
RAILWAYS, PORTS, AND IRRIGATION: THE FORGOTTEN REGIONAL LANDSCAPE OF THE SYKES-PICOT AGREEMENT

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ABSTRACT

What was the geo-political scale of the Sykes-Picot Agreement of 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 Article 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 to 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. Part II of this Article outlines the prewar regional landscape of the agreement in ideas and practices of colonial development in Ottoman territories. Part III outlines the agreement's war-time regional landscape in inter-imperial negotiations and in the more intimate drafting context, and locates the Sykes-Picot Agreement within a "missed" moment of regional development.

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I. INTRODUCTION: OPENING TERRITORIAL SPACE

A. *Preface: December 1915, at 10 Downing Street*

On Thursday, December 16, 1915, a meeting was held at 10 Downing Street, where Lieutenant-Colonel Sir Mark Sykes was called upon to give evidence on the “Arab Question” before the War Committee.¹ “You have been very recently in this part of the world: where have you been?” asked the Prime Minister.² Sir Mark Sykes replied, laying out his 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.³

Later in the meeting, as he provided evidence on various issues, such as the Arab nationalist movement, Arab resentment towards the French, French

¹ This meeting consisted 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. See generally WAR COMMITTEE, EVIDENCE OF LIEUTENANT-COLONEL SIR MARK SYKES, BART., M.P., ON THE ARAB QUESTION, 1915, CAB 24/1, at G-46 (UK).

² *Id.* at 2.

³ *Id.* (emphasis added).

colonial attitudes and plans, Arab-Indian hostility, the “Kalifate Question,” and his views on the benefits of England supporting Arab aspirations or the chances of reaching 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 round *Kerbela and to the south of Bagdad* are very much cut off from the rest of the Arab movement by Shiism—by the Shia religion. They have a certain sense of race and breed, but they do not fall in with the other people.⁴

When speaking of the French’s fear of an Arab Kalifate, Sir Mark lined up French interest in Tunisia, Algeria, Morocco, Syria, Palestine, and Mesopotamia.⁵ While discussing the dangers of staying passive with regards to Arab aspirations, he moved from Constantinople to Mesopotamia and imagined streams of people traveling uninterruptedly from Persia to Afghanistan, unrest in India and in the Sudan, and Indian pilgrims at Mecca.⁶ Then, when addressing the strategy for an agreement with France, he easily linked Aden with Mesopotamia and Damascus and Lebanon with Egypt, Bagdad, and Basra.⁷

Here, Sir Mark Sykes, a mid-level official and a diplomatic advisor for the War Office, while providing his expertise to cabinet just weeks away from reaching the agreement that would famously carry his name, was frantically moving, both in his mind and in real travel, across large distances and open landscapes, full of dangers and possibilities—from Egypt to Persia, Afghanistan to Mecca, Sudan to Beirut—all of which was seen “as one definite problem”⁸ to British desiderata in the region.

Such a geographically broad mindset, this Article suggests, is also the dominant spatial image at the background of the Sykes-Picot Agreement. Rather than understanding the agreement as a treaty that signifies the beginning of the region’s post-war territorial division, it is instead better understood through a set of legal and diplomatic documents that envision the

⁴ *Id.* (emphasis added).

⁵ *See id.* at 3.

⁶ *Id.* at 4.

⁷ *Id.* at 4-5.

⁸ *Id.*

Middle East as a vast and politically potent space.

B. *A Forgotten Regional Landscape*

People tend to think about the period leading from World War I to the mandate system through an after-the-fact perspective of the region's ongoing conflicts and commonly acknowledged failures of cooperation.⁹ But this narrative is too captivated with the bleak and pressing realities of post-mandatory Middle East conflicts and instabilities. During 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 accustomed 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 then were the concrete spatial structures by which these actors imagined and negotiated a new world order in this area?¹⁰

⁹ According to this 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. *See, e.g.*, GIDEON BIGER, *THE BOUNDARIES OF MODERN PALESTINE, 1840–1947*, at 224–26 (2004); MICHAEL J. COHEN, *THE ORIGINS AND EVOLUTION OF THE ARAB-ZIONIST CONFLICT* 18–19, 28 (1987); ISAIAH FRIEDMAN, *PALESTINE, A TWICE-PROMISED LAND?* 1, 51, 59 (2000); SAHAR HUNEIDI, *A BROKEN TRUST: HERBERT SAMUEL, ZIONISM AND THE PALESTINIANS 1920–1925*, at 11, 25 (2001); VICTOR KATTAN, *FROM COEXISTENCE TO CONQUEST: INTERNATIONAL LAW AND THE ORIGINS OF THE ARAB-ISRAELI CONFLICT, 1891–1949*, at 45 (2009); NICK REYNOLD, *BRITAIN'S UNFULFILLED MANDATE FOR PALESTINE* 4–25 (2014).

¹⁰ By “spatial structures” (and sometimes, spatial concepts or spatial visions), this Article refers to concrete and powerful ideas about space that 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. *See* Luigi Nuzzo, *Territory, Sovereignty, and the Construction of the Colonial Space*, in *INTERNATIONAL LAW AND EMPIRE: HISTORICAL EXPLORATIONS* 263 (Martti Koskenniemi et al. eds., 2017); *see also* Peter J. Taylor, *The State as Container: Territoriality in the Modern World-System*, in *STATE/SPACE: A READER* 101 (Neil Brenner et al. eds., 2003). However, historians, geographers, and anthropologists invite us to question the view of impermeable borders, seeing borders as spatial divisions and, at the same time, intersections of intense social dynamics. *See* B/ORDERING SPACE 2–4 (Henk Van Houtum et al. eds., 2005). In an ongoing research project, the author follows 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

The context for answering this question is that of empire. At that point in time, all the actors involved with negotiating the future of the region—Arab leaders, former functionaries in the Ottoman Empire, nationalist revolutionaries and subjects of that empire, Zionist leaders, British and French policy makers, administrators, and international diplomats attempting to constrain imperial power—were necessarily talking in the language of imperial rule, as they had to 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 or even nations. This would soon change, but in the relevant period, when a 400-year-old empire was shaken to the ground and the victorious Powers were to plan what will come in its place, they envisioned large and penetrable geographical areas, certainly not sovereign territorial states. All of the new ideas 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.¹¹

C. *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. In early 1915, the British initiated negotiations with the Arabs in order to safeguard the territorial promises to Sharif

and control rather than an ideology of spatial uniformity and divisibility. See Thomas Scheffler, 'Fertile Crescent', 'Orient', 'Middle East': *The Changing Mental Maps of Southwest Asia*, 10 EUR. REV. OF HIST. 253, 255 (2003). For a useful and 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)*, 13 HIST. COMPASS 411, 411-12 (2015). Recovering such alternative spatial visions will hopefully broaden our understanding of the territorial process of colonization.

¹¹ This Article's analysis is influenced by recent attempts, in the historiography of empire, to unearth alternative spatial concepts that are significant to imperial experiences of governing. Historians 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 generally Zoe Laidlaw, *Breaking Britannia's Bounds? Law, Settlers, and Space in Britain's Imperial Historiography*, 55 HIST. J. 807 (2012); see also LEGAL HISTORIES OF THE BRITISH EMPIRE: LAWS, ENGAGEMENTS AND LEGACIES (Shaunnagh Dorsett & John McLaren eds., 2014).

Hussein,¹² while at the same time consolidating their war-time relations with their ally France,¹³ which culminated in the Sykes-Picot Agreement on May 16, 1916.¹⁴ 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.¹⁵ France assumed control of northern Syria,

¹² Sharif Hussein bin Ali (1853-1931) was the custodian of the holy cities of Mecca and Medina between 1908-17. For an introduction to the McMahon-Hussein Correspondence, see generally ELIE KEDOURIE, IN THE ANGLO-ARAB LABYRINTH: THE MCMAHON-HUSAYN CORRESPONDENCE AND ITS INTERPRETATIONS 1914-1939 (2000). For the full online text of the correspondence (consisting of ten letters), see *Pre-State Israel: The Hussein-McMahon Correspondence (July 1915 - August 1916)*, JEWISH VIRTUAL LIBR., <http://www.jewishvirtuallibrary.org/jsource/History/hussmac1.html> [<https://perma.cc/UFP3-QGDR>].

¹³ See JUKKA NEVAKIVI, BRITAIN, FRANCE, AND THE ARAB MIDDLE EAST 1914-1920, at 9-26 (1969). Nevakivi sees the Sykes-Picot Agreement as a direct continuation of British attempts to manage their relations with the Arabs. See, e.g., *id.* at 4, 18, 22-26.

¹⁴ Although commonly referred to as an “agreement,” the Sykes-Picot Agreement does not conform to a typical treaty format. Instead, it consists of a number of letters exchanged between the British, French, and Russian Foreign Ministries in early May 1916. See 2 PALESTINE BOUNDARIES 1833-1947, at 99-109 (Patricia Toye ed., 1989) (detailing correspondence between Cambon and Grey). 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, the author follows this convention. For a commonly used text of the Sykes-Picot Agreement, see *Sykes-Picot Agreement Text*, UNISPAL, <https://unispal.un.org/DPA/DPR/unispal.nsf/0/232358BACBEB7B55852571100078477C> [<https://perma.cc/C6NQ-7J2D>] [hereinafter Sykes-Picot Agreement].

¹⁵ For an influential recent interpretation of the negotiation process, see JAMES BARR, A LINE IN THE SAND: BRITAIN, FRANCE AND THE STRUGGLE FOR THE MASTERY OF THE MIDDLE EAST (2011). Since preparation for the 2016 centennial to the agreement coincided with the famous 2014 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 Steven A. Cook & Amr T. Lehet, *Don’t Blame Sykes-Picot for the Middle East’s Mess*, FOREIGN POL’Y (May 13, 2016), <http://foreignpolicy.com/2016/05/13/sykes-picot-isnt-whats-wrong-with-the-modern-middle-east-100-years> [<https://perma.cc/A82M-KLCL>]; Nick Danforth, *Forget Sykes-Picot. It’s the Treaty of Sèvres That Explains the Modern Middle East*, FOREIGN POL’Y (Aug. 10, 2015), <http://foreignpolicy.com/2015/08/10/sykes-picot-treaty-of-sevres-modern-turkey-middle-east-borders-turkey> [<https://perma.cc/W79B-YG64>]; Jeffrey Goldberg, *The New Map of the Middle East*, ATLANTIC (June 19, 2014), <https://www.theatlantic.com/international/archive/2014/06/the-new-map-of-the-middle-east/373080/> [<https://perma.cc/RKG7-TF8D>]; David Ignatius, *David Ignatius: Piecing Together the Shattering Middle East*, WASH. POST (June 17, 2014), https://www.washingtonpost.com/opinions/david-ignatius-piecing-together-the-shattering-middle-east/2014/06/17/e73812f8-f63a-11e3-a606-946fd632f9f1_story.html?utm_term=.f9d038411561 [<https://perma.cc/9KPK-U83K>]; Sara Pursley, *‘Lines Drawn on an Empty Map’: Iraq’s Borders and the Legend of the Artificial State (Part 1)*, JADALIYYA (June 2, 2015), <http://www.jadaliyya.com/pages/index/21759/> [<https://perma.cc/9ZEL-6ZVK>]; Malise Ruthven, *The Map ISIS Hates*,

which became Lebanon and Syria, Damascus, Homs, Hama, Aleppo, and also Mosul in Northern Iraq (blue area on the map).¹⁶ Britain assumed the Baghdad Vilayet (red area on the map).¹⁷ Syria to the east of Homs, Hamah, and Damascus would become an “independent Arab State or Confederation,” but remain directly under French influence (Area A on the map).¹⁸ South Syria in the general area of the present Jordan-Syria boundary, what later became Trans-Jordan, was assigned under British influence (Area B on the map).¹⁹ Palestine was to be under an international administration.²⁰

These rather arbitrary delineations on maps affixed to the agreement were not known to the Arabs when, just a month after its signature, the Arab Revolt began.²¹ The agreement was kept secret, but Tsarist Russia was informed. When the Bolsheviks came to power, they published the agreement, and in November 1917, it was printed in the *Manchester Guardian*.²² The publication of the secret agreement startled Arab leaders and others in the western world, and many still consider it a classic mark of imperial dishonesty and betrayal.²³ It had, no doubt, an immense impact both on the British need to reassert legitimacy vis-à-vis 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

N.Y. REV. DAILY (June 25, 2014), <http://www.nybooks.com/daily/2014/06/25/map-isis-hates/> [<https://perma.cc/6X22-QR5V>]; Robin Wright, *Imagining a Remapped Middle East*, N.Y. TIMES (Sept. 28, 2013), <http://www.nytimes.com/2013/09/29/opinion/sunday/imagining-a-remapped-middle-east.html?pagewanted=all&mcubz=0> [<https://perma.cc/DE7V-NMNF>]. Most of these articles confront the question of the impact of the agreement on the Middle East’s post-colonial conflicts and border-making exercises. This Article does not intervene in such debates, but may help to shed some of their underlying anxieties by locating the agreement in a differently envisioned territorial space.

