

FROM CAIRO TO FOREIGN OFFICE

En Clair

JE 1058 256

FOREIGN OFFICE AND
WHITEHALL DISTRIBUTION

Sir H. Trevelyan

INDEXED

No. 1647

D. 2.53 p.m. November 6, 1955

November 6, 1955

R. 4.18 p.m. November 6, 1955

PRIORITY

Addressed to Foreign Office telegram No. 1647 of November 6.
Repeated for information to Governor-General Khartoum
U.K.T.C. Khartoum.

My immediately preceding telegram. JE 1058/255

Note begins by tendentious re-statement of provisions of agreement of which one "guarantee" was "écarter l'autorité du Gouverneur Général du Haut Commandement des Forces Soudanaises après l'évacuation des forces Égyptiennes et Britanniques, afin d'éviter que le Gouverneur Général ne puisse influencer, d'une manière ou d'une autre, les forces Soudanaises pendant la période relative à l'opération de la libre disposition. (C'est une des attributions les plus importantes, et l'accord a prévu une stipulation spéciale par laquelle le soin d'en décider a été laissé à la commission internationale désignée par le parlement Soudanais, et dont votre pays fait partie)."

2. Note then suggests that Egyptians were pressing for continuation of negotiations regarding the International Commission while we, after August 22, did not wish to continue negotiations and that we were responsible for the fact that the Commission could not be in the field 30 days after the self-determination resolution in Sudanese Parliament according to Article 9 of the agreement.

3. Note continues that after the Sudanese Parliament's plebiscite resolution of the 29th of August we claimed that acceptance of the plebiscite meant there was no further need for an International Commission, while the Egyptian Government maintained that the Commission was necessary in all circumstances. It alleges that we tried to avoid international supervision of the plebiscite by proposal of further submission to the Sudanese Parliament. Our aim was, therefore, to avoid all international supervision in the Sudan even at the price of violating the agreement and to gain time in order to render impossible a decision by the Commission on the Supreme Command before the evacuation of British and Egyptian troops so that the Supreme Command should remain in the hands of the British Governor-General.

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Cairo telegram No. 1647 to Foreign Office

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4. Note then gives a version of Egyptian Government's proposals to establish the Commission in a hurry in order to deal with the question of a Supreme Command and of their acceptance of the terms of reference of the Commission. We on the other hand instead of hastening, presented our Notes of October 22 and 26. "Il résulte de ce qui précède que le gouvernement Britannique entendait suspendre les obligations expresses et définitives dans l'accord Egypto-Anglais, et les responsabilités des deux gouvernements vis-à-vis du peuple Soudanais, quant à l'établissement d'une commission internationale avant l'évacuation des forces Égyptiennes et Britanniques, est une éventualité qui pourrait se réaliser comme elle pourrait ne pas l'être. Il semble même que cette éventualité soit loin de pouvoir s'accomplir s'il en prenait en considération qu'un ministre Soudanais responsable publiait récemment une déclaration par laquelle il rejetait sur les deux gouvernements Egyptien et Britannique la responsabilité de la non exécution de l'article 10 de l'Accord Egypto-Anglais, [mutilated gp.?concernant] l'établissement de la commission internationale pour la surveillance des opérations relatives à la libre disposition, de même que chaque jour les diverses organisations et communautés Soudanaises. Ainsi que les partis proclament la nécessité de [mutilated gp.?s'entendre] à l'accord et d'établir la commission internationale à qui il incombe de remettre au peuple Soudanais le Haut Commandement de ses forces armées et ses pouvoirs constitutionnelles, ainsi que de surveiller les opérations relatives à la libre disposition."

5. Note then states that Egyptian Government insisted on fulfilment of the agreement and on the establishment of the Commission in all circumstances, particularly with a view to the Supreme Command. Note then claims that the Egyptian Government has insisted on execution of the agreement and goes into a long and tendentious claim that Egyptian Government has supported the rights of the Sudanese people and of the guarantees.

6. Note concludes by stating that the Egyptian Government hopes to bring us to desist from our attitude and to agree to establish the International Commission in order to honour our obligations towards the Sudanese People in regard to self-determination of the Sudan. The Egyptian Government hopes thus that the Government addressed will be able to help in the noble task of helping a people to achieve its freedom.

