

the remaining constituencies only should be left to the Commission to decide upon. Another example is that while the Self-Government Statute passed by the Legislative Assembly provides that any amendments to the Constitution passed by specific majority in Parliament should be carried out without reference to the two Governments, the Egyptian Note stipulates that such amendments should be ratified by the two Governments before being valid.

Being confident that you are no less bent upon the implementation of what was agreed to between the Sudanese Parties as a whole and the Egyptian Government, and that you are no less keen on the enjoyment by Sudanese Parliament and Sudanese Government of their full lawful powers and rights, the Socialist Republican Party have no doubt that you will act upon their proposals and include them in the Agreement and in the Constitution. There is no doubt that Your Excellency will not agree that the amended Constitution be less favourable to Sudanese rights than the first draft Statute so much disagreed upon by the Sudanese themselves.

It is fair to refer here to our proposal regarding election constituencies; already dealt with above. We have received, after studying the Note and recording our comments thereon, a message from the Officer Commanding Egyptian Troops in the Sudan, indicating that Your Excellency's Government has submitted to the British Government a Note on this subject, corresponding with the contents of the Khartoum Agreement and that the British Government has endorsed our views thereon. I would also like to refer to the fact that on the 12th January, the two members of our Party who signed the Khartoum Agreement brought forward our comments on Para 3 of Annex III, relating to the approval of the decisions of the Sudanization Committee, and wrote to the representative of Your Excellency's Government who signed that Agreement, but no reply has yet been received. It is worth mentioning that this particular proposal is not new; our Party have been insisting on it since the outset of talks in Cairo and we have already included it in our Agreement of 3rd November, 1952.

There are some comments that have come to light during discussion in the meetings of the Executive Committee of the Party. I am directed by the Committee to convey these comments to Your Excellency in the hope that you will give them due consideration. They are:-

1. The Party recommend that a new item should be inserted in the Anglo-Egyptian Agreement, by which the two contracting Governments shall bind themselves not to make any propaganda or spend money for this purpose, whether, directly or indirectly, during the transitional period and until self-determination is achieved. The purpose of the addition of such an item is self-evident needing no explanation or illustration.

- 3 -

2. The proposed amendment to Section 103(1) of the Statute, as laid down in the last Egyptian Note, though not concerning the Sudanese, may cause some misunderstanding between the two Governments and, above all, the stipulation for a certain type of officials to work in Governor-General's Office, is inappropriate to his position as the supreme constitutional authority in the country. As this amendment is of second importance to us the Sudanese, and as it may cause delay to agreement between the two Governments, we trust that the Egyptian Government will not insist to it.
3. We understand that the British Government had, in its Note to the Egyptian Government sent after the conclusion of the Khartoum Agreement, submitted a draft protocol Agreement between the two Governments, providing for the Sudanese Parliament of the right to discuss the principal provisions of the Anglo-Egyptian Agreement, and for the undertaking by the two Governments to give full consideration to the views of the Parliament. We also understand that disagreement between the two Governments has become, or is about to become, limited to this issue. All the Socialist Republican Party want to say in this connection is that they beg the Egyptian Government not to let disagreement on this single issue be a stumbling-block obstructing agreement, thus hindering the achievement of the wishes of the Sudanese for immediate establishment of Self-Government. To avoid such a deadlock, the Party would advise that the matter should be referred to the Sudanese Parties if the two Governments could not reach a satisfactory solution.

God is the Helper.

Please accept profound respects.

Sgd. Ibrahim Bedri,  
Secretary General of  
Socialist Republican  
Party.

Copy to:-  
Governor-General of the Sudan.

SOCIALIST REPUBLICAN PARTYHEADQUARTERS: OMDURMAN

Proposals by the Executive Committee of the Socialist Republican Party on the Egyptian Note and its Annexes.

(1) Draft Agreement

Preamble : Delete the words " at the suitable time and with the necessary safeguards" and substitute : "In accordance with the provisions of Sections 9 & 10"

Section 6 - Para (a) : Delete the words "Any affairs not strictly internal" and substitute : "External Affairs"

Para (b) - See the proposed amendment to the amendment to Section 101(1) of the Statute.

Section 8 - Para (c) - see our comments on Para (3) of Annex III.

Section 9 - To be re-drafted so that the contracting Governments should be bound immediately to carry out the decision of Parliament on self-determination.

Section 10 - Delete the words "and the two contracting Governments shall then agree on the safeguards securing the impartiality of elections" and substitute "Elections should be conducted by a mixed election commission similar to that conducting parliamentary elections".

(2) Annex II - Functions of Election Commission

Para 8 - Delete the reference to the fifty constituencies alleged to have been agreed upon as direct election constituencies, and also delete page 2 of this Annex.

(3) Annex III - Functions of Sudanization Commission

Para 3 - Delete and substitute:-

"The Commission's decisions shall be taken by majority vote and shall be submitted to the Sudanese Government for approval".

- 2 -

(4) Annex IV - Proposed Amendments to the Statute.

Section 12(2) - The words "Any affairs not strictly internal" should be substituted by the two words "external affairs".

Section 88 - A new item is to be inserted after Section 88 reading as follows:-

"The Governor-General shall have special responsibility for the Public Service and it is his duty to ensure fair and equal treatment to members of the Public Service, safeguarding their contractual rights and interests."

Section 99 - The words "any affairs not strictly internal" shall be substituted by the two words "external affairs" in paras 1, 3, 4.