¹⁶ Sykes-Picot Agreement, *supra* note 14. The famous map which was attached to the agreement can be reached online: https://en.wikipedia.org/wiki/Sykes%E2%80%93Picot_Agreement#/media/File:MPK1-426_Sykes_Picot_Agreement_Map_signed_8_May_1916.jpg [<https://perma.cc/8ZP9-TBCD>].

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.* at arts. 1–3.

²¹ See BARR, *supra* note 15, at 3.

²² On November 23, 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 & H. H. FISHER, *THE BOLSHEVIK REVOLUTION 1917–1928: DOCUMENTS AND MATERIALS* 242 (1965).

²³ For a detailed description of the impact on Anglo-Arab relations, see generally KEDOURIE, *supra* note 12, at 159–84. For a discussion on the impact of the agreement on the shape of subsequent borders and regional relations, see Eugene L. Rogan, *The Emergence of the Middle East into the Modern State System*, in *INTERNATIONAL RELATIONS OF THE MIDDLE EAST* 39, 50–61 (Louise Fawcett ed., 4th ed. 2016).

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 their true imperial sentiment. This does not necessarily mean their greed and desire to exploit the region. These are obviously expressed in the document and are manifested in its commonplace interpretations. Instead, this refers to a powerful imperial image of a region that was 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 superimposed on the map is long and ambitious. Among others, the region was opened to: protection of independent indigenous rule (Article 1),²⁴ enterprise and local loans,²⁵ the supply of expertise (Article 1),²⁶ the establishment of direct and indirect administration or control (Article 2),²⁷ and the conduct of international²⁸ and regional²⁹ relations (Articles 3, 9, 10, and 11).

²⁴ "That France and Great Britain are prepared to recognize and protect an independent Arab states or a confederation of Arab states." Sykes-Picot Agreement, *supra* note 14, art. 1.

²⁵ *Id.* ("That in area (a) France, and in area (b) Great Britain, shall have priority of right of enterprise and local loans.").

²⁶ *Id.* ("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.").

²⁷ *Id.* art. 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 fit to arrange with the Arab state or confederation of Arab states.").

²⁸ 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 [sic] of Mecca." *Id.* art. 3. But also with Italy and Japan. *Id.* art. 12 ("[T]he 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.").

²⁹ *Id.* art. 9 ("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."); *id.* art. 10 ("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."); *id.* art. 11 ("The negotiations with the Arabs as to the boundaries of the Arab states shall be continued through

But this broad territorial space could also accommodate much more detailed, administrative, and governmental constructions: the expansion and emancipation of ports (Article 5),³⁰ the establishment of trade and transportation norms, and their harmonization over the territory (Article 5),³¹ the transfer of water (Article 4),³² the negotiation with allies over neighboring territories (Article 4),³³ the establishment of railroads and the control over their path (Article 6),³⁴ the monopolization of rail routes and their distribution according to economic needs (Article 7),³⁵ the transportation of troops (Article 7),³⁶ the control over rates of customs and tariff (Article 8),³⁷ the regulation of custom barriers between the different zones and into the area

the same channel as heretofore on behalf of the two powers.”).

³⁰ *Id.* art. 5 (“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.”).

³¹ *Id.* (“[T]here 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.”)

³² *Id.* art. 4 (“(2) [G]uarantee of a given supply of water from the tigris [sic] and Euphrates in area (a) for area (b).”)

³³ *Id.* (“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.”).

³⁴ *Id.* art. 6 (“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.”).

³⁵ *Id.* art. 7 (“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).”).

³⁶ *Id.* (“That Great Britain . . . shall have a perpetual right to transport troops along such a line at all times.”).

³⁷ *Id.* art. 8 (“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.”).

(Article 8),³⁸ and arms control (Article 12).³⁹

This is a startling example of imperial regionalism. In secret, when the Powers could speak freely, they saw 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 20th century.

The rest of this Article will follow the agreement's historical context from pre-war colonial development ideas and practices (Part II) to its immediate war-time drafting process (Part III) and show that its drafters and visionaries did more than "draw lines in the sand," but were, in fact, involved in a grand war-time imperial exercise of global and regional management. For those 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 empires.

II. PRE-WAR HISTORY OF THE SYKES-PICOT AGREEMENT

A. *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 clear sense of rupture between the Ottoman Empire and the British mandate that followed it."⁴⁰ This approach, he claims, "distorts our understanding of change in the region and prevents analysis of the two empires in comparative perspective."⁴¹ One particular area of continuity that

³⁸ *Id.* ("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.").

³⁹ *Id.* art. 12 ("It is agreed that measures to control the importation of arms into the Arab territories will be considered by the two governments.").

⁴⁰ JACOB NORRIS, *LAND OF PROGRESS: PALESTINE IN THE AGE OF COLONIAL DEVELOPMENT* 3 (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.

⁴¹ *Id.* For more works that contradict the "rupture" approach, see ABIGAIL JACOBSON, *FROM EMPIRE TO EMPIRE: JERUSALEM BETWEEN OTTOMAN AND BRITISH RULE* (Syracuse Univ. Press 2011), and ROBERTO MAZZA, *JERUSALEM: FROM THE OTTOMANS TO THE BRITISH* (I.B. Tauris 2009). These works alternatively frame the study of the relationship between local communities and the imperial state as not purely within the years of Ottoman or British control, but point to the entire 1910s as a period of intensive restructuring. This allows them to explore

Norris focuses on is that of colonial development, a notion which he applies through case studies on Ottoman and British practices in Palestine.⁴²

In the years before World War I, and particularly after the 1908 revolution, the Arab provinces of the Ottoman Empire saw profound colonial development projects in terms of the Ottoman government's renewed focus on modernizing provincial infrastructure.⁴³ In this context, in the latter part of the 19th century and up until World War I, a number of 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.⁴⁴ At the same time, 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.⁴⁵ 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 European country in the region.⁴⁶ This intersection of colonial development,

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, *supra* note 40, at 3–5.

⁴² 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. The author will, for now, follow the same route. Acknowledging that colonialism is a phenomenon of great vagueness, this Article adopts 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* 4 (Shelley L. Frisch trans., 2d ed. 2005). 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, the author tends to follow Norris' conceptual ambivalence and his emphasis on the Empire's officials who often saw themselves as a part of a global system. NORRIS, *supra* note 40, at 16–17.

⁴³ See RASHID ISMAIL KHALIDI, *BRITISH POLICY TOWARDS SYRIA & PALESTINE 1906–1914: A STUDY OF THE ANTECEDENTS OF THE HUSSEIN-MCMAHON CORRESPONDENCE, THE SYKES-PICOT AGREEMENT, AND THE BALFOUR DECLARATION* 76 (1980).

⁴⁴ See *id.* at 115–16.

⁴⁵ See, e.g., *id.* at 79, 117, 127–29.

⁴⁶ Rashid Khalidi provides a detailed description of how these connections function in the context of railway building, demonstrating a process of “interminable haggling” in 1909–

between Ottoman imperial rule and European commercial and official interventions, is also where the wider, regional story of the Sykes-Picot Agreement begins.

In order to delve into that story, a note is required about the concept of “colonial development.” In recent years, a number of scholars have 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.⁴⁷ 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 to relate to a less studied, early foundational era in the history of the field.⁴⁸ In this era, the focus of new imperial investments were less on the welfare of colonial populations and more on infrastructure.⁴⁹ The later age of colonial development in the 1940s and 1950s, which is often explained by the post-World War II colonial legitimacy crisis, had roots in older patterns that stretch back to earlier decades of the 20th century.⁵⁰ This “first age of colonial development”⁵¹ was also a product of colonial crisis, but was formulated more explicitly in terms of benefits to imperial metropole.⁵² Imperialists, particularly in Britain and France, argued that the

1910 between rival financiers and senior British and French civil servants over concessions for railways in Syria—in 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.” *See id.* at 113.

⁴⁷ For the origins of the concept of “development” in western political tradition and politics, *see* M. P. COWEN & R. W. SHENTON, *DOCTRINES OF DEVELOPMENT* 25–33 (1996); THOMAS MCCARTHY, *RACE, EMPIRE, AND THE IDEA OF HUMAN DEVELOPMENT* 42–61 (2009); GILBERT RIST, *THE HISTORY OF DEVELOPMENT: FROM WESTERN ORIGINS TO GLOBAL FAITH* 37–39 (4th ed. 2014).

⁴⁸ NORRIS, *supra* note 40, at 6-7.

⁴⁹ *See* MICHAEL HAVINDEN & DAVID MEREDITH, *COLONIALISM AND DEVELOPMENT: BRITAIN AND ITS TROPICAL COLONIES 1850–1960*, at 206–34 (1993).

⁵⁰ *See* STEPHEN CONSTANTINE, *THE MAKING OF BRITISH COLONIAL DEVELOPMENT POLICY 1914–1940*, at 227-28 (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” problem 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, *supra* note 47, at 37-40.

⁵¹ NORRIS, *supra* note 40, at 7.

⁵² HAVINDEN & MEREDITH, *supra* note 49, at 233. For a discussion on the connection between ideas of imperial development and the increasingly precarious global status of Britain in the Victorian age, *see, e.g.*, DUNCAN BELL, *THE IDEA OF GREATER BRITAIN: EMPIRE AND THE FUTURE OF WORLD ORDER, 1860–1900*, at 1–55, 263 (2007); RONALD ROBINSON & JOHN GALLAGHER WITH ALICE DENNY, *AFRICA AND THE VICTORIANS: THE OFFICIAL MIND OF IMPERIALISM* (1961).

vast human and natural resources of the empire should be better exploited to solve problems of urbanism overcrowding, unemployment, and political instability in the metropole.⁵³ 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.⁵⁴ “There is no article of your food, there is no raw material of your trade . . . which cannot be produced somewhere or other in the British Empire.”⁵⁵ Britain has to lay the infrastructure to enable the exploitation of these vast “undeveloped estates” of empire.⁵⁶

Among the advocates of this 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 19th century empire into a coherent whole.⁵⁷ Their ideas found expression in the Roundtable Journal, which began publishing in 1910 and frequently ran articles in which the Ottoman territory was portrayed as “an exciting frontier zone, where the principles of colonial development could be put to the test.”⁵⁸

In a comprehensive survey of the region from 1917, “Turkey—A Past and A Future,” an anonymous Roundtable Journal writer enthusiastically hovered over each one of the Ottoman provinces, exposing misrule and economic degradation and contrasting it with a dumbfounded account of its

⁵³ See CONSTANTINE, *supra* note 50, at 227.