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JE1058/257

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FROM CAIRO TO FOREIGN OFFICE.

DEPARTMENTAL
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GY/phae/OTP
Sir H. Trevelyan.
No. 1648
November 6, 1955.

D. 1.08 p.m. November 6, 1955.
R. 1.30 p.m. November 6, 1955.

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Addressed to Foreign Office telegram No. 1648 of November 6.
Repeated for information to: Governor General Khartoum,
U.K.T.C. Khartoum and
POMEF.

JE1058/254
My Telegram No. 1630, paragraph 4: Sudan.
Following is proposed text of Exchange of Notes.
Begins:

Excellency, I have the honour to refer to the recent agreement between our two governments that, in accordance with the wish of the Sudanese Parliament as expressed in a resolution adopted by the House of Representatives on the 29th of August, the future of the Sudan shall be decided by a plebiscite. It is my understanding that this agreement will entail modification of Articles 10, 12 and 13 of the Anglo-Egyptian Agreement of the 12th of February, 1953, concerning self-government and self-determination for the Sudan. Accordingly I propose that the following texts be substituted for those articles:-

Article 10

"When the two contracting governments have been formally notified of this resolution, the Sudanese Government, then existing, shall draw up a draft law for the election of the Constituent Assembly which it shall submit to Parliament for approval. The Sudanese Government shall also draw up a draft law for a plebiscite to decide the future of the Sudan which it shall submit to Parliament for approval. The Governor General shall give his consent to these Laws with the agreement of his commission.

Detailed preparations for the process of self determination, including safeguards assuring the impartiality of the elections

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Cairo telegram No. 1648 to Foreign Office

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and the plebiscite and any other arrangements designed to secure a free and neutral atmosphere shall be subject to international supervision. The two contracting governments will accept the recommendations of any international body which may be set up to this end."

Article 12

"The future of the Sudan as one integral whole shall be decided by a plebiscite. The choice shall be between either:

- (a) linking the Sudan with Egypt in any form
- (b) complete independence.

The duty of the constituent assembly will be to draw up a constitution for the Sudan compatible with the result of the plebiscite, as well as an electoral law for a permanent Sudanese Parliament".

Article 13

"The two contracting governments undertake to respect the decision of the Sudanese people concerning the future status of the Sudan as expressed by the plebiscite and each government will take all the measures which may be necessary to give effect to this decision".

2. I have the honour to suggest that this Note and Your Excellency's reply accepting the above-mentioned amendments shall be regarded as an integral part of the Anglo-Egyptian Agreement of the 12th February 1953.

Ends.

- 2. Egyptians will presumably wish to originate Note and Her Majesty's Government to acknowledge.
- 3. In supplementary agreement I suggest addition of words "and the plebiscite" after "elections" in Article 1. Last sentence of Article 1 disappears. In Article 6, I suggest we agree to omit words in square brackets.

Foreign Office please pass to Governor-General Khartoum (Immediate) and U.K.T.C. Khartoum (Routine).

[Repeated to Governor-General and U.K.T.C. Khartoum]

DISTRIBUTED TO:-

African Department

ADVANCE COPIES:-

Sir H. Gaccia
Private Secretary
Mr. Shuckburgh

Head of African Department
Resident Clerk

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FROM CAIRO TO FOREIGN OFFICE

En clair

JE1058/269

FOREIGN OFFICE AND
WHITEHALL DISTRIBUTION

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Sir H. Trevelyan
No. 1663
November 8, 1955.

D. 5.56 p.m. November 8, 1955.
R. 6.58 p.m. November 8, 1955.

Addressed to Foreign Office telegram No. 1663 of November 8
Repeated for information to:- Gov.Gen, Khartoum
U.K.T.C. Khartoum

JE1058/258
My telegram No. 1649; Sudan.

Akhbar and Gombouria under headline "Governor-General delays for two weeks Egypt's acceptance of plebiscite" noted that whereas news of British acceptance had not reached Khartoum until November 4 Egyptian answer was sent on October 24 with the idea that Parliament should be informed at first meeting.

2. Ahram commented that despite Britain's acceptance of plebiscite and International Commission Foreign Secretary's remark that Coomins should consider any suggestion put forward by Sudanese Parliament to shorten process of self-determination indicated that Britain was still covertly following policy of imposing her trusteeship on Sudan.