Section 101(1) - Delete the words "with the agreement of the two Governments" and add the following at the end of the para "provided that such an order shall be submitted to the two Governments, and if they do not jointly reject it within a month from the date of the receipt of notification, the Order shall be valid".

Schedule I Part I (a) & (b)

Delete the reference to the fifty constituencies alleged to have been agreed upon - up to the end of the proposed amendment.

MEM

Po 37/102748

E1051/307 Enter J  
INDEXED

NOTES ON THE ANGLO-EGYPTIAN DISCUSSIONS ON THE SUDAN  
FOR THE HOUSE OF LORDS DEBATE ON WEDNESDAY, FEBRUARY 4TH.

A brief historical note is attached on the course of the present discussions, together with a special note as requested by Lord Reading on the difference between the views of Her Majesty's Government and the Egyptian-Sudanese agreement on the provisions for the Southern Sudanese.

2. The situation is, however, extremely fluid and it is almost certain that it will be necessary to supply a further note bringing the present one up to date, tomorrow or Wednesday.

Whitman.

2nd February, 1953.

P.S. I have now been informed by P. U. S. D. that, owing to the sickness of Lord Henderson, whose name the motion is down, the debate has been postponed. I suggest that these notes should go forward, subject to later amendment.

A copy of the note on the political parties in the Sudan is also attached. Lord Henderson was sent a copy of this, together with the Draft Statute & a copy of a letter from Mr. Henry Rhodes, M.P.

B.T.D. (Edwards)  
7/2/53

R4/2

Page Allen 3/2

EGYPT AND THE SUDAN

Top Secret.
Secret.
Confidential.
Restricted.
Open.

Draft.

NOTHING TO BE WRITTEN IN THIS MARGIN.

*If the Sudan had  
been our only concern,*

Up to last September, the course for the Sudan was set towards self-government to be followed by preparations for self-determination. The major problem of persuading the representatives of the Southern population to agree to such rapid constitutional progress had been overcome by the inclusion of certain safeguards in the Self-Government Statute to which the Legislative Assembly (including the Northern representatives) had unanimously agreed.

2. At this point we had to decide whether to let the Governor-General proceed, independent of Egypt, or to attempt to secure Egyptian co-operation. The former <sup>was the easier</sup> ~~was the obvious and simple course,~~ since the Egyptian Government had legislated themselves out of their rights under the Condominium Agreement, and persisted in claiming sole sovereignty of the Sudan. For the sake of wider issues of Anglo-Egyptian co-operation, we decided to try for Egyptian co-operation. Our first suggestion, made in September, was that the Egyptians should agree with us on the conditions for elections in the Sudan; and that we should thereafter discuss any questions which the Egyptian Government wished to raise, with the Sudanese Parliament <sup>& Govt</sup> in existence and available for consultation.

3. In October the Egyptians held discussions with various Northern Sudanese political parties which had been encouraged by us to send delegations to Cairo in the interests of reaching a settlement. A number of "agreements" were concluded between them and the Egyptian Government. They made various proposals about the new constitution but were not all alike.

4. On November 2nd

PO371/102748

4. On November 2nd the Egyptian Government sent us a series of proposals. They were an advance on previous Egyptian positions in that they endorsed the principle of self-determination for the Sudanese (it was suggested that the transitional self-government period should be three years). They also embodied suggestions which involved radical changes in the carefully worked-out Self-Government Statute.

5. On this point we again appealed to the Egyptians to agree with us immediately on the conditions under which elections could be held, and although we did not, and do not, differ on these conditions, the Egyptian Government rejected this procedure. With misgivings, we agreed to discuss immediately all the changes the Egyptians wanted to make. In the course of discussions, we have agreed to a great many of the Egyptian proposals which we regard as in themselves against the best interests of the Sudan; but we stood on two main issues:

(a) we would not agree that the special powers of the Governor-General to protect the South should be removed from the Statute;

(b) we refused to accept the Egyptian stipulation that all British officials should leave the Sudan before self-determination took place.

(We agree that they should go at the speed the Sudanese wish but not that the Sudanese should be faced with the choice between self-determination or their British <sup>Servant's</sup> ~~Service~~.)

6. On January 10th the Egyptian Government emissary, Major Salem, who had been on a "fact-finding mission" to the Southern Sudan, induced all the main Northern Sudanese political parties to sign yet another "agreement" in which they

proceed with them, so that a Sudanese Parliament would be available for consultation.

/subscribed

6371/102748

NOTHING TO BE WRITTEN IN THIS MARGIN.

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subscribed to the terms offered by the Egyptians on all the outstanding issues between us and them. We cannot accurately assess their motive for doing so, but according to our information they did so in the belief that they would never get self-determination without Egyptian acquiescence, and that this price was worth paying. Also, of course, as Northerners they had no liking for the Southern safeguards: though one party (the Socialist Republican Party) had hitherto stood out for them.

7. In this agreement there is included a "formula" previously offered to us by the Egyptians which is intended to give reassurance to the South: it empowers the Governor-General to refer to the co-dominion legislation by the Sudanese Parliament which he considers unfair to any section of the population, <sup>South</sup> but the legislation would, <sup>however,</sup> only be blocked if both Governments agreed.