⁵⁴ 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 J. Cain, *Empire and the Languages of Character and Virtue in Later Victorian and Edwardian Britain*, 4 MOD. INTELL. HIST. 249, 266 (2007). See, e.g., J. L. GARVIN, 3 THE LIFE OF JOSEPH CHAMBERLAIN, 1895-1900 (1934).

⁵⁵ ALFRED MILNER, LIFE OF JOSEPH CHAMBERLAIN 253 (1914).

⁵⁶ *Id.* at 219. 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 estate” and to give a much-needed impulse to the work of developing it.

Id. at 195–98.

⁵⁷ See PAUL B. RICH, RACE AND EMPIRE IN BRITISH POLITICS 50–69 (1986). See also BELL, *supra* note 52, at 1.

⁵⁸ NORRIS, *supra* note 40, at 8. See the Roundtable Journal, Volumes 1-8 in each issue (1-32), for some essays or parts of an essay which relate to the Ottoman territories or the Imperial relation with Islam. The most comprehensive is in volume 7. *Turkey—A Past and A Future*, in 7 THE ROUND TABLE: THE COMMONWEALTH J. OF INT’L AFF. 515, 515–46 (1917).

development potentialities.⁵⁹ Since the survey is particularly expressive of the kind of regional vision that the drafters of the Sykes-Picot Agreement shared, this Article will describe it in detail.

The essay begins with a poetic description of the grand geographical extent of “Turkey in Asia” stretching out over the globe:

What is Turkey? . . . [T]he 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; 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 land-locked 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.⁶⁰

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 have 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.⁶¹

The text then moves to a detailed description contrasting the region’s 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

⁵⁹ See generally *Turkey—A Past and A Future*, *supra* note 58, at 515-46.

⁶⁰ *Id.* at 515.

⁶¹ *Id.* at 528.

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 reform, to save peasant 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.⁶²

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 19th century, projects of Ottoman development were central to the political economy of European states. In the following pages, this Article 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 this Article does not focus on sovereignty, but a broader sense of jurisdictional interface, the 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 the 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 rather what the conditions and scope of jurisdictional interaction with respect to Ottoman development processes were. Here, this Article claims that a dynamic regional interaction, rather than sovereign politics, prevailed. This dynamic is to be seen as the pre-war context for the wartime negotiations that culminated in the Sykes-Picot Agreement.

⁶² *Id.* at 581.

B. *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. Most notably, France and Britain, 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 Britain increasingly replaced France as the dominant foreign commercial power towards the end of the 19th century, in the years leading up to World War I, Germany threatened to outgrow both, especially in the area of railways and communication.⁶³ European inter-imperial politics concerning the “eastern question” were in many respects the politics of Ottoman development—and Ottoman development was in that sense a common, inter-imperial operation.⁶⁴

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

⁶³ Ulrich Trupener, *Germany and the End of the Ottoman Empire*, in THE GREAT POWERS AND THE END OF THE OTTOMAN EMPIRE 107, 107 (Marian Kent ed., 2005).

⁶⁴ 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-fifths 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 in 1774 and Bucharest in 1812; France invaded Egypt in 1789 and occupied Algeria in 1830; throughout the 19th 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. See EUGENE ROGAN, THE FALL OF THE OTTOMANS: THE GREAT WAR IN THE MIDDLE EAST 21–23 (2015). These were all dramatic moments in European-Ottoman relations; however, in 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 of 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. *Id.* at 41-42.

political influence.⁶⁵ 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.⁶⁶ 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.⁶⁷ 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.⁶⁸

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 the 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.⁶⁹ Written by local notables who were keen to display

⁶⁵ Between 1907 and 1909, a number of detailed memoranda and reports were drawn up by British government departments concerned about the 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, and “any direct political action was bound to be counter-productive.” M. Kent, *Great Britain and the End of the Ottoman Empire*, in *THE GREAT POWERS AND THE END OF THE OTTOMAN EMPIRE*, *supra* note 63, at 173. For a similar French position, see JACQUES THOBIE, *INTÉRÊTS ET IMPÉRIALISME FRANÇAIS DANS L’EMPIRE OTTOMAN (1895–1914)*, at 3 (1977).

⁶⁶ See Fulton, *supra* note 65, at 137-38; Marian Kent, *Great Britain and the End of the Ottoman Empire, 1900–1923*, in *THE GREAT POWERS AND THE END OF THE OTTOMAN EMPIRE*, *supra* note 63, at 165, 165-66.

⁶⁷ An interesting example of Ottoman state consolidation by infrastructural projects was 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 *THE SYRIAN LAND: PROCESSES OF INTEGRATION AND FRAGMENTATION* 113, 113-14 (Thomas Philipp & Birgit Schaebler eds., 1998).

⁶⁸ For this web of “modernizers,” see generally NORRIS, *supra* note 40. For labor relations in Ottoman development, especially in the areas of ports and railway construction, see Donald Quataert, *The Age of Reforms*, in *ECONOMIC AND SOCIAL HISTORY OF THE OTTOMAN EMPIRE, 1300–1914*, at 759, 802-10 (Halil Inalcik & Donald Quataert eds., 1994) [hereinafter Quataert, *The Age of Reforms*]. For employment patterns in the Public Debt Administration, see Donald Quataert, *The Employment Policies of the Ottoman Public Debt Administration 1881–1909*, 76 *WIENER ZEITSCHRIFT FÜR DIE KUNDE DES MORGENLANDES* 233, 233–37 (1986).

⁶⁹ For a discussion on the Hejaz Railway, the only Railway that the Ottoman government

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.⁷⁰ He also raved 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 completed, it will be easy to . . . dig in the earth and sand, and . . . consequently, hidden coal and minerals would be discovered."⁷¹ Describing the unknown "treasures" in these "wastelands,"⁷² 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.⁷³ "In some of the neighboring lands, 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."⁷⁴

Geographically, although important variations often separated areas of different modernization agendas, different actors involved, and different levels of development (e.g., the littoral vs. the interior highland areas),⁷⁵ no easy divisions can be made in this rapidly growing economy.⁷⁶ In fact, much of the motivation in the larger development projects had to do with overcoming geographical distances and topographical hurdles. Therefore, many of these projects were focused, first and foremost, on creating connections between imperial spaces.⁷⁷ While the construction of ports was

decided to run with no outside funding, *see, e.g.*, MURAT ÖZYÜKSEL, *THE HEJAZ RAILWAY AND THE OTTOMAN EMPIRE: MODERNITY, INDUSTRIALISATION AND OTTOMAN DECLINE* (2014) [hereinafter *THE HEJAZ RAILWAY*]. For the Ottoman bureaucrats' ideology of reform that motivated the railway project, *see id.* at 10–11. For the extent of Syrian elite interest in the project, *see* JACOB M. LANDAU, *THE HEJAZ RAILWAY AND THE MUSLIM PILGRIMAGE: A CASE OF OTTOMAN POLITICAL PROPAGANDA* 7–31 (1971). 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* (1971).

⁷⁰ *See generally* Landau, *supra* note 69, at 35–178.

⁷¹ *Id.* at 127–28.

⁷² *Id.* at 127.

⁷³ NORRIS, *supra* note 40, at 34.

⁷⁴ Landau, *supra* note 69, at 58.

⁷⁵ Emrence distinguishes the "frameworks" of "the coast," "the interior," and "the frontier." CEM EMRENCE, *REMAPPING THE OTTOMAN MIDDLE EAST: MODERNITY, IMPERIAL BUREAUCRACY AND THE ISLAMIC STATE* 2–4 (2001).

⁷⁶ *Id.* at 23.

⁷⁷ Inalcik and Quataert line up areas of development from shipping to port development,

of particular concern for colonial developers, interior areas of interest were increasingly being connected to the coastal sphere of development.⁷⁸ 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 and 1870s encouraged the Ottoman administrators to extend these lines further and to start the construction of new ones towards the Persian Gulf,⁷⁹ 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.⁸⁰ These newer connections themselves followed older ones as infrastructural development in Ottoman territory had been influenced by changes in European industrial technology since the 16th and 17th centuries. Improvements in the 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.⁸¹

As previously mentioned, rail construction was a major concern of inter-imperial relations in the pre-war period.⁸² The story of railways in the Ottoman Empire and the inter-imperial “haggling” over the concession for their construction is sometimes seen as the first overt move towards the post-war partition of the Middle East into areas of imperial control.⁸³ But railway diplomacy was not about partition as much as it was about connectivity over

and 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 ten percent. Quataert, *The Age of Reforms*, *supra* note 68, at 774, 798–823.

⁷⁸ 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, *supra* note 40, at 28.

⁷⁹ See THE HEJAZ RAILWAY, *supra* note 69, at 14.

⁸⁰ NORRIS, *supra* note 40, at 30.

⁸¹ Bruce McGowan, *The Age of the Ayans, 1699–1812*, in AN ECONOMIC AND SOCIAL HISTORY OF THE OTTOMAN EMPIRE, 1300–1914, at 637, 733–34 (Halil İnalçık & Donald Quataert eds., 1994).

⁸² See MURAT ÖZYÜKSEL, THE BERLIN-BAGHDAD RAILWAY AND THE OTTOMAN EMPIRE: INDUSTRIALIZATION, IMPERIAL GERMANY AND THE MIDDLE EAST 8-11, 42-43 (2016) [hereinafter THE BERLIN-BAGHDAD RAILWAY].

⁸³ KHALIDI, *supra* note 43, at 113 (1980); see also Rashid I. Khalidi, *The Economic Partition of the Arab Provinces of the Ottoman Empire before the First World War*, 11 REV. (FERNAND BRAUDEL CTR.) 251, 255 (1988). What Khalidi documents as a process of delimitation of domains, *id.* at 259, is more convincingly a process of continuing negotiations over influence and entry—not strictly over delimitation.

large geographical spaces. Ottoman railroads were part of an expanding European network of rail construction that radiated steadily “outward.”⁸⁴ British routes in Europe, often financed by French investors, were built in several directions: towards Spain, Austria, Russia, and Italy. As these networks were established, investors turned to other “rail-less” regions.⁸⁵ Railways thus spread southeastward into the Balkans and Anatolia. “British capital built the first railway, in what became Rumania, followed quickly by construction on the Izmir-Aydin railway in west Anatolia.”⁸⁶ The chief of the European lines was the Oriental Railway on which construction began in the early 1870s and completed in 1888; “this system ultimately encompassed 1,300 km of track and connected Istanbul to Edirne and Sophia, with a branch from Edirne to Salonica.”⁸⁷ Finally in the 1890s, rail construction reached further east into the Syrian provinces followed by an extension into the Iraqi and Arabian Peninsula after 1900.⁸⁸

As historians repeat the story of Ottoman rail construction, they often draw a picture of an “ever-expanding” 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.⁸⁹ This image of a long extended route, a stream of progression in technology, communication, and industry from Western Europe to the holy city of Medina, can be misleading. Tanzimat reformists and Syrian intelligentsia were indeed impressed with the economic promise of the railways,⁹⁰ 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

⁸⁴ Quataert, *The Age of Reforms*, *supra* note 68, at 807.

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ *Id.*

⁸⁸ *Id.* at 808.

⁸⁹ *See id.* at 804–09; *see also* HEJAZ RAILWAY, *supra* note 69, at 10–11; THE BERLIN-BAGHDAD RAILWAY, *supra* note 82, at 42–43.

⁹⁰ *See supra* note 89, 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.

Quataert, *The Age of Reforms*, *supra* note 68, at 805.

visions of imperial crisis.