3. Akhbar reported Egyptian source as expressing disquiet at delay in settling amendments to agreement. British Ambassador had originally said that he would receive instructions in time to inform Egyptians on November 7. This had not been done.

4. Press also published A.N.A. report from London that responsible British sources attributed delay in convening of International Commission not to British procrastination but to statements of responsible Sudanese which had suggested a change of mind.



JE 1058/272

John

For immediate release at 1900 hours G.M.T.

FOREIGN OFFICE STATEMENT.

On October 29 the Sudanese Prime Minister made the following statement to the press in Khartoum:-

"It might be some time before the possibility of a decision by the present Parliament was fully explored by the political parties and, until it was accepted or rejected, the Government would continue on the presumption that the future would be decided by plebiscite or along the lines laid down in the Agreement. There were fourteen months left of the transitional period and there was no hurry: in a few months an election should be possible throughout the country. For the present it was important that a reply was received about the Sudan Parliament's wish for plebiscite and the International Commission was formed."

2. In view of this statement Her Majesty's Government are informing the Governor-General of the Sudan of their acceptance of the Plebiscite proposal made by the Sudanese Parliament on August 29. They are also issuing invitations to the Governments chosen by the Sudanese Parliament on August 22 to participate in the International Commission referred to in Article 10 of the Anglo-Egyptian Agreement of February 1953. Her Majesty's Government are asking the Governor-General to inform the Sudanese Parliament of these decisions.

3. Her Majesty's Ambassador in Cairo has been instructed to inform the Egyptian Prime Minister of these decisions, and to discuss with him the next steps. In particular Her Majesty's Government are ready to discuss with the Egyptian Government what modifications ~~by the~~ the Anglo/Egyptian Government are necessary in order to provide for a plebiscite, and the Terms of Reference which will be necessary to define the duties and powers of the International Commission.

Agreement

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FROM CAIRO TO FOREIGN OFFICE

Cypher/OTP

FOREIGN OFFICE AND
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Sir H. Trevelyan
No. 1679
November 9, 1955

D. 3.49 a.m. November 10, 1955
R. 4.46 a.m. November 10, 1955

IMMEDIATE
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JE1058/275 INDEXED

Addressed to Foreign Office telegram No. 1679 of November 9
Repeated for information to Gov. Gen. Khartoum
U.K.T.C. Khartoum
and Saving to P.O.M.E.F.

Your telegrams Nos. 2562 and 2563; Sudan.

Minister this evening discussed with Deputy-Minister for Sudan Affairs draft of exchange of Notes to take account of plebiscite, terms of reference for International Commission and supplementary agreement, with following results.

2. Exchange of Notes. Text in my telegram No. [grp. undec.] was agreed except for addition of words "which shall be held simultaneously" in fourth sentence of Article 10 after "plebiscite".

3. Terms of Reference. Egyptians made following comments on text submitted in accordance with amendments in my telegram No. 1628;

(a) Paragraph 1(a)(iii) Supreme Command. See my telegram No. 1681.

(b) Paragraph 1(b)(1) (described as paragraph 1(b)(ii) in my telegram No. 1628 but order changed in accordance with instructions in paragraph 3 of your telegram No. 2652). They suggested that one of the duties of the International Commission should be "to formulate the question of the plebiscite and to make public the results which the answer will entail". They explained that the first part of their proposal was to prevent the Sudanese parliament from attempting to formulate a biased question and the second to ensure that the ignorant Sudanese electorate had an unbiased explanation of the issues involved before their choice.

/We rejected



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Gairo telegram No. 1679 to Foreign Office

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We rejected this proposal on the grounds that the commission was a supervisory body only and certainly could not properly interpret the choice before the Sudanese people. We suggested, however, that if Egyptians insisted you might agree to insert following sentence after first sentence.

"In particular the commission shall ensure that the choice placed before the Sudanese people is in conformity with Article 12 of the agreement".

Do you agree?