8. On January 12th we presented to the Egyptians a text of a draft agreement embodying the points on which we had agreed, and what we considered was the furthest we could reasonably go on the other issues. This included a <sup>practical</sup> ~~provision~~ <sup>laying down</sup> that the main provisions of the agreement should be considered by the Sudanese Parliament and that the two Governments would give full consideration to their views.

9. The Egyptians submitted counter-proposals on January 28th. They include only the Egyptian "formula" in place of the Governor-General's special powers under the Statute for the protection of the South. They insist that all British officials should be gone before self-determination and they omit the provision that the principal parts of the agreement shall be

/submitted



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submitted to the Sudanese Parliament. The Egyptian Government are now considering a further suggestion of ours that the powers of the Governor-General to protect the South shall be left to be decided by the Sudanese Parliament. General Neguib has indicated that his Government would not accept a decision of the Sudanese Parliament modifying his demand for the removal of British officials before self-determination.

~~Now~~ The formula in the Egyptian-Sudanese agreement about the Sudan says that the Governor-General shall refer to the two Governments' legislation passed by the Sudanese Parliament which he regards as "incompatible with the principle of ensuring fair and equal treatment to all the inhabitants of the various provinces. .... The legislation approved shall stand unless the two Governments agree to the contrary."

~~Now~~ The Self-Government Statute provides that the Governor-General may withhold his assent to legislation <sup>if</sup> ~~it~~ considers unfair to the South and may make orders with the force of law ~~to~~ <sup>in</sup> furtherance of the interests of the South.

~~The~~ <sup>Our</sup> objections to the Egyptian formula are:

- (i) Its inadequacy. The Governor-General could do nothing except object to legislation, and in this case his objection could be overruled by the Egyptian Government. *The Southerners are most apprehensive of administrative neglect or treatment by administrative action.*
- (ii) Irrespective of its merits, the Southern Sudanese have not given their consent to it. Their consent to the Self-Government Statute was conditional upon the inclusion of the Governor-General's special powers, which should not therefore be removed without their consent.

*Note on the Egyptian formula for the protection of the Southern provinces.*

NOTE ON POLITICAL PARTIES IN THE SUDAN

Political groupings amongst the Northern (i.e. Moslem) Sudanese grew up round the two main religious sects into which the population is divided: the "Mahdists" (more accurately the "Ansar") and the "Khatmia". The latter remained loyal during the Mahdist rebellion, and their political inclinations have always been influenced by the memory of Mahdist rule: fear that an independent Sudan might mean a return to a Mahdist monarchy has caused some of them to favour a link with Egypt. The leader of the Khatmia sect is Sir Sayed Ali el Mirghani (S.A.M.). Unlike his rival, he has never openly taken part in politics, though his followers are believed to lean much on his privately expressed opinions.

The following, then are the main parties:

1. The Umna Party ("Peoples" Party).

This is the political party of the Mahdist sect and its leader is Sir Sayed Abdul Rahman el Mahdi (S.A.R.) leader of the sect. They favour complete independence for the Sudan. They were the largest party in the Legislative Assembly, and co-operated in the preparations for self-government as a prelude to independence. They have in the past been the strongest opponents of Egyptian claims in the Sudan; and remained so until General Neguib renounced the Egyptian claim to sovereignty last October. As a result, the Umna Party signed an agreement with General Neguib which they have since confirmed in the recent agreement with Major Salem.

2. The Party of National Union.

A small proportion of the Khatmia sect, mostly in the towns, and of Sudanese of Egyptian origin or with Egyptian connections, have in the past favoured some form of link with Egypt. They were divided into some five or six groups and their aims varied from complete fusion with Egypt at one extreme (the "Nile Valley" Party) to an independent Sudan after a preliminary period of union with Egypt. Two other groups wanted dominion status under Egypt with the right to secede. The most important, however, was the Ashigga ("The Brothers") who wanted self-government under the Egyptian crown.

Last November, these various groups were persuaded by the Egyptian Government to unite into one party called the "Party of National Union", which thus became the single party aiming at union with Egypt. These groups boycotted the elections for the Legislative Assembly in 1948 and took no part in its proceedings. They were, however, represented in the Constitutional Amendment Commission, on whose recommendations the Self-Government Statute was based, up to the time of the purported abrogation of the Condominium Agreement in October 1951.

No text has been published of the agreement which the Unionists signed with the Egyptian Government last November. They were reported to have said they would agree to anything the Egyptian Government wanted. They were parties to the Salem agreement on January 10th.

3. The Socialist Republican Party.

This party was formed in late 1951, in the first instance by dissident members of the Umna Party. Although of the Mahdist sect, they were apprehensive of the influence of the Mahdi family and suspected that S.A.R. had monarchist

/ambitions

ambitions. Hence the name "Republican". They also wanted the future of the Sudan to be more on the lines of State-fostered peasant proprietorship, exemplified in the Gezira scheme, than in the building up of large private estates and the growth of a Pasha class on Egyptian lines: from this comes the description "Socialist". They <sup>were</sup> supported initially by a number of Mahdist tribal leaders who thought their support had been taken too much for granted by the Umma Party leaders in Khertoum. Some of these have, however, returned to the Umma Party.

On constitutional questions, the programme of the S.R.P. was an independent Sudan. Because they offered independence without control by the Mahdist leaders, they were able to cut across sectarian divisions and attract support from the Khatalia sect, and they have in fact evolved into a largely Khatmia party favouring an independent Sudan. They have also sought to expand their influence to the pagan South, by supporting Southern interests, though they remain a Northern party.