Underlying and enabling these 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. In the background were Ottoman treaty-making and 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 pre-war international law context in which the politics of inter-imperial colonial development thrived.

1. Capitulations

In the late 19th century, international lawyers in Europe and Turkey engaged in an extensive debate over the proper place of the Ottoman Empire within the European “Family of Nations.”⁹¹ 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. Particularly, it was the 1856 Treaty of Paris (Paris Treaty) that concluded the Crimean War that sanctioned Turkey’s admission into the international community and guaranteed Ottoman territorial integrity.⁹² For Ottoman lawyers and diplomats, the Paris Treaty was at the basis of foreign policy from the late 1860s to the beginning of World War I. European lawyers on the other hand tended, from the latter part of the 19th century, to dismiss the long history of European-Ottoman treaty relations and to claim that the Ottoman empire’s equal standing in the European state system is undermined by its “diminished sovereignty”—evident by the existence of capitulations, consular jurisdiction, and autonomous provinces.⁹³

In this debate, both European and Ottoman lawyers understood capitulations as Western-imposed limitations to full Ottoman sovereignty. “On general principles,” 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

⁹¹ Aimee Genell, *Autonomous Provinces and the Problem of ‘Semi-Sovereignty’ in European International Law*, 18 J. BALKAN & NEAR EASTERN STUD. 533, 533–49 (2016).

⁹² 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 THE EUROPEAN CONCERT IN THE EASTERN QUESTION: A COLLECTION OF TREATIES AND OTHER PUBLIC ACTS 241–59 (T. E. Holland ed., 1885). Any violation of Article 7 was to be submitted to the Concert of Europe. *Id.* at 245.

⁹³ Genell, *supra* note 91, at 536.

have nevertheless been maintained . . . [as] her institutions [were] not [] in reasonable harmony with those of European countries.”⁹⁴ In contesting such claims, Ottoman diplomats, lawyers, and intellectuals also drew upon civilizational discourse—appropriating European standards to prove legal equality. “[T]he problem of obtaining full political recognition from Europe was not that the Ottoman Empire lacked civilization. Rather, the culprit was the legal mechanisms imposed upon the Ottoman Empire by European powers, specifically the Capitulations and autonomous administrative schemes”⁹⁵

But as recent scholarship shows, both capitulations and autonomous administrative zones⁹⁶ were much more complicated than they were portrayed in late 19th-century legal debates about the status of Ottoman sovereignty. In fact, just like other types of Ottoman-inter-imperial treaties, capitulations were part of longer negotiated relationships between the

⁹⁴ WILLIAM EDWARD HALL, *A TREATISE ON INTERNATIONAL LAW* 52, 52 n.1 (1909).

⁹⁵ For this type of claim, Genell 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 20th century. See AHMED SALÂHADDIN, *HUKUK-U BEYNEDDÜVELIN MUKADDİMÂT-I NAZARIYEVE SAFAHAT-I TEKAMÜLIYESI, THE THEORETICAL ELEMENTS AND DEVELOPMENT OF INTERNATIONAL LAW* 6 (1915); Genell, *supra* note 91, at 537. Additionally, there is 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.” Genell, *supra* note 91, at 533.

⁹⁶ Here, the author will further focus on capitulations which are more immediately relevant to the legal framework of Ottoman colonial development. Ottoman autonomous territories (which are further discussed in another chapter of the project) were 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. Genell, *supra* note 91, at 533-34. 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.” *Id.* at 538. 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), did “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.” *Id.* at 539–40.

Ottoman and neighboring empires reaching back to the 16th century, “when Western governments and Russia established regular diplomatic relations in the Ottoman court.”⁹⁷ Such grants of protective privileges were not only a matter of customary practice, but were embodied in legal agreements concluded between sovereigns whose merchants participated in a commercial network connecting the Mediterranean basin.⁹⁸ By the beginning of the 19th century, the jurisdictional regimes that the capitulations established were in common usage and well entrenched in the law of nations.⁹⁹ But, as Arnulf Becker Lorca claims, such customary and entrenched jurisdictional arrangements “became an exception [as] the international order progressively moved [in the 19th century] toward the principle of territorial sovereignty.”¹⁰⁰

Capitulations took the shape of peace treaties (“Ahdnames”) routinely entered into with Christian states.¹⁰¹ An Ahdname is given unilaterally but recognizes, under oath, a privilege which binds the giver before God.¹⁰² In “the peak of Ottoman power, these pacts included unilateral and non-reciprocal concessions that the Sultan granted to the foreign state, thus reserving for himself the right to abrogate the covenant at will if . . . condition[s] . . . [were] breached.”¹⁰³ When the power of the Ottoman Empire declined, they were also signed as bilateral agreements or peace

⁹⁷ Arnulf Becker Lorca, *Universal International Law: Nineteenth-Century Histories of Imposition and Appropriation*, 51 HARV. INT’L L.J. 475, 506 (2010). 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 ORIENTE MODERNO 575, 583 (2003).

⁹⁸ 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. See Roberto Ago, *Pluralism and the Origins of the International Community*, 1977 IT. Y.B. INT’L L. 3, 13.

⁹⁹ Becker Lorca refers to British, French, and German textbooks from the late 19th 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.” Lorca, *supra* note 97, at 507 n.91.

¹⁰⁰ *Id.* at 507.

¹⁰¹ “Ahd name” was one of the official terms used by Ottomans for “treaty.” ENCYCLOPAEDIA OF ISLAM 8 (P. J. Bearman et al. eds., 2d ed. 2008); see also *id.* at 267. 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 J. ISLAMIC STUD. 1, 1 (2000).

¹⁰² *International Trade: General Conditions*, in ECONOMIC AND SOCIAL HISTORY OF THE OTTOMAN EMPIRE, *supra* note 68, at 189.

¹⁰³ Lorca, *supra* note 97, at 508.

settlements, conferring reciprocal rights to both signatories.¹⁰⁴ Since Turkey could only abrogate capitulations if they were conceptualized as unilateral concessions, 19th century and early 20th century scholars debated the unilateral or bilateral character of Ahdnames.¹⁰⁵ But the Ahdname document itself was a type of decree, or edict, issued by the Sultan, containing the trade privileges granted to individual foreign merchants and to the states.¹⁰⁶

In European languages, both bilateral peace agreements and unilateral concessions came to be known as capitulations.¹⁰⁷ 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 1740.¹⁰⁸ 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), and Denmark (1858).¹⁰⁹ This general corpus of rules governed the relationship between the Ottoman Empire, 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, and Greeks, thus greatly extending the protective role of ambassadors over Ottoman subjects.¹¹⁰

¹⁰⁴ *Id.*

¹⁰⁵ VIOREL PANAITÉ, THE OTTOMAN LAW OF WAR AND PEACE: THE OTTOMAN EMPIRE AND TRIBUTE PAYERS 239–42 (2000).

¹⁰⁶ These were, in Panaite’s terminology, “imperial charters.” Lorca, *supra* note 97, at 508 n.99 (citing Viorel Panaite, *Overview of the Empire in Time of Change*, H-NET BOOK REVIEW, Mar. 2003, <http://www.h-net.org/reviews/showrev.php?id=7325> [<https://perma.cc/JZ85-6JA7>]).

¹⁰⁷ Originally referring not to the idea of “surrender,” but to the agreements’ division in “chapters.” *Id.* at 508-09.

¹⁰⁸ PHILIP MARSHALL BROWN, FOREIGNERS IN TURKEY: THEIR JURIDICAL STATUS 33, 37 (1914).

¹⁰⁹ *Id.* at 40-41.

¹¹⁰ Salahi R. Sonyel, *The Protégé System in the Ottoman Empire*, 2 J. ISLAMIC STUD. 56, 57-59 (1991). Sonyel claims that by 1860 in Istanbul alone, around 50,000 Ottoman subjects enjoyed foreign national status. *Id.* at 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

Note that capitulations offered only a general framework, which required 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, which invoked customs and precedents.¹¹¹ Scholars, however, distinguished between personal, economic, and juridical privileges.¹¹² The personal privileges granted foreigners permission to visit and reside in Ottoman territories. They included freedom of movement, worship, and commerce, and the exercise of professions, the privilege to hold private religious services, to send and receive letters unopened by the Turkish authorities, and to have an inviolable domicile.¹¹³ Economic privileges included exemptions from taxation, including internal taxes on foreign goods and on goods in transit, and from the regulation of import and export duties.¹¹⁴ 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.¹¹⁵ 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, declarations of the end of hostilities, establishments of demilitarized zones and war compensations, and securements of integration of local markets into the international economy.¹¹⁶

2. Concession Agreements

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*,” concession agreements sought by foreign governments and companies from the mid-1850s for the purpose of

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 *International Trade: General Conditions*, in *AN ECONOMIC AND SOCIAL HISTORY OF THE OTTOMAN EMPIRE*, *supra* note 68, at 190–91.

¹¹¹ MAURITS H. VAN DEN BOOGERT, *THE CAPITULATIONS AND THE OTTOMAN LEGAL SYSTEM: QADIS, CONSULS, AND BERATHS IN THE 18TH CENTURY* 303, 304 (Rudd Peters & Bernard Weiss eds., 2005).

¹¹² NASIM SOUSA, *THE CAPITULATORY REGIME OF TURKEY: ITS HISTORICAL ORIGIN AND NATURE* 70 (John Hopkins Univ. Press ed., 1933).

¹¹³ *Id.* at 70–72, 87.

¹¹⁴ *Id.* at 72–75.

¹¹⁵ *Id.* at 78–80.

¹¹⁶ Lorca, *supra* note 97, at 511.

constructing projects of infrastructure, the extraction of minerals, and more, and granted by the 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.”¹¹⁷ In the history of colonialism, 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 privileges.¹¹⁸ With new technologies developing rapidly in the 19th century, concession agreements spread internationally together with telegraph, telephone and railway lines, waterways, ports, and natural resources industrial extraction.¹¹⁹ 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

¹¹⁷ Kenneth S. Carlston, *Concession Agreements and Nationalization*, 52 AM. J. INT’L L. 260, 260 (1958). For a more contemporary definition, see 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.

The Multilateral Agreement on Investment, OECD Doc. DAFFE/MAI(98)7/REV1 (1998), <http://www1.oecd.org/daf/mai/pdf/ng/ng987r1e.pdf> [<https://perma.cc/WQ8G-WJ68>] (footnote omitted).

¹¹⁸ “[T]he 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 (2015), <http://opil.ouplaw.com/view/10.1093/law:epil/9780199231690/law-9780199231690-e1512> [<https://perma.cc/WK3S-CNNA>].

¹¹⁹ *Id.* 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,” and “mining convention.” Michael E. Dickstein, *Revitalizing the International Law Governing Concession Agreements*, 6 INT’L TAX & BUS. L.J. 54, 67 n.62 (1988); Nicholas Miranda, *Concession Agreements: From Private Contract to Public Policy*, 117 YALE L.J. 510, 546 n.152 (2007).

seeking to develop a particular area and the concessionaire on the other.¹²⁰

International law debates about the nature of capitulations in late 19th century Ottoman context interestingly resonate in debates about concession agreements in the 20th century. Are such agreements better interpreted as discretionary grants (as Ottoman lawyers argued regarding capitulations in the 19th century and developing countries claimed in the 20th century) or are they bilateral arrangements controlled by both sides? Do they constitute relationship in public or private law? These ongoing legal questions that are relevant to later international development contexts have their roots in this early stage of colonial development. In the period leading to World War I, infrastructural and resource concessions—particularly railway and oil concessions—became an issue of ongoing inter-imperial competition and the focus of extensive negotiations and settlement.¹²¹ Between 1911 and 1914, all conflicts regarding such projects were solved at an international level by way of multilateral agreements.¹²² The construction of railways was a complicated process involving not only Ottoman-German-Britain-France-Austria-Russia power relations but also Bedouins, the emirs of Mecca, and urban Arabs.¹²³ By the beginning of the war, France had agreements with Germany and Turkey, but such agreements remained to be signed with England.¹²⁴ The Sykes-Picot Agreement was in this sense a part of an ongoing system of agreements by which the European powers were attempting to secure further penetration into Asia Minor.

