

An Assessment of Some Flaws and Shortcomings in the 12th of February 1953 Anglo-Egyptian Agreement on the Sudan

Dr. Fadwa Abdel Rahman Ali Taha
Associate Professor,
Department of History, Faculty of Arts, University of Khartoum

The Anglo-Egyptian Agreement determining the transfer of political power to the Sudanese people was signed in Cairo on 12 February 1953, after a three months period of serious negotiations. Among its terms was the recognition on the part of the two signatories of the right of the Sudanese peoples to the attainment of self-government and self-determination.¹

As to what might have been expected, in view of the circumstances in which the negotiations were conducted and the accord was finally agreed upon, the aforementioned agreement unfortunately contained very serious flaws and shortcomings detrimental to some basic and intrinsic interests of the Sudanese peoples. This is due to the fact that the Sudan has been governed, as a Condominium, for more than fifty years; with a mere passive role allotted to the Egyptians.

Nevertheless, and in accordance with the terms of the aforementioned agreement, it was the first time ever that an Egyptian Government dared to take the step openly and officially of recognizing the unconditional right of the Sudanese peoples to attain the status of self-government and self-determination. By doing so the Egyptian government gained a greater advantage vis-à-vis their negotiating British adversaries, and was thereby in a stronger position to dictate its own terms.

This setting produced a paradoxical and absurd political situation in the Sudan which had far-reaching significance on the history of the Sudan in the post-Independence period. The preceding understanding

Taha, Fadwa A/Rahman Ali, "Kayfa Nala al-Sudan Istiglalho, dirasa Tarikhiyya"¹
liitifagyat al-hukm athati wa tagrir al-maseer bayn misr wa britaniyya, itnashr
fabrayir,1953, Khartoum Publishing House, 1997..(In Arabic).

reached and the agreements signed between the various Sudanese parties and the Egyptian government between October and November 1952 contributed to this situation. Obviously these parties were delighted with the Egyptian government's recognition of self-government and self-determination. Therefore they hurried into agreeing to the implementation of such issues as sudanization and its completion as soon as possible. In their opinion this would bring forward the timing for self-determination, the freedom of choice between unity with Egypt or the option for complete independence and the amendments to be made in the self-government statute. The Egyptian government incorporated what they had agreed upon with representatives of the Sudanese political parties in the note that it sent to the British government on 2nd November 1952.

It seems that the political parties consented to the inclusion in the Agreement of the two options for the future status of the Sudan in order to save time. This was obviously in response to the Egyptian government's so-called concessions on agreeing on the issues of self-government and self-determination.

Nevertheless, the inclusion of the two options turned out to be a basic flaw in the Agreement. As a result the transitional period was characterized by heated and passionate debates on this matter, rather than concentrating on matters of development. The fragility of unity within the ranks of the several unionist parties which were brought together to form the National Unionist Party (N.U.P.) and the consequent lack of consensus among its members became evident during the period. The N.U.P. was essentially a coalition whose members held different views on the option for unity with Egypt. These differences appeared more frequently in the deliberations of the Council of Ministers.

The leaders of the political parties equally neglected to tackle and discuss two most important and vital issues that were bound to have very serious repercussions. These were the boundary dispute with Egypt and the question of the Nile Waters. The only singular exception was the vague reference to the question of the Nile Waters made by the Umma party in what has been called the "Gentleman Agreement" entered into by the Umma Party and the Egyptian government. Thus, it seems that the Sudanese Parties principal concern was focused primarily on the immediate future of the Sudan after the attainment of political

Independence, with the belief that other issues of concern would be dealt with and resolved satisfactorily at a later date.

Beaton aptly described the then prevailing mood of the Sudanese political parties immediately after the signing of the Agreement in Cairo with the Egyptian government as follows; "a great emotional unity prevails amongst all the political parties in Khartoum."¹ Further evidence of such emotional unity was also shown after an agreement was signed by the Sudanese political parties collectively with the Egyptian government on the 10th of January 1953. This Agreement endorsed the Egyptian views on the issues of dispute raised during the Anglo-Egyptian negotiations.

The 12th of February Agreement included an article on Sudanization. This was understandable for the transfer of political power actually meant "the process of removing non-national influences from the formation and execution of government decisions; and the removal of non-national influences requires their replacement by national influences."² In the case of the Sudan, the process of Sudanization was complicated by the Egyptian feelings of frustration and outrage because of their being excluded from the actual administration of the Sudan during the period of the Condominium rule. It was this specific factor that led the Egyptians to insist on the removal of all British officials from the Sudan prior to the time set for the granting of self-determination. Egyptian insistence was motivated by the need to insure the faithful implementation of the provisions of the Agreement providing for the free choice between unity between the Sudan and Egypt or alternatively opting for complete independence. Hence, the formation of the Sudanization committee was deemed as essential pre-requisite for the provision of a free and neutral environment for the decision on self-determination.