The S.R.P. signed an agreement with the Egyptian Government last October, which differed from the Umma agreement in expressly insisting that the Governor-General's special powers to protect the South should be retained. Two members of the party signed the agreement with Major Salem on January 10th, which involved the reversal of their former position on this, though their leader, Ibrahim Bedri, did not sign it.

#### 4. The Sudan Party

A small section of the S.R.P. split off during its early days and formed a separate party, supporting the idea that the Sudan should, on attaining self-determination, opt for membership of the British Commonwealth.

#### 5. The South

There is no organised political party of Southerners and their 13 representatives sat in the Legislative Assembly as independents. No Southerners have been a party to any of the agreements made with the Egyptian Government. All four members from one of the three Southern Provinces (the Upper Nile) have signed a manifesto saying that the agreement made by the Northern leaders is unacceptable; all or most of those from the other two Southern provinces would probably take the same line.

There are a number of other small parties in the North which are of no great importance.

The Legislative Assembly, which was dissolved last summer, consisted of 95 members, who at first were the 13 Southerners and roughly equal numbers of Umma and independent members. Subsequently a few of the Umma members and more independents joined the S.R.P..

The Self-Government Statute was drafted on the basis of the discussions by the Constitutional Amendment Commission and submitted to the Legislative Assembly last April. No objection was raised to the Southern safeguards in the Assembly

FO 371/102748.

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SUDAN GOVERNMENT.

CIVIL SECRETARY'S OFFICE.

GG/97.8.1.

P.O. Box 282.

PERSONAL.

KHARTOUM.

10th February, 1953.

JE 1051/301

AIR MAIL*Dear Allen*

I am sending you herewith by Air Mail a copy of a Note which the Socialist Republican Party have sent to the Egyptian Government through the Chief Staff Officer Egyptian Troops here.

2. You will see that this Note in some ways anticipates the recent Egyptian withdrawal from some of their more extreme positions and whether this is a result of intelligent guesswork, or of direct communication with the Egyptians, I do not know, except that I am told that one or two of the S.R.P. Leaders have been in telephonic communication with General Neguib and Major Salah Salim.

3. I am sending a copy to Creswell in Cairo.

*J. W. Robertson*  
 J. W. ROBERTSON.

R. Allen, Esq., C.M.G.,  
 Foreign Office,  
LONDON, S.W.1.

FO 371/102748.

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- ① Int. Aff. 1612 ④ Sir J. Boydell  
 ② Min. of State 1712 ⑤ African Dept.  
 ③ Sir W. Simon 1812  
 House of Commons.

Personal Club not so mailed London, S.W.1

on (the envelope) 12th February 1953

By Joan Eden

The Future of the Sudan.

E1051/297

INDEXED

May I make the following suggestions, not only in relation to the Sudan problem itself, but to the British position in Africa and the Middle East.

For immediate action.

1. An early visit by a senior Cabinet Minister, perhaps in a semi-official capacity. The best time would appear to be directly the date of the Elections has been announced, but not near Polling Day. Sir Walter Monckton has been mentioned. His recent illness would give an excuse for a semi-official visit, in search of sun and a change. He need not dance.
2. I regard the retention of Sir James Robertson for the next three years as crucial. No price would be too high to pay. He is due to retire on final leave on 14th April.
3. A BRITISH representative must be established without delay. I realise only now the Sudan Service has been left since last autumn in an intolerable position with a divided loyalties to the Condominium and to the U.K. They have put the Condominium first, particularly as the latter loyalty involved blowing their own trumpet.

Such a representative should, prima facie, be well trained and of determined nature and of not too great seniority in the initial stages. He will need to dispose of adequate funds, if need be. He must be instructed in the preemptive buying technique, in particular of cotton. He must speak good Arabic.

For early action.

4. H.M.G. must announce that suitable employment will be found for all British displaced by Sudanisation. It is not only fears of loss of pension that affects individuals, but the loss of satisfactory employment.

House of Commons,  
London, S.W.1

- 2 -

The present situation brings to a head what many besides myself feel, that inadequate use is made of the personnel of the Sudan Political Service. They retire at 48/50. They find enjoyable and remunerative employment in the United Kingdom, quite out of regard to their real worth at this moment in Imperial history. There are many jobs under the Foreign, Commonwealth Relations and Colonial Offices in which their experience could be of more than normal value. Colonial Governorships, High Commission to Pakistan, the Trucial Coast and Legations in the Middle East suggest themselves.

The U.K. Offices mentioned above, for obvious and understandable reasons, will be slow to absorb the hundred or so who might be available in the next few years, unless a Cabinet Directive to absorb so many is issued. This is an added argument for the establishment of a Commonwealth Service based like the Foreign Service on a U.K. Pension Scheme for all U.K. subjects—administrative as well as technical who go overseas other than under the Foreign Office; the embryo of such a service already exists in the Colonial Office.

Unless early notice is given of this decision by H.M.G. the tale will grow that the British "are hanging on to their jobs" in the Sudan. At the same time, the impression MUST NOT be given that ALL are either trying to get out or expecting to be put out at the end of the period before self-determination. Only the establishment of a Commonwealth Service, to which they can all be transferred and left on loan to the Sudan, would seem to meet this difficulty.

5. An ~~early~~ announcement to be made in due course that the Sudan will be eligible for financial assistance through the Colonial Development Corporation. Again this would have first to be renamed the Commonwealth Development Corporation.