(e) Paragraph 5. See my telegram No. 1680. ^{NYR}

4. Supplementary Agreement. Following amendments were agreed:-

- (i) Preamble after "February 12, 1953" words "as modified by the exchange of Notes between the Minister for Sudan Affairs and Her Majesty's Ambassador of today's date".
- (ii) Article 1. Addition of words "the plebiscite and" before "elections". Last sentence to read "the commission shall enter upon its function if possible not later than three weeks after signature of this supplementary agreement".
- (iii) Article 2. "The commission shall consist of seven members to be nominated from amongst their citizens by the governments suggested by the Sudanese House of Representatives in their resolution of August 22, namely Czechoslovakia, India, Norway, Pakistan, Sweden, Switzerland and Yugoslavia. The chairman and vice-chairman of the commission shall be elected by the members of the commission from amongst their number".
- (iv) Article 6. Deletion of words "the commission shall continue and".

Foreign Office please pass to Governor General Khartoum (Immediate) and U.K.T.C. Khartoum as my telegrams Nos. 238 and 242 respectively.

[Repeated to Governor General and U.K.T.C. Khartoum]

ADVANCE COPIES TO:

Private Secretary Mr. Dean
Sir H. Caccia Head of African Department

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FROM FOREIGN OFFICE TO CAIRO

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FOREIGN OFFICE AND WHITEHALL
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No. 2622

November 11, 1955

D. 6.1. p.m. November 11, 1955

IMMEDIATE
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Addressed to Cairo telegram No. 2622 of November 11

Repeated for information to Governor General Khartoum [Immediate,]
U.K.T.C. Khartoum, P.O.M.E.F. Saving No. 1073.

Your telegram No. 1680 [of November 10: Sudan].

The Egyptian proposal mentioned in paragraph 2 of your telegram under reference presents considerable difficulties and the following points might perhaps be put to the Egyptians.

2. We have already agreed with the Egyptians that the International Commission should supervise the drawing up of the Constitution and of the permanent electoral law. Do they wish to go back on this? What the Egyptians now propose would tend to throw doubt on the Commission's right to supervise these processes: by cutting out paragraphs 3(a) and (b) of the Terms of Reference any specific provision for this would be eliminated. If we agree to discuss, after the results of the plebiscite and elections for the Constituent Assembly have been announced, the steps to be taken to bring the process of Self-Determination and the Condominium to an end it may be that the decision which would be taken would result in drastic alterations of the Commission's Terms of Reference and of the Supplementary Agreement. For example, if the Condominium was brought to an end before the Constitution was drawn up the Commission itself would disappear; or even if it was kept in being by the Sudanese themselves, we would have no guarantee that the Constitution would have been drawn up in a manner compatible with the result of the plebiscite. It is doubtful whether the Commission, whose future duties would be in doubt, would feel itself able to supervise the drawing up of the Constitution while these discussions were taking place. Furthermore, how can the Egyptians suggest that the
/Commission.....

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FROM FOREIGN OFFICE TO CAIRO NO. 2622

Commission should submit a final report through the Governor-General to the two contracting governments when it appears we are not agreed exactly when self-determination will have been carried out?

3. We have to give the Commission a clear and unequivocal idea of the extent and duration of its duties and responsibilities. We cannot leave it vague. That is why we think that paragraph 3(a) and (b) of the Terms of Reference should be retained as they are. If the Egyptians do not agree that Self-Determination is not complete until 3(b) has been fulfilled then we shall have to decide when it is complete.

4. Our view remains that 3(b) clearly expresses the intention of the Anglo-Egyptian Agreement, namely that the drawing up of the Constitution and of the Electoral Law are an integral part of the process of Self-Determination. Until that process is completed to the satisfaction of the International Commission, and the Commission itself has been dissolved, the Condominium remains in existence. We are, however, quite prepared to discuss with the Egyptians and the Sudanese how Self-Determination can be made effective and how the Condominium can be terminated. But in that event we must be clear about who exactly should represent the Sudanese. Would the Egyptians accept representatives of the Government of the day, or of the Constituent Assembly, or representatives of all parties?

5. There is also the question where the paragraph you suggest in paragraph 3 of your telegram under reference could conveniently be inserted. In our view, it could not properly be put into the Supplementary Agreement, since that Agreement deals only with the International Commission and this is a separate idea which bears no relation to the Commission.

6. Please make it clear that these are real difficulties which need resolving if the process of Self-Determination is to be carried out without considerable confusion.

E.M.G.