3. Debt Administration

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 the mid-19th century as the floating of loans turned out to be a profitable enterprise, it became the “banker of the world.”¹²⁵ “By 1914, Great Britain, France and Germany together counted for one-third of all foreign-owned capital.”¹²⁶ 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

¹²⁰ See also Kenneth S. Carlston, *International Role of Concession Agreements*, 52 NW. U. L. REV. 618, 621-22 (1957-1958).

¹²¹ JACOB C. HUREWITZ, *DIPLOMACY IN THE NEAR AND MIDDLE EAST: A DOCUMENTARY RECORD: 1535-1914*, at 267, 276-77, 281 (D. Van Nostrand Company, Inc. ed., 1956).

¹²² Some of the agreements are reproduced in *id.* at 249-86.

¹²³ *Id.* at 90-91.

¹²⁴ See, e.g., *id.* at 281-86 (Anglo German Draft Convention on the Bagdad Railroad, 15 June 1914).

¹²⁵ Quataert, *The Age of Reforms*, *supra* note 68, at 772.

¹²⁶ *Id.* at 773.

direct European investment in Ottoman development prior to the 1880s).¹²⁷ As debt and infrastructure simultaneously escalated in the 1860s, loan followed loan.¹²⁸ The majority of invested funds were intended for enterprises that facilitated commercial exchange with the international order (such as railways, shipping, ports, and communications).¹²⁹ The funds, however, were lent at increasingly unfavorable terms with average effective interest rates of ten to twelve percent, and in the 1873 depression, capital imports seized. The Istanbul government declared a debt payment moratorium, which led to the creation of the Public Debt Administration (“PDA”) in 1881.¹³⁰

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.¹³¹ “[T]he outstanding debt of the Empire was reduced from £215,500,000 to £128,600,000, bringing it down to a more manageable size.”¹³² 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.¹³³ “Overall, the arrangement meant

¹²⁷ Ethem Eldem, *Ottoman Financial Integration with Europe: Foreign Loans, the Ottoman Bank and the Ottoman Public Debt*, 13 EUR. REV. 431, 434, 443 (2005).

¹²⁸ The first loans 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, and constituted the starting point of a long series of loans contracted on the European markets. *Id.* at 434.

¹²⁹ Quataert, *The Age of Reforms*, *supra* note 68, at 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, *supra* note 127, at 434.

¹³⁰ Eldem, *supra* note 127, at 431, 440-41.

¹³¹ See generally 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 Univ. Press ed., 1929); ROGER OWEN, THE MIDDLE EAST IN THE WORLD ECONOMY: 1800-1914, at 189-215 (Methuen ed., 1981). The negotiations started in October 1880 and led to the signing of the Muharrem Decree on December 20, 1881. Eldem, *supra* note 127, at 441.

¹³² Eldem, *supra* note 127, at 442. “In similar fashion, the yearly charges on the debt were also reduced significantly, from approximately £13,600,000 to £2,700,000.” *Id.*

¹³³ 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,” Ethem Eldem claims, “ended up creating a feeling of frustration among foreign bondholders, who felt left out of a successful

that about one fifth of the state's revenues would be irretrievably ceded to the administration until the complete settlement of the outstanding debt."¹³⁴

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 man council 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."¹³⁵ "[M]ost members of the council were appointed with the active, though usually covert, support of their respective national governments."¹³⁶ "[T]he Ottoman government itself . . . was given only a watching brief through the right to send a commissioner to attend meetings of the council but with no vote."¹³⁷

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.¹³⁸ The PDA "encouraged the promotion of a variety of schemes for railway construction, mineral extraction and the provision of public works."¹³⁹ 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 a steady increase in the value of shares in the public debt.¹⁴⁰ 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

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. *Id.* at 441.

¹³⁴ *Id.* at 442.

¹³⁵ OWEN, *supra* note 131, at 192.

¹³⁶ *Id.*

¹³⁷ *Id.*

¹³⁸ *Id.* at 193.

¹³⁹ *Id.*

¹⁴⁰ *Id.* at 192–94.

independent agency within the state.¹⁴¹ In 1886, it employed 3040 staff, which increased by 1912 to 5500 full-time officials (more full-time workers than the Ottoman Ministry of Finance itself employed).¹⁴² Each of its three main auxiliaries—the European controlled banks—acted in support of the interests of its own nation’s companies, all anxious to sell goods or manage the construction of railways and other large projects. But in spite of their rivalry, they reached a considerable degree of cooperation with each other and with the PDA Council, together expanding European penetration into Ottoman profits. As a PDA Council insider recalled:

Both parties [the Imperial Ottoman and the Deutsche Bank,] made advances at high rates of interest, and when it was desired to force the government to accept the terms of a loan operation by either party, the doors 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.¹⁴³

But the complex history of Ottoman capitulations, concessions, and debt management was outlined 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 shown in the next section, the war did not completely shutter such expectations. This was the pre-war context of the Sykes-Picot Agreement—

¹⁴¹ “A state within a state” in the words of Eldem, *supra* note 127, at 442.

¹⁴² OWEN, *supra* note 131, at 194.

¹⁴³ *Id.* at 195 (quoting Sir Adam Block). 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. Kent, *supra* note 66, at 168–69. This type of blending of commercial interests with national interests and the PDA work was highly characteristic. *See id.* at 169–70; *see also* Fulton, *supra* note 66, at 137–59.

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 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

A. *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. Although capitulations were formally abrogated in September 1914,¹⁴⁴ the intricate European interests in Ottoman territories deeply affected the wartime negotiations over the next few years. European allies were not going to give up on their interests in a set of Ottoman projects of development in which they held strong stakes. Their pre-war experience of interconnected and inter-imperial legal politics would sustain their war-time assumptions about the scope of the territories opening up and the threats and possibilities that had to be managed in and between them.

This story, in turn, begins one year before the Sykes-Picot Agreement was signed, with a Russian diplomatic war-time initiative. On March 2, 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.¹⁴⁵ 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 acknowledged the interests of the others in the (not-yet-previous) Ottoman territories.¹⁴⁶

The British government agreed in principle, conditioned on the achievement of French and British interests in the Ottoman territories and

¹⁴⁴ Ahmad, *supra* note 101, at 1.

¹⁴⁵ The Constantinople Agreement is composed of a set of letters exchanged between the triple Entente between March 2 and 20. *Constantinople Agreement, March-April 1915*, in PALESTINE BOUNDARIES, *supra* note 14, at 3, 3–16.

¹⁴⁶ *See id.* at 4.

beyond,¹⁴⁷ 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 non-Russian territories.¹⁴⁸ 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.¹⁴⁹ 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 such as Greece, the independent Balkan States, and, particularly, Romania and Bulgaria.¹⁵⁰ 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.”¹⁵¹ 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.¹⁵² The Russian government was quick to accept all requests and the Constantinople Agreement, although never carried out, was completed by the end of March 1915.¹⁵³

This first war-time inter-imperial exercise of strategic post-war imagination is important to this 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 used the opportunity to secure Entente consent for direct possessions in large stretches of Ottoman territory (that they had for years attempted to control by a range of indirect interventions in Ottoman imperial politics and economy), the British used 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

¹⁴⁷ 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. *Id.* at 3, 13–14 (British Memorandum from March 12).

¹⁴⁸ *Id.*

¹⁴⁹ *Id.* at 14.

¹⁵⁰ *Id.*

¹⁵¹ *Id.*

¹⁵² *Id.* at 3, 15 (French Ambassador in Petrograd to Russian Foreign Minister, March 14). A further question regarding the French intention to include Palestine in annexed Syria, was raised. *Id.*

¹⁵³ *See id.* at 15–16.

Constantinople, appeasement of the Balkan states, Muslim independence in Arabia, and an extended penetration in the Persian eastern frontiers.¹⁵⁴

But even more important to this 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.

The de Bunsen Committee (or its official title, the Committee of Imperial Defense: Asiatic Turkey),¹⁵⁵ 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.”¹⁵⁶ Its report, issued on June 30, 1915, directly framed its mission around the events of the Constantinople Agreement: “The next step,” the report explained, after laying out the terms of that agreement, “was therefore for His Majesty’s Government to formulate their definite desiderata in Asiatic Turkey.”¹⁵⁷ The Report 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 existing and expansive European involvement in the pre-war period and the “gradual growth and development of British interests in the Persian Gulf and Asiatic [T]urkey.”¹⁵⁸

The list of desiderata, which follows directly, expresses both the grandeur of the geo-political scale of British interests in the region and its particular focus on a mixture of strategic and economic interests. The British seek: (i) “[f]inal recognition and consolidation of [the British] position in the Persian

¹⁵⁴ The Russian-initiated Constantinople Agreement was complemented 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 id.* at 19–20 (providing the text of the Anglo-French-Russian-Italian agreement).

¹⁵⁵ Commonly titled after its Chair, Sir Maurice de Bunsen. *See id.* at 23, 26.

¹⁵⁶ Committee of Imperial Defence: Asiatic Turkey, Report of a Committee, U.S. National Archives, CAB 42/3/12, at pmb1. [hereinafter De Bunsen Report]; *see also* PALESTINE BOUNDARIES, *supra* note 14, at 23–78 (Terms of Reference from April 8, 1915). 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 Member of Parliament. He was included as Lord Kitchener’s representative in the Committee and regularly reported to him. KEDOURIE, *supra* note 12, at 58.

¹⁵⁷ De Bunsen Report, *supra* note 156, at para. 6. 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 and 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 ragged edges that we have to take advantage of the present opportunity, and to assert our claim to a share in settling the destiny of Asiatic Turkey.” *Id.* at paras. 10-11.

¹⁵⁸ *Id.* at para. 12.

Gulf;” (ii) “the 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”; (iii) fulfillment of pledges to Arab chiefs and to Sharif Hussein; (iv) security for the development of British enterprise, “such as oil production, river navigation, and construction of irrigation works”; (v) “[d]evelopment of the corn supply, which an irrigated Mesopotamia is expected to provide, and a possible field for Indian colonisation”; (vi) “[m]aintenance of [Britain’s] strategic position in the Eastern Mediterranean and in the Persian Gulf, and security of [] communications”; (vii) Muslim rule for Muslim holy places, explicitly expected to “appeal to, or at least not to antagonize, Indian Moslem [sic] feelings, and [to] provide a satisfactory solution to the question of the Khalifate”; (viii) “[a] satisfactory solution of the Armenian problem”; and (ix) “[a] settlement of the question of Palestine and the Holy Places of Christendom.”¹⁵⁹ 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.¹⁶⁰

From here, the report moves on to formulate four possible post-war solutions, each appearing as a grand and detailed scheme of regional management: (i) *Partition of the Ottoman Empire* among the European Powers with Turkish sovereignty limited to Anatolia; (ii) *European zones of political and commercial interests* with a nominally independent Ottoman Empire; (iii) *An independent Ottoman Empire* “with the same rights, liabilities, and responsibilities as before the war;” and, (iv) *Decentralized federalized territory*.¹⁶¹ Each grand solution is accompanied with a map and the multinational or bi-national agreement relevant to its operation, and each is considered in relation to the enumerated desiderata and the benefits and

¹⁵⁹ *Id.* The last three on the list are set aside for later negotiations with “other Powers.” *Id.* at para. 13.

¹⁶⁰ 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; [i]n 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.

Id. at para. 14.