The Right Hon. Anthony Eden, M.C., M.P.

Copy to Major C.E. Mott-Radclyffe, M.P.

*Yours sincerely*  
*D. J. D. [Signature]*

L6371/p2748

1051/31 INDEPENDENT IRISH J.

Parliamentary Question

\* 78 Sir Herbert Williams: To ask the Secretary of State for Foreign Affairs, why the draft agreement, in relation to the Sudan, in its preamble purports to be made by the Government of the United Kingdom of Great Britain and Northern Ireland, and in Article 2 of Annex IV, is described as an agreement with Her Majesty's Government in the United Kingdom; and also, why, in the preamble, the United Kingdom precedes the Egyptian Government, and in Annex IV the Egyptian Government precedes the United Kingdom.

*Brooklyn. C.*

25 FEB 1953

ANSWERED 25 FEB 1953  
LETTER ATTACHED.

We had some correspondence with Sir H. Williams on the subject of Foreign Office treaty practice last June (see L 63/21 and /22). The purpose of Sir H. Williams' letters was to express dissatisfaction with the "untidy" way in which the Foreign Office drafts its treaties. The present questions are the first we have heard from him on the subject since then.

2. As regards the first part of question No. 78, the form of words - "Government of the United Kingdom of Great Britain and Northern Ireland" - is that normally used in intergovernmental agreements. The form of words - "Her Majesty's Government in the United Kingdom" - appears in Annex IV to the Anglo/Egyptian Agreement which sets out the amendments to the text of the Self-Government Statute. The latter is not an inter-governmental agreement, but is an Order made by the Governor-General of the Sudan in the exercise of his powers under Section 66 of the 1948 Ordinance. There is no reason why the form of words which is normally used in an inter-governmental agreement to describe the United Kingdom Government should necessarily be used in an Order made by the Governor-General of the Sudan.

3. Similar reasons apply to the second part of the question No. 78. The Governor-General represents both ~~Coxdomini~~ and there is, therefore, no particular reason why in an Order made by the Governor-General, the words "Egyptian Government" should not precede the words "Her Majesty's Government in the United Kingdom." The situation is, however, complicated by the fact that all the official copies of the Agreement were, for reasons which we do not know, typed by the Egyptians, and give Egypt precedence throughout. There is no need, however, to tell Sir H. Williams this at this stage. The correct procedure would have been for the Egyptian copy to have Egyptian precedence throughout and for our copy to have United Kingdom precedence throughout. It may be that we can persuade the Egyptians to sign a fresh copy giving the United Kingdom precedence. Failing that, we shall have to get an explanation from Cairo of why they accepted the Egyptian paper in its present form, in case Sir H. Williams raises the point when the Agreement is published in its final form.

4. The answer to Question No. 77 is self explanatory.

5. Draft replies are submitted to both questions. *The departmental Legal Adviser and Treaty and Nationality Dept concur.*

*Renny Lome*  
24/2 P.T.O.

(22/2)  
21 FEB 1953

84. Sir H. Williams asked the Secretary of State for Foreign Affairs why the draft Agreement, in relation to the Sudan, in its preamble purports to be made by the Government of the United Kingdom of Great Britain and Northern Ireland, and in Article 2 of Annex IV, is described as an agreement with Her Majesty's Government in the United Kingdom; and why, in the preamble, the United Kingdom precedes the Egyptian Government, and in Annex IV the Egyptian Government precedes the United Kingdom.

Mr. Nutting: Annex IV of the Agreement contains a list of amendments to be made to a separate instrument, namely the draft Self-Government Statute for the Sudan, which is not an inter-governmental agreement but an Order made by the Governor-General in the exercise of his powers under Article 66 of the 1948 Sudan Ordinance. There is therefore no reason why the nomenclature and precedence employed in the Statute should be exactly the same as that employed in the Annex, or why the language of the Statute should be in conformity with normal treaty practice.

RECEIVED IN O.B.  
27 FEB 1953

*Bruford*  
24/2

*Page 3 on file*  
256/2

25 FEB 1953



**POWERS OF PROPOSED SUDANESE PARLIAMENT**

6.23 p.m.

VISCOUNT SIMON rose to ask Her Majesty's Government, with reference to the Draft Self-Government Statute for the Sudan, which is printed on pages 18 to 45 of Cmd. Paper 8767, whether the Parliament therein contemplated has the power to amend the Self-Government Statute, and whether the Judiciary created by the Statute has power to determine or to pronounce upon the validity of legislation passed by the Parliament. The noble and learned Viscount said: My Lords, I wish to put the Question standing in my name, merely for the purpose of obtaining information. I would observe that as a rule when you find that a new Parliament is being created under British auspices you have only to examine the document to see what are the powers which are conferred upon the Parliament; but if you look at the draft Self-Government Statute for the Sudan, you will find, I think, that while it contains elaborate provision as to the composition of the two Houses and various other matters, it does not contain any statement of what the powers of the Legislature are to be. It makes a great difference whether the Legislature is one which has power to alter its own statutory structure or whether it is purely a Legislature which has power to pass laws about other things. In particular, since in this case a Judiciary is created, I think it is useful to inquire whether the Judiciary has the power and the duty to judge whether or not a particular law passed by the Sudan Parliament is within their powers. That, of course, is the case where only a limited power of legislation exists, and where, therefore, the question may arise as to whether a piece of legislation exceeds the limits. Those are the reasons why I put these questions. I expect that my noble friend can give me a clear and authoritative answer to both of them.