The formation of a Sudanese government in January 1954 allowed for a Sudanization committee to be set up as stipulated in article 8 of the 12th of February 1953 Agreement. Each of the Co-domini was to name a

¹ Beaton, Acting Civil Secretary to Governors, 16.11.1953. Sudan Archives Durham (SAD), The Robertson Papers, No. 520/1/64

² Kirk-Greene, A.H.M. (editor) *Africa in the Colonial Period: The Transfer of Power*, University of Oxford, 1979, p. 162

representative and the Governor-General would appoint three Sudanese members chosen from amongst five candidates nominated by the Prime Minister. Since the N.U.P. had won a majority in the elections and subsequently formed the government it was expected that the five nominees would be unionists. This resulted in a hurried implementation of Sudanization since the Agreement provided for a maximum period of three years for the completion of the process. This seems to have been a very short period of time when compared with the recommendations of the Sudanization committee formed by the British Administration in 1948. The plans suggested by this committee recommended that only 55 percent of the administrative posts would be sudanized by 1962.¹

Under its terms of reference the Sudanization committee was to recommend plans for the sudanization of the administration, the Sudan Defence Force, the Police and other governmental posts that may affect the freedom of the Sudanese at the time of the attainment of self-determination. Bearing in mind that an independent government would certainly make sure that the majority of its officers and officials should be of its own nationals, it was only logical for the Sudanese government to proceed with sudanization even without taking note of the Egyptian role.

However, it was this connection with Egypt which resulted in the flaw of linkage between the completion of sudanization and the timing for the achievement of self-determination. A neutral atmosphere during the transitional period had been stated as a prerequisite for self-determination. However, as predicted in the "Gentleman Agreement" that provision for neutrality was violated by the Egyptian government by engaging itself in a general propaganda campaign in support of the option for unity between Egypt and the Sudan. Also in the "Gentleman Agreement" the Egyptian Government consented to allow the Sudanese government to organize provisions of any required financial assistance.² After all, the proposed links between the two issues of Sudanization and self-determination finally proved to have been meaningless and worthless when the

Daly, M.W., *Imperial Sudan: The Anglo-Egyptian Condominium 1934-1956*,¹ Cambridge, 1991, p. 371.

For the full text of the "Gentleman Agreement" see: Taha, 'Abd alRahman Ali, *al-*²
Sudan lil Sudaniviyin, Tam'un faniza' wathbtun fajihad, edited version by Fadwa
A/Rahman Ali Taha, Khartoum University Press, 1992, pp. 163-164 (In Arabic).

Sudanese Parliament unanimously declared the complete independence of the Sudan from within the Parliament's building on the 19th of December 1955.

Another flaw in the sudanization plan is to be seen in the wordings of the following phrase; "any other government post that may affect the freedom of the Sudanese at the time of self-determination". This provided the Sudanisation committee with a justifiable pretext to proceed in the sudanisation of many technical posts, with the excuse that such posts were potentially influential politically.¹ However, this was carried out despite the awareness of the N.U.P. government that it was taking the risks of displacing considerable number of qualified technical staff. Furthermore, most of those specialists and technicians were employed on short-term contracts at the time.²

Rapid or speedy sudanization, however, meant the obvious fall in levels of efficiency for some years to come, since there were no sufficient numbers of applicants for the vacant posts in view of the fact that the numbers of fairly educated and experienced Sudanese secondary school or college graduates were very few at the time. Robertson had commented; "The early removal of British officials in the administration, police and Sudan Defence Force would lead to a rapid deterioration of administration and to a weakening of law and order and to a chaotic situation."³ This was obviously an unwarranted exaggeration. Nevertheless, it must be admitted that there was a marked decline in the degrees of efficiency and effectiveness of the administration regardless of blaming any one in particular for responsibility. Several British officials had predicted the likelihood of the occurrence of such a situation ever since the war-time, when Newbold referred to how the war forced busy British officials to concentrate more on the more urgent aspect of the Government's obligations, mainly the efficient execution of the administrative and technical duties than on the second obligation of

Note by the Governor – General of the Sudan. Public Record Office, London (PRO),¹
Foreign Office 371/108324,

Extract from the Times: A Self-Governing Sudan: Political Immaturity and its
problems S.A.D., The Robertson's Papers, No. 676/3/17.,²

Note by Robertson on General Neguib's Proposals, November 1952 S.A.D., The
Robertson's Papers, No. 520/1/61.,³

attending to the training of the Sudanese for promotion to positions of higher responsibilities.¹

The Condominium status meant that it represented a special case in the history of European colonization in Africa and the process of de-colonisation that followed. It is, therefore, some what understandable why, unlike other African previous colonies, the Sudan did not retain the services of some British officials after it gained its independence.