¹⁶¹ *Id.* at para. 15.

disadvantages they raise.¹⁶²

A survey of these considerations reflects the same sense of an 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;¹⁶³ it is quick to connect localities across distances,¹⁶⁴ lay out broad commercial and industrial interests that justify such connections,¹⁶⁵ and 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,¹⁶⁶ and

¹⁶² *Id.* at paras. 55-56; *id.* scheds. I-IV; *id.* maps I-V.

¹⁶³ The aim is that:

[T]he 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 organised administration, would naturally tend to expand.

Id. at para. 24. The aim is to extend the British sphere of trade so that as much free trade prevails. Generally, when partition is considered and assumed, the impulse is to connect the different parts of the region by lines of communication. *Id.* at para. 28. 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. *Id.* at para. 45.

¹⁶⁴ When stretching down south, it considers the importance of holding Baghdad for the development of Basra, and the other way around, *id.* at para. 25, and when stretching north, the importance of Baghdad to the chain of oil wells on the Turco-Persian frontier. *Id.* at para. 26.

¹⁶⁵ *Id.* at paras. 25–27 (“Whoever holds Bagdad commands not only our trade with Mesopotamia, but also that with north-west Persia . . . 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 which should ensure an ample and unhampered supply of corn to this country. . . . 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 which had been negotiated with the Germans, we had secured British participation in the construction and management of the riverain [sic] ports.”). Another industrial project elsewhere “in Asia Minor,” the Smyrna-Aidin Railway, for which an extension had been negotiated with the Turks, is also mentioned. *Id.* at para. 27.

¹⁶⁶ *Id.* at para. 29 (“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

the particular routes are laid out on the maps.¹⁶⁷ When lines are attempted, they are very general and parse—they do not express jurisdictional divisions, but rather a limitation of interests, interconnectivity, and inter-imperial diplomacy.¹⁶⁸ Even when buffer zones are promoted they are considered as ways to mitigate inter-imperial threats, rather than ways to close up territorial possessions.¹⁶⁹ Development, industrialization, and communication are constantly repeated as factors in the assessment of the different solutions,¹⁷⁰ and the different zones are shaped and reshaped according to a mix of

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 a 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 westwards, 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.

Id.

¹⁶⁷ The report envisions, for example, the communication line from the Mediterranean to Mesopotamia:

From Haifa the line would run through Mezerib and Tadmor (Palmyra) to some point on the Euphrates such as Abu Kemal (near Deir on the map) whence there would 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 might become chiefly strategic between Mezerib and Tadmor, it would remain a business line from the Euphrates to Tadmor, and from Haifa to Mezerib.

Id. at para. 30.

¹⁶⁸ Limits are expressed by lines on the maps, but they are discussed as frontiers rather than as borders. *See id.* at paras. 36, 41, 44. In Paragraphs 33 through 37 of the report, 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 the jurisdictional divide. *Id.* at paras. 33–37.

¹⁶⁹ *See id.* at paras. 34, 44 (France); *id.* at paras. 41–42 (Russia).

¹⁷⁰ Regarding the advantages of partition, the report states: “Greater freedom to restore and develop the swamped and buried wealth of Mesopotamia than would be possible under a scheme of zones of interest. . . . [W]e should have to find the capital, the science, and the energy from which will result a definite gain to mankind as a whole”; establish an emergency granary relieving dependence on foreign harvests; create an “unrestricted opening for British commerce and industry”; and “develop oil fields and establish Indian colonists with reference [only to British] interests and convenience.” *Id.* at para. 46. These benefits are considered against the loss of markets in French/Russian territories, *id.* at para. 47, which is also a risk expressed with relation to the interest zone solution. *Id.* at paras. 49–50.

concerns about strategy, reform, and development.¹⁷¹ Issues of Ottoman development are at the heart of inter-imperial relations, and future threats are constantly anticipated and managed.

B. *Anglo-French-(Arab?) Negotiations: Shaping a Future Regional Order*

Although the negotiations with the French only formally began in November 1915, it is quite plausible that the de Bunsen Committee was set up in preparation for such talks.¹⁷² “[A]s 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.¹⁷³ 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 French to diagnose their own interests more clearly and to reach an agreement which would solidify a conditional, but realizable, post-war plan.¹⁷⁴

But the urgency in finalizing such a plan at this point in the war does not

¹⁷¹ The possibility of shifting the Ottoman capital to Damascus is considered in Paragraph 61. *Id.* at para. 61. The report envisions reform and some international control over administration and commerce 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.

. . . [S]ome form of international body there may have to be, in order to ensure that when advice has to be tendered or a demand for action formulated, the Turkish Government may realise that it is the Powers speaking as a whole, and may not be able to play off one Power against another *ad infinitum*.

Id. at paras. 63–64. The possibility, favored by the committee, was to decentralize the empire and federalize it according to ethnographic and historical lines to Anatolia, Armenia, Syria, Palestine, and Irak-Jazirah (Map V), leaving out Arabia. “[T]he moment is therefore favourable [because the Ottoman 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.” *Id.* at para. 81.

¹⁷² That is certainly the opinion of Eli Kedourie. See KEDOURIE, *supra* note 12, at 58.

¹⁷³ *Id.*

¹⁷⁴ 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, *supra* note 156, at paras. 10–11.

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 World War I, the British Cairo War Office engaged in secret negotiations with representatives of Sharif Hussein, the custodian of the holy cities of Mecca and Medina, in order to persuade him to rebel against the Ottoman Empire.¹⁷⁵ Fearing the Ottoman government would 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.¹⁷⁶

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.¹⁷⁷ In this context, many scholars see

¹⁷⁵ See KEDOURIE, *supra* note 12, at 3-4.

¹⁷⁶ The vast literature assessing the extent and status of the McMahon-Hussein correspondence is discussed in a separate chapter of the project. It is sufficient 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's territorial commitments, there are indications that the grand scope 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. See VISCOUNT GREY OF FALLODON, *2 TWENTY-FIVE YEARS 1892-1916*, at 235 (1925).

¹⁷⁷ The Sharif's July 14, 1915 demand that:

England [will] acknowledge the independence of the Arab countries, bounded on the north by Mersina-Adana up to the [37th degree] of latitude, on which degree falls Birijik, Urfa, Mardin, Midiat, [Jezirat (Ibn 'Umar),] Amadia Island, 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 Caliphate of Islam.

KEDOURIE, *supra* note 12, at 97. The demand was answered affirmatively on October 24, 1915 with the following limitations:

The districts of Mersina and Alexandretta and portions of Syria lying to the west of the districts of Damascus, Hama, Homs and Aleppo cannot be said to be purely Arab and should be excluded from the proposed limits and boundaries.

With the above modification, and without prejudice of our existing treaties with Arab chiefs, we accept those limits and boundaries and, in regard to those portions of the territories therein in which Great Britain is free to act without detriment to the interests 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[.]

PALESTINE BOUNDARIES, *supra* note 14, at 87-88.

the Sykes-Picot Agreement as a necessary next step to the operationalization of the Arab commitments.¹⁷⁸ Since French interests are an inseparable part of British-Arab commitments, an agreement with the French on the extent of their territorial desiderata was necessary in order to operationalize the details of such commitments. Furthermore, the most important stages of the British negotiations with the Arabs and the French started and culminated at around the same period: beginning in summer 1915, when the Sharif presented his official demand,¹⁷⁹ to spring 1916, when the Sykes-Picot Agreement was signed and the last letter from McMahon to the Sharif was delivered.¹⁸⁰

This may explain why many policy papers and drafts in the British-French negotiations treat the Arabs almost as a “party” to the Anglo-French agreement.¹⁸¹ 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.¹⁸² Therefore it would seem that from the British point of view, 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 was dismissive towards any concrete form of Arab independence in their sphere; the British had a somewhat holistic view about the aim of the negotiations.¹⁸³

¹⁷⁸ See JUKKA NEVAKIVI, *BRITAIN, FRANCE, AND THE ARAB MIDDLE EAST 1914–1920*, at 25 (1969); see also KEDOURIE, *supra* note 12, at 114. In fact, it was McMahon who, in February 1915, in the midst of his early negotiations with the Husseins, urged the foreign office to take steps to work out an agreement with the French to specify both powers’ respective spheres in the region. NEVAKIVI, *supra*, at 26.

¹⁷⁹ PALESTINE BOUNDARIES, *supra* note 14, at 84 (letter dated July 14, 1915).

¹⁸⁰ *Id.* at 104 (letter dated May 16, 1916); *id.* at 96 (letter dated March 10, 1916).

¹⁸¹ See, e.g., Memorandum from Sir Mark Sykes to War Dep’t 1 (Jan. 5, 1916) (on file with author) (explaining the attached January 4 draft agreement in terms of the parties’ interests and includes Arabs, French, and British as “parties”).

¹⁸² This is particularly evident, as shall be described in Section III. E. below, in the policy responses to the draft agreement in which officials from the Foreign Office, the War Office, the Indian Office and the Naval and Army Intelligence constantly refer to Arab interests as central to the evaluation of the agreements with the French. See, e.g., Letter from Brigadier-General Macdonogh to Sir A. Nicolson (Jan. 6, 1916) (on file with author).

¹⁸³ See Megan Donaldson, *Textual Settlements: The Sykes-Picot Agreement and Secret Treaty Making*, 110 AM. J. INT’L. L. UNBOUND 127, 128 (2016). Donaldson claims that officials did not tend to think in binary terms on whether texts were binding treaties or not; “rather, they understood obligation holistically, involving legal, moral, and prudential dimensions . . .” *Id.*

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 the point or irrelevant. The same was true about the Arab position regarding French interests. When, in his December 17, 1916 letter, McMahon reminded the Sharif 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,”¹⁸⁴ the Sharif’s reply made clear that the Arabs would not budge from the territorial limits requested, but that they understand the British war-time commitments: “[T]he 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 Beyrout and its coasts.”¹⁸⁵ 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 Sharif’s attitude so that the British might not be accused later of bad faith.¹⁸⁶ Permanent Undersecretary Arthur Nicholson then told Cambon, the French Ambassador in London, of the Sharif’s views and recorded the French ambassador’s reply.¹⁸⁷ Cambon wrote back saying that he did not take the Sharif’s views very seriously and remarked that the Sharif “would not be an Arab if he did not say something of the kind.”¹⁸⁸ Grey told Cambon that he had not yet communicated to the Sharif the proposal as to the northern limits as “we intended to wait till we had received the consent of Russia.”¹⁸⁹

The following 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 each other’s positions seriously. They were quite content with letting the British loosely manage their relationship.¹⁹⁰ The British, on their end, while managing the information,

¹⁸⁴ PALESTINE BOUNDARIES, *supra* note 14, at 90.

¹⁸⁵ *Id.* at 91.

¹⁸⁶ KEDOURIE, *supra* note 12, at 121.

¹⁸⁷ *Id.*

¹⁸⁸ *Id.*

¹⁸⁹ *Id.*

¹⁹⁰ 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 hoped for action of the Sherif [sic] who views French

made sure until the very end that it was clear to each side that the other's interests were being considered. Until the very last minutes before signing, they kept the Arabs and the French physically far from each other, but in full sight. On May 11, 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."¹⁹¹ He

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 of time accompanied by favourable change in the situation, will probably render acceptable in the future what is unpalatable today.

Id. at 124. And in almost 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 [sic] and other Arab parties, I am of [the] opinion it would be better if possible not to divulge details of that 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.