6.25 p.m.

THE PARLIAMENTARY UNDER-SECRETARY OF STATE FOR FOREIGN AFFAIRS (THE MARQUESS OF READING): My Lords, as regards the first part of the noble and learned Viscount's Question, with respect to the

power to amend the Self-Government Statute, he will see that provision for amendment of the Draft Self-Government Statute is contained in Article 101 of the Statute. That article states that the Governor-General may, if so requested by a joint Resolution, which, in turn, has to be carried by a three-quarters majority at a joint sitting of both Houses, by order revoke, modify or extend all or any of the provisions of the Statute. Under Article 6 (b) of the Anglo-Egyptian Agreement—the recent Agreement—the Governor-General is directly responsible to the two Governments as regards any change in the Statute requested by the Sudanese Parliament under Article 101 of the Self-Government Statute. That applies to major rectifications. Minor rectifications are dealt with in the second subsection of Article 101, and can be carried out by the Governor-General on his own authority.

As regards the powers of the courts, the Statute has no specific provision empowering the Judiciary to pronounce upon the validity of legislation passed by the Parliament. It would, in our view, clearly be open to anyone to contest in the courts the application of any particular piece of legislation on the ground that it was *ultra vires*. I hope that that reply covers the noble and learned Viscount's two points.

VISCOUNT SIMON: My Lords, I thank the noble Marquess very much for his very clear answer.

25 FEB 1953

RECEIVED IN C.E.  
- 2 MAR 1953  
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TOP SECRET

PERSONAL AND CONFIDENTIAL  
GUARD

FO 371/102748  
FOREIGN OFFICE, S.W.1.

25th February, 1953.

JE(05) 3229

I showed your personal and confidential letter DHP of the 16th February to Jim Bowker, from whom it passed to William Strang and the Secretary of State, who all read it with interest. The Secretary of State minuted that he found it depressing reading, and referred particularly to the paragraph about the rôle of Caffery. It is true that, according to Cairo telegram No.335 Caffery seems to have delivered in proper terms the warning he was instructed to give the Egyptians about making any further statements on Sudanese independence and on evacuation. On almost every other occasion, however, particularly the two referred to in paragraph 4 of your letter, his intervention seems to have had the opposite to the desired effect, and we have long had the impression that when Caffery is instructed to intervene on our behalf, he does so in such a way as to indicate that his sympathies are all on the side of the Egyptians and that they can in the last resort rely on American help to get what they want from us. We also have the impression that this is not due mainly to ineptitude on his part. You indicated in your letter, as you have done before, that the departure of McClintock will further increase this tendency of the American Embassy. Judging from what we know of McClintock's own indiscretions and his own liking, clearly demonstrated on several occasions, for playing the part of mediator, we do not believe that he can have been very successful in keeping Caffery on the rails so far.

The deduction to be drawn from all this is that we cannot count on effective help from Caffery over the defence negotiations. This is one of the reasons why the Secretary of State and the Prime Minister have been so anxious to induce the Americans to appoint a high-powered soldier to conduct negotiations on their side.

Whatever the Americans may do or say over the defence negotiations, I do not think we shall be prepared to give much to the Egyptians. Indeed, the difficulty may be to secure any latitude at all for our negotiators. As for the Egyptians, their views really hardly come into it. They may take what we are prepared to offer; or they may wriggle. No doubt they will do the latter, but they can't wriggle much. However reluctant they may be to give us what we need, they will be faced with the choice of giving way or getting nothing. Which choice they make may depend to a great extent on how wholeheartedly the Americans back us. But so far as we are concerned, I personally feel we are in a stronger position than we were over the Sudan. There I always felt we were to some extent in a false position, and (as events showed) the Sudanese could be counted on to cut the ground from under our feet. Here, on the contrary, we are in the last resort the arbiters of whether we stay or go, and if we are to go neither the Americans nor the Egyptians can oblige us to go on other than our terms, which means Egyptian readiness to make their contribution (whatever its practical value may be) to the defence of the Middle East.

/I am

M.J. Creswell, Esq., C.M.G.,  
British Embassy,  
Cairo.

Reference:-

FO 371/102748.

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I am sending copies of your letter and this reply to Roger Haskins, and you will no doubt show the reply to the Ambassador.

(H. Allen)

FO 371/102748.

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OUR REF.....

BY REGISTERED POST

① S/S. *[Signature]*  
 ② Min. of State. *[Signature]*  
 ③ Sir W. Strangford.  
 ④ Sir S. Bagster *[Signature]* 29/2 20th February 1953.  
 ⑤ African Dept. *[Signature]* 27/2.  
 (for draft reply from *[Signature]* pt.)

Rt. Hon. Anthony Eden Esq., M.P.  
Foreign Secretary,  
Foreign Office,  
Downing Street,  
London S.W.1.

PRIVATE & CONFIDENTIAL

1051/323

Dear Sir,

On Sunday, the 1st February, I had lunch and an interesting conversation with Sayed Abdullahi El Mahdi in Khartoum, as a private individual.

In view of a number of press reports which I have subsequently read, of happenings in the Sudan which do not appear to be correct, I am sending you, in confidence, this Resumé of the views which Sayed Abdullahi El Mahdi expressed, and which I hope may be of some little service to you.