One of the other major flaws in the Anglo-Egyptian Agreement was the fact that at the time the country was not really ready for the exercise of the democratic experiment as embodied in the Agreement and in the provisions of the Self-Government Statute. This was mainly due to the fact that the preparations for self-government and constitutional developments were influenced by a number of political factors; mainly the rivalry between the Co-domini. Members of the Sudanese political service were well aware of this fact ever since the second World War when Newbold commented that the pace of steps leading towards self-government would be dictated not only by the Sudan Government but rather by world public opinion and events in Egypt.² Governor – General Huddleston's prophecy in 1946 that the eventual grant of self-government to the Sudan would take about twenty years to achieve seems to have been irrelevant. In 1951 Robertson, the Civil Secretary, wrote: "We shall have to move much faster towards Sudanese self-government than we had previously visualized Orderly and gradual transfer of power which we have envisaged during the last few years must give way to speedier transition".³ The Condominium status was crucial to the development of party politics and the timing of self-government and self-determination. In pursuing this policy the British administration in the Sudan was motivated by the alienation of Egyptian influences from the country rather than by a genuine move which required the providing of the basic

¹, Broadcast by Newbold, Civil Secretary on the Inauguration of the Advisory Council for the Northern Sudan, February 1944 S.A.D., , The Robertson's Papers, No 518/12/5 Henderson, K.D.D., The Making of the Modern Sudan: The Life and Letters of Sir ² Douglas Newbold, London, no date, p. 381.

Robertson, J. Transition in Africa from Direct Rule to Independence. London, 1974, ³ p.146.

requirements of democracy namely, education, national unity and infrastructure.

Daly described the shortcomings in the infrastructure in view of the fact that financial investment was concentrated on the growing of one crop, cotton and in one region; the Gezira.¹ By the time when the first elections were held in November 1953 illiteracy was wide spread among the greater part of the masses in the Sudan. Educational facilities were limited and unequally distributed in the different regions as well as for males and females.² Strangely enough, the amended Self-Government Statute allowed illiterate men to cast their votes in the elections while no female was allowed to do so. The right of women to cast their votes was limited to the five graduate constituencies. Protest against this discrimination was made by the Sudanese Women's Union to the Electoral Commission.³ This discrimination persisted in the post-independence era. A vivid example was that a delegation from the Sudanese Women's Union was refused permission by the Sudanese government to travel to Colombo in 1958 to attend the Afro-Asian Women's Conference and stead were represented at the Conference by members of the Syrian delegation.⁴

It is a truism that the democratic experiment depends mainly on the existence of modern political parties. In the case of the Sudan the main political parties were not formed and organized on a national basis. They were sectarian based parties, whose emergence had been stimulated by the rivalry of the Co-domini. The greater part of their support in the rural areas was determined by the sectarian divisions in the Northern Sudan. The division was largely between the two main sects of the Ansar and the Khatmiyya; respectively led by Sayyid Abd al-Rahman al Mahdi and Sayyid Ali al-Mirghani. This ultimately led to the identification and classification of these parties as traditional political parties. Furthermore, this situation created a particularly extraordinary climate within the ranks

Daly, op.cit., p. 397. ¹

Beshir, M.O. Educational Development in the Sudan 1898-1956, Oxford, 1969, pp. ²
188-189.

Ibrahim, Fatima Ahmed, Hasaduna Khilaf Ishreena 'am, no date and place of ³
publication, p. 44 (In Arabic).