Id. at 125. And D.G Hogarth, the director of the newly established Arab Bureau, wrote that the agreement should be kept secret temporarily because the Sharif has not receded from the broad territorial claims and his hostility to French penetration: "[I]t 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." *Id.* It is interesting however, that Sir Mark Sykes and Georges-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 Sir 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 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." *Id.* at 124. 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." *Id.* (citing F.O. 371/2768, 70889 and 7601/938, telegram no. 287, Sykes to Clayton, 14 Apr., and Clayton reply, telegram no 278, Cairo 20 Apr. 1916). The second attempt was made one year after the agreement in the spring of 1917, when Anglo-French relations in the region were strained again, Sir Mark Sykes was sent to Cairo as a political officer to manage cooperation with the French. Georges-Picot was sent with him as the French Commissioner. Here, Sykes finally succeeded in bringing Picot and the Sharif together, but the negotiations ended with no concrete results. *See* F.O./882/16 47-154 (on file with author) (documenting the 1917 political mission to implement the Sykes-Picot Agreement). But this attempt too involved careful management of information: "Main difficulty was to maneuver [sic] 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." Memorandum from Sir Mark Sykes to Brigadier-General Clayton 90 (Apr. 30, 1917) (on file with author).

¹⁹¹ ISIAH FRIEDMAN, THE QUESTION OF PALESTINE, 1914-1918: BRITISH-JEWISH-ARAB

recorded the French Ambassador dismissing the concern: “[I]t was well understood that it was dependent on an agreement with the Sharif of Mecca and this provisional character was already in writing.”¹⁹²

C. *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 shown, 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 negotiations as well.

Recall that until late November 1915, the negotiations between the British and the French were moving slowly and with great difficulty.¹⁹³ The French government under pressure from the French imperialist “Syrian party,” which was zealously active that summer inside and outside French Cabinet and Parliament, put forward a demand for the annexation of Syria and Palestine.¹⁹⁴ The “Syrian party” was 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 a link between French officials and private overseas capitalists devoted to influence French policy in Asia.¹⁹⁵ On April 21, 1915, in its general meeting, the Comité de l’Asie française (“Comité”) 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 in French-Syrian

RELATIONS 364 n.54 (1973).

¹⁹² *Id.*

¹⁹³ See NEVAKIVI, *supra* note 178, at 31.

¹⁹⁴ *Id.* at 30 (describing 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, stating “everything from the healing powers of thermal springs to perfumes from 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.” BARR, *supra* note 15, at 17.

¹⁹⁵ NEVAKIVI, *supra* note 178, at 30 n.4. For more on the French colonial societies seeking to promote French colonial politics in the pre-war era, see Michael Heffeman, *The Spoils of War: The Societe de Geographie de Paris and the French Empire, 1914–1919*, in GEOGRAPHY AND IMPERIALISM 1820–1940, at 224–25 (Morag Bell et al. eds., 1995). The Comité de l’Asie française’s members included present and future ministers such as Berthelot, Briand, Herriot, Millerand, Pichon, Ribot, and Tardieu, as well as publicists such as Cressaty, Gauvain, Berard, and of financiers such as Reinach, Rothschild, and Schneider, Arsene Henry, director of the Compagnie du port de Beyrouth, and Coubt George Vitali, the leading stock holder of the Regie Generale des chemins de fer of Syria. See *id.* at 242.

policy during the peace settlement).¹⁹⁶ French-Syrian expansionist interests were then paraded before senatorial groups and the Foreign Office in lectures and bulletins from April to July 1915.¹⁹⁷

Georges-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.¹⁹⁸ When on November 23 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, limited in the north by the Taurus mountains beyond Adana and in the south by the Egyptian border.¹⁹⁹ From

¹⁹⁶ M. F. Guillaïn, *Le Comité et la question du Levant* [The Committee and the Levant Question], *L'ASIE FRANÇAISE*, Apr.-July 1915, at 40.

¹⁹⁷ 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. See Jean Coignet, *L'opinion française et les intérêts nationaux dans le Levant* [French Opinion and National Interests in the Levant], *L'ASIE FRANÇAISE*, Apr.-July 1915, at 46; see also Adrien Artaud, *La Valeur Économique de la Syrie* [The Economic Value of Syria], *L'ASIE FRANÇAISE*, Jan.-Mar. 1916, at 39, 43.

¹⁹⁸ "Francois-Marie-Denis Georges-Picot, then forty-four years old, had served in Copenhagen, Beijing, and in the Political and Commercial Affairs Division of the [French] Foreign Ministry. . . . [A]t 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 . . ." Fitzgerald, *supra* note 199, at 709 n.40 (citing CHRISTOPHER M. ANDREW & A. S. KANYA-FORSTNER, *FRANCE OVERSEAS: THE GREAT WAR AND THE CLIMAX OF FRENCH IMPERIAL EXPANSION 74-75* (1981)).

¹⁹⁹ Edward Peter Fitzgerald, *France's Middle Eastern Ambitions, the Sykes-Picot Negotiations, and the Oil Fields of Mosul, 1915-1918*, 66 *J. MOD. HIST.* 697, 709 (1994).

The Foreign Ministry's formal instructions to its special envoy (which Georges-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, this was to run 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 . . ."

See *id.* (citing Briand to Georges-Picot, November 2, 1915, *Pourparlers avec les Anglais concernant les limites de la Syrie*, MAE, A-Paix, 1918-25, file 177 (Edward Fitzgerald transl.)).

the British's "surprised" response asking him to make clear to Paris the gravity of the danger the Allies faced in the Muslim world, Georges-Picot realized that the British were not interested in delimiting French interests on the ground, but rather in French support for a future Arab state so that Britain could hold out a concrete goal to Hussein.²⁰⁰

In Georges-Picot's impression of the situation that he sent to the French Foreign Ministry, he expressed what he found to be the British's real aim: they were not really concerned with defining the future territorial boundaries in the Near East, but instead wanted to persuade Paris to give up its aim of colonial rule in Syria so that they could offer statehood to the Arabs.²⁰¹ For that they were 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."²⁰² Further, to Georges-Picot, the British seemed panicked by the reports coming in from Egypt and Mesopotamia, and he argued that 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."²⁰³ At the same time, the Asia and Oceania division at the Quai d'Orsay was also drawing up a report on the London situation.²⁰⁴ 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 it is a "weak federation" with Hussein serving as a nominal overlord over local emirs "advised" by French residents who will be the real

²⁰⁰ Fitzgerald, *supra* note 199, at 710-11 (citing French-language minutes of the meeting of November 23, 1915, MAE, A-Paix, 1918-25, file 178 (Edward Fitzgerald transl.)). "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." *Id.* at 711 n.44 (citing FRIEDMAN, *supra* note 191, at 103 (1973); ANDREW & KANYA-FORSTNER, *supra* note 198, at 92; JEREMY WILSON, LAWRENCE OF ARABIA: THE AUTHORIZED BIOGRAPHY OF T. E. LAWRENCE 231 (1989)); NEVAKIVI, *supra* note 178, at 31. According to Fitzgerald, the French-language minutes convey only "an atmosphere of forthright discussion, spirited but not hostile." Fitzgerald, *supra* note 199, at 711 n.44. 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 go back to Paris in order to convince the French authorities of the seriousness of the political-military situation in the Middle East. *Id.*

²⁰¹ *Id.* at 711.

²⁰² *Id.*

²⁰³ *Id.* at 712.

²⁰⁴ *Id.*

power, France might agree to the British scheme.²⁰⁵

D. *A More Intimate Anglo-French Drafting Process*

These impressions were the basis for the 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.²⁰⁶ With this, Georges-Picot went back to London on December 15.²⁰⁷ A week later, in his next meeting with the British negotiating committee, he presented the French position as a great sacrifice to be compensated.²⁰⁸ Right after the meeting on December 21, Sir Mark Sykes, who attended as a representative of the War Office, approached Georges-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.²⁰⁹ Sir Arthur Nicolson gave Georges-Picot his assent and from that point, private meetings took place almost daily in the French Embassy.²¹⁰ The French, involved as they were that previous summer in domestic politics of future colonial development, were starting to see the possibilities of a more flexible diplomacy of regional spaces and Sir Mark Sykes was just the person to guide them.

Sir Mark Sykes was at the time a young Tory Member of Parliament, a Catholic, and a Francophile with little experience in negotiations but who was sympathetic towards France's defense of its traditional position in the Levant.²¹¹ He had been honorary consul at the British embassy in Istanbul between 1905 and 1907, had published three travel books regarding the Near East prior to the war, and eventually joined the War Office as a lieutenant

²⁰⁵ *Id.* "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." *Id.* at 712 n.48 (citing handwritten note by "J. G.," December 2, 1915, MAE, A-Paix, 1918-25, file 178 (Edward Fitzgerald transl.)).

²⁰⁶ *Id.* at 713. 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." *Id.* (citing Briand to Cambon, "Question de Syrie," December 14, 1915, MAE, A-Paix, 1918-25, file 178. (Edward Fitzgerald transl.)) (emphasis added).

²⁰⁷ *Id.* at 714.

²⁰⁸ *Id.* (citing French-language minutes of the meeting of December 21, 1915, MAE, A-Paix, 1918-25, file 178 (Edward Fitzgerald transl.)).

²⁰⁹ *Id.*

²¹⁰ *Id.* (citing Georges-Picot to Cambon, January 3, 1916, MAE, A-Paix, 1918-25, file 178 (Edward Fitzgerald transl.)). In fact, it was Nicolson who asked Sykes to intervene to break the impasse with the French. See NEVAKIVI, *supra* note 178, at 31.

²¹¹ See SHANE LESLIE, SIR MARK SYKES: HIS LIFE AND LETTERS 245 (1924).

colonel detached for political work; he became a policy-advisor “as a result of his appointment to the de Bunsen Committee, where he . . . played an important role in shaping the final recommendations.”²¹² At the time of Georges-Picot’s first meeting with the negotiation committee, Sykes had been in Cairo and extensively traveling the region.²¹³ 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.” As recollected in Part I of this Article, 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 Khalifate, 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 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 France²¹⁴

With that sympathy and an understanding of the relevant scales of imperial appetite and concern that could move from Tunis, Algeria, and Morocco to Palestine and Syria, North Mesopotamia, and the Persian frontier, Sir Mark Sykes began his mission of direct negotiations with Georges-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

²¹² Fitzgerald, *supra* note 199, at 714 n.52. The professional Arabists in Cairo war office resented Sir Mark Sykes pretensions to expertise on Middle Eastern affairs. *Id.* (citing BRUCE WESTRATE, *THE ARAB BUREAU: BRITISH POLICY IN THE MIDDLE EAST, 1916–1920*, at 26–29, 153 (1992); ELIE KEDOURIE, *ENGLAND AND THE MIDDLE EAST: THE DESTRUCTION OF THE OTTOMAN EMPIRE 1914–1921*, at 68–70 (1956)).

²¹³ Fitzgerald, *supra* note 199, at 714 n.52 (citing KEDOURIE, *supra* note 12, at 58; WILSON, *supra* note 200, at 227–30).

²¹⁴ WAR COMMITTEE, EVIDENCE OF LIEUTENANT-COLONEL SIR MARK SYKES, BART., M.P., ON THE ARAB QUESTION, 1915, CAB 24/1, G-46 (UK).

January 4, which was endorsed by the British on February 4 and by the French on February 8.²¹⁵

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. The memo, which according to its introductory note was drafted conjointly by Sykes and Georges-Picot²¹⁶ lays out the “requirements” of the “parties” (including the Arabs), which will be “harmonise[d]” in the agreement.²¹⁷ These requirements mix up commercial, cultural, and military interests. France’s interests, according to the memo, require a settlement which will “compensate[e] her for . . . the disruption of the Ottoman Empire, . . . safeguard her historic and traditional position in Syria, . . . [and] assure her of full opportunity of realising her economic aspirations in the Near East.”²¹⁸ Britain’s interests require an assurance of her position in the Persian Gulf, opportunities to develop lower Mesopotamia, and commercial and military communication between the Persian Gulf and the Mediterranean by land.²¹⁹ 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 commercial facilities in the area under discussion.”²²⁰ The Arabs, who

²¹⁵ Fitzgerald, *supra* note 199, at 719 n.67, 69.