Sayed Abdullahi El Mahdi said that he considered that Britain's move to give independence to the Sudan at the earliest possible moment was a wise one. He considered that the attempt of the Egyptians to bribe the Southern tribesmen was disgraceful, and mentioned that the pilot of the aircraft carrying the Egyptian, Major Salem, had been reprimanded for landing his aircraft illegally. He told me that on Saturday, the 31st, he had met the Egyptian Press who had congratulated him on his successful negotiations with Britain and presumed that he looked forward to a future unity of the Nile Valley. These reporters were astonished when he told them that his family were utterly opposed to any form of unity with Egypt

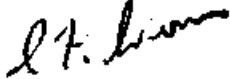
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- Page Two -

and as soon as possible, hoped to man the locks on the Nile in the Sudan with Sudanese. So far as he was concerned, there would never be any political union with Egypt, despite his close personal friendship with General Nguib. He mentioned that he considered the Sudanese to be a far better soldier than the Egyptian and that he thought the Army was capable of defending the country. It was difficult for me to ask him what his views were on future relationships with Great Britain so I did so indirectly by asking whether he would come to the Coronation, to which he said that he would like to very much and had, in fact, given instructions to the Sudan Office here to arrange accommodation for him.

Sayed Abdullahi El Mehdi is Chairman of a company who represent our firm in the Sudan and it is for this reason that I was invited for lunch at his house. I would not normally divulge such a conversation but in this case, in view of the extraordinary things which have been said in certain newspapers, who do not seem too well informed, I pass on to you this Resumé of the conversation for what it is worth.

Yours faithfully,

  
E.F. Werner - Director.

CONFIDENTIAL

GUARD

SUDAN NEGOTIATIONS

10371/102748

I think that the attached letter from Mr. Creswell to me is interesting and I fully agree with it. The main points which he makes are -

- (a) The importance of "atmosphere" in dealing with the Egyptians. From my own experience I am sure that this is right. It is much more profitable to deal with them on a personal basis rather than by giving them documents, to which they immediately think up objections. The only difficulty is that sooner or later you have to tie them down with a document.
- (b) That you only reach agreement with the Egyptians when they think that they are faced with an ultimatum and that if they do not accept it, the consequences will be unpleasant for themselves. Before you reach this stage you must be prepared for endless haggling, and you must allow time and latitude to your negotiators in order that this may take place.
- (c) The rôle of Mr. Caffery. I have no doubt at all that the effect of Mr. Caffery's interventions was in every case damaging to us because Mr. Caffery chose to appear not in the rôle of our friend but in that of mediator. The Egyptians of course always pick on the things they like to hear and no doubt when Mr. Caffery told them (as I expect he did) that the British would not break on such and such a point, or that he would try to see that the British adopted a reasonable attitude, they seized on this as an excuse for hardening their own attitude. The telegrams referred to by Mr. Creswell relate first to an intervention by Mr. Caffery, as a result of the Secretary of State's talks here with Mr. Dulles, when Mr. Caffery

/was

10371/102748

was instructed to say that the United States considered our proposals reasonable and that the provision of arms would depend upon a reasonable solution of the Sudan problem. There is little doubt that these instructions were unwelcome to Mr. Caffery, and he apparently carried them out in such a way as to arouse Egyptian resentment against us. The second point to which the telegrams relate was the staging post. Before Mr. Caffery intervened on this the Egyptians seemed to be fairly reasonable; immediately thereafter their attitude was very stiff indeed. I believe that when Mr. Caffery is told to intervene on our behalf, he deliberately makes his intervention unclear in such a way that the Egyptians think that he is anxious to help them against us. Mr. Caffery may of course be worse if McClintock leaves, but it cannot be said that McClintock has been very successful in keeping him on the rails so far; and McClintock's own indiscretions and his own liking for playing the part of mediator count against him very strongly.

2. Incidentally the U.S. Embassy informed me yesterday that a very strong telegram had been sent from Washington to Mr. Caffery instructing him to take General Neguib to task for his recent broadcast to the Sudan. It remains to be seen whether the result of this intervention will be beneficial.

*Roger Allen*

19th February, 1953.

371/102448

I agree with Mr. Allen's comments. We must face the same suspicions and haggling over the defence negotiations.

Yes. Surely the facts of Caffery could be explained to Sir R. & W. G. will

As regards Mr. Caffery, it is to me surprising only that Sir Ralph Stevenson and Mr. Creswell only now seem to realise that Mr. Caffery's interventions are usually calculated to strengthen the Egyptian conviction that they can rely on American help to get what they want out of us. It is also surprising that they still seem inclined to think that this is the result of ineptitude rather than intention. It is obvious that we must not rely on Mr. Caffery's help over the defence negotiations.

L. J. Rawlins

19th February, 1953.

Ernest R. ...

A useful and perspicacious letter.  
A copy should go to Sir R. Makins.

W. Strong  
19/2

I find this depressing reading.  
I hope action will be taken as I suggest.

19 Feb 53



1017

37/102748

MIP



BRITISH EMBASSY,

CAIRO.

16th February, 1953.

PERSONAL AND CONFIDENTIAL

GUARD

TRIOSI 322

*My dear Roger,*

I do not myself like post-mortems, as one is sometimes inclined to draw the wrong conclusions; but there are several points arising out of the Sudan negotiations which I think are worth high-lighting.