Fortnightly Report No. 66, February 16-28, 1958, PRO, FO 371/131706 ⁴

of the politically active sections of the Sudanese nationalist movement. Committed nationalists, to whom independence meant not only an opportunity but also a responsibility to struggle by all ways and means towards advancing the future well-being of the various sections of the Sudanese society. Unfortunately their numbers were few. This was reflected in their being excluded from participation in the rushed conclusions of the agreements signed between the sectarian dominated Sudanese political parties and the Egyptian government. Though the leading Sudanese negotiators were fairly educated persons and influential members of their respective political parties, the two sayyids were the ones who were the real decision makers. As most of the educated Sudanese elite had, by then, identified themselves and their interests with those of the traditional sectarian leaders, representatives of the modern politically oriented forces chose a different alternative course, particularly after having been excluded from participation in the Cairo negotiations. They were often accused of having leftist leanings and sympathies; allegiances and political beliefs that they never denied or repudiated. Their exclusion was unjustifiable given their crucial and very productive and successful role in the struggle against colonial rule in the Sudan during the period 1948-52,¹ besides their notable role in the leadership of the Sudanese labour movement since then and continued even after the achievement of political independence for the Sudan. They won the majority of membership in the elections of December 1957 to the executive committee of the Railway Workers' Trade Union, the largest trade union that managed to win fifty four seats compared to only fourteen for all the candidates of the other political parties combined.² The antagonism and violent opposition directed against the so-called progressive political groups and parties with leftist orientations by the traditional sectarian parties and their followers was continued until it ended in the dismissal and eviction of the legally and constitutionally elected members of the communist party from the parliament in the late 1965. On the whole, sectarian overwhelming influence during the Cairo negotiations was a disturbing problem, the effects of which continued to

Taha, Fadwa A/Rahman Ali, "Kayfa Nal al-Sudan Istiglalho", PP 99-109. ¹
Sudan Fortnightly Report, no. 56, December 21-January 3, 1958, PRO FO 371/131706. ²

be felt during the transitional period and even after independence was achieved as sectarian rivalry deprived parliamentary government of effectiveness and any meaning.¹ But of most serious consequences was the alliance which took place, shortly after independence, between the two sayyids with the aim of opposing and aborting the N.U.P.'s attempt to break away and distance itself from sectarian influences and hegemony. The alliance between the two Sayyids has been described in the following terms: "They seem both at last to recognize that together they represented the strongest traditional and conservative elements in the country and that by remaining apart they would tend only to weaken one another and increase the rapidly growing strength of non-sectarianism."² However, sectarian politics was as dominant in the Sudan on the eve of Independence and continued to play havoc with Sudanese politics as time went on.

Lack of national unity at the time of the elections in the late 1953 was reflected in the increasingly growing tension between the North and the South. The agreements signed between the Sudanese political parties and the Egyptian government were concluded without consultation with the Southerners. The most significant outcome of those agreements was that they swept away the safeguards that had been embodied in the Drat Self-Government Statute giving the Governor-General special responsibilities towards the South. Thus, the exclusion of the Southerners from participation in those negotiations constituted the first serious flaw in the then on-going political process concerned with the South. The pretext given for this exclusion was the claim that there were no Southern political parties existing at the time. Even so, the problem could have been resolved or overcome by inviting some of the educated Southerners to participate in the negotiations together with their Northern counterparts. But at that time the general trend among the Southerners was in favour of delaying the grants of self-government and self-determination to a time in future when the South reaches a stage of development comparable to the situation in the North. In such circumstances the exclusion of the Southerners from participation in the

Daly, op.cit.,¹

British Embassy, Khartoum, to Foreign Office, 7.4.1956, PRO FO 371/ 138629.²

aforementioned negotiations was only logical and intentional. The second shortcoming was that the safeguards, previously reserved for the Governor-General concerning the South, were removed but were not replaced by other alternatives declaring explicitly that the Southerners' position and point of view would be adequately considered and respected.

The conflict between the North and the South during the transitional period focused on the two basic issues of sudanization and federation. During its electioneering campaign, the N.U.P. promised that sudanized administrative posts in the South, ranging from those of governors to mamurs, would be awarded to Southerners.¹ But when the Sudanization committee finally completed its specific functions only six Southerners were appointed to administrative posts. Prime Minister Isma'il al-Azhari had asserted, at the time, that there was no one single Southerner who was qualified enough to be appointed to a post above district commissioner. The issue of federation was raised by the Southern members in the parliament, it was not subjected to serious discussion by the Sudanese government. In the face of the Southerners opposition to the decision to proceed with the official declaration of independence the Sudan government was forced to agree to the passage of a resolution allowing for the consideration of a future federal status for the South. The Sudanese government's indifference towards the issue of federation continued even after independence, since nothing positive on the matter ever materialized. The issue remained a source of bitter conflict and controversy during the debates of the constitution committee. The committee was set up in 1958 to prepare for a permanent constitution for the whole country. Members for the South boycotted the committee's meetings and called off their boycott only after an agreement was made stipulating that the issue of the federation would not be excluded in the committee's proceedings and debates.²

Of vital importance, as far as the Egyptian-Sudanese relations were concerned, was the question of the Nile Waters. The matter had previously been ignored during the negotiations held in Cairo between the Egyptian government and representatives of the Sudanese political

