Article.

The repayment of the bonds drawn will take place as from the date of maturity of the following coupon.

The Royal Egyptian Government will assure as effectively as in the past the rights of holders of bonds or coupons that have been destroyed, lost or stolen.

Article 6.

No tax payable to the Egyptian Government can be charged on the bonds of the three Loans and their repayment.

Article 7.

The abrogation of Law No. 17 of the 28th November, 1904, will not have the effect of bringing back into force any of the provisions of the laws, decrees or contracts directly or indirectly abrogated by the said Law.

Article 8.

Any difference of opinion between the contracting Governments on the subject of the interpretation or the application of the present Convention which cannot be decided through the diplomatic channel will be submitted, at the request of one or other of the Governments, to the Permanent Court of International Justice for judgment.

Article 9.

The present Convention will enter into force on the date of its signature.

The transfer to the Royal Egyptian Government of £E.1,800,000 from the Reserve Fund, of £E.500,000 from working capital provided for in Article 27 of Law No. 17 of 1904, and of the permanent increase of the realisable assets, instituted by the letter of the Minister of Finance dated the 15th December, 1904, and now amounting to £E.650,000 as well as all other sums deposited with the Caisse de la Dette, will take place on the date of the entry into force of the Convention. On the same date the Royal Egyptian Government will accept responsibility for all the obligations of the Caisse de la Dette.

In witness whereof, the above-mentioned Plenipotentiaries have signed the present Convention and have affixed their seals.

Done at Cairo, the 17th July of the year Nineteen Hundred and Forty (11 Gamâd Tani of the year Thirteen Hundred and Fifty-nine of the Hegira), in a single copy which will be placed in the archives of the Royal Egyptian Government and of which a certified copy will be sent to the Government of the United Kingdom of Great Britain and Northern Ireland.

(L.S.) Hassan SABRY.

(L.S.) Miles W. LAMPSON.

DECLARATION

At the time of proceeding to the signature of the Convention of to-day's date on the subject of the Egyptian Public Debt, the Egyptian Plenipotentiary declares that :

I. To ensure the application of the said Convention the Royal Egyptian Government intend to pay the sums necessary for the service of the Guaranteed Loan, the Privileged Loan and the Unified Loan into a special account that the Government will open at the National Bank of Egypt, called the " Special Loan Account, " in order that that Bank may carry on this service. Half the fixed annuity of the Guaranteed Loan, as well as half the sums necessary for the payment of each coupon of the Privileged Loan and the Unified Loan will be paid into the above-mentioned account three months before the due date.

II. The Royal Egyptian Government undertake to maintain, in the law yet to be promulgated in fulfilment of the Convention of to-day's date, the rules actually in force regarding time-limit of prescription for the interest of the three Loans and the capital of their bonds drawn for amortisation.

III. The Royal Egyptian Government are willing to examine favourably the situation of those of the present permanent officials of the Caisse de la Dette whose duties will come to an end as a result of the suppression of that institution.

IV. The Crédit Lyonnais will continue to perform the duties of paying agent for the service of the three Loans in Paris.

V. In fixing the exchange for payments in Paris, the Royal Egyptian Government intend to continue the existing practice in accordance with which the payments will be made at ten centimes under the ruling exchange rate on London on the day of presentation.

The Plenipotentiary of Great Britain has taken cognisance of these declarations.

CAIRO, July 17th, 1940.

PROCÈS-VERBAL OF SIGNATURE

OF THE CONVENTION RELATIVE TO THE ABOLITION OF THE EGYPTIAN "CAISSE DE LA DETTE PUBLIQUE" CONCLUDED BETWEEN THE GOVERNMENT OF HIS BRITANNIC MAJESTY IN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE ROYAL EGYPTIAN GOVERNMENT.

The undersigned, His Excellency Sir Miles Wedderburn Lampson, G.C.M.G., C.B., M.V.O., Ambassador Extraordinary and Plenipotentiary in Egypt of His Britannic Majesty, on the one part, and His Excellency Hassan Sabry Pasha, President of the Council of Ministers, Minister for Foreign Affairs of His Majesty the King of Egypt, on the other part, having met together to sign the Convention relative to the abolition of the Egyptian Caisse de la Dette publique concluded between the Government of His Britannic Majesty in the United Kingdom of Great Britain and Northern Ireland and the Royal Egyptian Government;

His Excellency Sir Miles Wedderburn Lampson having produced the full powers authorising him to sign in the name of his Government, the signature of the Convention in question was proceeded with.

At the same time, His Excellency Hassan Sabry Pasha read out a declaration annexed to the Convention of which His Excellency Sir Miles Wedderburn Lampson took cognisance.

In virtue of which the undersigned have drawn up the present *procès-verbal*, which they have signed in duplicate and to which they have attached their seals.

Done at Cairo, the seventeenth day of July, 1940.

(L.S.) Miles W. LAMPSON.

(L.S.) Hassan SABRY.