1. The negotiations seem to me to show very clearly the great importance of "atmosphere" as opposed to the actual points of substance. My personal view is that the reasons why the Egyptians in the end came some way to meet us were (a) that they were scared that negotiations were really going to break down; (b) that the Sudanese exerted influence from their end at a critical moment, particularly, I think, over the question of the Southern safeguards (though this must be hypothetical); and (c) because the Egyptians were satisfied of our goodwill and their suspicions of our motives were allayed.
2. The negotiations also illustrated the fact that it is virtually impossible to reach agreement with Egyptians unless one has some margin for concession, i.e. the bargaining process is bound to come in to such negotiations if only in order to save Egyptian face if and when they are convinced that they can do a deal by making concessions on their side.
3. It was also very noticeable that as soon as the negotiations lost impetus the Egyptian attitude hardened. This arises, no doubt, from their tendency to believe nothing but the worst of us. When there was frequent personal contact their suspicions could be allayed, but whenever there was a long interval between meetings, and the Egyptians had time to cogitate on their own, they were liable to work themselves up into a suspicious and hostile frame of mind.
4. The rôle of Mr. Caffery. You will no doubt have drawn your own conclusions from Cairo telegrams Nos. 246, 264, 278 and 293, and these conclusions are perhaps the same as mine. The contrast between what he told the Ambassador on 10th February and what happened at the meeting the following day is very striking. It is also, perhaps, worth mentioning that Caffery told me on the evening of the 10th that Fawzi had promised to press Neguib strongly on the question of the protocol as a "personal favour" to Caffery. There is no question of the unyielding and unpleasant atmosphere on the Egyptian side at our meeting on the 11th February. It may be that they resented Caffery's "pressure" or it may simply be that they were given quite a different impression by him, i.e. that whatever happened we would agree on our side whether or not they made the two

/additional

*see letter, I think.*

R. Allen, Esq., C.M.G.,  
The Foreign Office,  
LONDON, S.W.1.



- 2 -

additional concessions we asked for. Personally I am inclined to think the latter is the explanation. Certainly the Egyptians made not the least concession to us after Caffery's intervention. It is possibly relevant also that Neguib and the Egyptian press have made quite a lot of the rôle of Caffery in helping in the attainment of the Sudan Agreement (i.e. suggesting that Caffery had put pressure upon us).

Incidentally, on one particular point, something happened which struck me as pretty odd. We had told Neguib previously that by "staging post" we meant a relay for transit aircraft, and that the Americans had something rather similar by employing military personnel at Cairo airfield for supervising their H.A.T.S. Services. Caffery had also been told that what we needed at Khartoum was more than this since the aircraft to be serviced included fighters and experimental types and not purely transport aircraft of identical pattern to civil air-liners. At the meeting on the 11th February Neguib said that he had made inquiries about our statement that the Americans had something similar at Cairo airfield and had ascertained that this was not the case. This is an illustration of how things get twisted in Egyptian minds but it may also be an illustration of how unclear Mr. Caffery's representations sometimes are.

Personally, therefore, I am inclined to attribute the débauché over this piece of American support to ineptitude and not to ill will on the American side; but we must not lose sight of the fact that, with their present representation here (particularly if McClintock leaves, as I think he is likely to), the Americans are unlikely to give us much real help over defence negotiations, partly owing to ineptitude and clumsiness and partly, I am afraid, owing to the fact that they are far less interested in supporting us than in ingratiating themselves with the Egyptians and being rewarded by pleasant gestures in return. Personal vanity is a very unfortunate ingredient in international affairs.

*Yours ever*  
*Michael*

(M.J. Crewell)

P 371/102748

SOCIALIST REPUBLICAN PARTY

HEADQUARTERS: OMDURMAN

Omdurman,  
7th February 1953.

His Excellency President of Council  
of Ministers, Egyptian Government.  
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Sir,

I have pleasure to acknowledge receipt of the text of the Egyptian Note, submitted to the British Ambassador in Cairo, sent to me in my capacity as Secretary General of the Socialist Republican Party. I take this opportunity to express to Your Excellency the thanks and appreciation of the Socialist Republican Party for having kept me informed of your decision on the Sudan Case and the Self-Government Statute for the Sudan in the light of the Agreements concluded between the Sudanese Parties and the Egyptian Government in Cairo and Khartoum: thus giving all the Sudanese, as represented by their Parties, the chance to participate in putting the Constitution of their country in its final form, before being decided on by the two Governments in agreement.

I would hasten to inform you first of all that the Executive Committee of the Socialist Republican Party have, in their meetings held last week, ratified the Khartoum Agreement signed by two of its members on 10th January.

After studying in detail the Egyptian Note and its Annexes, the Committee has directed me to submit to Your Excellency the proposals passed by them and set down in the attached Note. The Committee attach extreme importance to the inclusion of these proposals in the Anglo-Egyptian Agreement and in the proposed Constitution of the Sudan. The cause of this concern on the part of the Committee for the inclusion of their proposals is that some of them serve, in fact, only to confirm points already contained in the Khartoum Agreement, while others seek to secure the rights of the Sudanese Parliament and the Sudanese Government which have always been the subject of consideration by the Egyptian and British Governments throughout the stages of the Sudan Case. To explain this, I would, for instance, point out that the Khartoum Agreement has provided that elections should be direct in all parts of the Sudan whenever possible and practical and that the seven-member Election Commission should decide on this matter. The Egyptian Note, has, however, provided that the fifty constituencies, alleged to have been agreed upon, should be considered as direct election constituencies and that