Daly, op.cit., p. 384. ¹
Fortnightly Report no. 28,15-28 June 1958. PRO FO 371/ 131706. ²

parties. The Nile Waters Agreement, which defined the shares of Egypt and the Sudan in the waters of the Nile had been signed by Egypt and Britain in May 1929. It provided for the Sudan a minimum share compared to that allotted to Egypt. The only singular reference to the question of the Nile Waters was made in the "Gentleman Agreement" between the Egyptian government and the representatives of the Umma party. It was then stated that the Sudan would respect Egyptian acquired rights according to the provisions of the Nile Waters Agreement of 1929 in return for Egypt's consent that the Sudan would have a fair share in the future as its projects and plans required.¹ The Sudanese political parties could have avoided foreseen future disputes and tension between the two countries on this issue if an agreement had been made on the matter and endorsed in the Agreement for Self-government and Self-determination. The Egyptian government's silence on this issue is attributed to two main reasons. Firstly, the benefits that Egypt had gained from the 1929 Agreement was substantial. Secondly, in the event that the proposed unity between Egypt and the Sudan materialized and became a reality then the whole matter would have been resolved to Egypt's advantage. The tension in Egyptian-Sudanese relations really started to develop during the transitional period. In view of the then tense relations between the two countries any attempts to discuss this question objectively were impossible. Only in late 1954 and mid 1955 discussions started on the issue, but no results were arrived at.² As the prospect of unity between Egypt and the Sudan faded away, and the complete independence of the Sudan was declared the Egyptian government immediately made an effort to safeguard its acquired gains according to the 1929 Agreement. In their communication with the Sudanese government in which they acknowledged their recognition of the independence of the Sudan, the Egyptians demanded that the Sudanese government should continue to abide to the terms of the agreements signed on their behalf by the Condomini.³ The Nile Waters Agreement of 1929 was one of them, although

Taha, *ASudan lil Sudaniyyin*, p. 161. ¹

Taha, Fadwa A/Rahman Ali, "*Kayfa Nal al-Sudan Istiglalho*", P. 284. ²

Mahgoub, M. A. *AlDimugratiyya fil Maizan*, Khartoum, no date, p.60. (In Arabic). ³

the Egyptian government did not specify precisely which agreements were meant.

The question of the boundary dispute between Egypt and the Sudan over Halayib was raised by the Egyptian government for the first time in February 1958. Although the Condominium Agreement of 1899 defined the 22 N. latitude as the political boundary between the two countries no confirmation to this was included in the 12th of February 1953 Agreement. The matter was complicated by the fact that several changes were made regarding the 22 N. latitude; i.e. in March 1899, in 1902 and in 1907 by orders from the Egyptian Ministry of the Interior. These changes transferred certain areas, with the town of Halayib as the administrative center, beyond the 22 N. and placed them under the administration of the Sudan. An endorsement of those changes in the 12th of February 1953 Agreement should have been significant. But the absence of such an endorsement provided Egypt with an excuse for maintaining a claim over Halayib.¹

According to the 12th of February 1953 Agreement the Constituent Assembly, which was to be formed according to the terms of article 10, should perform two duties: to decide the future of the Sudan as a one integral whole country and to draw up a constitution for the Sudan compatible with the decisions taken in this respect. The future of the country was to be decided either by linking the Sudan with Egypt in some form or by choice of complete independence. The issue was finally settled by the declaration of independence by the parliament on 19th December 1955. What remained to be accomplished was the drafting of a permanent constitution.

On the 31st of December of the same year both the House of Representatives and the senate, in a joint session, endorsed the Self-government Statute, with very minor amendments, as a transitional constitution. Several attempts were made to prepare for the drafting of a permanent constitution during the post-independence period, but without success. The constitution committee formed in 1957 was faced by a boycott by some of its members and by a dispute over who was to be

Taha, Faisal, Halayyib wa Hinaish, "Essays in Common International Law", first¹ edition, Abdel Kareem Mirghani's Cultural Center, 2000. (In Arabic).

appointed as Head of State; a matter that led to the renewal of sectarian rivalries. Dispute over the preparation of a permanent constitution prevailed until the outbreak of the second military coup in 1969.

Finally, one may conclude that many of the flaws and shortcomings in the 12th of February 1958 Agreement seem to have been unavoidable in view of the unique position of the Sudan under the Condominium rule. The effects of these shortcomings on the progress of the Sudan during the post-independence era might have been overcome if the successive Sudanese governments had maintained national unity, provided economic development and pursued parliamentary democracy.