²¹⁶ Sykes and Georges-Picot were ordered by Nicolson to “examine the whole question so as to clear the ground of details . . .” Memorandum from Sir Mark Sykes to War Dep’t 1 (Jan. 5, 1916) (on file with author).

²¹⁷ *Id.*

²¹⁸ *Id.* France’s claims relate to her role in the “intellectual development” of Christians and Muslim Arabs—especially in Aleppo, Beirut, Damascus, and Mosul. *Id.* at 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.

The participation of French capital . . . 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 . . .

Id. From this, France lays claims to “commercial and political predominance in an area bounded on the south by a line drawn from El Arish to Kasr-i-Shirin, and on the north by the main ridge of the Taurus and anti-Taurus, beginning in the vicinity of Cap Anamur and ending about Koshab.” *Id.*

²¹⁹ *Id.* at 3.

²²⁰ *Id.* at 1. “[A]dministrative control and priority of enterprise in an area bounded by the line Acre, Tadmor, Ras-ul-Ain, Jeziret-ibn-Omar, Zakhu, Amaida, Rowanduz, combined with the possession of Alexandretta, 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.” *Id.* at 2.

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.”²²¹

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; and the Arabs are interested in a European-protected zone of independence.²²² In the inter-imperial rivalry over the question of spheres of influence in this opening space, these interests are presented as dominant and as reasons to consider the precise lines of division and points of sacrifice.

²²¹ *Id.* at 1. “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 Arabi-speaking peoples of the Asiatic provinces of the Ottoman Empire.” *Id.* at 2.

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 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.

Id.

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.

Id.

²²² It is interesting to ask why the Arabs are 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 an equal party) in preparing the British–French agreement? Why fabricate their role? 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 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, Sir 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.

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

In the following weeks, the memo and the draft circulated and received mixed reactions from officials in the Foreign Office, the War Office, the Indian Office, and the Naval and Army Intelligence. The first note by Brigadier-General Macdonough, Director of Intelligence in the War Office, is from January 6 and reveals a sense of urgency regarding the agreement.²²³ 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 would allow the British to:

[I]nform 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.²²⁴

And so the agreement, which indeed would be 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.²²⁵ 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 future it will go to Alexandretta certainly.”²²⁶ 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.”²²⁷

The next memo on the suggested agreement is by Captain W. R. Hall,

²²³ Letter from Brigadier-General Macdonough to Sir A. Nicolson (Jan. 6, 1916) (on file with author).

²²⁴ *Id.*

²²⁵ Note from Sir. A. Hirtzel to Sir. T. Holderness (Jan. 10, 1916) (on file with author).

²²⁶ *Id.*

²²⁷ *Id.*

Director of Naval Intelligence.²²⁸ This document also raises economic and strategic concerns from the very beginning, as Hall lays out the basic assumptions in light of which the agreement with France is to be considered:

[T]here 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.²²⁹

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 [a] country within a British sphere of influence.”²³⁰ But in the context of imperial rivalry, this framework broadens to include the interests, political, economic, and strategic of the ally, France.

According to Hall, the agreement does not seem consistent with these concerns, “therefore [it can] 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.”²³¹ 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,” is the fear of a “general Moslem *jihad* directed against us.”²³² But the agreement, Hall complains, does not 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.²³³

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 French politics that could

²²⁸ Letter from Captain W.R. Hall to Sir A. Nicolson (Jan. 12, 1916) (on file with author) (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, which leads to the conclusion that Hall had access to Macdonough’s comment when he was writing his own comment).

²²⁹ *Id.* at 1.

²³⁰ *Id.*

²³¹ *Id.*

²³² *Id.*

²³³ *Id.* at 2.

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endanger the unity of the Entente.²³⁴ The price is high: giving up Alexandretta to the French, and excluding from British sphere of influence Aleppo and the rich cultivable country to the east, with a river and railway running through it. Giving the French:

[A]ll 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.²³⁵

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 the price is 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).²³⁶

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 Bagdad with the railway that goes by its name can be resisted. But might we not stipulate that the claims of the Bagdad railway for the construction and working of railways, and for the working of minerals within area (B) shall be renounced in favour 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 Bagdad 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?²³⁷

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.”²³⁸ 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 sphere of influence, and conversely French goods in the British protectorate and sphere of influence?”²³⁹

²³⁴ *Id.*

²³⁵ *Id.* at 2–3.

²³⁶ *Id.* at 3.

²³⁷ Letter from Sir T. Holderness to Sir A. Nicolson (Jan. 13, 1916) (on file with author).

²³⁸ *Id.*

²³⁹ *Id.*

IV. CONCLUSION: THE LEGACY OF SYKES-PICOT?

After the draft agreement was endorsed by both the British and the French governments in early February, Sir Mark Sykes and Georges-Picot traveled to Petrograd to ensure Russian assent, as both governments saw the agreement as the annex of the uncompleted Constantinople Agreement.²⁴⁰ On March 10, they submitted an aide-memoire explaining the agreement they had reached; 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.²⁴¹ This cleared the way for final ratification. On May 9, after further delays, a complete restatement of the terms of the January 4 draft 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.²⁴² Grey replied, asking for an explicit French pledge that “any existing British concessions, rights of navigation or development . . . will be maintained” in those areas.²⁴³ 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.”²⁴⁴ Satisfied with this guarantee, Grey forwarded official British approval on the 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.”²⁴⁵

²⁴⁰ Recall that the De Bunsen Report, from June 30, 1915 framed its mission around the Constantinople Agreement: “The next step,” it explained, after laying out the terms of that agreement, “was therefore for His Majesty’s Government to formulate their definite desiderata in Asiatic Turkey.” De Bunsen Report, *supra* note 156, at para. 6.

²⁴¹ “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; PALESTINE BOUNDARIES, *supra* note 14, at 99–100.

²⁴² Cambon to Grey, May 9, 1916, MAE, A-Paix, 1918-25, file 174; PALESTINE BOUNDARIES, *supra* note 14, at 101–02.

²⁴³ Grey to Cambon, May 15, 1916, MAE, A-Paix, 1918-25, file 174; PALESTINE BOUNDARIES, *supra* note 14, at 103.

²⁴⁴ Cambon to Grey, May 16, 1916, MAE, A-Paix, 1918-25, file 174; PALESTINE BOUNDARIES, *supra* note 14, at 103. Grey was ready to extend a reciprocal guarantee of existing French interests in the future British zone. According to Clemenceau’s close collaborator, André Tardieu, the three British firms which held seventy-five 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. André Tardieu, *Mossoul et le Pétrole*, L’ILLUSTRATION, June 19, 1920, at 380.

²⁴⁵ Grey to Cambon, May 16, 1916, MAE, A-Paix, 1918-25, file 174 (copy in file 179):

What then is the legacy of the Sykes-Picot Agreement? Along with other international agreements and declarations from the period leading to the mandate system, the Anglo-French accord still carries strong symbolic effect on the political discourse of a disenfranchised post-colonial unstable Middle East, and on the myth of “artificial states” (as Lisa Pursley described it in relation to Iraq) as the cause for its current instability.²⁴⁶ This is so even though most scholars today agree that Sykes-Picot had little concrete effect on existing borders in the Middle East.²⁴⁷

But what does this mean? What is the legacy of the agreement if not as the origination of today’s shaken jurisdictional separations in the region? The analysis of Sykes-Picot as an instrument of colonial development is a step forward towards understanding its legacy and its possible relevance to today’s regional anxieties. Not only that the agreement did not create the modern “artificial states” in the Middle East, or draw their boundaries—it was in fact a part of an opposite impetus, a vision of imperial regional development.

The British and the French officials involved in drafting the agreement in the midst of the war envisioned the post-war Middle East as a vast space full of opportunities to be handled, managed, and exploited to their advantage. The question for the framers of the document, was not—or not mainly—how to divide these territories among themselves, but how to develop them; how to create and maintain commercial and trade arrangements, free movement and access to ports, construction and management of railways and rail routes, irrigation and navigation projects, the extraction of oil and other natural resources, and the development of land communication infrastructure. Of course, none of this was intended for the benefit of the local population; these were European imperialists and they had very little interest in the views of indigenous populations unless they fit with imperial desiderata. But they thought like an empire, and that meant they thought big and connected, and

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.” PALESTINE BOUNDARIES, *supra* note 14, at 104–05.

²⁴⁶ Pursley, *supra* note 15, at 2.

²⁴⁷ See, e.g., Asli Bali, *Symposium on the Many Lives and Legacies of Sykes-Picot: Sykes Picot and “Artificial” States*, 110 AM. J. INT’L. L. UNBOUND 115, 116 (2016); Daniel Neep, *The Middle East, Hallucination, and Cartographic Imagination*, DISCOVER SOC’Y (Jan. 3, 2015), discoversociety.org/2015/01/03/focus-the-middle-east-hallucination-and-the-cartographic-imagination [<http://perma.cc/X3UQ-SLPK>]; David Siddhartha Patel, *Repatriation of the Sykes-Picot Middle East? Debunking Three Myths*, MIDDLE EAST BRIEF, Nov. 2016; Pursley, *supra* note 15; Reidar Visser, *Dammit, It Is NOT Unravelling: An Historian’s Rebuke to Misrepresentations of Sykes-Picot*, GULF ANALYSIS (Dec. 30, 2013, 2:25 AM), gulfanalysis.wordpress.com/2013/12/30/dammit-it-is-not-unravelling-an-historians-rebuke-to-misrepresentations-of-sykes-picot/ [<https://perma.cc/9F8Z-4N4B>].

they were deeply invested in projects of development real and fantastic.

This does not mean that developmental concerns replaced traditional strategic concerns. In fact, both kinds are clearly present in the debates, drafts, comments, and desiderata formulations and are often mixed in interesting ways. Such as when the question regarding a Haifa-Euphrates railway was strategically framed, but its financial worth was also being considered, or when British foreign office officials considered French development concerns as a strong reason for giving up such strongholds as Mosul or Alexandretta in order to manage allied unity.

Strategic lines were positioned on the “Turkey in Asia” map in order to connect places and open political opportunities in post-Ottoman space, not to divide, separate, and isolate different parts of Ottoman territories. Early on, this Article showed how the agreement itself dealt predominantly with classic development areas and how it opened Ottoman territories to a range of management activities of different types: from protection of indigenous independence, development initiatives and local loans, to technical assistance in different areas of development, direct and indirect administrative control over such projects, management of international relations, promulgation of trade norms and their harmonization over the territory and between the different areas, the construction of railways, waterways, and so on. Just like in the Ottoman period, during the war inter-imperial politics—the diplomacy of inter-imperial conflicts over “areas of influence”—was understood in terms of the management of the region’s development resources, and not only or not mainly in terms of control over territory.

Finally, if it is true that what is reflected in the Sykes-Picot Agreement and in its drafting documents in their historical context is a vision of connectivity and economic integration, a vision of regional cooperation and management of possibilities and threats to colonial development, how could they be relevant to contemporary concerns about the fate of the Middle East, as a region of “weak states” with threatened and sometimes crumbling borders?

The vision that the documents reflect is relevant today because it signifies an alternative, pre-state, and extra-national state political imagination, which is embedded in the region’s colonial history. The tendency towards separation, division, and clear jurisdictional boundaries is indeed very much present in the history of the Middle East and in contemporary attempts to “remap” it. But we should not disregard the fact that before this tendency became a regular aspect of Middle Eastern troubled politics, there were other visions—imperial, of course—but powerful and full of energy to think more creatively about the geopolitical space that seems to open up again today.